



School Board of Orange County, Florida
2010 SCHOOL BOARD OF ORANGE COUNTY, FL
RESOLUTION IN OPPOSITION OF AMENDMENT 4

Resolution

A RESOLUTION OF THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA OPPOSING AMENDMENT 4 ON THE 2010 GENERAL ELECTION BALLOT, WHICH PROPOSES AN AMENDMENT TO THE FLORIDA CONSTITUTION REQUIRING THAT EVERY AMENDMENT TO A SCHOOL BOARD'S COMPREHENSIVE PLAN BE SUBJECT TO A VOTE OF THE RESPECTIVE COUNTY'S ELECTORATE.

WHEREAS, a proposed amendment to the Florida Constitution, sponsored by Florida Hometown Democracy, Inc. will be placed on the 2010 general election ballot as "Amendment 4"; and

WHEREAS, the proposed Amendment 4 will require a vote of the electors of the local government by referendum – following preparation by the local planning agency, consideration by the governing body and notice thereof in a local newspaper of general circulation – before a local government may adopt a new comprehensive land use plan or amend a comprehensive land use plan; and

WHEREAS, in 1985, the Florida Legislature enacted the "Local Government Comprehensive Planning and Land Development Regulation Act," also known as the Florida Growth Management Act, which amended Chapter 163, Part II of the Florida Statutes and mandated that each county and municipality adopt a comprehensive land use plan to manage and guide the use and development of property, and required that certain infrastructure such as sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation, be subject to concurrency; and

WHEREAS, in 2005, Senate Bill 360 amended the 1985 Growth Management Act to require counties and municipalities to adopt a Public School Facilities Element as part their comprehensive land use plans to create a framework for joint planning and coordination, and implement School Concurrency; and

WHEREAS, the Growth Management Act requires local governments to engage in rigorous public notification, review, comment and hearings before an amendment to comprehensive land use plan may be adopted by a local government; and

WHEREAS, if enacted, the proposed Amendment 4 has the power to potentially delay or stop the needed construction of schools, parks, affordable housing, churches, hospitals, firehouses, and other essential community infrastructure projects, after a local government has approved the project; and

WHEREAS, planning and growth management decisions in Florida's school districts are presently made through a representative form of democracy in which elected governing school boards are entrusted to make policy decisions on behalf of their constituents; and

WHEREAS, requiring voters to make complex land use decisions without full knowledge of the interrelated factors that justify such amendments will hinder a local school board's ability to conduct joint planning with local governments, build new schools and achieve other objectives that positively affect and manage student population growth within our communities; and

WHEREAS, the School Board of Orange County, Florida finds that the proposed Amendment 4 will undermine the community's long-term school planning needs and goals, including responsible growth and redevelopment initiatives, as well as the development of essential infrastructure; and

WHEREAS, the School Board of Orange County, Florida finds that the proposed Amendment 4 will subject important school planning and siting decisions to potentially misleading and inflammatory media campaigns; and

WHEREAS, the proposed Amendment 4 will obstruct locally elected school board officials and school land-use planning experts in making long-range plans that balance existing school facility needs with student population, and implementing the final phase of the Florida Reduce Class Size, Amendment 9, approved by Florida voters in 2002; and

WHEREAS, the School Board of Orange County, Florida finds that the proposed Amendment 4 will require the unnecessary expenditure of additional school district revenue to fund the defense of lawsuits filed by persons aggrieved by the outcome of comprehensive land use plan amendment elections; and

WHEREAS, these unnecessary costs will be borne by the citizens of Florida, and, in particular, the citizens of Orange County, through increased taxes or decreased school district services.

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF ORANGE COUNTY, FLORIDA, THAT:

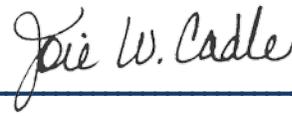
Section 1. The School Board of Orange County, Florida, urges Floridians to carefully consider the potential adverse consequences of Amendment 4 before voting in the 2010 general election.

Section 2. The School Board of Orange County, Florida urges Florida's residents to exercise their existing rights to influence the quality of life in their county, local municipality, or school district by participating in the development and amendment of its comprehensive plan.

Section 3. The School Board of Orange County, Florida urges Florida's residents to regularly attend public hearings, workshops and meetings and otherwise take an active role in shaping local policies that affect growth within their communities.

Section 4. A copy of this resolution be provided to the constituents of the School Board of Orange County, Florida and other interested parties.

PASSED AND ADOPTED by the School Board of Orange County, Florida, in Orlando, Florida, this the 8th Day of June, 2010.



Joie Cadle, Chair
School Board of Orange County, Florida