

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE SUPERINTENDENT

October 16, 2018  
Tuesday, 10:05 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:14 a.m. in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: School Board Members Nora Rupert, Chair; Heather Brinkworth, Vice Chair; Robin Bartleman; Abby M. Freedman; Patricia Good; Donna P. Korn; Laurie Rich Levinson; Ann Murray; Dr. Rosalind Osgood; Robert W. Runcie, Superintendent of Schools; and Barbara J. Myrick, Esq.

**Call to Order** The Chair called the meeting to order. Michelle Padura, Principal, and students from Stranahan High School (appearing through video conference) led the Pledge of Allegiance to the Flag of the United States of America.

**Moments of Silence** were held for Judith Caruso, a reading teacher from Driftwood Middle, and Brittany Melendez, a kindergartener from Norcrest Elementary School.

**Minutes for Approval** Motion was made by Mrs. Brinkworth, seconded by Ms. Korn and carried, to approve the official minutes for the following Board Meetings: (9-0 vote)

- September 5, 2018 – Special School Board Meeting (DEFP)
- September 5, 2018 – Second Public Hearing – Budget

**Added/Changed Items** The Superintendent requested that the Board permit the following changes to the agenda:

- Items - Revised: G-3
- Items - Added: BB-1, JJ-4, JJ-5, JJ-6, JJ-7

The Chair approved the changes and announced the changes to the Agenda proposed by the Superintendent were accepted by the Chair after being determined that good cause had been established for said changes.

**Close Agenda** Upon motion by Ms. Korn, seconded by Mrs. Good and carried, the Agenda was approved and declared closed. (9-0 vote)

### **Special Presentations**

- Resolution in Support of Down Syndrome Awareness Month Across Broward County Public Schools in Florida, October 2018 (Resolution #19-23)
- Resolution in Support of LGBT History Month, October 2018 (Resolution #19-20)
- Resolution in Support of Breast Cancer Awareness Month, October 2018 (Resolution #19-22)
- Special Presentation for Apprenticeship Acknowledgement
- Proclamation Recognizing National School Bus Safety Week, October 22-26, 2018
- Reimagining Middle Schools – Community Foundation of Broward
- Resolution in Support of Gifted Awareness Month, October 2018

These special presentations may be viewed in their entirety at:

<http://www.browardschools.com/School-Board/Special-Presentations>

**Reports** The following reports were presented:

- Employee Unions/Groups - Terry Preuss, Vice President, Broward Teachers Union (BTU)
- ESE Advisory Council - Jacqui Luscombe, Acting Chair
- Technology Advisory Committee - Russell Kaufman, Chairperson

**Superintendent's Report** None.

These reports may be viewed in their entirety at:

<https://becon223.eduvision.tv/Default.aspx?q=d0F7qPKKlcfmtjfULqo9AQ%3d%3d>

(Click on School Board Meeting 10-16-18.)

### **Speakers**

Aaron Lucas

Ronald B. Barish

Lorie Renee Baker-Smith

Dale Ryan

**Consent Agenda** Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Mrs. Good, seconded by Ms. Korn and carried, to approve the Consent Agenda for the remaining items (**identified by \***).

### **ITEMS**

(Consent agenda items will be noted by a single letter, and open agenda items will be noted by double letters in accordance with Policy 1100A.)

## **G. OFFICE OF HUMAN RESOURCES**

### **\*G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2018-2019 School Year (Approved)**

Approved the personnel recommendations for the 2018-2019 appointments and leaves as listed in the attached Executive Summary and respective lists for instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida.

### **\*G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2018-2019 School Year (Approved)**

Approved the personnel recommendations for separation of employment or discipline as listed in the attached respective lists for instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida.

### **G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2018-2019 School Year (Approved)**

Motion was made by Ms. Korn, seconded by Mrs. Brinkworth and carried, to approve the personnel recommendations for appointments and reassignments as listed on the attached Executive Summary, respective lists, and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. (9-0 vote)

Following a vote on this item, newly-appointed District personnel were recognized and congratulated by the Board.

### **G-4. Personnel Recommendations for Non-Instructional Separation of Employment and Discipline for the 2018-2019 School Year (Approved)**

Motion was made by Mrs. Good, seconded by Mrs. Bartleman and carried, to approve the personnel recommendations for separation of employment and discipline as listed on the attached respective lists for Non-Instructional staff. All recommendations were made with the understanding that these individuals would comply with regulations/policies as set forth by the Florida Department of Education and The School Board of Broward County, Florida. Dr. Osgood was absent for the vote. (8-0 vote)

(The Chair resumed her seat on the dais.)

Agenda Items G-4 and G-5 were moved and discussed concurrently.

Mrs. Rich Levinson recognized the retirement of Jody Perry, Director of Charter Schools Management/Support, who was on last week's agenda and said she would be very sorely missed. She thanked her for all of her work and indicated there would be some large shoes to fill. She also wanted to recognize Lynne Oakvik, Curriculum Supervisor of Innovative Learning & Arts, who had resigned, and thanked her for an incredible job. She wished both of them the best in their future endeavors.

Mrs. Good also commented on Ms. Perry's retirement and how she was very respected by other districts throughout the state and was an asset to the department. She will miss her thoughtfulness and the impact on students.

Mrs. Bartleman concurred with her colleagues and stated Ms. Perry would be missed very much.

Mrs. Rupert added that both women were invaluable to the District.

Ms. Korn gave kudos to Ms. Perry for the challenging position she was in and wished her well.

Motion to Separate (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Brinkworth and carried, to separate Agenda Items G-4 and G-5. Dr. Osgood was absent for the vote. (8-0 vote)

A vote was taken on the Motion to Separate.

After separating the items, a vote was taken on Item G-4.

#### **G-5. Supplemental Pay Positions**

**(Approved)**

Approve the recommended supplemental pay positions of employees for the 2018-2019 school/fiscal year. Dr. Osgood was absent for the vote. (7-0 vote)

Agenda Items G-4 and G-5 were moved and discussed concurrently.

Motion to Separate (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Brinkworth and carried, to separate Agenda Items G-4 and G-5. Dr. Osgood was absent for the vote. (7-0 vote)

A vote was taken on the Motion to Separate.

After separating the items, a vote was taken on Item G-4.

Speaking to Agenda Item G-5, Ms. Korn referred to the supplements on page 25 and stated there was an individual that had six (6) supplements and throughout the document there were people receiving four (4) supplements. She wanted to ensure it was clear to staff that there was not any type of favoritism where only a couple of people receive a lot of the supplements and other do not have the opportunity.

Valerie Wanza, Chief School Performance & Accountability Officer, explained when an individual gets beyond receiving 2-3 supplements, a packet must be sent to her office with a rationale to justify the amount of supplements given to one (1) individual.

Second Motion to Separate (Carried)

Motion was made by Ms. Korn, seconded by Mrs. Good and carried, to separate the name, Tara Terribile, from the Supplement List #7 in Agenda Item G-5 due to her relationship as a sibling. Mrs. Brinkworth and Dr. Osgood were absent for the vote. (7-0 vote)

A vote was taken on the Second Motion to Separate.

A vote was taken on the separated name. Dr. Osgood was absent for the vote. Ms. Korn abstained from the vote. (7-0 vote)

Mrs. Bartleman stated it was brought to her attention that an employee working in Budget or Procurement could receive a supplement without any approval from the Board. She wanted to know how an upper management employee received a \$3,000 stipend.

Craig Nichols, Chief Human Resources & Equity Officer, replied that he was not aware of any stipends that were generated and asked for the information to be sent to him.

Mrs. Bartleman said she would forward the information but wanted him to be informed that the Public Relations (PR) department already gave a response to the news media. She wanted to know how long this had been happening and if there was an accounting of stipends given out. She stated it was unacceptable and wanted an accounting of how it happened, as well as how often it happened. She said she needed a policy in place to ensure it would not happen again without Board approval.

Mr. Runcie responded that he would work with Human Resources (HR) to create a mechanism to bring stipends to the Board.

Mrs. Good commented that she was not aware of any type of stipends being given to upper management employees and said the Board needed to receive a written follow-up on it, in addition to the process as to how an employee's schedule could be changed and approved, without any formal process. If an administrator is overpaid that person needs to repay the amount just as other employees have had to do. She concurred to discussing what policies were in place.

Mrs. Freedman believed changes in salaries needed to come to the Board.

Ms. Myrick replied the Superintendent had the discretion to provide additional dollars as salary change to an employee; however, he did not have the authority to approve salaries over a maximum in a job classification.

Mrs. Freedman requested a follow-up on individuals receiving adjustments in salary.

Mrs. Brinkworth stated the Board needed follow up if these types of supplements exist and, if so, why. She also asked that a report be provided to the Board for the last 2-3 years that the supplements had been given. She was more concerned that the PR department sent out a comment without HR knowing about it and that it was very problematic for her. She said it was very important to know what the Board was required to vote on, both by statute and policy. In addition, she indicated the Superintendent needed to ensure staff brought those items forward to the Board in order to vote on them.

Mrs. Good reviewed the list of follow-ups to be provided to the Board, which included, information in writing on stipends; supplements; what policies were associated with each; how the change in schedule occurred as mentioned in the news article, including the approval process; and how long the employee had the additional dollars. She inquired if there was a requirement for employees to pay back any type of overpayment, even if it was no fault of their own, since other employees have had to pay back any type of overpayment. She said one group of employees could not be treated differently from another group of employees.

Mrs. Rupert stated that veracity should be at the top for everyone employed by the District. She agreed with receiving the follow-up mentioned. She said there needed to be equity and reality in what comes to the Board. She asked the Superintendent to have staff provide a report from the past two (2) years of additional money given to employees, such as stipends, supplements, working out of class, and so forth.

Mrs. Bartleman suggested involving the auditor since some of the money may come directly from a department's budget.

A vote was taken on the remaining G-5 item.

## **GG. OFFICE OF HUMAN RESOURCES**

### **A. RESOLUTIONS**

#### **AA. RESOLUTIONS**

#### **B. BOARD MEMBERS**

#### **BB. BOARD MEMBERS**

##### **BB-1 Annual Evaluation of the Superintendent of Schools**

**(Received)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Good and carried, to receive the School Board Member annual evaluation ratings of the Superintendent of Schools. Dr. Osgood was absent for the vote. (8-0 vote)

The Chair received audience input on this item.

Mrs. Rich Levinson wanted to focus her comments on education and student achievement. She said it defied logic that an article was written on the Superintendent's evaluation and did not expound upon the high quality instruction rating provided in the evaluation. She believed it was highly insulting to the Superintendent, hard-working teachers, administrators, and staff who delivered the results for the past school year, such as the highest graduation rate of 85.2%; the gap closed between black and white students by 3.2%; third grade students meeting or exceeding proficiency on English/Language Arts Florida Standards Assessment (FSA) increased from 57% to 59%; the score for literacy and early learning increased 7% in the last three (3) years; science scores increased by 4% in fifth grade and 2% in eighth grade; students in grades 6-8 earned or tied for the highest percentage of students meeting or exceeding proficiency on English/Language Arts portion of FSA among the five (5) largest districts in Florida; ninety-six percent (96%) of innovative District schools earned an A, B, or C; 31 schools increased by one (1) or more letter grades; two (2) schools increased by two (2) letter grades; only one (1) school received an F, which was down from 22 three (3) years ago; Advanced Placement (AP) passing rates increased from 54.5% to 56.9% this year and was up 4.3% in two (2) years; the total AP passing rate for black, Hispanic, and white students increased for the third consecutive year; computer-science AP examination participation increased again; and the career and technical programs that exist were outstanding with expanding opportunities. In addition, she praised the District's debate program, which is the largest in the world, along with a focus on robotics and Science, Technology, Engineering, & Mathematics (STEM) activities; the JROTC program, which is the largest in the United States; the arts program; and award-winning Magnet programs. She said it was incumbent to point out the amazing results the District had in education this past school year and she thanked all the employees that contributed to that growth.

Mrs. Freedman thanked her colleague for her acknowledging the positive results in education. She also thanked all of her colleagues for their comments on the Superintendent's evaluation. She stated this would be her last evaluation of the Superintendent. She gave him a heartfelt "thank you" for his hard work and round-the-clock attention. She shared that she saw how much he genuinely cared for Broward County and wished everyone could see what she saw in him and the type of individual he was to his family and employees. She closed by saying she was happy to have had the pleasure of knowing the Superintendent.

Mrs. Good thanked her colleagues for the submittal of their comments for the Superintendent's evaluation. She also appreciated her colleague highlighting some of the points of achievement in the District. She was concerned, however, that only 8 of the 9 Board Members provided ratings and she wanted to be sure the Board was not being placed in a predicament due to the incomplete evaluation that was submitted.

Ms. Myrick responded she believed the Superintendent's evaluation was appropriate as a whole and said a Board Member could not be forced to add points to her evaluation. She indicated the Board Member in question could not provide a rating because she was waiting for information from the Safety Commission. Ms. Myrick said she was consulted about it and she advised the Board Member to complete the evaluation as she saw fit.

Mrs. Good stated as School Board Members, they had an obligation to follow through with the contract that spelled out that the Board had to provide an overall rating of the Superintendent. She said she read and appreciated her colleague's extensive comments and was not trying to criticize her but she believed it was imperative to include the ratings. If every Board Member did the same thing, the Superintendent would have no idea what his rating was or where he stood, and it was not fair to those Board Members that did rate him based on the information as of today. She asked the General Counsel if a Board Member rated the Superintendent based on current information and something occurred weeks from now to change that rating, would the Board Member have the opportunity to change her rating, which would be at the subsequent evaluation cycle.

Ms. Myrick answered in the affirmative.

Mrs. Good commented that interim evaluations, which were no longer given, were important because they provided an opportunity mid-year to reflect on things that happened or changed. She reiterated if all the Board Members did not provide a rating the Superintendent would not know whether or not he met his over expectation.

Ms. Myrick stated that interim evaluations were not required but it did not mean the Board could not have them.



Jeffrey Moquin, Chief of Staff, added that when the contract was revised, only the word "shall" was changed to "may."

Ms. Korn agreed with her colleague and stated she respected everyone's comments and feedback to the Superintendent; however, every Board Member should have had the opportunity to do what was done. She said the Board agreed in the past on what the evaluation tool was, which included both comments and the grading. She stated if anyone wanted the evaluation tool to be used differently, it should be discussed first before something was brought forward. Ms. Korn appreciated her colleague's response in the need to wait, but she was not afforded the same opportunity to only provide comments. She indicated if anyone was going to use the evaluation tool other than what was collectively voted on and shared with the Superintendent, the Board had a responsibility to use it the way it was brought forward. In this case, she said the Board could have delayed it for three (3) months, which would afford the entire Board the same opportunity and remain consistent, having the same expectations. She stated she was not comfortable with her colleague's choice to not provide a rating and how it impacted the rest of the Board.

Mrs. Bartleman commented that she went back and back forth on what she should do based on February 14<sup>th</sup> and needed the information from the Safety report. She said she called the General Counsel twice to discuss what she could do. She indicated there was not enough time to discuss this with the Board in a public Sunshine Board meeting. She tried to give comprehensive feedback, which was eight (8) pages long and very detailed, and also tried to use words such as effective, needs improvement, and so forth, so the Superintendent would know her expectations. She said she did the best she could as to what her expectations were and apologized if Board Members were uncomfortable with her decision.

Mrs. Good indicated any changes in the evaluation could affect or alter the Superintendent's contract. Addressing the General Counsel, she said moving forward she wanted to be clear that she did not see an evaluation without a rating as a complete evaluation and was something that needed to be addressed by the Board. She said that it was important to have all Board Members provide ratings. She asked the General Counsel to research whether or not her colleague could change her evaluation.

Mrs. Bartleman added that if a Board Member only entered a number rating and no comment, it would also appear incomplete and would not show the overall performance. She indicated she would be open to a full discussion on the evaluation process in the future.

Mrs. Rupert asked the General Counsel if something like this happened again, if it would be possible by Sunshine Law for her to share any communication with the rest of the Board.

Ms. Myrick replied she would research if that type of communication would be possible. She suggested any questions or concerns on the evaluation process be brought up in advance at a Board Workshop.

Mrs. Rupert concluded stating she respected all of her colleagues and the different relationships each had with the Superintendent, as well as their written comments.

A vote was taken on this item.

## **CC. BOARD POLICIES**

### **CC-1. Revisions to School Board Policy 5004.1 – School Choice (Adopted)**

Motion was made by Ms. Korn, seconded by Mrs. Good and carried, to adopt Revisions to School Board Policy 5004.1, at this final reading. Dr. Osgood was absent for the vote. (8-0 vote)

Agenda Items CC-1 through CC-3 were moved concurrently.

No discussion was held and a vote was taken on these items.

### **CC-2. Proposed Revised Job Description for the Director, Charter Schools Management/Support Position (Adopted)**

Motion was made by Ms. Korn, seconded by Mrs. Good and carried, to adopt the proposed revised job description for the Director, Charter Schools Management/Support Position. This was the final reading. Dr. Osgood was absent for the vote. (8-0 vote)

Agenda Items CC-1 through CC-3 were moved concurrently.

No discussion was held and a vote was taken on these items.

### **CC-3. Proposed Revised Job Description for the Coordinator, Local Education Agency (LEA) Position (Adopted)**

Motion was made by Ms. Korn, seconded by Mrs. Good and carried, to adopt the proposed revised job description for the Coordinator, Local Education Agency (LEA) Position. This was the final reading. Dr. Osgood was absent for the vote. (8-0 vote)

Agenda Items CC-1 through CC-3 were moved concurrently.

No discussion was held and a vote was taken on these items.

## **DD. OFFICE OF THE CHIEF AUDITOR**

## **E. OFFICE OF STRATEGY & OPERATIONS**

### **\*E-1. Pre-Qualification of Contractors - Superintendent's Recommendations Regarding Pre-Qualification Certification (Approved)**

Approved the recommendation by the Superintendent indicated in the Superintendent Recommendations - Tracking Report.

## **EE. OFFICE OF STRATEGY & OPERATIONS**

### **EE-1. Second Amendment to Agreement and Additional Spending Authority – 58-132E – Electronic Management System (Approved)**

Motion was made by Ms. Korn, seconded by Mrs. Brinkworth and carried, to approve the recommendation to award the above Second Amendment to Agreement. Ms. Korn and Dr. Osgood were absent for the vote. (7-0 vote)

(The Superintendent left the dais and the Chief of Staff assumed a seat on the dais.)

Mrs. Rich Levinson believed this was a wonderful tool for parents to use. She had questions on page 2 of the Executive Summary in the pricing structure chart, for IIA, Hosting, and IIB, for 2018-2019, and asked why it was just for the one year.

Tara Rodger, Electronic Management System Manager, Exceptional Student Learning Support, replied the additional funds were for an app they were building that would take the information from an Easy Individual Education Plan (IEP) and transport it into Canvas so teachers would have the information as they build their lessons to ensure they had the correct accommodations for students with disabilities. She said it would later include information and strategies for Gifted students, English Language Learners (ELL) students, and 504 students.

Mrs. Rich Levinson stated it was fabulous and had been a long time coming for teachers to see everything and have it in one place. She asked if this was Part 2 with additional charges forthcoming.

Dan Gohl, Chief Academics Officer, responded that Phase 1 was to modify existing contracts to move forward by making it possible for teachers to not have to wait for paper files to be moved in order to determine who was on a special program; they now have that information at the beginning of the school year. The next phase would allow the teachers to import the modifications that the student(s) need based on the program participation and build customized lesson plans for each group of students that shared those common traits. He said Phase 3 would interface with different data systems and he did not anticipate at this time that additional funds would be needed to roll it out.

Antoine Hickman, Executive Director, ESE & Support Services, added that this program would also allow parents to see their child's record any time electronically and to be more involved in the process.

Mary Coker, Director, Procurement & Warehousing Services, pointed out there was a mistake in the amount listed in the Requested Action that needed to be changed. She said the amount should be \$598,750 and not \$597,250 for a difference of \$1,500.

Ms. Myrick stated since the contract was correct, staff just needed to make the necessary changes on the Agenda Request Form and provide it to Official School Board Records, along with the backup in the Executive Summary, reflecting the correct amounts.

A vote was taken on this item.

## **F. OFFICE OF ACADEMICS**

### **\*F-1. Continuation Partnership Agreement between Barry University and Florida Atlantic University (hereafter called The Universities) and The School Board of Broward County, Florida (Approved)**

Approved the continuation Agreement between Barry University and Florida Atlantic University and The School Board of Broward County, Florida to provide graduate level interns with field placement in Broward County Public Schools.

## **FF. OFFICE OF ACADEMICS**

## **H. OFFICE OF THE GENERAL COUNSEL**

## **HH. OFFICE OF THE GENERAL COUNSEL**

## **I. OFFICE OF THE SUPERINTENDENT**

## **II. OFFICE OF THE SUPERINTENDENT**

### **II-1. First Amendment to Agreement with South Florida Institute on Aging, Inc. for the Foster Grandparent Program (Approved)**

Motion was made by Mrs. Rich Levinson, seconded by Mrs. Good and carried, to approve the First Amendment to Agreement with South Florida Institute on Aging, Inc. for the Foster Grandparent Program. Ms. Korn and Dr. Osgood were absent for the vote. (7-0 vote)

No discussion was held and a vote was taken on this item.

## J. OFFICE OF FACILITIES & CONSTRUCTION

**\*J-1. Authorization to Advertise for Bids - Silver Ridge Elementary School – Davie – The Tamara Peacock Company Architects of Florida, Inc. – SMART Program Renovations – Project No. P.001984 (Approved)**

Approved Authorization to Advertise for Bids, Silver Ridge Elementary School, The Tamara Peacock Company Architects of Florida, Inc., SMART Program Renovations, Project No. P.001984.

## JJ. OFFICE OF FACILITIES & CONSTRUCTION

**JJ-1. Third Amendment to Professional Services Agreement – Williamson Dacar Associates, Inc. – Rickards Middle School (f.k.a. James S. Rickards Middle School) – Oakland Park – Project No. P.001743 – SMART Program Renovations – RFQ 16-142C (Approved)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Good and carried, to approve the Third Amendment to the Professional Services Agreement dated August 16, 2016, with Williamson Dacar Associates, Inc., Rickards Middle School, Project No. P.001743, SMART Program Renovations, RFQ 16-142C, in the amount of \$42,500. Dr. Osgood was absent for the vote. (8-0 vote)

No discussion was held and a vote was taken on this item.

**JJ-2. Second Amendment to Professional Services Agreement – M.C. Harry and Associates, Inc. – Coral Springs High School – Coral Springs – Project No. P.001765 – SMART Program Renovations – RFQ 16-111C (Approved)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Rich Levinson and carried, to approve the Second Amendment to the Professional Services Agreement dated July 26, 2016, with M.C. Harry and Associates, Inc., Coral Springs High School, Project No. P.001765, SMART Program Renovations, RFQ 16-111C, in the amount of \$20,193. Dr. Osgood was absent for the vote. (8-0 vote)

Agenda Items JJ-2 and JJ-3 were moved and discussed concurrently.

Mrs. Bartleman was unsure of the cost variances at schools and asked staff to explain.

Frank Girardi, Interim Executive Director, Construction, responded that they were accelerating the Single Point of Entry (SPOE) that was removed from the main project and being completed separately, which was the reason for the added cost.

Mrs. Bartleman inquired what were the checks and balances to determine everyone was in the right price range based on square footage.

Mr. Girardi replied it was based on the cost of work, which was averaging about 8%-9% on the design cost.

Danny Jardine, Program Director, CBRE/HEERY, International, added that it also depended on the amount of hours spent to do it. He said the money would be coming from the Safety, Music & Art, Athletics, Renovation, & Technology (SMART) program and that they were paying the additional money to get the work completed immediately, as opposed to waiting for the primary to go under construction.

Mrs. Bartleman requested that staff provide the running costs in the next report provided to the Board.

Ms. Korn wanted to make it clear that all SPOEs were not the same and that the scopes would be different for each campus.

Mrs. Rich Levinson commented she had previously asked for a running cost list and how many other SPOEs there would be that would be removed from the main project and paid for separately. She also requested that staff provide that information to the Board so it would know the approximate cost, collectively, of all the jobs.

A vote was taken on these items.

**JJ-3. Second Amendment to Professional Services Agreement – M.C. Harry and Associates, Inc. – Coconut Creek High School – Coconut Creek – Project No. P.001753 – SMART Program Renovations – RFQ 16-146C (Approved)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Rich Levinson and carried, to approve the Second Amendment to the Professional Services Agreement dated July 26, 2016, with M.C. Harry and Associates, Inc., Coconut Creek High School, Project No. P.001753, SMART Program Renovations, RFQ 16-146C, in the amount of \$23,145. Dr. Osgood was absent for the vote. (8-0 vote)

Agenda Items JJ-2 and JJ-3 were moved and discussed concurrently.

A vote was taken on these items.

**JJ-4. Second Amendment and Second Extension of Program Manager – Cost and Program Controls Services Agreement – Atkins North America, Inc.**  
(Approved)

Motion was made by Ms. Korn, seconded by Mrs. Brinkworth and carried, to approve the Second Amendment and Second Extension of the Agreement for Program Manager Services, Cost and Program Controls, Atkins North America, Inc. Dr. Osgood was absent for the vote. Mrs. Bartleman voted no. (7-1 vote)

Ms. Korn had concerns that e-Builder was used by the District but the vendor had not been fully utilizing it and believed the District should receive a credit for what was paid for but not fully used. Although she supported e-Builder, her concern was with the \$417,000 already invested and not used by the company brought in to do it. She did not understand how there was no accountability with the dollars being spent. This was a major deliverable for Atkins North America (Atkins) and a specific investment by the School Board. If the District purchased a project to what do what e-Builder was used for up to this point, it would have spent significantly less money. She said renewing it without a credit was a concern.

Mrs. Bartleman stated it was her understanding a decision was made not to input everything to e-Builder because it would show the delays. She said the ball was dropped and no one did anything. CBRE/HEERY, International (Heery) and Atkins worked for the Board, knew there were problems, and did not come forward with the issues. She indicated she would not support the contract. She said regardless who was in charge at the District level, their contracts had to come before the women on the Board who would hold them accountable, and if there was an issue with their leadership it was up to them to tell the Board.

Ms. Korn requested that the last evaluation be shared with the Board and wanted to ensure Atkins understood it would utilize whatever evaluation tool the District decided to use.

Mrs. Brinkworth indicated most of her questions had already been asked by her colleagues and she had some of the same concerns. She requested a follow-up on what the usage of e-Builder had been over the past three (3) years.

A vote was taken on this item.

**JJ-5. Fourth Amendment and Second Extension of Program Manager –  
Owner's Representative Services Agreement – CBRE | Heery, Inc.  
(Approved as Amended)**

Motion was made by Ms. Korn, seconded by Mrs. Bartleman and carried, to approve the Fourth Amendment and Second Extension for the Program Manager - Owner's Representative Services Agreement, CBRE | Heery, Inc. for a not-to-exceed amount of \$17,490,000 and to extend the term of the Agreement through and including August 20, 2019. Mrs. Brinkworth abstained from the vote. (8-0 vote)

Dr. Osgood had concerns that Minority/Women Business Enterprise (M/WBE) four (4) firms were not included in the contract and requested that contracts must include M/WBE firms moving forward.

Mrs. Rupert inquired when personnel was added, if it was reflected in the additions after Year 1.

Mr. Girardi replied that the Legal department would need to answer that question.

Ms. Myrick responded that it could be added as an amendment.

Ms. Korn asked if Heery was willing to make a statement that it would be amended after today.

Mr. Jardine answered in the affirmative.

Mr. Runcie added that he would review this area with staff in regards to the District's status with the M/WBE firms to ensure there would be no issues or concerns in the next critical phases. He said a memorandum would be sent to the Board with the results of their review.

Dr. Osgood reiterated that she wanted to have everything in the contracts and documented in the future.

Mr. Girardi suggested amending this when they bring an amendment with Heery that would add language for hurricanes and emergencies.

Ms. Myrick replied it could be done at that time unless Dr. Osgood wanted it sooner.

Dr. Osgood commented that she would not be able to approve it today without including the M/WBE in the contract.

Mr. Runcie stated since Heery indicated they would add it, he suggested that the Board amend the contract and approve the item.



Ms. Myrick stated that a motion could include that the M/WBE would be added through an amendment. She said this contract could not be amended today because it was not a scrivener's error, but suggested that the Board approve this contract as written, under the condition that staff would bring back an amendment as soon as possible with the M/WBE information. She said staff could bring it to the next Board meeting.

Ms. Korn referred to page 6 of the Executive Summary, under Evaluation, and stated she did not see any added language referencing an evaluation.

Mr. Jardine replied that it would be placed in the amendment when it comes back to the Board.

Ms. Korn appreciated the suggestion and said she needed it to be included in the amendment as well, and it needed to be specific in regards to the timing.

Mr. Girardi commented it could be included quarterly with Atkins.

Ms. Korn requested that staff share the evaluation with the Board. In addition, since the Superintendent made changes in the top leadership, she wanted to ensure that Mr. Chomiak would no longer be giving direction and asked for that commitment.

Mr. Jardine said he would make that commitment.

Mrs. Rich Levinson questioned the evaluation piece and said she still did not know who was held accountable for the design delay on both the District side and Heery side. She wanted to know who would now be accountable in the construction phase moving into the new contract.

Mr. Girardi responded he was not involved on the design phase but would determine where the problems occurred and change them.

Mr. Runcie added that he would follow up with the Board and said that staff would be held accountable but would not discuss personnel issues on the dais.

Mrs. Brinkworth asked what the services were that were not identified in the \$4.9 million when the Owner's Representative Services (OR) agreement was first negotiated.

Mr. Jardine replied those services were for the communications piece, the M/WBE outreach components, and special studies for the Procurement department, which totalled \$4,056,000 for the first three (3) years.

Mrs. Brinkworth inquired what would Years 6 and/or 7 costs put the District in regards to the overall OR cost for both Heery and Atkins.

Mr. Jardine responded Year 4 would be the peak point. He ran a model on what was done for the first three (3) years and what was anticipated for the next 1½ - 2 years as to what their fee would be, and projected a \$1.2 - \$2.2 billion increase based on the total value of the program. He said as the dollar value of the program increased, the budgeted amount would as well. If it was based on the \$800 million it would be approximately \$62,400,000, but going into Year 4 they were at approximately \$54 million.

Mrs. Brinkworth asked if they were comfortable at the end of the 6-7 year period to being within what was allocated based on the dollar amount of the projects that were assigned.

Mr. Girardi replied if he took the full dollar amount from Year 4 and re-used it in Year 5, \$1.7 million would be left. In addition, the amount would decrease in Year 5, probably more so with Heery. He said if they had to go into the \$1.2 - \$2.2 billion as predicted, the number would go up to \$93.6 million, and would leave more than enough for Year 5 and six months. They would then extend it after 5½ years, have time to bring someone in, and still have money to finish the program for the next two (2) years.

Mrs. Brinkworth stated she would be abstaining from the vote due to a conflict that her husband worked for CBRE.

Mrs. Rich Levinson referred to #4 on the contract and questioned whether the total not-to-exceed amount of \$44,998,000 should include Supplemental Services. Although Supplemental Services were supposed to be separate, on page 1 of Exhibit 4, they were not separate in the \$44 million. She said she did not want the money shifted into the staffing group and asked that the contract specifically state that the not-to-exceed amount included the Supplemental Services.

Mr. Jardine responded that they would be able to make the change.

Ms. Murray inquired if the staffing would be sourced out or if people would be hired in Facilities as permanent employees.

Mr. Girardi replied the Facilities organizational chart would remain the same and that any additional people would come from Heery.

Mrs. Rupert commented she compared the number of people in the original contract of 21-22 versus what was proposed in the new contract of 82.5 in Table 1 and asked if that was correct.

Mr. Jardine responded in Year 4 when they are at their peak point, they would have as many as 116 FTEs. He said that did not mean there would be 116 people on the payroll but rather it was the number of bodies that could be used if needed. He added the chart was for new additions and for any staff position(s) that were not changing, they was not listed on the Table 1 chart.

Ms. Korn clarified that Table 1 was only reflecting if a specific position was changing the number of people they were staffing.

Mrs. Rupert concluded by stating that she agreed with her colleague's comments if someone was on staff that was an obstructionist or not playing by the team. She expected any employee who was not well-versed in veracity, to become so.

Motion to Amend (Carried)

Motion was made by Dr. Osgood, seconded by Mrs. Rich Levinson and carried, to provide an amendment to the contract when it comes back to the next Board meeting to include three (3) components: the M/WBE participation; the evaluation component; and to state the total would not exceed amount, including Supplemental Services. Mrs. Brinkworth abstained from the vote. (8-0 vote)

A vote was taken on the Motion to Amend.

A vote was taken on this item as amended.

**JJ-6. Construction Recommendation and Agreement for Donated Services – Miami Dolphins Foundation, Eaton/Ephesus – Techline Sports Lighting – LED Sports Lighting (Approved)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Good and carried, to approve recommendation and Agreement for Donated Services, Miami Dolphins Foundation, Eaton/Ephesus, Techline Sports Lighting for LED Sports Lighting at District School. Dr. Osgood was absent for the vote. (8-0 vote)

Mrs. Rich Levinson commented that this was a no-cost to the District and she thanked the Miami Dolphins Foundation, Eaton/Ephesus, and Techline Sports Lighting for this grant that would retrofit the existing sports lighting at South Plantation High School.

A vote was taken on this item.

**JJ-7. Construction Services Agreement (CM for CMAR Services) – James B. Pirtle Construction Company, Inc. (d.b.a. Pirtle Construction Company) – Marjory Stoneman Douglas High School – Parkland – New Addition to Replace Building 12 – P.002185 – RFQ 19-063C (Approved)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Good and carried, to approve the recommendation to award the Construction Services Agreement to Pirtle Construction Company for the Lump Sum Pre-Construction Award Amount of \$126,000 and the Construction Manager's Fee of 4.5%; Minority/Women Business Enterprise Vendor(s): 20% participation for Pre-Construction services; Commitment of 30% participation for future construction services. Dr. Osgood was absent for the vote. (8-0 vote)

The Chair received audience input on this item.

Mrs. Freedman thanked the Superintendent and staff for moving this forward and working collaboratively with the community.

A vote was taken on this item.

**K. OFFICE OF FINANCIAL MANAGEMENT**

**KK. OFFICE OF FINANCIAL MANAGEMENT**

**L. OFFICE OF PORTFOLIO SERVICES**

**L-1. License Agreement with the Children's Bereavement Center, Inc. (Approved)**

Motion was made by Mrs. Freedman, seconded by Mrs. Bartleman and carried, to approve the License Agreement between The School Board of Broward County, Florida (SBBC) and the Children's Bereavement Center, Inc. (CBC, Inc.) Ms. Korn, Dr. Osgood, and Mrs. Rupert were absent for the vote. (6-0 vote)

The Chair received audience input on this item.

(The Chair left the dais and the Vice Chair assumed the role of Chair.)

Mrs. Freedman thanked the Children's Bereavement Center for its assistance and working collaboratively with the District.

A vote was taken on this item.

**LL. OFFICE OF PORTFOLIO SERVICES**

**LL-1. Premium Services Agreements Approval (Approved)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Good and carried, to approve the Premium Services Agreements between The School Board of Broward County, Florida (SBBC), and the listed governing boards. Dr. Osgood was absent for the vote. (8-0 vote)

Agenda Items LL-1 and LL-2 were moved concurrently.

No discussion was held and a vote was taken on these items.

**LL-2. Recreation License Agreement between The School Board of Broward County, Florida and the City of Fort Lauderdale (Approved)**

Motion was made by Mrs. Brinkworth, seconded by Mrs. Good and carried, to approve the Recreation License Agreement between The School Board of Broward County, Florida (SBBC) and the City of Fort Lauderdale for various schools located in the City. Dr. Osgood was absent for the vote. (8-0 vote)

Agenda Items LL-1 and LL-2 were moved concurrently.

No discussion was held and a vote was taken on these items.

Following the action of the Committee Reports, the following attorney-client session commenced at 1:19 p.m.

**Announcement by General Counsel**

The General Counsel's Office requested an attorney-client session for this School Board meeting. The session was scheduled for 12:45 p.m. to discuss settlement negotiations and/or strategy relative to the following pending litigation:

The School Board of Broward County, Florida vs. Curtoom Companies, Inc., Case No. 10-043812 CACE 13, before the Circuit Court of the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida. The following persons will attend this attorney-client session: School Board Members Nora Rupert, Chair; Heather P. Brinkworth, Vice Chair; Robin Bartleman; Abby M. Freedman; Patricia Good; Donna P. Korn; Laurie Rich Levinson; Ann Murray; Dr. Rosalind Osgood; Robert W. Runcie, Superintendent of Schools; Jon M. Kendrick; Thomas C. Cooney, Esq.; and Barbara J. Myrick, Esq.

The attorney-client session was properly advertised for today at 12:45 p.m., in accordance with Florida Statute 286.011 (8). Telephone conferencing or other telecommunications technology may have been used to permit absent Board Members to participate and to be heard by other School Board Members and Counsel.

The attorney-client session concluded and the School Board Meeting reconvened at 1:51 p.m.

**Adjournment** This meeting was adjourned at 5:34 p.m.

/dvn