

Office of Superintendent of Schools
Board Meeting of October 10, 2012

September 27, 2012

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

**SUBJECT: THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY,
FLORIDA AUTHORIZE THE FILING OF A LAWSUIT
AGAINST LIFT STATIONS R US IN REFERENCE TO BID NO.
005-KK01**

The School Board Attorney's office requests authorization from the School Board to file legal action against Lift Stations R Us Corp. (LSRU), for its failure to cure defaults in connection with School Board owned pumps removed by LSRU on BID NO. 005-KK01 – LIFT STATION REPAIR.

By filing this legal action against Lift Stations R Us Corp., the District will seek to recover costs associated with replacing the pumps which were removed by Lift Stations R Us and not returned to the various schools from which they were taken.

RECOMMENDED: That The School Board of Miami-Dade County, Florida authorize the filing of a lawsuit against Lift Stations R Us Corp. to recover all costs associated with the default by Lift Stations R Us and the replacement of pumps at various school sites.

PUBLIC HEARING AT BOARD MEETINGS

Reference: School Board Policy 0169.1

| TYPE OF AGENDA ITEM | REQUIREMENT TO INCLUDE SPEAKER ON REGULAR AGENDA | REQUIREMENT TO APPROVE SPEAKER <u>NOT</u> SCHEDULED TO APPEAR DURING MEETING |
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| <p>Topic scheduled for inclusion in regular meeting</p> | <p>Written request must be received in the Citizen Information Center by 4:30 p.m. on the Monday immediately before the Wednesday meeting. The deadline for Special Board meetings is noon on the business day preceding the meeting.</p> <p>Forms are available at all Region Offices and the Citizen Information Center, Room 158, School Board Administration Building, 1450 Northeast 2nd Avenue, Miami, Florida, 33132, or by phoning 305-995-1128. Forms are also available on-line at http://cic.dadeschools.net/</p> <p>If you need any special assistance, please advise the Citizen Information Center within three working days.</p> <p><i>If a speaker signs up to speak to an item that passed on the Consent Agenda then the speaker will be given additional time during the Public Hearing that the speaker would have been given had they addressed the item during the Regular Meeting.</i></p> | <p>At 1:00 p.m., the day of the meeting, the Chair will direct individuals to the lobby counter outside the auditorium to sign up to address an item.</p> <p>Approval to be heard will require a majority vote of Board members present.</p> |
| <p>Topic not scheduled for inclusion in regular meeting</p> | <p>The public hearing shall begin no later than approximately 6:30 p.m. The Chair may begin calling speakers who are present immediately following the conclusion of the regular agenda. The public hearing shall not conclude before 4:30 p.m., unless all of the speakers signed up to speak are present and have been given the opportunity to speak.</p> <p>To be scheduled for a non-agenda topic, a written request must be submitted to the Citizen Information Center no later than 4:30 p.m. on the Monday immediately preceding the Wednesday meeting.</p> <p>Forms are available at all Region Offices and the Citizen Information Center (address and phone listed above). Forms are also available on-line at http://cic.dadeschools.net/</p> <p>If you need special assistance, please advise the Citizen Information Center within three working days.</p> | <p>A person seeking consent to speak must submit, either <u>before</u> or <u>during</u> the meeting, a written request to the Chair. The request must include the speaker's name, address, subject, and Board action requested.</p> <p>Board members present at the meeting must vote by a majority for the person to be heard.</p> <p>If such request is approved, the Board Chair shall allot the individual a maximum of three (3) minutes during the Public Hearing, no matter how many issues the individual addresses.</p> |
| <p>Items discussed at Board Conference Session</p> | <p>Citizens may be heard at any conference session or workshop for a specified amount of time that the Board determines in advance of the session or at the beginning of the session.</p> | |
| <p>Speakers shall be called by the Board Chair at the appropriate time during the meeting. For the record, each individual shall state their name, address, (the address may be given orally or in writing, at the speaker's option), organization or persons represented and whether he or she is being compensated for the appearance. Substitutions for scheduled speakers will not be allowed, except in unusual circumstances as determined by the Chair.</p> | | <p>Any one speaker or spokesperson for a group shall be permitted to speak not more than two minutes on any one agenda item, not more than three minutes during the Public Hearing, no matter how many issues the individual addresses, nor more than a total of ten minutes during the Board meeting, regardless of the number of agenda items or Public Hearing topics to be addressed, except in unusual circumstances determined and approved unanimously by Board members. Additional comments may be presented in writing. The total time allotted for the public hearing shall not exceed one and one-half hours.</p> |

MIAMI-DADE COUNTY PUBLIC SCHOOLS ANTI-DISCRIMINATION POLICY

Federal and State Laws

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964 as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA) as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963 as amended - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) - Prohibits discrimination against employees or applicants because of genetic information.

Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 205.07 (Florida Statutes), which stipulate categorical preferences for employment.

In Addition:

School Board Policies 1362, 3362, 4362, and 5517 - Prohibit harassment and/or discrimination against students, employees, or applicants on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

Revised: (07-11)