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Consent Agenda

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TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Jeffrey J. Newton, County Attorney *JJN*
Kate Latorre, Senior Assistant County Attorney *KL*
Contact: (407) 836-7320

DATE: May 12, 2022

RE: **Consent Agenda on May 24, 2022** to Consider a Resolution Regarding Resolution of the Orange County School Board Directing the Orange County Board of County Commissioners to Call an Election for a Referendum to be Placed on the Ballot of the August 23, 2022 Primary Election.

I. EXPLANATION & SUMMARY:

Section 1011.71(9), Florida Statutes, authorizes the Orange County School Board ("School Board") to levy, by local referendum, additional millage for school operational purposes up to an amount that, when combined with the non-voted millage, does not exceed the 10-mill limit established under Article VII, Section 9(b) of the Florida Constitution.

The School Board has determined it is in the best interests of the students of Orange County to submit to the voters the question of approving the continuation of a one-mill ad valorem millage increase for four (4) additional years for essential operating expenses in order to compensate teachers and support staff, preserve academic programs, and protect arts, athletics and student activities necessary to maintain high-quality educational opportunities for all students. The funds are shared proportionately with charter schools based on student enrollment as required by law. The original one-mill ad valorem millage referendum was approved by Orange County voters in 2010 and was reauthorized by the electors of Orange County in 2014 and 2018. The School Board voted at its April 26, 2022 regular meeting to approve a resolution which authorized the placement of the

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referendum for the additional millage for school operation purposes on the August 23, 2022 Primary Election ballot.

Pursuant to section 1011.73(2), Florida Statutes:

“The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(9). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier.”

The placement of the referendum on the ballot is a ministerial act by the Board of County Commissioners, i.e., one in which there is no room for the exercise of discretion and is directed by law.

II. BOARD ACTION REQUESTED:

APPROVAL OF A RESOLUTION OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING RESOLUTION OF THE ORANGE COUNTY SCHOOL BOARD DIRECTING THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS TO CALL AN ELECTION FOR A REFERENDUM TO BE PLACED ON THE BALLOT OF THE AUGUST 23, 2022 PRIMARY ELECTION

c: Byron W. Brooks, AICP, County Administrator
Chris Testerman, AICP, Deputy County Administrator