

Mr. Renier Diaz de la Portilla, Board Member

**SUBJECT: PROCESS FOR HIRING AND SELECTION OF SCHOOL BOARD ATTORNEY**

**COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY**

**LINK TO DISTRICT STRATEGIC PLAN: INCREASE EFFICIENCY OF THE RECRUITING AND HIRING PROCESSES**

At the May 20, 2009 Board Meeting the Board took action on agenda item H-2, "Selection of School Board Attorney". Although the Board took a vote on the three finalists for the position of School Board Attorney, the Board failed to select a candidate after repeatedly securing a tie vote, with two candidates receiving four votes each. After the unsuccessful tie vote, the Board voted to re-start the application and interview process and include two of the finalists on the shortlist in the new selection process. However, the Board's action was confusing and unclear.

In order to avoid a perception of a conflict of interest at the May 20, 2009 meeting, I abstained from voting due to my being employed by the same law firm that employed one of the finalists. Since then, I have severed the business relationship with the law firm in question, eliminating any conflict that would prevent my participation in the selection of the School Board Attorney. In addition, an opinion was requested by me from the Florida Commission on Ethics on whether a conflict of interest will be posed by my voting on this issue. On June 12th 2009, the Florida Commission on Ethics rendered a Formal Opinion concluding that due to my resignation from the law firm, a conflict of interest did not exist that would preclude me from voting on this matter.

As a result of the latter, this item is presented to clarify the process with respect to the selection of the School Board Attorney. As such, it is requested that the board rescind the action taken on agenda item H-2 at the May 20, 2009 meeting and allow the full board to vote to select a School Board Attorney from the three finalists: Walter Harvey; Michael Hunt; and Robert Tischenkel.

The selection process has been thorough and almost four months in length. The Board has been almost a year without a permanent School Board Attorney. It is a disservice to further delay the process and incur additional costs in a search that has run its course, particularly when the Board has demonstrated support for the three finalists involved, going so far as expressing a desire to return two of them as finalists in any proposed new search.

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**REVISED  
H-3**

**ACTION PROPOSED BY  
MR. RENIER DIAZ DE LA PORTILLA:**

That The School Board of Miami-Dade County, Florida, clarify its action with respect to the selection of the School Board Attorney by rescinding its action on agenda item H-2 and to vote to select the School Board Attorney from the three finalists: Walter Harvey; Michael Hunt; and Robert Tischenkel.

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