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Hillsborough commission puts schools referendum on the ballot after all

But the board also voted to continue the legal battle that would    s from asking voters for a tax increase until 2026.



Tampa Bay Times

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Marlene Sokol *Times staff*

Published Aug. 13 | Updated Aug. 13

Hillsborough County Commissioners agreed Tuesday to put a schools tax referendum on the November ballot just in time for a deadline imposed by a judge — but also vowed to continue the legal battle to delay putting the tax question to voters until 2026.

“I do not believe that a judge can order duly elected officials and violate their First Amendment right and dictate whether they should vote up or down on an item,” said Josh Wostal, the Republican commissioner who led the charge to delay the property tax ballot question.

With a shortage of more than 400 classroom teachers and neighboring counties able to pay more, the Hillsborough school district plans to ask voters to consider paying \$1 per \$1,000 in taxable property value. Most of the estimated \$177 million a year from the four-year tax would go to yearly supplements of \$6,000 for teachers and administrators and \$3,000 for support staff.

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But the County Commission, responsible for sending the referendum to the elections office, instead voted 4-3 to delay it for two years. The school district quickly sued. Hillsborough Circuit Judge Emily Peacock agreed that the county didn't get to decide the timing and imposed an Aug. 13 deadline for the county to get it done. The commission voted to appeal, and the case is now in the hands of the 11th District Court of Appeal.

The court's ruling provides an automatic stay, which means the judge's order isn't enforced while the higher court is making up its mind. In this case, the school board asked the judge to vacate that stay. Peacock agreed and on Tuesday, the deadline loomed.

The vote to both continue the appeals process and comply with the judge's order was 6-1, with Commissioner Gwen Myers voting no.

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The matter of whether that stay is lifted or remains is now up to the appeals court, which has agreed to fast-track the case as the Nov. 5 general election approaches.

Tuesday’s developments occurred on the second day of the school year. Despite fierce competition from privately managed charter schools, Hillsborough’s traditional schools stayed even with last year’s first-day enrollment at about 170,000 students. First-day charter enrollment dropped by 1,571 students, to 31,618.

As in past discussions, the commission vote pitted Democrats against Republicans.

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“Simply just put this on the ballot like we should have done in the first place months ago,” Commissioner Pat Kemp urged the board.

“We can save face by bringing this to an end,” she said.

She was joined by Commissioner Harry Cohen, an attorney who argued that the board had no choice in the matter.

“I’ve heard some of these arguments of separation of powers and all these things, and I just think this is a fundamental misunderstanding of the way that our system works and the way that the law works,” he said.

“In my view, when a board has been issued a writ like this one from a circuit court judge, there is absolutely no discretion given to us as to whether or not we should vote to follow it or not,” he said.

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The board's three Democrats tried to stop the appeal, but their attempt died on a 3-4 vote.

Kemp also expressed frustration with the board's vote to hire an outside attorney picked by Wostal — former appeals court judge Samuel J. Salario Jr. of Tampa — at a cost of up to \$50,000. Up until then, the county attorney's office had handled the case.

Salario appeared before the board Tuesday to update them. He was asked by commission chairperson Ken Hagan about the likelihood that the appeals court would impose a stay or make a ruling.

Salario pointed out that the appeals court thought the matter was important enough to order responses from the lawyers, and to agree to expedite it. But he declined to say what might happen beyond that.

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“I think it's just very dangerous to predict on the face of a two-sentence order,” he said.

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district by 5 p.m. Thursday and the county's reply brief by 5 p.m. Friday. The Supervisor of Elections must have all ballot language by Aug. 20.

"No motions for an extension of time will be entertained," said a notice from the clerk's office.

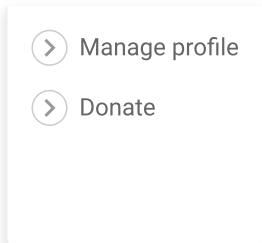
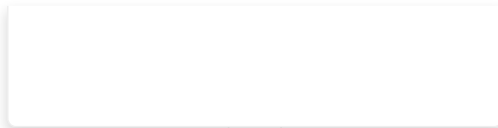
Hillsborough schools Superintendent Van Ayres said he was pleased at the accelerated pace.

"One hundred percent of my attention is on the more than 200,000 students we welcomed back to school this week," Ayres said in a written statement. "I am pleased that the court has decided to fast-track this appeal so we should have a final decision by Monday."

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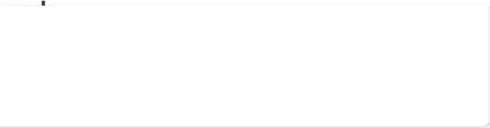
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