

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD POLICY:
INITIAL READING POLICY 9145, 21st CENTURY SCHOOLS
BOND ADVISORY COMMITTEE**

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENT RELATIONS

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT & COMMUNITY ENGAGEMENT**

The purpose of this item is to codify in Board Policy the establishment of the 21st Century Schools Bond Advisory Committee ("Committee"). The Committee is being established in order to provide transparency and instill confidence in the taxpayers of Miami-Dade County that the proceeds of the 21st Century Schools Bond Program ("Bond Program") approved by voters on November 6, 2012, are being used according to the published plan, that projects are being delivered in a timely manner, are equitably distributed, and that the investments made support the local economy.

The funds which will be generated from this Bond Program will be used to enhance the safety of our schools, improve access to technology, and to provide a significant economic boost to our local economy. Through careful stewardship we will be able to achieve all of these goals while minimizing the burden to the taxpayer and providing transparency, accountability and confidence in the process. As committed to the voters of Miami-Dade who overwhelmingly supported the passage of the 21st Century Bond this past November, openness, efficiency, and opportunity will be the hallmarks of this implementation program. The codification of the Committee in Board Policy, along with its stringent conflict of interest requirements, is the first step in delivering on this promise.

Attached are the Notice of Intended Action and the proposed new policy.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to promulgate new Board Policy 9145, *21st Century Schools Bond Advisory Committee*.

RECOMMENDED: That the School Board of Miami-Dade County authorize the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to promulgate new Board Policy 9145, 21st Century Schools Bond Advisory Committee.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 13, 2013, its intention to promulgate new policy 9145, *21st Century Schools Bond Advisory Committee*, at its meeting of April 17, 2013.

PURPOSE AND EFFECT: The purpose of the new policy is to establish the 21st Century Schools Bond Advisory Committee (Committee) to review, monitor, make recommendations to the School Board and Superintendent, and inform the public on the planning, progress, and implementation of the projects funded by the general obligation bond program (Bond Program) approved by voters on November 6, 2012.

SUMMARY: The policy establishes an independent advisory committee comprised of 23 voting members appointed by Board members, the Superintendent and community organizations. The Committee's purpose will be to ensure that projects funded by the Bond Program are being delivered in a timely manner and according to the voter approved project list, are equitably distributed across the community and that the investments are supporting the local economy. The Committee will also include (8) non-voting members. The policy specifies the Committee members, member qualifications, terms, and operation. The Committee will exist until the Bond Program proceeds are spent.

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: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF April 17, 2013, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such 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 April 8, 2013, 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 NEW 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: Mr. Jaime G. Torrens
Supervisor: Mr. Alberto M. Carvalho

Date: March 1, 2013

9145 – 21st CENTURY SCHOOLS BOND ADVISORY COMMITTEE

The purpose of the 21st Century Bond Advisory Committee (“Committee”) is to review, monitor, make recommendations to the School Board and Superintendent, and inform the public on the planning, progress, and implementation of the projects funded with proceeds from the 21st Century Schools Bond Program (“Bond Program”) approved by voters on November 6, 2012. The Committee is formed to provide transparency and instill confidence in Miami-Dade County taxpayers that projects funded by the Bond Program are being delivered in a timely manner, are equitably distributed across the community and that the investments made are supporting the local economy.

Responsibilities

A. The Committee shall:

1. Review and monitor the performance and achievements of the Bond Program;
2. Advise the Superintendent and the School Board of the progress of the Bond Program;
3. Assist in informing the community of the Bond Program progress and participate in District community outreach efforts;
4. Assist in the annual planning of activities related to Bond Program implementation; and
5. Make recommendations on the use of any surplus bond project funds or unspent project allocations.

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Membership

The Committee shall be comprised of the following twenty-three (23) voting and (8) non-voting members. Appointing persons and entities may also appoint an alternate for voting members.

A. Voting Members

1. One member and alternate appointed by each School Board member,
2. Two members appointed by the Superintendent,
3. Dade County Council PTA President or designee,
4. Miami-Dade League of Cities Executive Director or designee,
5. South Florida Regional Planning Council Executive Director or designee,
6. Chair of the School Board’s Audit and Budget Advisory Committee or designee,
7. One member appointed by the Greater Miami Chamber of Commerce,
8. One member appointed by the NAACP,
9. One member appointed by the National Action Network,
10. One member appointed by the Spanish American League Against Discrimination (SALAD),
11. One member appointed by Sant La,
12. One member appointed by the Beacon Council,
13. One member appointed by the Business Advisory Council, and
14. One member appointed by the Foundation for New Education Initiatives,

B. Non-Voting Ex-Officio Members

1. Chief Facilities Officer, Miami-Dade County Public Schools,
2. Chief Financial Officer, Miami-Dade County Public Schools,
3. Chief Auditor, Miami-Dade County Public Schools,
4. Chief of Staff, Miami-Dade County Public Schools,
5. Inspector General, Miami-Dade County Public Schools,
6. One member appointed by the Miami-Dade County Public Schools Student Government Association, and
7. Two Florida state legislative representatives, one Senator and one Representative appointed by the Chair of the Miami-Dade Delegation.

C. Membership Qualifications

1. Each voting member shall have an outstanding reputation for civic involvement, integrity, responsibility, and business or professional ability.
2. Members shall have no direct or indirect conflict of interest in a contract with the School Board or a financial interest in any projects that are funded by the Bond Program. Members are also subject to the residency and conflict of interest provisions of Policy 9140, *Citizen's Advisory Committees*. In addition, Board member appointments are subject to the multiple appointment restriction in Policy 9140.
3. Members should generally reflect the geographic, ethnic, racial and gender diversity of Miami-Dade County.

D. Terms

1. The term of service for all members is two (2) years and members may be reappointed for unlimited terms.
2. Newly-elected School Board members and appointed Superintendents may reappoint current Committee members or appoint a new member regardless of the time remaining on the current member's term. Appointments and reappointments shall be made within forty five (45) days of taking office.
3. A member shall be automatically removed if the member is absent from three (3) consecutive meetings during the calendar year or is absent from more than half of all the Committee meetings held during the year. Members shall be deemed absent if not present at the meeting for at least 75% of its duration. In extraordinary circumstances and subject to a vote of the Committee, a member may participate telephonically provided the member is present for the entire meeting.
4. Vacancies due to resignation, disqualification, or removal shall be filled within forty-five (45) days.

E. Conflict of Interest and Code of Ethics

1. Members shall not have any direct or indirect conflict of interest in a contract with the School Board or a financial interest in any of the projects funded under the Bond Program.

2. Prior to serving, members are required to certify in writing that they do not have any direct or indirect conflict of interest in a contract with the School Board or any financial interest in any of the projects funded under the Bond Program.
3. If a conflict or financial interest arises after appointment, the member shall disclose the conflict or financial interest and immediately resign or shall be removed from the Committee.

Meetings

- A. The Committee shall elect a chair and vice-chair and may elect other officers as necessary. The term of office shall be two (2) years.
- B. The Committee shall meet at least four (4) times per year and may hold other meetings as necessary. All meetings and Committee proceedings must comply with Florida's Sunshine and Public Records laws, Chapters 119 and 286.011, F.S.
- C. A majority of the voting members shall constitute a quorum.
- D. Meetings shall be conducted according to the latest version of *Robert's Rules of Order*.
- E. The offices of the Superintendent and School Board Attorney shall provide staff support to the Committee as necessary to accomplish its purpose.

Duration

The Committee shall exist until the proceeds of the Bond Program have been expended and accounted for.