

Office of Superintendent of Schools
Board Meeting of April 14, 1999

March 24, 1999

Office of School Board Attorney
Phyllis O. Douglas, Board Attorney

**SUBJECT: DEFENSE OF BOARD MEMBERS, SUPERINTENDENT
AND DEPUTY SUPERINTENDENT**

In November 1998, the State Attorney's Office for Miami-Dade County initiated an investigation into possible Sunshine violations at the School Board's Organizational Meeting. It was necessary for six School Board members, the Superintendent and the Deputy Superintendent to obtain legal counsel to represent them in the matter. Pursuant to § 230.234, Fla. Stat., and School Board Rule 6Gx13-1C-1.021, the School Board is authorized to provide for reimbursement of reasonable expenses for legal services for officers and employees of the Board who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities, upon successful defense by the employee or officer.

The State Attorney's Office has made that no finding of civil or criminal misconduct by any School Board member or employee. Accordingly, it is appropriate to reimburse the Board members for expenses for legal services incurred. A review of the case indicates that a fee of \$2,500 for each attorney representing a Board member or School Board employee is reasonable.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize reimbursement up to the amount of \$2,500 to School Board members or employees for expenses incurred in the Sunshine investigation initiated by the State Attorney's Office in November of 1998, or, in the alternative, pay the attorneys representing these individuals this amount directly, payment to be made upon presentation of an invoice or receipt from the attorney.