

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: PROPOSED AMENDMENT TO SCHOOL BOARD RULE: INITIAL
READING 6Gx13- 8A-1.05, *COUNSEL FOR THE BOARD***

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

At the School Board meeting of August 5, 2009, the School Board approved the second recommendation included in Agenda Item H-3 ("School Board Attorney"), presented by Dr. Marta Pérez, Vice Chair. The adoption of this portion of Agenda Item H-3, requires the initiation of rulemaking to amend School Board Rule 6Gx13- 8A-1.05, *Counsel for the Board*, to afford the Board the opportunity to hold a workshop prior to the commencement of negotiations of a contract with prospective School Board Attorneys.

The recommended amendment to School Board Rule 6Gx13- 8A-1.05, mandates that the Board hold a workshop prior to negotiating any future School Board Attorney's contract of employment. The Rule further provides that the stated purpose of the workshop is to provide guidance to the person or persons authorized by the Board to negotiate on its behalf.

Attached is the Notice of Intended Action and the rule proposed for amendment. Changes from the current rule is indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 8A-1.05, *Counsel for the Board*.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 8A-1.05, *Counsel for the Board*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on September 9, 2009 its intention to amend Board Rule 6Gx13- 8A-1.05, *Counsel for the Board*, at its meeting of October 14, 2009.

PURPOSE AND EFFECT: The revision to Board Rule 6Gx13- 8A-1.05, *Counsel for the Board*, mandates that the Board hold a workshop to provide guidance to the Board's authorized negotiator prior to the beginning negotiations, to draft the contract with any future School Board Attorney.

SUMMARY: The amendment to this Board rule will afford the Board with an opportunity to hold a workshop that provides guidance to the Board's authorized negotiator prior to the contract negotiations with any future School Board Attorney.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1) and (2); 1001.42 (25) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.41(5) and 1001.43(10) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF October 14, 2009, which begins at 12:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons 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 October 5, 2009, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES 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 at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Marta Pérez
Date: August 26, 2009

School Board--Powers and Duties**COUNSEL FOR THE BOARD**

The Board is authorized to employ an attorney to serve as its legal counsel. Prior to negotiating a contract with the selected Board Attorney, the Board will hold a workshop in order to provide guidance to the Chair or the Chair's designee, or (in instances where someone other than the Chair has been authorized by the Board to negotiate said contract), to said authorized individual, with respect to the desired parameters and provisions of the prospective contract.

The Board is also authorized to employ assistant School Board attorneys and special counsel to assist the Board's attorney when, in the judgment of the Board, such assistance is necessary.

Specific Authority: ~~230.22(2)~~ 1001.41 (1) and (2); 1001.42(25) F.S.

Law Implemented, Interpreted, or Made Specific: ~~230.22(5)~~ 1001.41(5); 230.23(10)(i)
1001.43(10) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

Repromulgated: 12-11-74

Amended: 1-14-98