

Ms. Perla Tabares Hantman, Member

SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA DIRECT THE SUPERINTENDENT AND BOARD ATTORNEY TO PROVIDE A REPORT IDENTIFYING THE SPECIFIC FUNDS IN THE CAPITAL OUTLAY BUDGET THAT MAY BE UTILIZED TO ACCELERATE DEFERRED MAINTENANCE PROGRAMS

At the School Board meeting of September 10, 2003, inquiry was made about the possibility of accessing \$500 million from capital funds to expedite deferred maintenance programs. Subsequently, the Board was advised by memorandum from the Superintendent that these funds are unavailable because they are committed to future projects. However, it appears that the funds will not be needed until after June 30, 2005. The Superintendent's memorandum did not indicate any legal impediment to utilizing these funds.

A legal opinion was sought regarding this possibility of accessing \$500 million from capital funds to expedite deferred maintenance programs. The Board Attorney's legal opinion stated that "it is legally permissible to access these funds provided the statutory or other legal authority (i.e., State Constitution, Impact Fee Ordinance, Master Trust Agreements, etc.) authorizing the revenue source for capital outlay funding does not restrict the expenditures to non-maintenance purposes, and further that the capital funds are otherwise available and not encumbered." The opinion concluded that the various statutory sources of revenue for capital funding would need to be reviewed to determine if those funds may be utilized.

This item proposes that such an exploration be conducted in an effort to seek solutions to the urgent need for funds to fix deferred maintenance and fire safety issues.

**ACTION PROPOSED BY
PERLA TABARES HANTMAN:**

That The School Board of Miami-Dade County, Florida direct the Superintendent and Board Attorney to provide a report by the December 10, 2003 Board meeting identifying the specific funds in the capital outlay budget that may be utilized to accelerate deferred maintenance programs.