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Lee School Board to delay vote on half-cent sales tax referendum

By DEIRDRE CONNER, daconner@naplesnews.com

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A planned vote on a half-cent sales tax referendum in Lee County won't happen Monday.

The Lee County School Board had scheduled a special meeting May 23 to decide whether to put the referendum on the ballot this fall. Now, because of delayed impact fee information, the board may not vote for another month.

The school district has said over and over this school year that it cannot find the money to build enough schools to accommodate the increasing number of students streaming into the county and balance that growth with the demands of the class-size amendment. They say a half-cent sales tax could generate enough to keep up with the influx.

But they want to wait for the study updating school impact fees, which consulting firm Duncan and Associates began in November and which was due out last month. The information won't be released until later this month, though, well after the Monday meeting the board had planned for a vote on the referendum.

The latest possible date to offer the referendum is Nov. 8, Superintendent James Browder said Wednesday, and the elections office needs 120 days' notice.

That leaves the board just more than one month to decide.

"The bottom line is, until I get that impact fee information, I can't talk about the referendum," Browder said.

The district says it needs to spend \$1.2 billion to build 41 new schools over the next nine years, Browder told business leaders in April, and perhaps \$472 million of that will be paid by impact fees.

A half-cent sales tax could raise \$40 million annually, which would nearly make up for the \$400 million shortfall the district has predicted over the next nine years.

Right now, Lee County collects a \$2,232 one-time fee to offset the impact new homes have on the need for schools. Most expect the fees to rise based on the update, but for school district officials the question is: How much?

Lee County's school impact fees, adopted in 2001, are the target of a builders' class-action lawsuit. The calculation of the fees is the subject of a lawsuit brought by the Lee Building Industry Association, which contends impact fees unfairly target working-class home buyers.

The commission and School Board have shared the expense of defending the fees, which were upheld by Lee Circuit Judge James Seals. Another appeal is pending.

Also Wednesday, the board grappled with how it would handle a campaign for the sales tax. A proposed policy would allow the superintendent or a designee to approve the use of school district property to campaign for an ordinance, referendum or piece of legislation. At issue, though, has been how the policy would affect those who wanted to speak out against the position advocated by the board.

"If another group wants to oppose us, they can go and rent the facility. . .but we're not footing the bill," board member Steven Teuber said.

He argued that the board members were elected by majority vote to advocate the best interest of the schools.

But board Chairwoman Elinor Scricca said she worried about the negative publicity that could result if it looked like they were trying to quash opposing views.

"How do we know that the majority of people who voted for us aren't changing their minds?" she said.

The final policy, which the board will vote on Monday at 3 p.m., will include language that allows for public comment at forums, much like at board meetings. In those board meetings, anyone can talk to the board for three minutes, or two minutes if more than 20 people wish to speak.

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