

**MEMORANDUM**

**May 20, 2009**

**TO:** The Honorable Chair and Members of The School Board of Miami-Dade County, Florida

**FROM:** Alberto M. Carvalho, Superintendent of Schools



**SUBJECT: WITHDRAWAL OF AGENDA ITEM C-19**

**REQUEST AUTHORIZATION FOR THE SUPERINTENDENT OF SCHOOLS TO EXPLORE NEW SOURCES OF REVENUE AT WLRN AND NEGOTIATE RETENTION OF THE LAW FIRM OF LEIBOWITZ AND ASSOCIATES, P.A. FOR REPRESENTATION OF THE BOARD IN MATTERS RELATED TO WLRN**

The attached Agenda item is being withdrawn from the May 20, 2009 Agenda, to allow for further development of the item and more precise estimates of potential revenue projects.

AMC:tls  
M1223  
Attachment

cc: Superintendent's Cabinet

Office of Public Relations  
John J. Schuster, Chief Communications Officer

**SUBJECT:                   REQUEST           AUTHORIZATION           FOR           THE  
SUPERINTENDENT OF SCHOOLS TO EXPLORE NEW  
SOURCES OF REVENUE AT WLRN AND NEGOTIATE  
RETENTION OF THE LAW FIRM OF LEIBOWITZ AND  
ASSOCIATES, P. A. FOR REPRESENTATION OF THE  
BOARD IN MATTERS RELATED TO WLRN**

**COMMITTEE:               INSTRUCTIONAL EXCELLENCE AND COMMUNITY  
ENGAGEMENT**

**LINK TO DISTRICT  
STRATEGIC PLAN:       IMPROVE FINANCIAL SERVICES**

As a responsible steward of public funds, The School Board of Miami-Dade County, Florida, has an ongoing opportunity to explore potential revenue-producing activities presented by District facilities. This practice has proved beneficial to the School Board in the past; for example, with the lease of the excess capacity of WLRN's educational broadband system to Clearwire Spectrum Holdings II, Inc., which will provide a constant income stream to the District over the next 30 years.

New opportunities for revenue generation through WLRN facilities have become available, which include:

- lease of school towers (assuming maximum usage of all tower sites, which is not likely) this could generate as much as \$8.4 million per year;
- exploring and negotiating the potential sale/lease back of WLRN tower facilities estimated at \$3.4 million;
- exploring and negotiating the leasing potential of the digital TV spectrum (this is a new approach and must be explored with the FCC). No estimate is possible at this time;
- exploring and negotiating studio and facility leases estimated at \$50,000 per year; and

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(5/20/2009)**

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- negotiating new video production agreements that would generate new funding estimated at \$25,000 per year.

These ventures could result in substantial income generation for the School Board, which would be welcome as we move through difficult economic times.

In addition, continued legal services regarding the Federal Communications Commission (FCC) Digital transition, Clearwire Spectrum Holdings II, Inc., EBS lease and old Broward Tower are needed at this time.

Pursuing such revenue ventures requires legal counsel with specialization in communication, technology and multi-party transactions in order to navigate federal, state and local laws that cover this area. The law firm of Leibowitz and Associates, P.A. has represented the Board in all legal matters related to and before the FCC since November 20, 2002, including, but not limited to, the recent Clearwire EBS lease, E-rate proceedings, and the mandated switch to digital transmission.

From 2002 until October 2007, the law firm billed at a 12% discount from its standard rates, which was 6% below the School Board approved rates. From November 2007, the law firm billed at School Board approved rates, which represented a 15% discount from its standard rates. The law firm will continue to bill at its 2002 authorized rates, \$425 per hour for Mr. Leibowitz and \$325 for Mr. Joseph Belisle, representing a 19% and 23% discount from their current standard rates.

It is therefore requested that the School Board authorize continued retention of the law firm of Leibowitz & Associates, P.A. for legal services in matters regarding WLRN with a budget not to exceed \$250,000 in addition to any legal fees that will be or are reimbursed by third parties.

No District funds will be required for these services as they will be funded through EBS lease payments and will be written into potential future contracts for other ventures, where possible.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent of Schools to:

1. Explore new sources of revenue at WLRN, including but not limited to: Lease of school towers, potential sale/lease back of WLRN tower facilities, leasing the digital TV spectrum, studio and facility leases and new video production agreements; and
2. continue the retention of the law firm of Leibowitz & Associates, P.A. for legal services in matters regarding WLRN, with fees not to exceed \$250,000, not including fees subject to reimbursement by third parties.

JS:ts