

August 9, 2002

Business Operations
Facilities Planning
Ana Rijo-Conde, AICP, Administrative Director

**SUBJECT: PROPOSED PROMULGATION OF NEW SCHOOL BOARD
RULE: FINAL READING 6Gx13- 2C-1.121, SUBMISSION OF
PROPOSALS FOR TELECOMMUNICATIONS FACILITIES ON
BOARD-OWNED SITES**

COMMITTEE: LEGISLATIVE RELTIONS AND POLICY DEVELOPMENT

The School Board of Miami-Dade County, Florida announced on June 19, 2002, its intention to promulgate new School Board Rule 6Gx13- 2C-1.121, Submission of Proposals for Telecommunications Facilities on Board-owned Sites at the meeting of August 21, 2002, to establish a process for submission of proposals for telecommunications facilities on Board-owned sites that will include citizen participation and foster competition among the telecommunications service providers.

The Notice of Intended Action was published in the *Miami Daily Business Review* on June 24, 2002, and posted in various places for public information and mailed to various organizations representing persons affected by the new rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

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

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

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 2C-1.121, Submission of Proposals for Telecommunications Facilities on Board-owned sites, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective August 21, 2002.

KC:lh

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on June 19, 2002, its intention to promulgate new Board Rule 6Gx13- 2C-1.121, Submission of Proposals for Telecommunications Facilities on Board-Owned Sites, at its meeting of April 17, 2002.

PURPOSE AND EFFECT: The purpose of the proposed rule is to establish a process for submission of proposals for telecommunications facilities on Board-owned sites that will include citizen participation and foster competition among the telecommunications services providers.

SUMMARY: The intent of the rule is to facilitate proposals for telecommunications facilities on Board-owned sites, when appropriate, provide appropriate community notification and participation in the decision process.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 73.015; 112.3143; 235.05; 235.054(1)(a)(b); 235.054(6); 235.15; 235.18; 235.185(2)(3); 235.19; 235.193; 253.025(6)(b); 286.011, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF August 21, 2002, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Person 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 by Section 120.541(1), F.S., must do so in writing by July 15, 2002, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO WISHES 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 RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132

Originator: Dr. Ralph G. Lewis
Supervisor: Mr. Merrett R. Stierheim
Date: June 7, 2002

REVISED
SUBSEQUENT
TO INITIAL
READING
ON 6/19/2002

Administrative Operations

SUBMISSION OF PROPOSALS FOR TELECOMMUNICATIONS FACILITIES ON BOARD-OWNED SITES

- I. Intent --The intent of the School Board is:
 - A. To establish a process for considering proposals for telecommunications facilities (facilities) on Board-owned sites.
 - B. To foster competition among telecommunications service providers (service providers).
 - C. To provide community notification, if appropriate, for proposed facilities.
 - D. To include community participation in the review and recommendation process.

- II. Fact-Finding Telecommunications Committee
 - A. Establishment -- The School Board shall establish a telecommunications committee, to be called the Fact-Finding Telecommunications (TC) Committee, which shall include District staff and community representatives.
 - B. Purpose -- The purpose of the TC Committee shall be as follows:
 1. To establish processes for considering proposals for telecommunications facilities on Board-owned sites;
 2. To ensure facilities comply with all applicable regulations, health and safety standards; and
 3. To make recommendations to the School Board and Superintendent of Schools.
 - C. Responsibilities -- The responsibilities of the TC Committee shall be as follows:
 1. Develop and approve processes for considering proposals for telecommunications facilities on Board-owned sites;

2. Review proposals for adherence to approved process;
3. When appropriate, convene community meetings at Board-owned sites to discuss proposed facilities;
4. Provide input in the development of lease agreements and any other appropriate documentation relative to facilities on Board-owned sites;
5. Provide such other advice or input as may become necessary that may include, but not be limited to, ensuring compliance with applicable federal, state and local laws; and
6. Make recommendations to the School Board and to the Superintendent of Schools, which promote internal accountability and equitable distribution of any and all monetary and non-monetary compensation received from proposals.

D. Membership – The TC Committee shall be composed of the following voting members, or their designee:

Associate Superintendent for Procurement and Materials Management;

Chief Facilities Officer (Construction);

General Manager of WLRN;

President of the Citizen's Advisory Council;

President of the Dade County Council PTA/PTSA.

Notwithstanding the aforementioned, the Superintendent of Schools, or designee, may add or delete staff members.

E. Operation – The TC Committee shall operate as follows:

1. Quorum and Committee Chair: A quorum shall consist of a majority of the membership. The TC Committee shall elect a Chair and Vice Chair every year;
2. Meetings: Meetings shall be held regularly on a

monthly basis, unless there is no business to be conducted. Meetings shall be conducted as prescribed in Section 286.011, F.S., and shall be advertised at least five working days prior to the regularly scheduled meeting date. A notice of the meeting shall be posted at the Citizen Information Center. The meetings shall be recorded and summary minutes distributed with the subsequent meeting's agenda packet;

3. Staff Support: The Division of Governmental Affairs and Land Use Policy and Acquisition shall provide primary staff support to the TC Committee, including preparation of the agenda, meeting minutes and supporting documentation. The Office of the School Board Attorney shall provide legal support to the TC Committee. The TC Committee may from time to time, as required, request support from other District personnel;
4. Conflict of Interest: No member of the TC Committee shall participate in any manner which would inure to the member's special private gain or loss, the special gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary of the corporate principal by which he or she is retained, of a relative or a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of the voting conflict must be filed with the meeting's recording officer, be provided to the other members of the TC Committee, and be read publicly at the next meeting. If the conflict is unknown or not disclosed prior to the meeting, the member must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency with the disclosure being read publicly at the next scheduled meeting, all pursuant to Section 112.3143, F.S.
5. Lobbyists: Any and all lobbyists, as defined in School Board Rule 6Gx13- 8C-1.21, present at the TC Committee meeting, who wish to speak on an item being considered by the TC Committee, shall first

execute and file the required form with the School Board Clerk's Office at least two business days prior to said meeting. A copy of the executed form shall be made part of the official record for the TC Committee meeting at which the lobbyists are present, and shall be attached to the minutes of the meeting.

6. Lobbying: In the event that a TC Committee member is contacted directly by a lobbyist in connection with any matter that may foreseeably come before the Committee for action, the TC Committee member shall orally disclose such contact at the meeting in which the matter is up for consideration, and file a memorandum of voting conflict, if applicable, as may be required by in the State Code of Ethics for Public Officers and Employees.

III. Telecommunications Technical Review Committee

- A. Establishment -- The School Board shall establish the Telecommunications Technical Review (TTRC) Committee, which shall be comprised of District staff members and which shall serve in an advisory capacity to the TC Committee.
- B. Purpose -- The purpose of the TTRC Committee shall be to provide oversight in the implementation of processes approved by the TC Committee and recommend acceptable compensation to the TC Committee for each proposal.
- C. Responsibilities -- The responsibilities of the TTRC shall be as follows:
 1. To review proposals for adherence to processes approved by the TC Committee; and
 2. To formulate and recommend to the TC Committee acceptable compensation for each proposal.
- D. Membership -- The TTRC Committee shall be composed of the following voting members, or their designee:

Chief Business Officer, Chair;

Associate Superintendent for School Operations;

Chief Auditor.

- E. Operation – A quorum of the TC Committee shall consist of a majority of the membership. Meetings shall be held as called by the Chair.

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific 73.015; 112.3143; 235.05; 235.054(1)(a)(b); 235.054(6); 235.15; 235.18; 235.185(2)(3); 235.19; 235.193; 253.025(6)(b); 286.011, F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: