

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

November 23, 2010  
Tuesday, 9:45 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 9:45 a.m., Tuesday, November 23, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, David Thomas; Superintendent James F. Notter, and Edward J. Marko, Esq.

**Call to Order** Mr. Williams, Board Chair, called the meeting to order and led the Pledge of Allegiance to the Flag of the United States of America.

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

October 11, 2010 – Special – Public Hearing – Interview the Finalists for the General Counsel Position

October 18, 2010 – Special – Public Hearing – Impasse Resolution of the Collective Bargaining Agreement between The School Board of Broward County, Florida, and the Broward Teachers Union

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

**REPORTS**

**ESE Advisory Council** – Robert Mayersohn

Mr. Mayersohn congratulated Mr. Williams and Ms. Murray on their appointments as Chair and Vice Chair, and welcomed new Board Members: Mrs. Good, Mrs. Rich Levinson, Mrs. Rupert and Mr. Thomas.

ESE Advisory held a meeting on November 15, 2010, with Board Member Mrs. Bartleman and Dr. Joanne Harrison, Deputy Superintendent, Educational Programs and Student Support Services, attending.

Gratitude was expressed to Mr. Scott Jarvis, Assistant Director, North Area, for his participation in addressing concerns regarding the November 10, 2010 schools lockdown, including procedural implementation, guidelines, and safety and security for children.

Mr. Mayersohn reported that a discussion was held on the current restraint and seclusion practices. Since the passing of House Bill 1073 the questions remain, how do districts approach instances in which students pose a threat to the safety of themselves and others. It is important to recognize that the use of seclusion and restraint may have an emotional impact on students. Currently the district has five schools with approved, per Florida Statute, Seclusion Rooms: Whispering Pines, Sunset, Cross Creek, Pine Ridge and Cypress Run. Discussion was also held on the use of prone versus supine restraint as well as examining the list of possible existing medical conditions that contraindicate the use of physical intervention procedures.

Mr. Mayersohn stated that a motion was made by the membership, and a request that the School Board support the motion, that the district adopt a policy that prohibits the use of restraint except when there is imminent threat of danger to the student or others, and then only for as long as necessary. Restraint should only be used by trained personnel.

The meeting was concluded with a discussion about the future direction of ESE Advisory and how to effectuate positive change.

A comprehensive written report was submitted to the Board.

Ms. Dinnen praised Mr. Mayersohn's son Garrett for testifying in Tallahassee before committees and actively lobbying for the Broward School District last year.

On behalf of the School Board, Mr. Williams stated that the district appreciates everything Garrett is doing and demonstrating what is a model student he is.

Regarding the restraint issue, Mrs. Bartleman informed that a policy exists whereby language can be added that was suggested by ESE, which is already being followed because it is based on statewide law. The district would be taking state law and adding their language to district policy. Mrs. Bartleman suggested a Board Workshop to discuss this issue.

#### Broward County Council PTAs/PTSAs – Bernie Kemp

Mr. Kemp welcomed new School Board Members, Mrs. Good, Mrs. Rich Levinson, Mrs. Rupert and Mr. Thomas, and returning School Board Members. Congratulations was extended to Mr. Williams and Ms. Murray on their appointments as Chair and Vice Chair.

Broward County PTA held a North Area meeting on October 11, 2010, at Winston Park Elementary School, with over 20 representatives from various North Area PTA schools. A general PTA meeting was held at the KC Wright Administration Center on October 12, 2010. The Florida PTA Convention agenda was presented for the Florida PTA Convention held on November 5-7, 2010, "No Boundaries, No Limits!" in Orlando, Florida. Guest speakers were Mr. Dave Lawrence, Jr., President, Children's Movement of Florida, and Mr. Robert Martinez, Co-Chair, Children's Movement of Florida. The Florida Department of Education's Macy's Teacher of the Year 2011 Cheryl Conley, Osceola Magnet Elementary School, Indian River County, was also a guest speaker.

At the PTA convention, officers were elected and installed for 2010-2012. There were many bylaw amendments passed that will combine leadership and state convention into one event starting July 2011.

The National PTA Reflections Program is a way for students in grades K-12 to express themselves in the arts. Participating schools and students' artwork will be judged at the PTA Clothing Bank on Saturday, November 20, 2010, and the winners will be announced at the Annual Reflections Ceremony on January 6, 2011, 6:00 p.m. at Parkway Middle School Auditorium. Invitation to this event was extended to the School Board.

The next PTA meeting and holiday bash will be held on December 16, 2010, at the KCW Pre-Function Room, beginning at 6:00 p.m.

Broward County Association of Student Councils and Student Advisor to the Board – Maria Rincon and Graham Rabinowitsch

Maria reported that on November 6-8, 2010 the Southern Association of Student Councils conference was held in North Carolina, with many schools from Broward County in attendance. Stoneman Douglas High School won the position of Vice President and Pompano Beach won the position of Secretary. Also, a student from Pompano Beach High School won Member of the Year, for the entire organization.

A District 6 meeting was held on Saturday, November 20, 2010, Graham presented two resolutions, which passed, regarding the encouragement of student involvement in school district committees, to have student advisors in every school district in the state, and to have a Student Advisory Board for the implementation of Race to the Top. The resolution will move on to the Florida Association of Student Councils in February 2011.

Maria further reported that she and Graham have held seven Speak Up, Speak Out sessions. A report will be submitted to the Board, with input regarding the school calendar and End of Course examinations.

## **BOARD MEMBERS**

**Ms. Murray** discussed the district's recent graduation rates. She recognized Dr. Joel Herbst, South Area Superintendent, and staff, principals, and teachers for their efforts in helping the schools succeed. Ms. Murray stated that Hallandale High has made a "360" degree change, and all the schools' success is due to placing qualified leaders at area schools, a reflection of the direction that staff wants students to move to in the 21<sup>st</sup> Century.

Ms. Murray announced that the Consortium of Florida Education Foundations has named Broward School Board Member Maureen S. Dinnen (District 3), School Board Member of the Year for school districts with an enrollment of over 50,000 students. She stated that this well-deserved recognition for Ms. Dinnen is a reflection of her leadership in education. Official presentation of the award will take place on December 2, 2010, during the Consortium's quarterly membership meeting to be held in Tampa.

**Mrs. Good** stated that it has been an exciting first week as School Board Member. She informed her colleagues that she attended West Broward High School's Hispanic Festival, sponsored by the Spanish Honor Society. She said that as a Cuban-American it was a very proud moment for her to watch students perform and celebrating Hispanic heritage. Mrs. Good thanked West Broward for hosting this event.

Mrs. Good attended the Children's Harbor Open House event, with many students from area schools volunteering their time and effort in a worthy cause, to help the facility and raise awareness to their program.

Mrs. Good recently attended an event in honor of her colleague's mother (Mrs. Rich Levinson), Senator Nan Rich, in which the Everglades High School choir performed.

Mrs. Good attended the Thanksgiving luncheon hosted by the South Area Transportation. The group shared a great deal of what they do when transporting the students.

Mrs. Good attended the South Area Steering Committee meeting and met with Dr. Herbst who shared with the group some data of all the schools.

Mrs. Good highlighted the following graduation rates for some of the area schools: Cooper City High School (District 2) achieved the highest graduation rate of 97.8 percent of all South Area schools and the highest rate of a non-magnet school; West Broward High School achieved a 95.3 percent graduation rate for their first graduating class; Pembroke Pines Charter School received a 98.6 percent graduation rate; and Miramar High School received a dramatic increase of 10.5 percent in their graduation rate resulting in an overall 93.7 percent rate. All schools and staff were congratulated for their achievements.

Mrs. Good announced that South Area schools participated in the Harvest Drive, collecting food and other items for needy families. Student Government collected over \$1,000 in gift cards and two vans full of items for families in need for the holiday. She stated that this effort speaks volumes as to the heart and soul of the district.

Mrs. Good thanked staff for making her first week as a Board Member “enlightening,” and informative. She stated that the district has many wonderful district staff and she looks forward to working with each of them.

Mrs. Good extended Happy Thanksgiving greetings to everyone.

**Ms. Dinnen** thanked her colleagues for helping her celebrate her recent recognition.

Ms. Dinnen attended the 54<sup>th</sup> rivalry game between Stranahan and Fort Lauderdale high schools. She stated that Mr. Williams presented during the homecoming activities which was attended by alumni. Tribute was made to staff members who devoted a lot of time in putting this event together.

Ms. Dinnen welcomed newly-appointed Board Members and colleagues. She stated it is good to get new perspective and new viewpoints for the district. Ms. Dinnen stated that seasoned Board Members will be glad to discuss the process and provide help and advice to the new Board Members.

Ms. Dinnen congratulated the staff members, teachers and students for the increased graduation rates at their schools. She informed that the Safe Student Traffic Operation and Prevention (SSTOP) pilot program at Northeast High School awards students who complete their senior year in high school without receiving one citation for traffic violations or at-fault accidents. The school has agreed to provide them a cord to wear at graduation.

Ms. Dinnen informed that New River Middle School science students had a chance to learn firsthand about cystic fibrosis by Dr. Juan Martinez, the Medical Director of the Cystic Fibrosis and Pulmonary Center at Joe DiMaggio Children’s Hospital.

**Mrs. Rich Levinson** thanked Mrs. Merceda Stanley and her staff at Dillard High School for hosting the Board Members Swearing-in Ceremony, with the Dillard High JROTC for the Honor Guard and Presentation of Colors, and Ms. Amanda Jordan, student from Dillard Performing Arts who beautifully sang the National Anthem.

Mrs. Rich Levinson thanked Ms. Gracie Diaz, Associate Superintendent, Human Resource Development, and staff for providing an orientation for new Board Members.

Mrs. Rich Levinson visited the Active Classroom in Motion by Promethean at the KC Wright Building on November 18, 2010, an opportunity to see the technology being used in schools.

Mrs. Rich Levinson informed her colleagues that she will be visiting District 6 schools beginning in December at Village Elementary School.

Mrs. Rich Levinson discussed the Harvest Drive event that was developed by Ms. Renee Herman, who is responsible for this event that serviced 1,500 needy families this year, providing them with Thanksgiving dinner and a week's worth of groceries. She stated that she has known Ms. Herman since their children were at Country Isles Elementary School, when the Harvest Drive began in one classroom at the school. She thanked everyone in the district for their help in this event.

Mrs. Rich Levinson extended Thanksgiving wishes to everyone.

**Mrs. Rupert** informed her colleagues that she attended the Fallen Heroes ceremony at Pompano Beach High School, a moving event whereby 5,000 flags are placed on the ground with the pictures of deceased soldiers. She stated this brought awareness to students, and everyone in attendance, as to the number of souls that have been lost this year. The Superintendent and Mrs. Gottlieb were also in attendance.

Mrs. Rupert stated she has received several invitations to visit her district's schools. She stated that Crystal Lake Middle School held their LEGO Robotic competition which she attended with her children. She praised the school's principal, Ms. Sabine Phillips.

Mrs. Rupert visited Coconut Creek High School's Step Team at the City of Coconut Creek's first Coco Fest event, in celebration of the coconut.

Mrs. Rupert informed that Pompano Beach held their Student Advisory Forum (SAF) meeting last evening, and concerns were expressed about the lack of communication and transparency with the district. There was discussion about hosting a town hall meeting to discuss these concerns.

**Mr. Thomas** wished everyone a Happy Thanksgiving. Mr. Thomas thanked staff for his first week as Board Member, in particular his Administrative Assistant, Marcia Simmons to helping him to begin his duties as quickly as possible. Mr. Thomas informed that he has been visiting several of his schools, beginning with elementary schools. He praised the principals of the five schools he visited and the quality of students at those schools.

Mr. Thomas expressed gratitude to existing Board Members, staff and the community for welcoming incoming Board Members. He extended holiday greetings to everyone.

**Mrs. Gottlieb** discussed her attendance at the Fallen Heroes event and thanked Principal Mr. Hudson Thomas for hosting the Board at Pompano Beach High School.

Mrs. Gottlieb reminded her colleagues that the Innovative Programs and Magnet Showcase will be held on Wednesday, December 8, 2010, 5:00 to 9:00 p.m. This will be an opportunity to discover the magnet programs, the Nova Schools, and Innovative Programs. She stated that school choice is an important option and issue for students and parents, and this is an opportunity to keep Broward children enrolled in the public school system.

Mrs. Gottlieb thanked new Board Members for their enthusiasm and doing a great job at their first Board meeting.

**Mrs. Bartleman** congratulated new Board Members and said she looks forward to working with them. She congratulated Ms. Dinnen for a well-deserved award.

Mrs. Bartleman informed that the anniversary was celebrated of the Magnet School of Law Enforcement, a grant with the Miami Police Department. She stated that a review needs to be made to have this innovative program in the Broward School District.

Mrs. Bartleman thanked Mr. Ralph Aiello, Coordinator, Core Curriculum, for his work in obtaining data regarding the issues with the Algebra End of Course exams.

Mrs. Bartleman, who informed that she is working on obtaining her reading certification, praised Ms. Adrienne Maisel, Reading Coach, Cypress Bay High School, who is her instructor. Mrs. Bartleman praised Ms. Kim Armstrong, ERP, for her help in technology support. Recognition was given to Dr. Herbst and Ms. Valerie Wanza, Area Director, School Improvement, for their help with the Mentoring program.

Mrs. Bartleman recognized Mr. David Golt, Executive Director, Professional Standards/SIU, for his role in the recent lockdown and keeping students safe. She stated that Plan, Do, Study, Act is very important because different schools handled the lockdown in different ways.

Mrs. Bartleman informed her colleagues that she and Ms. Dinnen attended the Holiday Parade in Plantation, along with district staff, teachers, students and families, and retiring Mayor Carole Armstrong.

Mrs. Bartleman requested a moment of silence to honor Ms. Vivian Benjamin, district employee, who passed away on November 12, 2010. Vivian began her employment with the School Board at Riverland Elementary School and served in many capacities for the district. She was last employed as a Clerk Specialist in the School Board Members Office for over 12 years. Vivian's grace and warm smile will be missed. (A moment of silence was observed)

**Mr. Williams** congratulated Ms. Dinnen for being named School Board Member of the Year by the Consortium of Florida Education Foundations. Last year, Mr. Notter was named Superintendent of the Year by the Consortium.

Mr. Williams recognized all Broward County public school students, teachers, principals, school support staff, district administrators and a quality School Board for their outstanding performance and superior results that the district received by the National Governors Association's 2010 Graduation Rates reported by the Florida Department of Education. There was a dramatic increase in the National Governors Association's Graduation Rates, 10 percent or more this year for several schools, notably Boyd Anderson, Coconut Creek, Hollywood, McArthur, Miramar, Plantation, and Stranahan high schools. Mr. Williams stated there was a graduation rate increase for Hispanic males, 6.2 percent, and black males, 5.1 percent in 2010.

Mr. Williams thanked Mr. Notter and district staff for their support of the community event on the black male graduation rate at Dillard High School. Mr. Williams stated that CNN showcased a one-week report on the black male graduation rate.

Mr. Williams welcomed new Board Members, stating that they are enthusiastic and fantastic. Mr. Williams praised seasoned Board Members who contributed to the district's achievement strides this past year.

### **SUPERINTENDENT**

Mr. Notter congratulated the public and the Board Members on the release of the high school graduation rates by the Florida Department of Education for high schools throughout the state. High schools in Broward County showed significant improvement.

Broward exceeded the state average (70.5%) with nearly 75 percent (73.6%) of traditional high schools receiving an A or B grade and 100 percent of traditional high schools receiving an A, B or C grade. All seven high schools with prior D grades received a C or better grade. Schools with multiple grade improvements include Dillard from a D to a B; Coral Springs from a D to a B, South Plantation from a D to an A; and Western from a C to an A. Overall, 17 high schools increased at least one grade level.

The Superintendent stated that for the first time, this year's high school grades were based on more than the Florida Comprehensive Assessment Test (FCAT). The 2008 Legislature mandated that other factors be in the mix, including graduation rates and participation and passage on Advanced Placement exams. FCAT scores count for 50 percent of the grade; other factors count for the rest.

Mr. Notter stated that the continued emphasis on high rigor for all high schools is evidenced by the Advanced Placement course enrollment five-year increase of 99 percent, including an increase of 148 percent for African-American students, an increase of 154 percent for Hispanic students, and the high school graduation rates; in particular, the significant black male increases and Hispanic male increases.

Mr. Notter further stated that teachers and administrators have done an incredible job, and he commended elementary and middle schools for the excellent foundation work done each day in their class.



The Superintendent informed that new goals and targets have been set for the new School Board.

Mr. Williams thanked the Superintendent and district staff for the outstanding presentation on September 28, 2010 with the community, with over 400 individuals attending.

### **Speakers**

Billy Davison  
Mike Nyitray  
Debbie Colangelo  
Mary Fertig

At the request of Mrs. Good, the Superintendent informed that the Board will be addressing the recent lockdown event and staff is currently in the process of developing a Plan, Do, Study, Act whereby feedback is being provided by the schools and central office administration on all of the issues regarding the event. Ultimately, a report will be provided to the School Board in terms of the related issues and what the solutions will be from this date forward.

**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. Gottlieb, seconded by Ms. Good and carried, to approve the Consent Agenda for the remaining items (**identified by \***). (9-0 vote)

### **CONSENT ITEMS**

#### **A. RESOLUTIONS**

- A-1. Resolution to Accept the Donation of an Historic Marker at North Fork Elementary School in Commemoration of the City of Fort Lauderdale's 100th Anniversary (Adopted)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Good and carried, to adopt Resolution #11-59 to accept the donation of an historic marker at North Fork Elementary School in commemoration of the City of Fort Lauderdale's 100th Anniversary. (9-0 vote)

Mr. Williams stated that he and Ms. Dinnen have met with several principals in the Fort Lauderdale area to discuss the upcoming events.

Following the reading of the resolution by Mr. Williams, Ms. Dinnen introduced Ms. Wendy Kane, who is heading the sub-committee that is responsible for placing markers commemorating the city's 100<sup>th</sup> anniversary, and Ms. Sandy Castillo. Both ladies have been working diligently on this event, with several activities and commemorations throughout the year. The actual birthday is in March 2011.

Ms. Kane thanked the Chair and Ms. Dinnen for bringing this item forward to the Board. She relayed the historical aspects of the state historic markers, identifying plaques that identify persons for whom parks are named; creating a speakers bureau available to teachers and community groups throughout the city. All of the efforts in history are being done in conjunction with one of the foremost historians in South Florida, Ms. Susan Gillis.

- A-2. Resolution in Support of School Impact Fee Waiver for Parcels A and B of "Captiva Club" According to the Plat Thereof, as Recorded in Plat Book 176, Pages 143 and 144, of the Public Records of Broward County, Florida – Located on the East Side of Interstate 95 and the North Side of Southwest 13th Court in Pompano Beach – Proposed for Development by the Owner of the Property, Captiva Cove Associates, LLC. (Adopted)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to adopt Resolution No. 11-60 which states that the School Board does not oppose action by the Broward County Board of Commissioners under provisions of the Broward County Land Development Code, waiving approximately \$231,410 in school impact fees due for the construction of 72 very low income garden apartment (14 one-bedroom, 37 two-bedroom, and 21 three-or-more bedroom) units on Parcels A and B of "Captiva Club" according to the plat thereof, as recorded in Plat Book 176, Pages 143 and 144, of the Public Records of Broward County, Florida. Mrs. Good voted "no." (8-1 vote)

The proposed development will consist of 72 very low income garden apartment (14 one-bedroom, 37 two-bedroom, and 21 three-or-more bedroom) units which will provide affordable housing for very low income individuals as defined in Division 6 of the Broward County Land Development Code Definitions. Therefore, as proposed, the 72 very low income garden apartment (14 one-bedroom, 37 two-bedroom, and 21 three-or-more bedroom) units are eligible for consideration of a school impact fee waiver as cited under Section 5-184(b)(4) of the Broward County Land Development Code. Under this Section, a school impact fee waiver can be granted based on percentages in the following manner: Very Low Income - 100 percent and Low Income - 100 percent.

The Broward County Housing Finance and Community Development Division certified the proposed development as 72 very low income garden apartment (14 one-bedroom, 37 two-bedroom, and 21 three-or-more bedroom) units. Based on the current school impact fee ordinance (Ordinance 2008-11, effective June 2, 2010), the total school impact fee due for the project is approximately \$231,410. Based on criteria cited in Section 5-184(b)(4) of the Broward County Land Development Code, the total \$231,410 qualifies for school impact fee waiver. Schools affected in the 2009-10 and 2010-11 school years are Cypress Elementary, Pompano Beach Middle, and Blanche Ely High Schools.

The applicant, Captiva Cove Associates, LLC., is not registered as a 501(C)(3) not for profit entity, as defined by law.

The School Board Attorney has approved this resolution as to form and legal content. There is a potential loss of approximately \$231,410 in school impact fees. This item does not require a collaboration form from the Capital Budget Department.

Remarking that he understands the importance of waiving impact fees, particularly in low-income housing, Mr. Thomas inquired whether during this economic time the district can afford to waive \$260,773.

Mr. Notter responded that historically the district has waived the impact fees primarily based on economic disadvantages and the ability for very low income families to have affordable housing. Mr. Notter said the issue could be scheduled for a workshop; it would require a change in policy, to review the history and options based on the current economic conditions. The Superintendent noted that several other counties do not waive a fee.

Remarking that she has worked with growth management in the past, Mrs. Good stated it is helpful in understanding some of the issues. She said that approximately \$2 million has been waived in impact fees since 2002, 2003, and the fees in Agenda Items A-2 through A-5 total almost \$300,000 in impact fees. Mrs. Good stated that the Board is supportive of affordable housing but the real estate market has changed and homes are much more reduced in value. She said this is the time where the district could utilize every dollar available.

Mrs. Good inquired about the sales price for the proposed income housing projects.

Mr. Lindner responded that the sales price is not a part of the county resolution but homes in the area of the project are below \$90,000, based on previous developments that have gone in that specific area.

Mrs. Good stated it would be helpful in the future to get information with regard to what the very low income housing project is putting forth on the market, as well as the number of students generated by each application. Mrs. Good said she was not as concerned with Agenda Items A-3, A-4 and A-5 because they do not generate any students. Mrs. Good requested further elaboration regarding when an application is not generating any students the district is still collecting impact fees.

Mr. Chris Akagbosu, Director, Growth Management, stated that based on the Broward County Development Code as long as a residential development is being proposed school impact fees are required, except if there is an age restriction. Mr. Akagbosu said that impact fees are specifically based on the residential units and not the students. The elderly units do not pay impact fees; if it is not age restricted they must submit a restrictive covenant. A regular residential unit, at market rate, impact fees must be paid. Mr. Akagbosu further stated that applications must meet school concurrency and there must be seats available.

Ms. Dinnen suggested a deferral of the item to a Board Workshop.

Mr. Akagbosu responded that a deferral would affect the timeline of the developer with the county, and that voting down the item would be a better option.

Mr. Lindner informed that the next Board meeting is December 7, 2010 and the following meeting is January 25, 2011. Mr. Lindner stated that the county has been pressuring the district to also support low-income housing waivers, and concurred that the issue is worthy of a workshop.

Mrs. Bartleman stated other than Agenda Item A-2, the other items fall under the Fort Lauderdale Housing Authority and A-2 is a not a registered non-for-profit organization and not under the Housing Authority. Mrs. Bartleman inquired whether fees would be assessed if they wanted to convert to a non-low income housing, and how is this safeguarded. She voiced concern whether checks and balances are applied.

Mr. Akagbosu responded that there is a provision that those houses have to be affordable for a length of time, approximately 15 years, and they have to meet the county's criteria. Mr. Akagbosu stated, as long as there is certification the county conducts their own monitoring.

Mrs. Bartleman stated that pros and cons should be delineated, why the district does certain things, and how it helps or does not help the community. She stated that Broward County has the highest number of homeless students and the district should work with the community; these are homes for people in the community and people are on a wait list for affordable housing.

Mrs. Rich Levinson voiced concern over the item being a for-profit project and the other agenda items are not for profit. She stated a conversation needs to be held regarding this issue. Mrs. Rich Levinson inquired about the 360 units, of which 72 are very low and the remainder are low.

Mr. Akagbosu stated that staff only brings forward the very low-income projects. Low income is still affordable housing and they have been certified by the county as being affordable housing; these are not considered and will not be brought before the Board for a waiver request.

Ms. Dinnen inquired if the item is voted down it is precluded from being brought back for a vote, after the workshop discussion.

Mr. Marko advised the Board that if the item is voted down the county will advise the applicant that the School Board has not approved it. The county may decide to grant the waiver, but usually they adhere to the district because we are the recipient of the money. Mr. Marko stated that the county passes the ordinance and other than a small percentage for administrative purposes, the remainder comes to the School Board. Mr. Marko advised a deferral of the item until December 7, 2010.

Ms. Dinnen stated she would prefer a deferral until after a Board Workshop.

Mr. Marko advised that staff will ascertain when the county will be acting on the issue.

Mr. Notter informed that the first Board meeting in the new year is January 25, 2011.

A motion was suggested by Ms. Dinnen to defer the item to later in today's meeting.

Remarking that the income of a household size of a family of four of very low income housing is \$39,600, Mrs. Rupert stated that is what a starting teacher earns. She requested that the Board focus on only very low income for discussion.

The following individual addressed this item:

Bonnie Miskel, Esq.

Mrs. Good inquired if the applicant negotiates a fee early on in the process why would they need to pay additional impact fees.

Mr. Akagbosu stated that under the restrictive covenant the applicant is still "on the hook" for those mitigation fees. Mr. Akagbosu informed that based on the new state law impact fees are a component of mitigation and they have the obligation to pay the mitigation that is due. The process now enables staff to bring very low income and the developer qualified for the impact fee waiver based on the very low income units.

Responding to Mrs. Good's inquiry, Mr. Akagbosu stated that the mitigation fees referenced by Counsel is in connection to the larger project.

Ms. Miskel clarified that the mitigation fee was the smaller parcel and there are very low units across the entire piece, they are just not being allocated to one piece or the other and they are spread throughout the multiple buildings that will be constructed. Ms. Miskel stated that the mitigation fee was required when the commercial piece was converted, the smaller piece, to residential.

Mr. Akagbosu stated that the project met school concurrency, and even though the units are spread out through the project, the applicant was informed that the mitigation is still due. Because the current process allows them to have the ability to have very low income impact fees waived; the mitigation is still due. Mr. Akagbosu reiterated that the restrictive covenant is supposed to be amended to reflect that the mitigation is still due.

Responding to Mr. Williams' inquiry, Ms. Miskel confirmed that the site is east of I-95, near Blanche Ely High School, and it is a blighted area in Pompano Beach. Mr. Williams stated that Pompano Beach needs to make improvements in that area.

Remarking that other counties are providing affordable housing in light of doing waivers, Mrs. Good stated that more facts are needed so that an informed decision can be made. Mrs. Good further stated that the community needs residential units for these individuals that have a need. She concurred that information be provided from other counties that are waiving these fees and still providing affordable units.

Mr. Notter stated that the information will be provided in the afternoon for further Board discussion.

Motion to Defer (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Bartleman and carried, to defer the agenda item discussion to later in this School Board Meeting. (9-0 vote)

A vote was taken on the Motion to Defer.

Following the action of Agenda Item J-11, a motion was made by Mrs. Gottlieb, seconded by Ms. Good, to place the item back on the table for discussion.

Mr. Marko advised that there is a county ordinance that states if the Board does not approve, or if we fail to notify the county that there is no objection, the county will not grant it. It is not an option, but it is a requirement. Mr. Marko stated there is a covenant that runs with the property that requires low-cost housing units to remain low-cost housing for a period of 20 years. The county will monitor the units, and if the district violates that ordinance the developer is required to pay the impact fee that the district had waived.

Remarking that the district is only waiving the low-impact fee, Mr. Marko stated the fee that would be paid is \$943,750 for units that are non-low-cost housing, and the waiver is \$231,000. Additionally, if the project were to go forward the company would be required to pay the mitigation, approximately \$332,400. Mr. Marko further stated that although the district is only waiving \$231,000, if the project were to go forward the district would receive this money anyway. If the project does not go forward, the district would not receive the \$1.270 million. Mr. Marko said that there are other figures, other than the waiver amount that has a bearing upon what the school district receives.

Mr. Thomas stated that the district stands to gain more than it is going to lose.

Mr. Lenny Wolf, Cornerstone Group, informed the Board that he is not with the non-for-profit entity but there is a registered non-for-profit partner in the development company, Set Free Coalition Outreach Programs, Inc., Pompano Beach, Florida, who help at-risk families and individuals in certain low-income census tracts. The company is a registered non-profit organization and it is affiliated with Community Housing Development Organization (CHDO). Mr. Wolf, in response to Mrs. Good's inquiry, stated that Cornerstone and Set Free are co-developers and Cornerstone has about 30 affordable housing projects in Miami-Dade and Broward counties. Mr. Wolf clarified that all the units are low-income units; 20 percent are very low units.

Mrs. Good inquired whether the success of the Cornerstone project, the units that are not low income, is contingent upon this component. In addition, whether the company is still receiving other waivers in impact fees for roads and parks.

Mr. Wolf responded that one cannot be built without the other; it is one project.

Ms. Miskel informed that the company had requested and has obtained approval on September 14, 2010 for county road impact fee waivers and park impact fee waivers. Ms. Miskel stated that the units will be rentals and the project must comply with the county Comprehensive Planning Code as to the rental rates, ranging between \$500 to \$900 based on the very low category.

Ms. Miskel, responding to Mrs. Good's inquiry, stated that all the applications that have been made for public financing, because it had been a policy of the Board, was something that had been used and the calculation was included in demonstrating that the company could meet the requirements.

Mrs. Good stated that she is familiar with Cornerstone and they are a good developer in Miami-Dade who built affordable housing projects, and their impact fees for schools are not waived. Mrs. Good opined that the developer had taken into consideration an assumption that the School Board was going to waive the fees. She said that she would not support this item, especially given the economic climate at this time.

Ms. Dinnen stated that the amount coming in is sizably over the cost to the waiver, over \$1 million, and the district is giving up slightly over \$200,000. Ms. Dinnen stated she will support the item, understanding that despite the economic times she is not comfortable in changing the policy without a thorough investigation, as to whether the Board wants to grant these fees in the future. Ms. Dinnen reiterated that she will support the item financially and because the project should not be canceled.

Mrs. Gottlieb stated that she will support the item because it is penny-wise and pound foolish, and this is not a gift to the developer. She stated that there are other surrounding projects that are dependent on this project that will bring future impact fees at a greater level than what is now being waived.

Mrs. Good noted that other than the developer indicating that the project would go "under," the Board does not have any evidence to that effect. Mrs. Good said the Board should not be put in a predicament based on testimony given by a developer who is going to be building an affordable housing project that the project will go under if the Board does not approve this waiver. She said she would prefer to defer the matter so that additional information could be presented.

Mrs. Rupert stated that she will support the item, and a workshop should be held to discuss this issue and how to move forward in the future. She voiced concern that the Board is being told that the project will not move forward unless the waiver is approved.



Mr. Thomas stated that he will support the item despite his concerns on the issue.

- A-3. Resolution in Support of School Impact Fee Waiver For Parcels "B" and "C" of "Sunnyland Homes No. 1" According to the Plat Thereof Recorded in Plat Book 49, Page 49, of Said Public Records, and Located on the Southern Side of NW 9th Street Between NW 12th Avenue and NW 13th Terrace in the City of Fort Lauderdale – Proposed for Development by the Housing Authority of the City of Fort Lauderdale  
(Adopted)

Motion was made by Mrs. Gottlieb, seconded by Ms. Murray and carried, to adopt Resolution No. 11-61 which states that the School Board does not oppose action by the Broward County Board of Commissioners under provisions of the Broward County Land Development Code, waiving approximately \$19,975 in school impact fees due for the construction of an additional 5 very low income garden apartment (1 two-bedroom and 4 three-or-more bedroom) units on Parcels "B" and "C" of "Sunnyland Homes No. 1" according to the plat thereof recorded in Plat Book 49, Page 49, of said Public Records. (9-0 vote)

The proposed development will consist of 5 garden apartment (1 two-bedroom, and 4 three-or-more bedroom) units, which will provide affordable housing for very low income individuals as defined in Division 6 of the Broward County Land Development Code Definitions. Therefore, as proposed, the 5 very low income garden apartment (1 two-bedroom, and 4 three-or-more bedroom) units are eligible for consideration of a school impact fee waiver as cited under Section 5-184(b)(4) of the Broward County Land Development Code. Under this Section, a school impact fee waiver can be granted based on percentages in the following manner: Very Low Income - 100 percent and Low Income - 100 percent.

The Broward County Housing Finance and Community Development Division certified the proposed development as 5 very low income garden apartment (1 two-bedroom, and 4 three-or-more bedroom) units. Based on the current school impact fee ordinance (Ordinance 2008-11, effective June 2, 2010), the total school impact fee due for the project is approximately \$19,975. Based on criteria cited in Section 5-184(b)(4) of the Broward County Land Development Code, the total \$19,975 qualifies for a school impact fee waiver. Schools affected in the 2010-11 school years are Sunland Park Elementary, Arthur Ashe Middle, and Fort Lauderdale High School.

The applicant, the Housing Authority of the City of Fort Lauderdale, is not registered as a 501(C)(3) Not for Profit entity, as defined by law. However, the Housing Authority is a not for profit governmental agency eligible for consideration for the waiver of impact fees.

The School Board Attorney has approved this resolution as to form and legal content.

There is a potential loss of approximately \$19,975 in school impact fees. This item does not require a collaboration form from the Capital Budget Department.

Mr. Thomas stated that he addressed his concerns over the waiver of \$300,000, in light of the current economic conditions.

Addressing Agenda Items A-3, A-4 and A-5, Mrs. Good stated that all of the three applications reviewed independently do not generate any students and the impact to schools is zero. Mrs. Good said that her issues are the same as Agenda Item A-2.

Responding affirmatively, Mr. Akagbosu stated that together they generate a total of two students (sic). He stated that every application is reviewed separately and on its own merits. Mr. Akagbosu confirmed that on their individual merits, Agenda Items A-3, A-4 and A-5 do not generate any students and they are all non-for-profit, based on current analysis.

Ms. Dinnen stated that due to the sign of the times the district's dollars are very tight and it is justified to question this type of expenditure or non-collection of fees. She said she would support all three items.

Concurring that it is important to be a community partner, Mrs. Gottlieb stated that the district prioritizes different projects when the budget process is reviewed, and that she would support the three items.

The following individual addressed this item:

Billy Davison

Mr. Notter stated that in addition, staff will meet with Cadre Attorney Alan Gabriel regarding mitigation and impact issues, including Mr. Marko. The Superintendent said he wanted assurance of information to make a recommendation to the School Board at today's Board meeting.

Mrs. Good requested information on whether other impact fees are being waived, such as road impact fees, by the county.

- A-4. Resolution in Support of School Impact Fee Waiver for Lots 7, 8, 9, 10, 11, 12, 13, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of Block 27 of "Amended Plat of Lincoln Park, Third Addition" According to the Plat Thereof Recorded in Plat Book 7, Page 4, of the Public Records of Broward County, Florida, and Located on the Southern Side of NW 9th Street Between NW 13th Avenue and NW 13th Terrace in the City of Fort Lauderdale - Proposed for Development by the Housing Authority of the City of Fort Lauderdale (Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt Resolution No. 11-62 which states that the School Board does not oppose action by the Broward County Board of Commissioners under provisions of the Broward County Land Development Code, waiving approximately \$26,349 in school impact fees due for the construction of an additional 7 very low income garden apartment (3 two-bedroom and 4 three-or-more bedroom) units on lots 7, 8, 9, 10, 11, 12, 13, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48 of block 27 of "Amended Plat of Lincoln Park, Third Addition" according to the plat thereof recorded in Plat Book 7, Page 4, of the Public Records of Broward County, Florida. (9-0 vote)

The proposed development will consist of 7 garden apartment (3 two-bedroom, and 4 three-or-more bedroom) units, which will provide affordable housing for very low income individuals as defined in Division 6 of the Broward County Land Development Code Definitions. Therefore, as proposed, the 7 very low income garden apartment (3 two-bedroom, and 4 three-or-more bedroom) units are eligible for consideration of a school impact fee waiver as cited under Section 5-184(b)(4) of the Broward County Land Development Code. Under this Section, a school impact fee waiver can be granted based on percentages in the following manner: Very Low Income – 100 percent and Low Income – 100 percent.

The Broward County Housing Finance and Community Development Division certified the proposed development as 7 very low income garden apartment (3 two-bedroom, and 4 three-or-more bedroom) units.

Based on the current school impact fee ordinance (Ordinance 2008-11, effective June 2, 2010), the total school impact fee due for the project is approximately \$26,349. Based on criteria cited in Section 5-184(b)(4) of the Broward County Land Development Code, the total \$26,349 qualifies for school impact fee waiver. Schools affected in the 2010-11 school years are Sunland Park Elementary, Arthur Ashe Middle, and Fort Lauderdale High School.

The applicant, the Housing Authority of the City of Fort Lauderdale, is not registered as a 501(C)(3) Not for Profit entity, as defined by law. However, the Housing Authority is a not for profit governmental agency eligible for consideration for the waiver of impact fees.

The School Board Attorney has approved this resolution as to form and legal content.

There is a potential loss of approximately \$26,349 in school impact fees. This item does not require a collaboration form from the Capital Budget Department.

Mr. Thomas informed that his concerns have been addressed on previous agenda items with the same issues.

- A-5. Resolution in Support of School Impact Fee Waiver for Lots 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42, Block 24 of "Amended Plat of Lincoln Park, Third Addition" According to the Plat Thereof Recorded in Plat Book 7, Page 4, of the Public Records of Broward County, Florida, and Located on the Southern Side of NW 9th Street Between NW 14th Terrace and NW 14th Way in the City of Fort Lauderdale – Proposed for Development by the Housing Authority of the City of Fort Lauderdale  
(Adopted)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to adopt Resolution No. 11-63 which states that the School Board does not oppose action by the Broward County Board of Commissioners under provisions of the Broward County Land Development Code, waiving approximately \$9,388 in school impact fees due for the construction of an additional 2 very low income townhouse (three-or-more bedroom) units on lots 7, 8, 9, 10, 11, 12, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42, block 24 of "Amended Plat of Lincoln Park, Third Addition" according to the plat thereof recorded in Plat Book 7, Page 4, of the Public Records of Broward County, Florida. (9-0 vote)

The proposed development will consist of 2 townhouse (three-or-more bedroom) units, which will provide affordable housing for very low income individuals as defined in Division 6 of the Broward County Land Development Code Definitions. Therefore, as proposed, the 2 townhouse (three-or-more bedroom) units are eligible for consideration of a school impact fee waiver as cited under Section 5-184(b)(4) of the Broward County Land Development Code. Under this Section, a school impact fee waiver can be granted based on percentages in the following manner: Very Low Income - 100 percent and Low Income - 100 percent.

The Broward County Housing Finance and Community Development Division certified the proposed development as 2 very low income townhouse (three-or-more bedroom) units. Based on the current school impact fee ordinance (Ordinance 2008-11, effective June 2, 2010), the total school impact fee due for the project is approximately \$9,388. Based on criteria cited in Section 5-184(b)(4) of the Broward County Land Development Code, the total \$9,388 qualifies for a school impact fee waiver.

Schools affected in the 2010-11 school years are Sunland Park Elementary, Arthur Ashe Middle, and Fort Lauderdale High School.

The applicant, the Housing Authority of the City of Fort Lauderdale, is not registered as a 501(C)(3) Not for Profit entity, as defined by law. However, the Housing Authority is a not for profit governmental agency eligible for consideration for the waiver of impact fees.

The School Board Attorney has approved this resolution as to form and legal content.

There is a potential loss of approximately \$9,388 in school impact fees. This item does not require a collaboration form from the Capital Budget Department.

No discussion was held on this item.

A-6. Resolution in Support of World AIDS Day, December 1, 2010  
(Not adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb, to adopt Resolution #11-64, in support of World AIDS Day, December 1, 2010. (0-9 vote)

Mr. Notter requested that the Board vote down this item and consider Agenda Item A-7.

No discussion was held on this item.

A-7. Resolution in Support of World AIDS Day, December 1, 2010 (Adopted)

Motion was made by Mrs. Gottlieb, seconded by Ms. Dinnen and carried, to adopt Resolution #11-65, in support of World AIDS Day, December 1, 2010. (9-0 vote)

Mrs. Gottlieb read the resolution into the record.

The following individual addressed the Board:

Michael Rajner

Mr. Rajner thanked the Board for revising the resolution, as it ensures it demonstrates the local impact of Broward County. Mr. Rajner stated that the HIV Advisory Group has not met in almost two years and the Superintendent committed to make sure it was reconstituted with new membership, to ensure that it was an advisory that advises the School Board and the Superintendent on what should be done on this crisis. He said that World AIDS Day is a day to reflect, recommit, and look at new ways to make certain that one day no one will be looking at numbers with infection rates as high as over 5,000 statewide. Mr. Rajner further stated that the community needs to discuss this issue, with people from the health department and faith-based communities, to advocate for others who are struggling with the virus to access care and services.

Mr. Rajner urged the Board to commit to the issue and for the Board Members to look at other areas that intersect this issue, such as teen pregnancy and sexually transmitted diseases, using the resolution as a call to do something greater.

Remarking that students do support this initiative, Alternate Student Advisor Graham Rabinowitsch informed that students would like to see a more comprehensive sex education program and efforts to reduce HIV / AIDS, STDs and teen pregnancy.

**B. BOARD MEMBERS**

**D. OFFICE OF THE CHIEF AUDITOR**

**E. CHIEF OPERATIONS OFFICER**

**\*E-1. Default of Vendor**

(Approved)

Approved default on the following contract: 11-001N – School and Department Furniture.

It is recommended The School Board of Broward County, Florida find Office Furniture Warehouse in default of the bid conditions of the subject bid. Office Furniture Warehouse emailed the Supply Management and Logistics office on October 14, 2010, asking for their company to be withdrawn from the above-referenced bid and will not be performing in accordance with the contract conditions of Bid 11-001N.

It is further recommended their contract be canceled, their company name be removed from the bid list for two years, that no bids be considered from this vendor or recommended for award, and that no purchase orders be released to this vendor. This recommendation is in accordance with General Conditions 54 – Nonconformance to Contract, and 24 – Cancellation. These bid items will be purchased in accordance with standard purchasing policies and procedures. This contract contains awards for many manufacturers of similar products; therefore, the District will have coverage for its ongoing furniture needs.

There is no financial impact.

**F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT**

**\*F-1. Continuation of Behavioral Health Contract with the Broward County Community Partnerships Division (BCCPD) (Approved)**

Approved amendment of the current contract agreement between Broward County Community Partnerships Division and The School Board of Broward County, Florida (SBBC) to extend beyond the September 30, 2010 contract period for up to six months.

On Sept. 22, 2009, the Broward County Board of County Commissioners approved funding recommendations made by the BCCPD for The SBBC Family Counseling Program to receive a grant in the amount of \$1,091,940. This contract agreement is for one year beginning October 1, 2009, with an option for renewal for the next two years. This is the first year of a three-year funding cycle. The Family Counseling Program is supported through a combination of District general revenue funds and BCCPD grant funding. The District provides 55% of the funding (including required matching funds that are currently reserved in the District's budget). This amendment reflects a change in contract dates as a result of delays in approval of the County's budget for FY11. The current contract, which ended on September 30, 2010, shall be extended on a month-to-month basis for up to six months with a maximum amount payable per month of \$90,995, one-twelfth of the initial contract dollar amount of \$1,091,940.

The Family Counseling Program, which began in 1980, offers access to free, short-term counseling and related services for any student enrolled in school in Broward County. In 2009-10, 26 family counselors served 2,543 customers, providing more than 15,736 counseling hours. Treatment goals and objectives in the areas of academics, attendance, and improved behavior set for each student served revealed an average of 87% improvement by the end of counseling sessions. Mental Health and Family Functioning treatment objectives were met with 94% improvement. The Family Counseling Program currently makes services available through 13 school sites, serving Broward County.

The BCCPD funding has helped the District in providing this degree of coverage. Currently, centers are located at Bair Middle, Cooper City High, Crystal Lake Middle, Deerfield Beach High, Everglades High, Ft. Lauderdale High, New River Middle, Northeast High, Perry Middle, Plantation High, Sawgrass Springs Middle, South Broward High, and Taravella High Schools. Each center serves one or more Innovation Zones. Last year, of those clients who responded to a survey administered 90 days post counseling, 89% reported that improvements made in counseling had remained stable.

The School Board Attorney has approved this contract as to form and legal content. This amendment will be executed by the Broward County Commission after School Board approval.

There is no financial impact to the District.

\*F-2. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. Broward County Farm Bureau School Garden Awards, \$250
- B. Chris Gamble Pay It Forward Fund, \$3,500
- C. Ezra Jack Keats Minigrants for School Libraries, \$500
- D. Jordan Fundamentals Grant Program, \$25,000
- E. Kids in Need Teacher Grants, \$1,000
- F. Lowe's Toolbox for Education, \$5,000
- G. Target Field Trips, \$900

Copies of the full grant applications are available at the Board Members' Office on the 14th floor of the KC Wright Building.

The positive financial impact is \$36,150 from various sources. There is no additional financial impact to the school district.

\*F-3. Agreement between The School Board of Broward County, Florida (SBBC), and Healthy Mothers/Healthy Babies Coalition of Broward County, INC. (HMHBC) (Approved)

Approved the Agreement between SBBC and HMHBC.

The District's Head Start/Early Head Start Program provides comprehensive services to enrolled families. The partnership with HMHBC will allow the Program to refer pregnant women, enrolled in the Early Head Start Program, and pregnant mothers with a child participating in the Head Start Program, to receive individualized prenatal services.



In addition, the District's Head Start/Early Head Start Program will participate in the HMMBC's Fatherhood Task Force to identify solutions that will increase the father's participation in the family.

This agreement has been reviewed and approved as to form and legal content by the School Board Attorney. The HMMBC will sign this contract following the School Board approval.

There is no financial impact to the district.

\*F-4. Agreement with Take Stock In Children, Inc. (Approved)

Approved Agreement with Take Stock in Children, Inc.

Take Stock in Children (TSIC) is a public, not-for-profit organization incorporated in 1995 to dramatically impact Florida's at risk children by providing them with mentors one hour per week during their middle and high school years. The school district has collaborated with Take Stock In Children, Inc., since 1996. Students are nominated for the program by school personnel, and the application process provides each student's parent/guardian with an opportunity to explain why a mentor and scholarship would benefit their child. Final selections are made by the local TSIC Leadership Council, a group of community leaders actively committed to children. Students who successfully complete the TSIC program by remaining crime and drug-free and maintaining at least a 2.0 grade point average are provided with college or post-secondary tuition scholarships. TSIC's goals are consistent with the School Board's mission of providing students with a quality education in a safe and secure learning environment.

Take Stock in Children, Inc., of Broward currently serves between 375 and 425 students in 50 secondary schools. This Agreement permits the school district to share information from the district's student database with TSIC, providing that TSIC has obtained written consent for the release of information from the students' parents. In order to provide continuity of TSIC staff, the Agreement specifies that TSIC may continue to provide funding to the school district to employ one TSIC staff member, and, on a space available basis, the school district will provide an office for TSIC staff. In addition, the agreement indicates that the Executive Director, Student Support Services and Exceptional Student Education will serve as a liaison with TSIC and conduct the performance appraisal of the TSIC staff member who is a school district employee. (New TSIC employees will not be school district employees.)

The School Board Attorney has approved this contract as to form and legal content.

There is no additional financial impact to the District.

F-5. Contract Amendment with District 10, Department of Children and Families, Substance Abuse and Mental Health Program Office (SAMHPO) (Approved)

Motion was made by Mrs. Gottlieb, seconded by Mrs. Good and carried, to approve amendment #0006 to contract with District 10, Department of Children and Families, Substance Abuse and Mental Health Program Office. (9-0 vote)

On August 8, 2008, the School Board approved a contract with the Department of Children and Families (DCF) for a three-year award totaling \$1,603,983. The funding was provided to support specific suicide prevention activities, to fund a behavioral specialist at Wilton Manors Elementary due to the large number of shelter and foster care students served at the school, and to provide family counselors to work with students attending the alternative to external suspension sites.

The amendment to the contract reflects changes as follows:

- Amendment decreases funding for Adult Substance Abuse by \$(12,368) and Children's Substance Abuse by \$(128,015). A special provision was added to the contract which will allow The School Board of Broward County, Florida to exceed monthly pro-rated share in order to utilize all prevention funding by 12/31/2010.
- After 12/31/2010, The School Board of Broward County, Florida will not be able to bill DCF for Children's Substance Abuse or Adult Substance Abuse services under this contract.
- A decrease in number of adults required to be served in Substance Abuse prevention and Children in Children's Substance Abuse are reflected in the contract. The number decrease is commensurate with the dollar decrease.
- Language changes were made to the Standard Contract Attachment I and all Exhibits to reflect most recent updates.
- Exhibit D was updated to include new performance measures. Page numbers were amended to reflect the changes.

DCF has requested this amendment to the contract in conference call on September 3, 2010.

The School Board Attorney has approved this contract as to form and legal content. This agreement will be executed by the Department of Children and Families after School Board approval.

The financial impact to the District is a loss of \$140,473.

Ms. Dinnen requested further explanation on this item.

Dr. Harrison informed that usually agencies do not contact the district in the middle of a contract asking for a reorganization of the contract. Dr. Harrison stated that the contract was to provide services through the end of June 2011; the DCF is now internally reorganizing and they can provide notice and legally end their contract. DCF will be going out to bid for another contract that the district will apply for, with anticipated service to start at the beginning of the year. She stated that the district will apply to obtain the same services that the district currently has, how they will monitor those services, and the agency that will conduct monitoring will be different than what the district currently has. The overall agency will be DCF but how they organize it will be different because of how they reorganize themselves.

Ms. Dinnen inquired whether service will be provided from January through June 2011.

Dr. Harrison responded that if the district secures another contract with DCF, the current services will be provided in the same manner. In addition, there are two back-up plans; family counselors within the organization that could provide this service and other grant dollars have been reviewed, such as lapsed salary, the Project Bridge grant, that would enable obtaining additional staff that would keep the service. Dr. Harrison stated that the district has been assured that the final applications will be December 27, 2010 and notification will be provided on January 6, 2011. This will assure that children will be able to receive services.

Mrs. Bartleman stated that Project Bridge, like many of the district's grants, will be expiring soon. Remarking that this one-time money will be gone, Mrs. Bartleman requested that through the budget process the Board needs to discuss what those non-negotiables are, have staff review all the benefits of what the district has and what will be lost.

Dr. Harrison responded that the Project Bridge group is working on some models whereby the support services to students are through the areas, and there are also behavior prevention models through CHAMPS and they provide a variety of services. Dr. Harrison stated that the district works hand-in-hand with the community on these projects, and they are working knowing that the grant will end. She said the district has an extra year to use any of those dollars that will be rolled forward for one more year.

Mrs. Rupert informed her colleagues that she adopted her son Dylan from Kids in Distress, and praised Wilton Manors Elementary School, where her son is a student, and they do a tremendous job with the large population of foster children. Mrs. Rupert inquired whether the district can work with Kids in Distress or whether it falls under the DCF umbrella.

Dr. Harrison responded that Wilton Manors does have additional support, and staff works very closely with kids and families to provide them stability and a safe place at that school.

**G. HUMAN RESOURCES**

**\*G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2010-2011 School Year (Approved)**

Approved the personnel recommendations for the 2010-2011 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 State Department of Education and The School Board of Broward County, Florida. The teacher approvals on this G-1 item are teachers in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions.

The Personnel Recommendations for Instructional Employees include the following items

1. Teacher Approvals
2. Substitute Teachers
3. Interim Substitute Teachers
4. Temporary Hourly Teacher Approvals
5. Instructional Leaves

There will be no financial impact to the school district. Funding for the positions has been allocated in the school and department budgets.

**\*G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2010-2011 School Year (Approved as amended)**

Approved the personnel recommendations for separation of employment or discipline as listed in the 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 State Department of Education and The School Board of Broward County, Florida. **This item was amended to reflect one resignation.**

The Personnel Recommendations for Instructional Employees include the following items:

1. Instructional Resignations/Retirements/Layoffs
2. Instructional Suspensions/Terminations

There will be no financial impact to the school district.

\*G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2010-2011 School Year (Approved)

Approved the personnel recommendations for appointments and reassignments as listed on the 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 State Department of Education and The School Board of Broward County, Florida.

The Personnel Recommendations for Non-Instructional Employees include the following sections:

1. Non-Instructional Approval(s)
2. Non-Instructional Reassignment(s) – Promotion(s)
3. Non-Instructional Reassignment(s) – Demotion(s)
4. Non-Instructional Substitutes/Temporaries
5. Non-Instructional Leave(s)-Layoff(s)
6. District Managerial/Professional/Technical
7. Reassignment of Current School-Based/District Managerial/Professional Technical Personnel
8. School-Based Managerial
9. School-Based/District Managerial Acting/Special/Task Assignment(s)
10. School-Based/District Managerial/Professional/Technical Leave(s) – Layoff(s)
11. Salary Adjustment

Funding has been budgeted in 10-11 fiscal year for all appointments through June 30, 2011.

Board Members Mrs. Bartleman and Mrs. Gottlieb recognized and congratulated newly-appointed district personnel.

\*G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) for the 2010-2011 School Year (Approved)

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

The Personnel Recommendations include the following items:

Non-Instructional Resignation(s)/Retirement(s)  
Non-Instructional Suspension(s)/Termination(s)  
Managerial and Professional/Technical Resignation(s)/Retirement(s)  
Managerial and Professional/Technical Suspension(s)/Termination(s)

There is no financial impact to the school district.

\*G-5. Supplemental Pay Positions – List #9 (Approved)

Approved the recommended supplemental pay positions of employees for the 2010-2011 school/fiscal year.

Employees are recommended for supplemental pay positions by Principals or Department Supervisors and approved by the Area Superintendent or appropriate Division Head. Supplemental positions are listed alphabetically by last name, with location and supplement type.

The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2010-2011 school years.

Individuals may be recommended for task assignments that improve the school's/departments' programs and/or operations. A computer-generated list of those names is printed and attached revealing all individuals recommended for Non-Specific (SPL). Non-Specific Supplements are additional Task Assignments performed beyond the employee's regular day based on the recommendations of the direct supervisor.

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 254.

Funding has been budgeted in 2010-2011 school / fiscal year for all supplements through June 30, 2011.

\*G-6. Recommendation(s) for Instructional / Noninstructional Discipline for the 2010-2011 School Year (Approved)

Approved the recommendation(s) for discipline as listed on the attached list for Instructional / Noninstructional staff. All recommendation(s) are made with the understanding that these individuals will comply with regulations / policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

This disciplinary action recommendation is a result of an investigation by the Office of Professional Standards & Special Investigative Unit. The individual(s) involved have been provided the opportunity to appear and participate, with representation, before the Professional Standards Committee and in a pre-disciplinary hearing prior to submission of this recommendation. We have followed the School Board processes for disciplinary action. The requested action(s) is listed on the attachment.

There is no financial impact to the school district.

H. ATTORNEY

I. OFFICE OF THE SUPERINTENDENT

\*I-1. Renewal Agreement with Killer Tracks Production Music (Approved)

Approved the proposed renewal agreement with Killer Tracks Production Music, a unit of MGB Music Publishing NA, Inc., and The School Board of Broward County, Florida.

Killer Tracks is the owner of rights to the musical compositions and sound recordings in the MGB music library. Most BECON programs require sound recordings and background music that need to be accessed via a license such as Community Forum, Science and Me, County Line and all district video productions. BECON desires to renew its license for the music in the library for use in various productions.

This agreement has been approved as to form and legal content by the School Board Attorney.

BECON will pay \$6,184 from its current operating budget for this license.

I-2. Petition For Formal Proceedings (Withdrawn)

## J. FACILITIES AND CONSTRUCTION MANAGEMENT

### J-1. Change Orders (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb and carried, to approve change orders as listed for various school projects, and approve an additional appropriation of \$11,875 from the Capital Projects Reserve. (9-0 vote)

<b><u>Hollywood Hills High</u></b>		Change Order 03	\$11,729
Consultant Omission	\$6,126		
Unforeseen Condition	\$5,603		
<b><u>McFatter Technical Center</u></b>		Change Order 02	\$0
Unforeseen Condition	\$0		
<b><u>Nova Middle</u></b>		Change Order 11	\$11,875
Consultant Error	\$7,886		
Unforeseen Condition	\$3,989		
<b><u>Pompano Beach Middle</u></b>		Change Order 05	\$399,015
Unforeseen Condition	\$399,015		

Nova Middle – Project No.: P.000261 \$11,875. The resulting financial impact shown will decrease the Capital Projects Reserve by \$11,875. There is no additional financial impact to the district for the remaining projects.

Mrs. Good thanked staff for answering some of her concerns about the change orders; about the Pompano Beach Middle School change order, understanding that staff was made aware of some water and sewer issues by the city; when the design of the project was completed, when notification was made to the district that these changes needed to take place.

Responding to Mrs. Good's concerns, Mr. Lindner stated that the re-routing of water and sewer was in 2008; the project was originally permitted in April 2007 and the Notice to Proceed (NTP) was issued in September of 2007. He explained, because the city permit had expired the plans for sewer and water had to be resubmitted, and during this time negotiations were taking place with FLP, Comcast and other utility companies. Mr. Lindner said that the Project Manager recommended delaying the issuance of the NTP until those issues were resolved. The NTP was issued.

Mr. Lindner further stated that at the time the plans were submitted to the city for sewer and water the city reviewed and rejected the plans, asking the district to redesign based upon the original plans that were submitted and permitted in April.



Mr. Lindner said that the architect was notified in January 2008 to redesign, resubmit and re-do some of the initial site work that the district was planning on doing as part of the April 2007 design. This resulted in a significant delay and a stop work order was issued; once re-permitting was done the district had to pay start-up costs again as part of the delay, which is what the agenda item covers. Remarking that the six-month permit was pulled too early, Mr. Lindner stated that a resubmission for the permit resulted in a review of the project.

Mrs. Good inquired why the city did not make the district aware early on in the project that they wanted the water and sewer to be located within the right-of-way instead of within an easement area.

Mr. Lindner informed that based on conversation with the architect, the city subjected the plans for additional review and rejected them on January 10, 2008. After several meetings with the engineering department, the city required existing sanitarian lines and raw water lines to be relocated from N.E. 5<sup>th</sup> Street and N.E. 3<sup>rd</sup> Avenue which is part of the city's utility easement and into the street right-of-ways on 2<sup>nd</sup> and 6<sup>th</sup> roadways.

Mrs. Good requested that consultants do their appropriate due diligence ahead of completing design plans so that the district does not face change orders.

Voicing concern regarding a conflict between the Project Manager and the Deputy Superintendent in that time period, Mrs. Good inquired what the district is doing to ensure that there is a checks and balance between the Deputy Superintendent and the Project Managers when problems arise in the field, that might cause financial problems in the future.

Discussing the current process in the department, Mr. Lindner stated that the NTP is not issued until the plans are "air tight" because there are significant costs for having weak or hurried plans. Noting that the "climate" was different in that time frame, many projects were underway, Mr. Lindner stated that the pace is slower now that allows for a greater level of review. Additionally, he meets with staff and a consensus is reached on whether or not the project should proceed and whether it is constructible.

Remarking that the district's exposure needs to be limited in the future, Mrs. Good stated that the current process includes the appropriate project manager to sign off and give his/her vote of confidence in the project and how it is moving forward.

Ms. Murray noted that the state and federal governments are mandating all communities to be environmentally friendly and a lot of the projects are tied to this mandate. Ms. Murray stated that cities with an infrastructure 50 to 60 years old will always have issues with any project to be implemented.

Mr. Lindner responded that sustainability is reviewed when a project commences, including appearance and safety. He stated that plans are in place to fix many of the issues that have arisen, such as the drainage problems at the Blanche Ely High School stadium, and capture as much Green space as possible, while also creating play areas that also fit in with the model for retention and detention that was required at that site. Mr. Lindner further stated that the culture of the school district has always been to be friendly partners with the cities and the district has "stepped up to the plate" culturally, more than the cities, regarding the building of parks and creating opportunities for children despite the fact that it costs money to do those things and they are not directly tied to education.

Mrs. Rich Levinson inquired whether the General Conditions, Daily Rate, is the rate that was in the Schedule of Values. She said the rate seemed high. Mrs. Rich Levinson further inquired whether there was a sense of urgency by the city to get the project completed.

Responding affirmatively, Mr. Lindner stated that the architect provided documentation to the city requesting a quick and thorough review, but it is unknown what the city's sense of urgency was. Mr. Lindner concurred that the amount of time to redesign and re-permit seemed a bit excessive, which he believes is why the stop work order was issued. He informed that the design of a significant site work should take two months and this project took four months.

The following individual addressed this item:

Billy Davison

Mr. Lindner noted that Capital dollars cannot be used to pay for teachers' salaries. Mr. Lindner stated that responsibility is assigned to the architect and to the contractors that make those mistakes. The determination is made with a very robust review by several departments within the school district. If the mistakes are not corrected they are taken to court.

Referring to the Hollywood Hills High School project, Mrs. Rich Levinson inquired if the project was done right why would it need to be torn down and why was the architect not responsible.

Mr. Lindner stated that the Consultant Omission is the responsibility of the architect, being asked to pay \$4,354 for his error, because he installed the equipment in the wrong position and the district did not pass inspection. Mr. Lindner informed that either the consultant admits the error and provides payment to the district, or the consultant will challenge it and will proceed to the Dispute Resolution Committee, and a determination is made as to the value to the school district. He explained that typically a bigger issue would be challenged and an agreed-upon settlement would be reached for that specific item on the change order when the project is closed out.

Mrs. Rich Levinson requested a change order or summary page of each change order when submitted to the Board.

Mr. Linder responded that the summary of the change order is written on Exhibit 2, which is taken from the actual change order that is signed and given to the consultant. He informed that the summary is classified under the bold print, such as, "Consultant Omission, Unforeseen Condition, Owner Request and Consultant Error."

Mrs. Rich Levinson said she would like to see the Summary page, a copy of the change order.

Mr. Lindner advised that it would be added as an additional exhibit to the Change Order agenda item.

Ms. Dinnen suggested that it might be helpful when reading through the change orders to include a notation that the consultant paid for certain things or the project was improved.

Mr. Lindner stated that he will provide to the Board Members the Workshop presentation he and Mr. Thomas Cooney, Assistant General Counsel, made regarding Change Orders, when the process was reviewed and how responsibility was going to be assigned.

Regarding the Unforeseen Conditions at Peters Elementary School, Ms. Dinnen inquired about the as-builts underground, such as an old septic tank and the piping system. She stated that there are examples whereby it is impossible for the Board, based on documentation that is available, to indicate what will be encountered.

Mr. Lindner informed that payment was made to a consultant to conduct ground-penetrating radar at the Fort Lauderdale swimming pool site in order to ascertain what was underneath so that the placement was not interfering with existing items from 50 years ago.

Mrs. Good requested that the Change Orders be modified so that further explanation is provided, and it would address many of the concerns by the Board Members.

Referring to Pompano Beach and the issue of the 99-day delay that cost the district a considerable amount of money, Mrs. Good stated that project managers should be following up and ensuring that the cities are following up as quickly as possible. She said that it should not be totally up to the consultants or architects to follow up.

Mr. Lindner informed that when the district was using the Construction Management at Risk method staff was very lax in their involvement in this process and too much of the decision-making was left to the consultant. Mr. Lindner stated that the district will be moving forward with Hard Bid and possibly Design Build methods whereby there will be more district control and project manager involvement.

The following individual further addressed this item:

Billy Davison

Mr. Lindner informed that Consultant Omissions are assigned responsibility for payment to the Consultant. Unforeseen Conditions area paid for by the school district.

- J-2. Authorize Rejection of Responses – Construction Management at Risk Services – J. P. Taravella High School, Project No. P.000725 (f.k.a. 2751-99-02 ), Coral Springs (Approved)

Motion was made by Mrs. Bartleman, seconded by Mrs. Gottlieb and carried, to approve the rejection of all responses received from for J. P. Taravella High School Project No. P.000725. (9-0 vote)

Article VII.A of the RFQ authorizes the Board to reject all proposals at any time prior to Board approval of the negotiated agreement. This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015. Over the past two (2) years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. The tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a 1.8 billion-dollar cut to available funds to the District's Capital Plan.

As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015.

Proposal documents submitted by the proposers, staff evaluation documents and the Qualification Selection Evaluation Committee's score sheets are available at the Facilities and Construction Management Division.

There is no financial impact to the district.

Mr. Thomas informed that he previously spoke with Mr. Lindner who indicated that to date the district has spent \$400,000 for the architectural design, which has been shelved and the project will no longer go further.

Mr. Lindner clarified that the project is being removed from the District Educational Facilities 5-Year Plan due to lack of funding. The project (athletic facility) will be memorialized in the canceled list. The specific project currently under discussion is being canceled and eliminated. Mr. Lindner stated that in the future the project can be brought back if it is on the list.

Mr. Lindner further stated that the 88 projects are on a separate list and they are being funded and completed; the air handlers are going onto a list of projects in case there is an air conditioning failure they will be funded from the air conditioning contingency fund, which has been funded with extra money to replace those as they fail. Mr. Lindner said these items will probably not be part of the athletic facility at Taravella; they may be accomplished two or three years in the future when the project comes back for review.

Mr. Thomas stated that the district has not invested that much financial resource into this particular project at this point in time, and funds are not being expended at this time.

Concurring, Mr. Lindner stated that staff negotiated with the architect and the plans were not canceled until the 100 percent plans were provided to the district.

Mrs. Gottlieb emphasized that the project is being memorialized. She inquired whether the district can re-bid on the project when the funding is available and whether the scope of work will be changing.

Responding affirmatively, Mr. Lindner stated that when the project comes back a needs assessment will be made, as is done with every project; what else needs to be done at the school in those areas, and incorporate those requirements into the actual design of the project. Subsequently, those requirements would be incorporated into the actual design of the project, put a budget together and request Board approval for the budget and permit to bid.

Mrs. Gottlieb noted that at times there are code changes and the plans may need updating after so many years.

Mr. Lindner concurred, stating that the project is updated to the educational specifications which are constantly changing, as well as the code and additional scope of work that may be required as part of that project. This is done when the actual scope of work is done.

Mr. Thomas inquired, when the project is brought back whether the initial \$400,000 investment in the architectural design is scrapped when there is a new scope of work to be done.

Mr. Lindner stated that the rights to the drawings are given to the new architect, or whoever bids the work. A price is negotiated and the timeline is reduced significantly, which cuts down the fee.

Ms. Dinnen noted for the benefit of the community that this an example of the result of cuts to the Capital funds. She stated that Board Members testified at state committees that the millage is being cut along with the district's ability to borrow, which is on a 1:10 ratio; for every dollar that is cut there is \$10 worth of borrowing power. Subsequently, cuts were made a second time which resulted in having to remove \$1.8 billion from the Five-Year Plan.

Mr. Thomas stated that unfortunately the Board has to make hard choices and this is a hard choice that he has to make for his district, setting aside personal goals and objectives in light of the betterment of the entire county.

- \*J-3. Approve Request for Qualifications and Authorization to Advertise Continuing Contracts for Engineering and Miscellaneous Consulting Services (Approved)

Approved the Request for Qualifications (RFQ), Selection Criteria, and Selection Criteria Scoresheet for Continuing Contracts for Engineering and Miscellaneous Consulting Services; and authorize advertising the Public Announcement.

The Request for Qualifications (RFQ) is intended to procure Engineering and Miscellaneous Consulting Services for construction projects in order to supplement the expertise of the Facilities and Construction Management Division.

Selection for the services shall be in accordance with Board Policy 7003 and the criteria in the Request for Qualifications (RFQ) as indicated in the Exhibits.

The Qualification Selection Evaluation Committee shall shortlist, interview, and select up to three firms for Civil Engineering, Architectural Services, up to three firms for Mechanical Electrical Plumbing Engineering, up to three firms for Structural Engineering, up to two firms for Building Code Inspections, up to two firms for Building Code Plan Review and up to two firms for Construction Testing based on the greatest number of points awarded by QSEC in the evaluation of the proposer's qualifications. The Board will award contract to the Consultants.

A complete copy of the RFQ is available for review at the Facilities and Construction Management Division.

The funds for this item are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015. There is no additional impact; therefore, a collaboration form is not required from the Capital Budget Department.

- J-4. Increase Purchase Order Amount for Construction Services Minor Project, Roofing Services – Weiss & Woolrich Contracting Co., Inc. – Emergency Re-Roofing – Larkdale Elementary School, Ft. Lauderdale – Project No. P.000117 (f.k.a. 0621-06-24) (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the increase of the amount of Purchase Order No. 2700025046, issued to Weiss & Woolrich Contracting Co., Inc., for Larkdale Elementary School, Project No. P. 000117, from \$992,070 to \$1,108,130. (9-0 vote)

Pursuant to the Open End Agreement for Construction Services Minor Project, Roofing Services, dated September 21, 2004 (the "Open End Agreement"), the SBBC issued Purchase Order No. 2700025046, dated February 15, 2007 in the amount of \$992,070 to Weiss & Woolrich Contracting Co., Inc., for Emergency Re-Roofing at Larkdale Elementary School, Project No. P.000117 (f.k.a. 0621-06-24) (the "Project"). The Open End Agreement expired on September 21, 2007, after issuance of the Purchase Order, but before completion of the Project.

During the construction of the project, the Engineer of Record determined that the flashing details for mechanical C-Channel stand supports and duct curbs must be changed to comply with Code. This change is necessary to complete the Project and requires additional work at a cost of \$116,060.

The Office of the Chief Auditor has reviewed this item. The School Board Attorney has also approved this item as to form and legal content.

The financial impact for this item is \$116,060. Funds for this item are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, Appendix E, page 8, District Wide Roofing Contingency.

Mrs. Rich Levinson inquired why the original plans did not comply with the code and whether there was a change in the code.

Mr. Lindner responded that the original design of the roof was dismantled and required the re-working of the flashings with a more durable and better fastening system. Mr. Lindner stated that a design change was agreed upon that would allow for a more versatile roof and it is a design that is recommended by the building department. The project is an Open-End contract, which is billed on time and materials, and not a CM at Risk or Hard Bid contract. The district pays for the actual labor, materials and work, and an agreed upon fee for management.

Responding to Mrs. Good's inquiry, Mr. Lindner stated that the savings that the district would recoup on hard bidding would be taken up by having the need for additional staff to do Request for Proposals (RFPs), Request for Qualifications (RFQs), and Pre-Qualification. On small projects, \$1 million or less, particularly with roofing which operates on a tight margin, industry standards dictate that the work is bid out at a certain cost per square foot and a certain negotiated overhead fee. He said this allows access to pre-qualified contractors who do a lot of the district's work; they understand the building department, thus it speeds the work process up and allows immediate work on a roof that is causing mold and mildew issues or is past its useful service life.

- \*J-5. Amend Professional Services Agreement – Zelch & McMahon, Architects – New Food Service Multipurpose Building – Margate Elementary School – Project No. P. 000213 (f.k.a. 1161-23-01)  
(Approved)

Approved the Second Amendment to the Professional Services Agreement with Zelch & McMahon, Architects for Margate Elementary School, New Food Service Multipurpose Building, Project No. P.000213, dated April 20, 2004, previously amended on February 6, 2007.

On January 20, 2010, Zelch & McMahon Architects and the Superintendent's Dispute Resolution Committee met to resolve issues related to Change Orders categorized as Consultant Errors and Omissions in the amount of \$33,596 pertaining to the agreement with Zelch & McMahon Architects dated April 20, 2004 for Margate Elementary School, Kitchen/Cafeteria. The project was completed on April 16, 2008.



Upon review of the Change Orders, the Dispute Resolution Committee recommended a settlement of the claim in the amount of \$1395. Zelch & McMahon Architects agreed to the settlement amount. Fees owed to Zelch & McMahon Architects under the Professional Services Agreement will be reduced by \$1395.

The Second Amendment settles all additional costs incurred by the District for the correction of consultant errors and omissions included in the project construction documents.

The School Board Attorney has approved this Second Amendment as to form and legal content.

The financial impact for this item is \$1,395 and fees owed to Zelch & McMahon, Architects under the Professional Services Agreement will be reduced by this amount.

- \*J-6. Amend Professional Services Agreement – Zelch & McMahon, Architects – Cafeteria Replacement/Multipurpose Facility – Village Elementary School, Sunrise – Project No. P. 000288 (f.k.a. 1621-21-01)  
(Approved)

Approved the Fifth Amendment to the Professional Services Agreement with Zelch & McMahon, Architects for Village Elementary School, Cafeteria Replacement/Multipurpose Facility, Project No. P.000288, dated June 18, 2002, previously amended on April 1, 2003, March 16, 2004, July 25, 2006, and July 21, 2009.

On January 20, 2010, Zelch & McMahon Architects and the Superintendent's Dispute Resolution Committee met to resolve issues related to Change Orders categorized as Consultant Errors and Omissions in the amount of \$33,559 pertaining to the agreement with Zelch & McMahon Architects dated June 18, 2002 for Village Elementary School, Kitchen/Cafeteria. The project was completed on June 29, 2009.

Upon review of the Change Orders, the Dispute Resolution Committee recommended a settlement of the claim in the amount of \$6,340. Zelch & McMahon Architects agreed to the settlement amount. Fees owed to Zelch & McMahon Architects under the Professional Services Agreement will be reduced by \$6,340.

The Fifth Amendment settles all additional costs incurred by the District for the correction of consultant errors and omissions included in the project construction documents.

The School Board Attorney has approved the Fifth Amendment as to form and legal content.

The financial impact for this item is \$6,340 and fees owed to Zelch & McMahon, Architects under the Professional Services Agreement will be reduced by this amount.

- J-7. Approve Additional Funding for Traffic Signalization – Provide New Traffic Signal At Main Entrance On Davie Road and N.W. 37th Street – Nova Blanche Forman Elementary School, Davie – Project No. P. 000249 (f.k.a. 1282-24-01) (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve additional funding in the amount of \$750,000 to improve the safety concern at the intersection in front of Nova Blanche Forman Elementary School, Project No. P.000249. The work shall include new traffic signals with mast arms, expansion of existing driveway, new school zone flashers, striping, pavement markings, new pavement and sidewalks. (9-0 vote)

The subject intersection is the main entrance and exit to Nova Blanche Forman Elementary School. It is also the entrance for parent pick-up and drop-off area. There is currently no traffic signalization, proper school zone flashers or cross walks on Davie Road. This condition causes a serious life-safety concern for vehicles entering and exiting the school. The initiation of this work is contingent upon receipt of final “right-of-way” easement from Broward College. This project was funded previously in the Adopted District Educational Facilities Plan but was removed because of recent budget cuts and capital budget shortfalls. The plans and specifications have been completed and approved for permit and construction by the School Board of Broward County Building Department and Broward County Traffic and Engineering Division.

The source of funds for this project will be the Capital Projects Reserve.

Mrs. Rich Levinson inquired whether this was a life safety issue, as it was not taken care of before. Remarking that Policy 1160 states that the district does not pay if it is outside school property, Mrs. Rich Levinson inquired what the procedure is for doing work outside school property.

Mr. Lindner responded that the policy, dated in 1974, indicates that the district shall not be held responsible. He informed that there are nine separate projects that have been done since that date and the Broward County Development Code requires the school district to provide traffic signalization for the schools if it impedes the traffic flow process. An agreement is also signed by the former Deputy Superintendent that was submitted to the county that indicated the district was responsible for providing signalization.

Mr. Lindner stated that staff is working on a policy change to strike this irrelevant policy, taken off the books or rewritten so that it reflects the wording in the Broward County Land Development Code.

Mrs. Good inquired who has jurisdiction over the traffic and engineering, Broward County or the Town of Davie.

Mr. Lindner responded that Broward County has jurisdiction and the traffic study indicated the zone work and traffic improvements.

- J-8. Final Guaranteed Maximum Price (GMP) – Total Program Manager (TPM) Agreement – National Roofing of South Florida, Inc. – Reroofing (Group 1) – McFatter Technical Center, Davie – Project No. P000857  
(Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Dinnen and carried, to approve the Final Guaranteed Maximum Price (GMP) in the amount of \$618,398 for McFatter Technical Center, Building #3 to National Roofing of South Florida, Inc., Project No. P.000857. (9-0 vote)

**Scope:** The re-roofing of Building No. 3 of approximately 38,367 square feet.

The Board previously approved TPM fees of \$103,584 and a Construction Budget of \$627,850. This item results in a Final GMP of \$618,398 inclusive of design and construction management TPM fees of \$103,584 and Cost of Work of \$514,814.

The Final GMP Manual is available for review at the Facilities and Construction Management Division.

The financial impact is \$514,814. This project is included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, Appendix E, Page 8, District Wide Roofing Contingency and is financed with the Qualified School Construction Bonds and will comply with the Davis Bacon Wage Act.

Ms. Dinnen stated that her concerns have been addressed under Agenda Item J-1.

J-9. Terminate Professional Services Agreement – Tercilla Courtemanche Architects, Inc. – New Kitchen/Cafeteria – Plantation High School – Project No. P. 001063 (f.k.a. 1451-23-01) (Approved)

Motion was made by Mrs. Bartleman, seconded by Ms. Murray and carried, to approve the Termination of the Professional Services Agreement with Tercilla Courtemanche Architects, Inc., for Plantation High School, Project No. P. 001063 dated March 16, 2004, previously amended on March 4, 2008 and October 6, 2009. Mrs. Gottlieb was absent for the vote. (8-0 vote)

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015. Over the past two (2) years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a 1.8 billion-dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services agreement dated April 15, 2008.

The original Agreement includes fees of \$266,300 for the remodeling of the existing cafeteria to food court concept. On March 4, 2008 the Agreement was amended to increase (i) the Basic Service Fees by \$322,221 and (ii) the Supplemental/Reimbursable Fee by \$10, 815. A second amendment to the Agreement on October 6, 2009 increased the Basic Service Fee by \$12,950. Both amendments resulted with a new total fee of \$612,286.

To date, Tercilla Courtemanche Architects, Inc., has been paid a total of \$382,178.

Funds released by this Termination, totaling \$230,108, will be placed in the Capital Projects Reserve.

Remarking that hard work has brought this cafeteria up to standards, Ms. Dinnen stated that the project was the last item that was removed from the Five-Year Plan, the oldest cafeteria request on the books.

Mr. Lindner informed that in 1997 was the first time a review was made of the cafeteria.

Ms. Dinnen stated that when the memorialized projects are brought back she is requesting that this cafeteria be placed as the number one priority. She stated that the community has placed their trust in the school district, since 1990, and they have been patient until a cafeteria can be built.

Mrs. Rupert inquired about the cafeteria project at Northeast High School.

Mr. Lindner informed that he will meet with the building department to ascertain some fire safety issues, and it is hopeful to have it completed on Monday, November 28, 2010.

Mrs. Bartleman thanked Ms. Dinnen for her hard work and support to Plantation.

Mrs. Rich Levinson inquired what the district has received for \$382,178 from the architect.

Mr. Lindner responded that the site work and 50 percent plans were submitted.

- J-10. Amend Professional Services Agreement – Zelch & McMahon, Architects – New Multipurpose Cafeteria Building and Eight-Classroom Addition – Pompano Beach Middle School – Project No. P. 000005 (f.k.a. 0021-21-01) (Withdrawn)
- J-11. Pre-Qualification of Contractors – Approval of Application and Issuance of Certification (Approved)

Motion was made by Mr. Thomas, seconded by Ms. Dinnen and carried, to approve the recommendations of the Superintendent indicated in Exhibit 1. (9-0 vote)

The Qualification Selection Evaluation Committee (QSEC) convened on November 10, 2010, to review Contractor Pre-Qualification Staff Application Review Executive Summaries received for the following contractors and makes the following recommendations to the Superintendent of Schools:

\*All-Rite Paving Contractors, Inc. – Issue Pre-qualification Certification  
Carivon Construction Company - Issue Pre-qualification Re-Certification  
D. Stephenson Construction, Inc. - Approve Appeal to Recommend Re-Certification

\*\*Green Construction Technologies Inc. – Approve Appeal Recommend Re-Certification

\* \*\*Jaxi Builders, Inc. – Issue Pre-qualification Certification  
Lodge Construction, Inc. – Issue Pre-qualification Re-Certification

\*New Certification \*\*Certified M/WBE and/or SBE

The Pre-Qualification Application reviews were conducted and the recommendations were determined in accordance with F.S. 1013.46, State Requirements for Educational Facilities and Board Policy 7003.

Contractor Pre-Qualification Staff Application Review Executive Summaries are available for review at the Design & Construction Contracts Department.

There is no financial impact to the District, therefore this item does not require a collaboration form from the Capital Budget Department.

Mrs. Rupert informed that she previously inquired whether the QSEC committee takes into consideration excessive change orders and a workshop will be presented on this issue.

Mr. Lindner responded that when the QSEC process was re-developed three workshops were held, and he will submit the presentations of those workshops which explain the process very well. Mr. Lindner stated that one of the changes is using project managers' feed-back which includes the amount, type of change orders, the contractor's performance and correspondence, and professionalism.

Mrs. Rupert stated that she wants assurance that due diligence is being made with taxpayer money.

- \*J-12. First Amendment to the Master Recreation Lease Agreement between The School Board of Broward County, Florida, and the City of Lauderhill (Approved)

Approved the First Amendment to the Master Recreation Lease Agreement between The School Board of Broward County, Florida, and the City of Lauderhill.

The City of Lauderhill entered into an agreement with The School Board of Broward County, Florida, on September 21, 2004, to lease recreational grounds at Castle Hill Elementary School, Endeavour Primary Learning Center, Lauderhill Middle School, Lauderhill Paul Turner Elementary and Royal Palm Elementary School for recreational programs available to the citizens of Lauderhill.

On October 1, 2005 the City of Lauderhill annexed the unincorporated Broward County area, including the operational control of West Ken Lark Community Park, a ten (10) acre portion of Wingate Oaks Center.

In a letter dated December 27, 2006, the City notified the District of its intent to cancel use of Royal Palm Elementary School, Castle Hill Elementary School and Lauderhill Paul Turner Elementary School effective immediately since improvements have been constructed in the recreational space. In response, the District agreed and prepared an amendment to the Master Recreation Lease to remove the use of the cited Elementary Schools, and also included the use of West Ken Lark Community Park as part of the Master Recreation Lease Agreement. Unfortunately through the years, and upon repeated staff overtures to the City to pursue this matter, the City did not respond to the District's request until contacted by the School Board Attorney nor take formal action on the matter until October 25, 2010.

The City of Lauderhill has adopted Resolution No. 10R-10-211 on October 25, 2010, approving the First Amendment to the Master Recreation Agreement and authorizing execution by the City Manager.

This agreement has been reviewed and approved as to form and legal content by the School Board Attorney.

There is no financial impact to the school district, therefore this item does not require a collaboration form from the Capital Budget Department.

**K. OFFICE OF CHIEF FINANCIAL OFFICER**

**OPEN ITEMS**

**AA. RESOLUTIONS**

**BB. BOARD MEMBERS**

**CC. BOARD POLICIES**

**DD. OFFICE OF THE CHIEF AUDITOR**

**EE. CHIEF OPERATIONS OFFICER**

EE-1. Bid Recommendations \$1,000,000 or Greater (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve this Bid recommendation as stated on the attached award recommendation. (9-0 vote)

<u>BID</u>	<u>Title – Location – Amount</u>
11-034B	Floor Machines and Supplies (CATALOG) – Various– Amount: \$3,500,000

November 23, 2010

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M/WBE VENDOR(S)

Includes an award recommendation to three certified M/WBE Vendors: Ideal Supply, Inc., (Hispanic-American M/WBE: Oakland Park, Florida); Rex Chemical Corporation (Hispanic-American M/WBE: Miami, Florida); South Florida Janitorial Supply (Non-Minority Woman M/WBE: Riviera Beach, Florida)

Board approval of this Bid recommendation does not mean the amount shown will be spent. This amount represents the estimated contract value and may be spread among the awarded vendors through the term of this contract from available funds already included in various school/department/center budgets.

The Financial impact of \$3,500,000 represents an estimated contract value through the initial term of the Bid, which is five years ending June 30, 2015.

Mrs. Rupert inquired whether the bid process consider historical change orders, how many change orders a particular company has had in the past.

Responding affirmatively, Mr. Linder stated that as part of the contract for the pre-qualification process in construction where change orders occur, the number of change orders is consideration for pre-qualification prior to the vendor being able to bid district work.

Mr. Lindner stated that change orders are dependent upon the delivery method and there are contractors who are better at leveraging plans and specifications than others are. He said the issue to focus on is who is responsible for the change order and who pays for it.

Mrs. Rupert requested the names of companies currently doing business with the district that have a high number of change orders.

Mr. Lindner said that he would provide a list of change orders per vendor.

**FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT**

**GG. HUMAN RESOURCES**

**HH. ATTORNEY**

**II. OFFICE OF THE SUPERINTENDENT**



## JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Final Guaranteed Maximum Price (GMP) – Total Program Manager (TPM) Agreement – Tecta America (f.k.a. Weiss & Woolrich Southern Enterprises, Inc.) – Reroofing – Bair Middle School, Sunrise – Project No. P001143 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Gottlieb and carried, to approve the Final Guaranteed Maximum Price (GMP) in the amount of \$1,513,422 for Bair Middle School, Building #1 to Tecta America (f.k.a. Weiss & Woolrich Southern Enterprises, Inc.), Project No. P001143. (9-0 vote)

### **Scope:**

The re-roofing of Building No. 1 of approximately 143,947 square feet and add secondary drainage to include 5 new emergency overflow drains and piping to meet Florida Building Code.

The Board previously approved TPM fees of \$221,446 and a total Construction Budget (FLCC) of \$1,439,470. This item results in a Final GMP of \$1,513,422 inclusive of design and construction management +TPM fees of \$221,446 and Cost of Work of \$1,291,976.

The Final GMP Manual is available for review at the Facilities and Construction Management Division.

The financial impact is \$1,291,976. The total cost allocated for this project is \$1,554,628. The funds for this item are included in the Adopted District Educational Facilities Plan, Fiscal Years 2010-2011 to 2014-2015, Appendix E, Page 8, District Wide Roofing Contingency and is financed with the Qualified School Construction Bonds and will comply with the Davis Bacon Wage Act.

Ms. Dinnen inquired about the Guaranteed Maximum Price and how it fits into the TPM process that is used.

Mr. Lindner informed that the GMP is an agreed upon negotiated price that is the most the district will be obligated to pay for a construction project. Under the TPM the cost of the work is estimated and the consultant estimates the cost of the work, the district capturing owner's savings and no tax is paid.

Additionally, the district agrees to a flat-rate overhead charge which is monitored through the pay applications. For a project this size the project is sent to a third-party estimator who assigns an estimate of the cost of the work.

Ms. Dinnen stated that there have been questions about why the GMP does not agree with the original; it is not just that the district underestimated but it was a process and there are other safeguards in the process.

Mr. Lindner stated that many times the budgets are put together in 2006, 2007 and by the time the price is negotiated the price may be higher because of the cost of construction. The budgets may not always match what the GMP is.

Responding to Mrs. Good's inquiry, Mr. Lindner stated that this is not one of those projects that change orders are expected to be seen.

#### **KK. OFFICE OF CHIEF FINANCIAL OFFICER**

Following the action of Agenda Item J-9, the following Attorney-Client Session commenced at 12:00 Noon.

#### **Announcement by Chair**

"The School Board of Broward County, Florida, will meet in an Attorney-Client Private Session in accordance with Florida Statutes, Section 286.011(8), today November 23, 2010, 12:00 Noon. The Attorney-Client Session will be held in the Board Room of the first floor of the Kathleen C. Wright Administration Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida 33301.

"The purpose of this Attorney-Client Session is for the School Board and Counsel to discuss pending litigation relative to the following case: Ashbritt, Inc. vs. The School Board of Broward County, Florida, Case No. 10-43869(18), before the Circuit Court of the 17<sup>th</sup> Judicial Circuit in and for Broward County, Florida. A Certified Court Reporter will record the entire session.

"The following persons will attend the Attorney-Client Session: Chair Benjamin J. Williams; Vice Chair Ann Murray; Members, Robin Bartleman, Maureen S. Dinnen, Patricia Good, Jennifer Leonard Gottlieb, Laurie Rich Levinson, Nora Rupert, David Thomas; Superintendent James F. Notter, Oscar E. Soto, Esq., Thomas C. Cooney, Esq., and Edward J. Marko, Esq.

"Telephone Conferencing or other telecommunications technology may be used in the conduct of this Attorney-Client Session to permit absent Board Members to participate and to be heard by other School Board Members and Counsel."

The Attorney-Client Session recessed at 1:30 p.m. The Regular School Board meeting reconvened at 1:42 p.m.

**Adjournment** This meeting was adjourned at 3:16 p.m.

RT

November 23, 2010

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