

Office of Superintendent  
Board Meeting of May 8, 2013

April 18, 2013

Office of School Board Attorney  
Walter J. Harvey, School Board Attorney

**SUBJECT:** FINAL **READING: NEW BOARD POLICY 9145, 21<sup>st</sup>  
CENTURY SCHOOLS BOND ADVISORY COMMITTEE**

**COMMITTEE:** **SCHOOL SUPPORT AND ACCOUNTABILITY**

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

At its March 13, 2013, meeting, the School Board approved Agenda Item E-201 ("Bond Advisory Committee") establishing the 21<sup>st</sup> Century Schools Bond Advisory Committee that will review, monitor and 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 21<sup>st</sup> Century Schools Bond Program approved by voters on November 6, 2012.

The Notice of Intended Action was published in the *Miami Daily Business Review* on March 18, 2013, in various places for public information and mailed to various organizations representing persons affected by the amended policy and to individuals requesting notification. The time to request a hearing or protest the adoption of this amendment has elapsed.

In accordance with the Administrative Procedures Act, this amended policy is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the amended policy in the official records of The School Board of Miami-Dade County, Florida.

Attached is the Notice of Intended Action and the proposed policy amendment. Changes from the current rule 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, adopt Board Policy 9145, 21<sup>st</sup> Century Schools Bond Advisory Committee, and authorize the Superintendent to file the amended policy in the official records of The School Board of Miami-Dade County, Florida, to be effective April 17, 2013.

**NOTICE OF INTENDED ACTION**

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on March 13, 2013, its intention to promulgate new policy 9145, *21<sup>st</sup> Century Schools Bond Advisory Committee*, at its regular meeting on April 17, 2013. Final Reading of the policy has been rescheduled to be presented at the regular meeting on May 8, 2013.

} Revised

**PURPOSE AND EFFECT:** The purpose of the new policy is to establish the 21<sup>st</sup> 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 (83) 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.

} Revised Subsequent to Initial Reading on 3/13/13

**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 May 8, 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 May 6, 2013, to the Superintendent, Room 912, at the same address.

} Revised

} Revised

**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 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 Carvalho  
Date: April 15, 2013

} Revised

## 9145 - 21<sup>ST</sup> CENTURY SCHOOLS BOND ADVISORY COMMITTEE

The purpose of the 21<sup>ST</sup> 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 21<sup>ST</sup> 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 program 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.

- B. The Committee's reviews and recommendations shall be reported on an annual basis to the Board, Superintendent and the community. The annual report shall assess the implementation of the Bond program to ensure that the Bond Program proceeds are being spent according to the published plan, that projects are being delivered in a timely manner and are equitably distributed, and that Bond Program proceeds are directed to the local economy.

### Membership

The Committee shall be comprised of the following twenty-three (23) voting and (~~83~~) non-voting members. Appointing persons and entities may also appoint an alternate for voting members.

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#### 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,

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B. ~~Non-Voting-Ex-Officio Members~~ Committee Staff

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,

C. Ex-Officio Non-Voting Members

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

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CD. 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.

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DE. 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

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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.

EF. Conflict of Interest and Code of Ethics

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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 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 all proceeds of the Bond Program have been expended and accounted for.