

RESOLUTION ~~15-105~~ 15-106
OF THE BROWARD COUNTY SCHOOL BOARD

WHEREAS, the Broward County School Board recognizes the importance of establishing a mechanism to encourage greater accountability, transparency, public support, and confidence in the use of general obligation bond funds; and

WHEREAS, the Broward County School Board, in response to community interest in the effective and efficient use of bond proceeds, will create a Bond Oversight Committee to act as an independent **Broward County** citizens advisory committee to the School Board; and

WHEREAS, the Broward County School Board recognizes that the Bond Oversight Committee will be essential in supporting the District in meeting its key strategic goals of high quality instruction, continuous improvement, and effective communication; and

WHEREAS, the Broward County School Board desires that the Bond Oversight Committee will hold public meetings **in Broward County** and report their findings to the Superintendent and School Board **during the committee report Regular School Board Meeting agenda item**; and

NOW THEREFORE BE IT RESOLVED THAT the Broward County School Board moves to create the Bond Oversight Committee:

SECTION 1. CREATION OF THE BOND OVERSIGHT COMMITTEE. There is hereby created an advisory committee to be known as the Bond Oversight Committee, hereinafter referred to as the “Committee”.

SECTION 2. GUIDELINES FOR COMMITTEE MEMBER PARTICIPATION. The following are Broward County School Board (hereinafter referred to as “School Board”) goals for organizations (see Section 3. Membership) to consider as guidelines when appointing a member to the Bond Oversight Committee:

- 1) Consideration of racially and ethnically diverse members **who are residents of Broward County**;
- 2) Consideration of members with financial backgrounds;
- 3) Consideration of parents and/or grandparents of Broward County Public Schools (BCPS) students;

- 4) Consideration of members that play an active role in recognized civic and community organizations;
- 5) Consideration of retirees from identified industries/organizations;
- 6) Exclusion of members who have a current or pending working relationship, contract, or sub-contract with BCPS or its employees, or are otherwise stated as being excluded in Section 3. Membership; and
- 7) Exclusion of members who are currently serving ~~or have previously served~~ on any District business or advisory committee.

SECTION 3. MEMBERSHIP. The Committee shall consist of no more than eleven (11) individuals.

- 1) The Committee will consist of professional and community organization members selected by School Board identified organizations that reside in Broward County. Identified organizations shall represent the following areas:
 - a. One member from the Florida Bar Association
 - b. One member from Florida Government Finance Officers Association
 - c. One member from the Broward County Parent Teachers Association
 - d. One member from Associated Builders and Contractors, Inc. – Florida East Coast Chapter
 - e. One member from Broward County Minority Builders Coalition
 - f. One member from Disability Rights Florida
 - g. One member from the National Association for the Advancement of Colored People (NAACP)
 - h. One member from the Broward County Police Benevolent Association
 - i. One member from the Fire Chiefs Association of Broward County
 - j. One member from the Engineering Contractors Association of South Florida
 - k. One member from the South Florida Technology Alliance
- 2) School Board identified organizations will select their representative to serve on the Committee. If an organization does not want to have representation on the Committee, or

if the identified organization cannot find an eligible and willing member to appoint to the Committee, then the School Board may amend this resolution to identify a new organization to be represented on the Committee.

- 3) The Chairperson and Vice-Chairperson will be elected from among Committee members.
- 4) Authority is by Committee decision / vote only, and not by individual members.
- 5) There will be staggered appointments of members for two-year and three-year terms.

Following their initial term, members of all organizations will serve three-year terms.

Members may only serve as representatives on the Committee for two consecutive terms.

The following organizations shall serve **two-year terms**: Florida Bar Association, Broward County Parent Teachers Association, Broward County Minority Builders Coalition, the National Association for the Advancement of Colored People (NAACP), the Engineering Contractors Association of South Florida, and the Fire Chiefs Association of Broward County. The following organizations shall serve **three-year terms**: Florida Government Finance Officers Association, the Associated Builders and Contractors, Inc. – Florida East Coast Chapter, Disability Rights Florida, the Broward County Police Benevolent Association, and the South Florida Technology Alliance.

- 6) Members will not receive direct or indirect compensation from BCPS. Committee members also may not accept compensation, honoraria or money of any amount from entities with whom BCPS does business. Tangible gifts (including tickets to a sporting or entertainment event) may not be accepted either (see Section 9. Ethics & Code of Conduct).
- 7) Members may not have an active contract or be seeking a contract with the District or with any contractor or sub-contractor associated with the Bond Programs.
- 8) Members may not be any employee or official of the District, or any vendor, contractor, sub-contractor, or consultant of the District.
- 9) Members appointed by the Florida Bar Association must not be currently representing or will represent any client who or which is doing business with the School Board or has been retained by any client to represent it against or in relation to the School Board in any matter.
- 10) Members may not be an elected government official.
- 11) Members may not be a School Board Appointed current member sitting on any District committee.

- 12) Members may not be lobbyists, meaning, any natural person who was registered with the School District as a lobbyist during the preceding twelve (12) months or who, for compensation, seeks, or sought during the preceding twelve (12) months, to influence the governmental decision-making of the School Board or an official of the District, or who, for compensation, sought during the preceding twelve (12) months, to encourage the passage, defeat, or modification of any proposal or recommendation by the School Board or an official of the District.
- 13) Members serve in a monitoring and reporting capacity role only.
- 14) Members serve the general interest of the public as opposed to any personal interest or special interest group.
- 15) If a Committee member moves outside ~~the geographic boundaries~~ Broward County, resigns, violates Section 9: Ethics & Code of Conduct in this resolution, fails to attend two consecutive Committee meetings without reasonable excuse as determined by the Committee Chairperson, or otherwise becomes unable to serve on the Committee, the Committee Chairperson may declare the position on the Committee to be vacant and request another qualified person to be appointed to the Committee from that organization.
- 16) Non-voting management support will be by Florida TaxWatch (see Section 10: Role of Florida TaxWatch), an independent non-profit organization.

SECTION 4. DUTIES, RESPONSIBILITIES, AND GUIDELINES. The Committee shall inform the School Board, Superintendent, and general public concerning the District's overall project management of all Bond Programs including but not limited to:

- 1) Review quarterly reports produced to verify effective use of bond proceeds and compliance with the purposes set forth in the Bond Programs as approved by the Board.
- 2) Ensure that bond revenues are expended for the purpose set forth in the Bond Programs as approved by the Board, and that any deferred proposals or changes of plans are executed after appropriate approval of the Board.
- 3) Validate that no bond funds are used for any teacher or administrative salaries or other school operating expense.

- 4) Review efforts by the District to maximize bond revenues by balancing best value, quality, and efficiency in meeting the District's Bond Programs as approved by the Board.
- 5) ~~Present findings quarterly to the public at locations around the District.~~ Hold quarterly public hearings around the District for the purpose of presenting findings and taking public comment from the public.
- 6) All Committee members will annually sign a conflict of interest statement for existing conflicts and must sign an agreement to abide by Section 9: Ethics & Code of Conduct of this resolution.

SECTION 5. VACANCIES. In the event of a vacancy on the Committee due to relocation, resignation, death, disability, or any other cause, a new member will be selected from the organization that was vacated and approved by the Committee through the Committee Chairperson.

SECTION 6. MEETINGS AND PUBLIC HEARINGS. The Committee shall hold public meetings at least quarterly, at the call of the Committee Chairperson and at the time and place designated by the Committee Chairperson coordinated through District staff or the Superintendent's designee, to review the District's Bond Program's status and related information, and to perform other duties as provided herein. The Committee's public meetings and public hearings shall be conducted in the following manner:

- 1) All public meetings and public hearings shall be duly noticed in a newspaper(s) of general circulation within Broward County, in additional forms of social media, through electronic and internet notification means, and published on the Broward County Public Schools' web site in advance of the scheduled date and open to the public.
- 2) A public hearing shall hereby be defined as any meeting held by the Committee in which the public is afforded an opportunity to comment on any proposed recommendations. The Committee may reasonably limit the time each member of the public can speak at a public hearing.
- 3) A public meeting shall hereby be defined as any meeting held by the Committee in which the Committee will deliberate in public regarding the status of School Board approved Bond Projects. The Committee Chairperson may reasonably limit the time each member of the Committee can speak at a time upon an issue under deliberation. All public meetings

will be open to the public, however, public comment will not be permitted. Public comment will be heard at the public hearings described above. Unlike public hearings, the public meetings are an opportunity for the Committee to work in the Sunshine, not an opportunity for community comment.

- 4) The Committee shall present its reports and findings quarterly to the public at a public hearing.
- 5) The Committee shall present its reports and findings, as well as a general summary of community comments, at a School Board Workshop that closely follows the public hearing, ensuring that adequate time will be provided for preparing necessary materials to be published in the Sunshine.
- 6) Appropriate representatives of existing School Board Appointed Business Committees (examples include: Facilities Task Force, Diversity Committee, etc.) will be afforded an opportunity to provide comments as they relate to general obligation bond projects at the Committee public hearings. The Chairperson of the Bond Oversight Committee may reasonably limit the time each Board Appointed Business Committee representative may speak at a Bond Oversight Committee public hearing. The Chairperson of the Bond Oversight Committee, or his/her designee, will be provided the opportunity to present at reasonably scheduled meetings of Board Appointed Business Committees. The Bond Oversight Committee Chairperson will be provided the opportunity to share Bond Oversight Committee meeting deliberations and work products at reasonably scheduled meetings of the Board Appointed Business Committees (examples include: Facilities Task Force, Diversity Committee, etc.).
- 7) The Chairperson or Vice-Chairperson may convene additional meetings, if necessary.
- 8) All Committee meetings and public hearings shall be held within the District's geographic boundaries Broward County.
- 9) All Committee meetings and public hearings will adhere to Robert's Rules of Order.
- 10) Minutes will be prepared and distributed to the Committee within 15 business days. The minutes will be voted upon for the record at the next scheduled Committee meeting and upon approval will be posted to the BCPS web site within 7 days.

11) As an advisory committee, the Committee is subject to the State of Florida's Government in the Sunshine Laws as well as Florida's Public Records Laws, as prescribed by Florida law.

SECTION 7. SUPPORT. The Committee will work collaboratively with Florida TaxWatch (see Section 10: Role of Florida TaxWatch) and District staff, especially with agenda and meeting development. The Committee shall be provided the following Broward County School Board support services in its endeavors to review each project:

- 1) ~~The Chief Facilities & Construction Officer shall act as the Superintendent's designee to the Committee.~~ The District's Chief Facilities & Construction Officer and Chief Financial Officer shall attend the Bond Oversight Committee meetings to provide support services to the Committee.
- 2) The Superintendent or his designee shall oversee management's action plan to respond to any written report from the Committee with findings or suggestions for improvement within 15 business days. All recommendations from inception to date will be tracked and made available to the Committee, School Board and Superintendent. The District's website and other communication avenues will also publicize the Committee's report for use by the general public.
- 3) The District shall have a commitment to the Committee to provide open communication, and provide necessary technical and administrative assistance in a timely fashion as follows:
 - a. Provision of a meeting room, including any necessary audio/visual equipment;
 - b. Preparation and copies of any documentary meeting materials, such as agendas and reports; and distribution of those materials to the Committee in a timely manner;
 - c. Provision of quarterly summary progress report covering the Bond Programs;
 - d. Access to other information as allowable by law to effectively perform its oversight function;
 - e. Retention of all Committee meeting records, and providing public access to such records on the District's website; and

- f. Notify the public of Committee meeting times and locations. The meetings are open to the public.
- 4) Summary progress reports from District departments will communicate and provide an explanation for the following attributes in a clear and concise manner. As part of reporting, Broward County Public Schools (BCPS) will identify projects that experience a significant impact to schedule, budget, or scope of work. Detailed reports can be provided upon the Committee's request and may include:
 - a. Project schedules with anticipated completion dates and current status;
 - b. Project scope;
 - c. Contingency reports (change allowance, encumbrances, and available budget);
 - d. Expenditure reports; and
 - e. Status of Minority/or Woman Owned Business Enterprise (MWBE).
- 5) The appropriate District staff, District consultants, Florida TaxWatch staff, and/or designees shall attend all Committee meetings and hearings in order to provide a status update for their area of responsibility as it relates to the Bond Programs and answer any questions from Committee members.
- 6) The District acknowledges that the Committee may request certain information that is sensitive or legally privileged. The District will use District legal counsel to comply with such requests within the limits of Florida law and the best interest of the District.

SECTION 8. ADVISORY NATURE OF THE COMMITTEE. The Committee provides external oversight for the bond projects only. Also, the Committee ~~does not have a fiduciary responsibility~~ only has an advisory responsibility to the District or Board, ~~nor are~~ and its members are not personally liable to the District or Board. The following list is not exhaustive, but simply illustrative of the areas over which the committee will not have responsibility. The Committee is **not** responsible for:

- a. Approval of construction contracts or change orders;
- b. Appropriation of construction funds;
- c. Handling of legal matters;
- d. Approval of construction plans and schedules;
- e. Approval of the District's maintenance plan;

- f. Approval of the sale of bonds;
- g. Establishment of priorities and order of construction for the bond projects;
- h. Selection of architects, engineers, construction managers, project managers, and such other professional service firms;
- i. Approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction, means or methods;
- j. Selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the performance of the Bond Programs;
- k. Setting or approving schedules of design and construction activities; and
- l. Investigations of alleged wrongdoing, potential waste, fraud, misuse or abuse, or non-compliance with Local, State, Federal laws/regulations, or District policies.

SECTION 9. ETHICS & CODE OF CONDUCT. Members who voluntarily serve on the Committee are public officers who must comply with the applicable provisions of Florida's Code of Ethics, Chapter 112 of the Florida Statutes. The Committee members also shall agree to conduct themselves in accordance with the highest ethical principles in the course of participating in School Board related activities. Committee members further agree to, at all times, act in the best interests of SBBC, the education of its students and the community, to avoid conflicts of interests, ~~vote according to one's individual convictions~~ vote on behalf of their appointing organization, and challenge the judgment of others when necessary; yet be willing to support the majority decision of the Committee and work with fellow members in a spirit of cooperation. In this regard, Committee members acknowledge and understand that they shall:

- 1) Maintain compliance with Section 3: Membership of this resolution. Committee members must notify the Committee Chairperson of any change that may prohibit them from serving on the Committee. The Chairperson may declare the position on the Committee to be vacant and request another qualified person to be appointed to the Committee from that organization;
- 2) Abide by regulations set forth in the State of Florida's Government in the Sunshine Laws and Florida's Public Records Laws (subsection 286.011, Florida Statutes) to ensure that meetings are conducive to open and candid discussion;

- 3) Become familiar with and committed to the responsibilities of the Committee, and adhere to the principles of fairness, honesty, integrity, and good faith in all Committee business and interactions;
- 4) Carefully prepare for, regularly attend, and actively participate in Committee meetings and assignments;
- 5) Not corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others;
- 6) Avoid acting as a spokesperson for the entire Committee unless specifically authorized by the Committee Chairperson to do so;
- 7) Not accept any compensation, payment, or thing of value when such Committee member knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the Committee member was expected to participate in his or her official capacity;
- 8) Avoid any actions that create a perception that favorable treatment of outside entities by the Committee was sought, received or given in exchange for personal or Committee courtesies. Committee courtesies include gifts, gratuities, meals, refreshments, entertainment or other benefits from persons or companies doing business with BCPS. The Committee will neither give nor accept business courtesies that constitutes, or could reasonably be perceived as constituting, unfair business inducements that would violate law, regulation or policies of BCPS;
- 9) Respect the rights of others when performing Committee responsibilities and refrain from actions that might compromise the District's reputation or standing in the education community;
- 10) In the event of a potential conflict of interest, members will disclose the conflict and, if requested by the Committee Chairperson or a majority vote of the Committee, remove himself or herself from all discussion and/or voting on the matter in question;
- 11) Exercise proper authority and judgment when dealing with Committee staff, contractors, and the general public, and respond to the needs of Committee members in a responsible, respectful and professional manner; and
- 12) Support the decisions and action of the Committee, even if they differ from such Committee member's personal views, unless such decisions and actions are unlawful, unethical, or otherwise improper.

SECTION 10. THE ROLE OF FLORIDA TAXWATCH. Florida TaxWatch is an independent, nonpartisan, nonprofit taxpayer research institute and government watchdog. It is the District's intent to have Florida TaxWatch provide the Committee, and public with high quality, independent research and analysis of issues related to the expenditures of general obligation bond funds and to aid the Committee in its advisory role to the taxpayers of Broward

County. Florida TaxWatch **will** not have management, or policy setting responsibilities. All recommendations regarding any changes in processes and procedures impacting District practice or policy must go through the Superintendent for discussion and approval by the Board. Also, Florida TaxWatch does not have a fiduciary responsibility to the Committee, District or School Board, nor are its members personally liable to the District or Board. Florida TaxWatch **shall**:

- 1) Aid the Committee in preparing meeting agendas, conducting meetings, and preparing meeting minutes; and
- 2) Research and report on best industry or national practices to the Committee to aid in its oversight of bond fund expenditures;
- 3) Support the oversight function of the Committee by **assisting in providing full reports**, analyzing reports, and interpreting reports for convenience and understanding of information by the Committee;
- 4) Provide direct support to the Committee Chairperson in the preparation and presentation of reports and findings by the Chairperson to the School Board and the community;
- 5) Provide initial analysis to the Committee on procurement systems and MBWE inclusion in projects funded by bond proceeds; and
- 6) Adhere to Section 9: Ethics & Code of Conduct of this resolution.

Florida TaxWatch **shall not be**:

- 1) In contract with the District or its contractors to provide services or funded through any District funds inclusive of Bond proceeds.

SECTION 11. TERMINATION AND CESSATION OF THE COMMITTEE. Unless otherwise terminated sooner by the Broward County School Board, the Committee shall sunset upon the completion of all projects funded by the general obligation bond as approved by the voting public on November 4, 2014.

SECTION 12. EFFECTIVE DATE. This Resolution shall become effective upon approval by the Broward County School Board.

Donna Korn, Chair

Robert W. Runcie, Superintendent