

John Schuster, Chief Communications Officer

**SUBJECT:** PROPOSED AMENDMENT OF BOARD POLICY: INITIAL  
READING: POLICY 9140, CITIZENS' ADVISORY  
COMMITTEES

**COMMITTEE:** INNOVATION, EFFICIENCY AND GOVERNMENTAL  
RELATIONS

**LINK TO STRATEGIC**  
**FRAMEWORK:** SCHOOL/DISTRICT LEADERSHIP

At the School Board meeting of August 3, 2011, the School Board approved Agenda Item H-21 (Board Advisory Committee Appointments), proffered by Ms. Raquel Regalado, Board Member. Agenda Item H-21 directed the Superintendent to initiate rulemaking proceedings to amend School Board Policy 9140 to include limitations on Board appointments to advisory committees with respect to residency, conflict of interest and diversity. Board Policy 9140, *Citizens' Advisory Committees*, provides for the structure, organization, and appointment of members of advisory committees.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings, in accordance with the Administrative Procedure Act, to amend Board Policy 9140, *Citizens' Advisory Committees*, to require that Board appointees be Miami-Dade residents, unless this requirement is waived for an individual appointee by a 2/3 vote of the Board. Board appointees also shall not have filed any lawsuit or policy challenge against the School Board, shall not serve on a committee that regulates their livelihood and must resign from the committee if they qualify for elective office. Additionally, Board members may not appoint persons to serve simultaneously on more than two advisory committees, unless this requirement is waived for an individual appointee by a 2/3 vote of the Board.

Attached are the Notice of Intended Action and the proposed amendment. Changes from the current Policy are indicated by underscoring words to be added and ~~striking through~~-words to be deleted.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings, in accordance with the Administrative Procedure Act, to amend Board Policy 9140, *Citizens' Advisory Committees*.

## NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 7, 2011, its intention to amend Board Policy 9140, *Citizens' Advisory Committees*, at its meeting of October 19, 2011.

**PURPOSE AND EFFECT:** The purpose of the recommended amendment of Board Policy 9140, *Citizens' Advisory Committees*, is to limit Board appointments to advisory committees with respect to residency, conflict of interest and diversity.

**SUMMARY:** The proposed amendment would require that Board appointees to advisory committees be Miami-Dade residents, unless waived for an individual appointee by a 2/3 vote of the Board. Board appointees also shall not have filed any lawsuit or policy challenge against the School Board, shall not serve on a committee that regulates their livelihood and must resign from the committee if they qualify for elective office. Additionally, Board members may not appoint persons to serve simultaneously on more than two advisory committees, unless this requirement is waived for an individual appointee by a 2/3 vote of the Board.

**SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:**  
1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

**LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC:** 1001.32(2); 1001.41(2)(5); 1001.43 (10) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF October 19, 2011, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by October 3, 2011 to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED POLICY is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Raquel Regalado, Board Member  
Date: August 23, 2011

CITIZENS' ADVISORY COMMITTEES

The School Board may establish citizen advisory committees when there is a definite function to be performed.

The structure, organization, and appointment of an advisory committee shall be determined as appropriate to the assignment. Advisory committees shall be encouraged to draw upon a wide variety of resources both inside and outside the School District. Each committee shall be encouraged to include other local residents and to recommend to the Board the official appointment of any such additional member(s) as the committee may desire.

Criteria for School Board Appointees

Advisory committee members appointed by the School Board and individual Board members shall meet the following criteria:

A. Residency

All appointees shall be permanent Miami-Dade County residents and have reputations for integrity and community service. A member of an advisory committee who ceases to be a Miami-Dade County resident must resign from the committee. The School Board may waive the residency requirement for an individual member by a 2/3 vote of the membership.

B. Conflict of Interest

All advisory committee members must comply with the Code of Ethics of Public Officers and Employees in Chapter 112, F.S., as it applies to employees, and certify in writing that they will comply with applicable ethical guidelines. In addition, the following requirements shall apply.

1. No person shall be appointed if, at the time of appointment, the person has filed a lawsuit against the School Board that is pending and/or a challenge to a School Board policy. The School Board may waive this requirement for an individual member by a 2/3 vote of the membership.
2. Appointees shall not serve on a committee that regulates or monitors their livelihood. The School Board may waive this requirement for an individual member by a 2/3 vote of the School Board membership.
3. If an appointee qualifies as a candidate for elective political office during the appointed term, the qualification shall be deemed a resignation from the committee.

4. No person shall be appointed in violation of state or federal law, or School Board Policies.

**C. Multiple Appointments**

1. No person shall be appointed by the Board or an individual Board member to serve simultaneously on more than two advisory committees. A person may be appointed to serve simultaneously on more than two committees if appointed by different Board members. After being advised of all other committees to which a person has been appointed, the School Board may waive this requirement for an individual appointee by a 2/3 vote of the School Board membership. This waiver must be renewed when the appointee's term on any committee expires and he/she is reappointed to the same committee or another one.

These requirements apply to School Board appointments to all advisory committees unless there are alternate criteria provided in Board policies that establish a specific advisory committee. These requirements, however, do not apply to Board appointments of Board members to district advisory committees.

**Expenditures**

Expenditure of District funds by an advisory committee shall be made only upon the prior approval of the Superintendent. Supplies, equipment, and personnel from within the School District may be obtained through the appointed staff resource person.

**Communication**

Correspondence between the Board and its committees shall ordinarily be conducted by the Superintendent.

The Superintendent should transmit the contents of any communication or report from a committee to the Board, as appropriate.

**Board Authority**

The Board shall have the sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

Board members shall have the right to attend and may participate in any District or School Board advisory committee.

**THE SCHOOL BOARD OF  
MIAMI-DADE COUNTY**

COMMUNITY RELATIONS  
9140/page 3 of 3

F.S. 165.041 (3)(c), 1001.452