

The School Board of Broward County Florida must take final agency action by rendering a final order after considering the Recommended Order, ruling upon Respondent's Exceptions and the Petitioner's Response to Respondent's Exceptions.

The Record may contain confidential information and has not been redacted. Accordingly, it has been provided under separate cover.

There is no financial impact to the District.

Mr. Carland informed that the Board will consider and review a Recommended Order from an Administrative Law Judge concerning a matter of employee discipline. The Board will review and consider exceptions that were filed by the Respondent, who is represented by Robert McKee, Esq. Appearing on behalf of the Petitioner is Debra Klauber, Esq. and Adrian Alvarez, Esq.

Mr. Carland explained the process to be followed during the meeting, ruling on each of the exceptions filed, and enter a Final Order. He informed that the parties have agreed to the first two (2) exceptions with regard to paragraphs 14 and 15, the wording of the modified paragraphs as suggested by the Superintendent in his ruling.

Remarking that Ms. Lindstrand is appearing with her parents, Mr. McKee explained that a letter was sent by Principal Scott Neely to Ms. Lindstrand on March 7, 2013, advising her that she had been absent from work and had not reported her absences, or had any communications with the administration since March 1, 2013. As a result, he was going to recommend that Ms. Lindstrand be terminated from her employment and that the School Board would consider the matter on March 18, 2013, at its regularly scheduled School Board meeting.

Mr. McKee stated the letter was never received, Ms. Lindstrand never got notice of the intent to terminate or notice of the reasons why the Board would consider the matter. He explained that Ms. Lindstrand received a Driving Under the Influence (DUI), had chosen to contest the DUI, was found guilty after a two-day trial and was immediately incarcerated, which was not anticipated. She called her parents and informed them to immediately contact the school to ensure her classes are covered. There was a steady line of communication between Ms. Lindstrand's parents and administration, at the school level and at the Leaves department, to ensure that everyone was apprised of the situation and her effort to establish a status that was permissible, asking for a leave of absence under the Collective Bargaining Agreement.

Mr. McKee, noting that Ms. Lindstrand's fundamental due process rights were violated, informed that case citations were presented that if an administrative agency is aware that someone is incarcerated, rather than to mail a notice of proposed agency action to that person at his/her address, they have to make a deliberate effort to deliver that notice to the jail.

Although everyone knew this matter was pending before the Board on March 18, 2013, no one told Mr. and Mrs. Lindstrand or tried to contact Ms. Lindstrand in jail to attend the meeting and explain what is occurring. The record is clear there was an assumption made by several administrative personnel that someone else had told them, which was not true. Mr. McKee stated the mail that was sent to Ms. Lindstrand's old address was forwarded to her new address, but was not signed for and was not picked up until after she got out of the county jail and picked up her mail. In addition, her attorney went to the jail to have the Leaves form filled out and signed, and made sure the form was submitted to the proper authorities within the administration. He attempted to contact them through e-mails regarding the status, to no avail, until after the Board voted to terminate her employment, that her leave request had been denied.

Mr. McKee discussed the March 7, 2013 letter stating why the principal is recommending termination, but the letter says Ms. Lindstrand has not been in contact with them. Ms. Lindstrand had been in contract with administration, and she was denied the opportunity to send her parents or her lawyer to the March 18, 2013 Board meeting. This might have affected the outcome of what occurred to this teacher. Mr. McKee noted that some teachers have DUIs and have not been terminated but suspended.

Continuing, Mr. McKee stated the Administrative Law Judge failed to address the claim that if a person is known to be in jail every attempt should be made to serve them in jail. They knew Ms. Lindstrand was in the county jail because her mother called and told them. Mr. McKee stated that Ms. Lindstrand is a 17-year teacher who did her best to ensure that her classes were covered and that the district suffer the minimum amount of disruption due to this incident.

Noting the differences in the cases from previous matters that are submitted to the Board, Ms. Klauber stated that even though the arguments in the amended complaint referred to just cause for termination, there is a different statute that applies to the case before the Board. Florida Statute 1012.67 indicates that any School Board employee who is willfully absent from duty without leave shall forfeit compensation for the time of such absence and his or her employment shall be subject to termination by the district school board.

Ms. Klauber explained that Ms. Lindstrand took the week before and of her trial off and used sick leave, from Monday through Thursday. She was going to be incarcerated from the beginning of March until April 6, 2013, which is the information provided to the school and to the principal. The Principal and administration in conjunction with Employee Relations was seeking termination based on this statute; she was absent more than three (3) days, she had no justified leave. The issue was also presented to Human Resources, through the Leaves department, because her family was seeking a leave on her behalf. Human Resources staff met with the General Counsel's office and determined that under the Collective Bargaining Agreement and School Board policy on personal reasons leave there is no leave for being incarcerated.

Addressing the due process question, Ms. Klauber stated that upon the principal sending Ms. Lindstrand a letter advising her that she had been absent and was going to be recommended for termination, the Leaves department sent letters informing her that her leave was rejected. These letters were sent to the address that was on file with the School Board, an address that had not been updated by the employee. When her father filled out the leave form the wrong address was placed on the leave form. Ultimately, the School Board made a decision recommending termination and that letter went to her address, which she picked up at the post office days after the Board's decision was made.

Ms. Klauber stated that Ms. Lindstrand received due process, having received notice that the Board was recommending her termination and she got an opportunity to appear before the Administrative Law Judge and have a full hearing. If the Board had terminated her without notice and she had some justifiable reason that she should have been on a leave, she would have had an opportunity to argue that to the Administrative Law Judge. Ms. Klauber noted there are cases regarding incarceration where an employee is willfully absent from work without leave; the employee sets the chain of events into motion which resulted in not being able to be at work. She stated if the parents had the proper address the letters would have been received in a timely manner.

Ms. Klauber urged the Board to accept the Recommended Order and reject the Exceptions.

In rebuttal, Mr. McKee stated the notice and opportunity to be heard relates to a notice that the agency is going to take final action. The notice has to be delivered before the School Board meets and the opportunity to be heard is before the School Board votes. This fundamental right was denied to Ms. Lindstrand. This is not cured by having an administrative hearing before the Administrative Law Judge because, if given the opportunity to appear before the School Board to address the allegations contained in the principal's letter, she might not have been terminated. She was denied due process at the initial stage of this proceeding.

Mr. Carland advised it is appropriate to deliberate the exceptions in the final order. Both parties have agreed to modify Exception 14 in the Recommended Order, to add language at the end of the paragraph, through motion.

Motion to Accept (Carried)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to accept Respondent's Exceptions 1 and 2 to the Administrative Law Judge's Findings of Fact 14 and 15, and modify the Finding of Fact because it is not based upon competent, substantial evidence; add language at the end of the paragraph: ... she never received this letter before the School Board's meeting on March 18, 2013. (8-0 vote)

A vote was taken on the Motion to Accept.

Mr. Carland advised that the remaining exceptions include: Exception 3, Finding of Fact 18; Exception 4, Conclusion of Law 25; Exception 5, Conclusion of Law 26; Exception 6; and Exception 7, penalty.

Mrs. Rupert discussed page 3, Exceptions to Recommended Penalty, and was of the opinion that the employee did not get a chance to fairly represent her case in person before the School Board because she did not receive the letter prior to the School Board meeting. Mrs. Rupert asked her colleagues to consider the possibility of reducing the penalty, suspension or time served. She noted that many employees with DUIs have appeared before the Board and have not lost their jobs.

Mrs. Bartleman stated the issue is the employee not being at work, and this case also deals with whether or not the employee was entitled to the leave of absence and whether the Superintendent has the right to deny the leave. In the past, these employees are placed with the Employee Assistance Program (EAP), they are still working for the district and taken out of the classroom; they are not absent from their job. Mrs. Bartleman inquired whether there is any precedent regarding a leave for incarceration and is it relevant to the findings of fact.

Mr. Carland responded that the task of the Board is to make a decision based on the record, and it would not be relevant at this juncture if the Board wants to have a discussion with the Superintendent about change in process or a review of how the matters were handled in the past. Mr. Carland stated in this instance the Hearing Officer did make a conclusion that the recommendation of the Superintendent to terminate under these facts and circumstances was appropriate under the law.

Dr. Osgood understood the address not being reported and the dysfunctional issues associated with alcoholism. She is not able to determine if the employee had any problems in her prior work history as relates to absenteeism.

Mr. Carland stated the determination by the Board on these factors has to be made based upon the record that was adduced at trial through testimony of witnesses or exhibits that were filed. Based on that and the particular findings or determinations of fact that the Hearing Officer made, it did not appear from the Recommended Order that the prior work history of the employee was a factor in the Hearing Officer's conclusions because it was not discussed in the findings. Mr. Carland further stated, due to the fact of the employee's incarceration that was sufficient under the law to terminate.

Referring to page 9 of the Recommended Order, paragraph 25, Mr. Carland stated there is a Florida statute that addresses being absent without leave and specifically finds that an employee is subject to termination simply based upon that absence without leave. The cases cited in paragraph 26 by the Hearing Officer notes some prior cases where incarceration was the issue that led to this employee being absent and that it is sufficient under that particular statute to terminate the employee.

Motion to Accept Recommendation (See Below)

Motion was made by Dr. Osgood, seconded by Mrs. Korn, to accept the recommendations of the Administrative Law Judge, all the exceptions and the recommendation to move forward with the Superintendent's recommendation.

Mrs. Freedman stated the Board is reviewing the element of due process; understanding whether being in jail this individual was able to receive the notice and whether the School Board has the responsibility of finding the employee. Mrs. Freedman further stated that placing the burden on the School Board would be setting a precedent and there are employees in similar situations that are afforded other opportunities on different sets of fact.

Inquiring how parents and students are contacted if they are in jail, Mrs. Rupert stated she would like to review the policy and/or statute regarding this issue. She said that students receive second chances and every effort is made to keep them in school and out of jail. This should be afforded to employees.

Mrs. Good inquired about the composition of the three (3) days the teacher was absent.

Mr. Carland responded that the Hearing Officer found, under Finding of Fact 4 (no exception filed), that Ms. Lindstrand had an approved leave from February 26, 2013 to March 1, 2013. Exception 6 (no exception filed), the Hearing Officer found that Ms. Lindstrand began incarceration on February 28, 2013.

Mrs. Good noted she was approved through March 1, 2013; March 2 and March 3 were a Saturday and a Sunday, and March 4, 2013 is a Monday. Her father called on March 5, 2013 and turned in the form on March 6, 2013.

Mr. Carland stated the Hearing Officer noted it was more than three days, referencing from March 1, 2013 until she was released.

Mrs. Good stated, an Employee Relations Specialist indicated that Ms. Lindstrand had been absent from work for three days without approved leave.

Ms. Klauber referred to page 9, paragraph 26; the Administrative Law Judge starts the time on Monday, March 4, 2013.

Mrs. Good stated if there was no attempt by the family to try to notify the district of the facts in question she would have no issues. There were several attempts to advise the district of what had transpired, but the Board is not obligated to accept the leave.

Mr. Carland, in response to Mrs. Good's inquiry, stated the employee has been out of work since the incident occurred; the termination occurred and the due process proceeding began.

Mrs. Good voiced concern with the sequence of events, not that the district did anything incorrectly, and felt the loss of losing a 17-year teacher over a mistake she made in her life.

Mrs. Korn stated, even if the leave had been requested on February 28, 2013 when the incarceration first occurred, the district and the Superintendent reviewed the leave request and it was denied. Whatever day the request was made, ultimately the leave was denied and the Administrative Law Judge upheld that decision. Mrs. Korn concurred with affording employees the opportunity to go through the process and in this case the employee was afforded this opportunity. The district did everything it was suppose to do in terms of the notice. Mrs. Korn was of the opinion that the situation would not have a different result regardless of whether or not that address was on file. It is not the purview of the Board to determine whether or not the Superintendent made the right decision about the leave.

Concurring, Ms. Murray stated that abandonment of job, three days, and the outcome would have been the same whether or not the three days was recognized. The policy indicates if the employee does not notify the employer within three days it is abandonment of job, which was the intent of the principal. Ms. Murray acknowledged that the three days is vague, but the employee was not available to do her job. She noted that granting a leave of absence is at the discretion of the system and the bargaining unit, which is the Superintendent's determination.

Re-stated Motion to Accept Recommendation (Carried)

Motion was made by Dr. Osgood, seconded by Mrs. Korn and carried, to deny the remaining exceptions, items 3 through 7, and accept the Hearing Officer's recommended order as the final order of the School Board. Mrs. Good and Mrs. Rupert voted "no." (6-2 vote)

Dr. Osgood and Mrs. Korn concurred with the re-stated motion.

Responding to Mrs. Bartleman's inquiry, Mr. Carland stated that resignation is a separate modality for terminating employment. It would be incumbent upon someone to make that request to the Superintendent and his decision to bring it forward to the Board for vote.

Mrs. Bartleman stated that some individuals resign rather than have a termination on record.

Dr. Osgood voiced concern over the recommendation and stated if the employee had not been incarcerated she would have been able to go through the leaves process and to get help. Dr. Osgood stated that DUI is very serious and she has sensitivity to the issue from personal experience, but the Board must be impartial and consistent in policymaking, which is what is driving her decision.

A vote was taken on the re-stated motion.

2. Agreement for Professional Services - Jacobs Project Management Co. - Facilities Needs Assessment - Project Number P.001595 (Approved as Amended)

Motion was made by Mrs. Korn, seconded by Mrs. Rupert and carried, to approve the contract between Jacobs Project Management Co. ("Jacobs") and The School Board of Broward County, Florida, and authorize the Task Assigned Chief Facilities & Construction Officer to expend \$1,527,426 for Facilities Needs Assessment Services. This motion was superseded by a Motion to Amend (page 16). (8-0 vote)

The scope of this Agreement is to conduct a comprehensive facilities condition and educational adequacy assessment of the District's facilities for the purpose of obtaining an objective status of physical and functional educational and administrative plant deficiencies. The data collected will provide the basis of current and future capital planning efforts. Jacobs Project Management Co., a national leader in facility needs assessments, will provide professional staff, expertise, guidance, training, and lead a team comprised of District subject matter experts in this collaborative data collection process.

The scope of services is further explained in the attached Executive Summary (Exhibit 1) and as set forth in the Agreement (Exhibit 2).

This Agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.

The financial impact is \$1,527,426. The source of these funds is already identified in the Adopted District Educational Facilities Plan, Page 65 ? Facilities/ Capital Salaries & Program Management Fees (see Exhibit 4) and the additional funds of \$72,611 will come from the Capital Projects Reserve.

Mr. Moquin highlighted the presentations made at the January 14, 2014, Special School Board meeting and the January 22, 2014 Regular School Board meeting, stating that today's presentation consists of a modified recommendation. The original recommendation was on the building assessment component, to have that work completed 100% by in-house staff, under the direction of Jacobs.

Mr. Moquin stated that concerns centered on three areas: independence, whether it should be totally outsourced, competency of the in-house staff, particularly around architectural and whether or not architectural design was needed; and some issues around the impact to day-to-day operations by having all those in-house staff assigned. Mr. Moquin believed that those things can be accomplished by using an in-house model; however, there was a delay, a desire to maintain the project schedule and have the building assessments completed by the end of May 2014 in order to ensure this year's District Educational Facilities Plan (DEFP) process. In order to maintain the integrity of the project schedule a determination was made to add two more three-man assistant team, for a total of seven.

Discussing the hybrid model, Mr. Moquin discussed the opportunity to bring architectural resources of Jacobs to supplement the in-house staff. The recommendation before the Board today is to take advantage of this opportunity and not further impact the day-to-day operations by assigning six more staff. This also allows maintaining the current project schedule for completing the building assessments, as well as provide a great sense of independence by being able to use those four resources across all of the assessment teams.

Mrs. Rupert voiced concern that the assessment has snowballed and requested a full and transparent discussion. She inquired whether \$300,000 is needed; is it possible to do without the 25% increase; can the schedule be delayed; can it be condensed. Mrs. Rupert stated the project began as a needs assessment for facilities, the district staff and a company making a determination about the condition of the district's buildings.

Superintendent Runcie responded that the initial proposal is still a good proposal. An alternative option was presented based on the issues highlighted by Mr. Moquin; staff feels it can be done for \$300,000 less, it may push the timeline out somewhat, and the right components are in place in order to execute the agreement. Mr. Runcie stated that the project incorporates multiple activities that are done every year, all involving staff, an efficient way to get this work done and get a good product. The Superintendent said it boils down to a comfort level the Board has in terms of the degree of outside staff versus internal staff. There is no doubt that it is a good structure.

Mrs. Rupert said she did not believe there are in-house architects.

Mr. Moquin stated that staff believes there is competency within in-house staff to perform the function of the CAD drawings. He reiterated this is an opportunity to bring Jacobs in to cure the three issues at once, as previously indicated. Staff had always positioned three models: all in-house, hybrid, and outsourcing. Jacobs and staff re-negotiated the hybrid model even further, to provide the opportunity for staff to make this recommendation and cure a variety of issues that were raised at the first meeting. It was not intended to say that is the direction the Board wanted to proceed.

Responding to Mrs. Rupert's inquiry, Shelley Meloni, (Task Assigned) Chief Facilities & Construction Officer, informed that there are no architects on staff. She stated that hiring architects would be for a definitive period of time, it would not be a long-term endeavor, and the overall cost is not known.

Michael Marchetti, Task Assigned Special Assistant to the Superintendent's Office, informed that Jacobs may or may not be providing licensed architects; they are trained in architecture. The development of the proposal was over a several-months period, which included extensive research, including multiple facets of providing this Board objective, accurate facility information.

Mr. Marchetti said he was convinced about the expertise of Jacobs, and the district needs their expertise and the district's employees will provide expertise. Remarking that the original proposal was not by far the best proposal, Mr. Marchetti said it will get the job done. If the district is going to begin to re-build trust it occurs from within.

Mrs. Korn stated the last time this process occurred a 10-year master level plan was presented to the Board and it was not utilized. She would like to know the definition of the Capital Improvement Plan and what is expected of the deliverables.

Mrs. Good stated they are not going to be providing data for the five and 10-year capital plan, they are going to be providing a needs assessment report to assist the Board in developing the five and 10-year plan.

Mrs. Korn said she would like to see a needs assessment with data, that it is extremely clear as to what the district expects when the project is delivered, and Jacobs knows that is expected. Mrs. Korn stated she would like the Capital Improvement Plan better defined so that what is discussed is actually in the document.

Remarking that Article 2, 2.03, Schedule, (a), speaks about Jacobs delivering a Capital Improvement Plan, Mrs. Rich Levinson stated this contradicts 2.04 Scope of Services, (b). It indicates they are going to give the district a Capital Improvement Plan, which has to be addressed.

Mr. Marchetti informed that the language can revolve around the actual system and the fact that the district will have a sustainable program to house the asset mangement information.

Mrs. Korn further stated it would behoove the district to get information regarding best practices.

Mrs. Good suggested that a recess be taken prior to any proposed language changes to the agreement.

Mrs. Korn inquired about the staffing that will occur on the part of the district.

Mrs. Rich Levinson inquired whether the district is able to maintain its buildings properly and carry on the rest of the work that is needed with the individuals assigned to this project.

Sam Bays, Director, Maintenance Operations, responded that a strong re-alignment is needed to be able to shift 14 individuals into this effort. He and managers have met over each and every selection and fully understand the impact that this effort will have. There is a plan to mitigate this impact, it will be difficult, but it is doable and staff is committed to make it happen.

Mr. Marchetti added, certainly less than five teams is less of an impact to the operations than seven teams are. Additional staff will be trained in case there is a fallout with that staff. Mr. Marchetti stated it is important to understand management's preference for five teams and extending the schedule a bit, because it seriously lessens the impact on Physical Plant Operations (PPO).

Mrs. Rich Levinson stated it is important to use district employees to build public trust on this assessment. The seven teams versus five teams, and the time, is also important to build public trust. Mrs. Rich Levinson further stated when the Capital Plan is presented it will show what is being done and that we are not going into another year with an incomplete needs assessment.

Mr. Marchetti was of the opinion that with the constricted schedule (Option B) is a quality control issue. On top of additional impact to PPO, that risk is not necessary and it adds risk unnecessarily to the project. Mr. Marchetti stated if the five team approach is considered, which is more comfortable for Jacobs and district staff, the project can still be done sometime early in July 2014 in order to provide the Board some objective data for this year's Capital Planning process.

Mrs. Rich Levinson stated there was discussion that Jacobs was going to be providing the architectural component, not physically, but utilizing their architects after the physical walkthroughs had been done.

Mr. Marchetti responded that Jacobs has a team of architects and engineers that review the information and help them work through the process. They will review the information to make sure it fits into the MAPPS reporting system, in support of the district's field assessments.

Mrs. Rich Levinson stated that based on this information she could support the initial proposal that is being recommended.

Mr. Moquin stated there is a big disconnect between funding and when the work actually gets completed; there is already more than 100 projects that are funded and waiting to get done.

Mr. Marchetti stated that information will be uploaded every day as the assessments come back. Given the district's limited financial resources, it will not be difficult to provide some real priority objective information towards this year's Capital Plan.

Mrs. Rich Levinson commented on the favorable fee schedule comparison between the district and Fort Bend (Texas) Independent School District when reviewing the total square footage amount and what was ultimately negotiated. She said staff had the district's best interests in mind as far as negotiating.

Mr. Marchetti informed that with the expertise in-house and how this was leveraged, the district is paying for a low-end assessment and expecting very good, comprehensive information on facilities.

Remarking that everyone feels a needs assessment is crucial, Mrs. Good stated the Board previously discussed at last year's DEFP meeting that moving forward the district needed a needs assessment to make a determination on what the district's needs are in the schools.

Mrs. Good noted that the square footage changed, from 30 million in square feet of facilities to 36 million in square footage.

Mrs. Meloni clarified that this was a typographical error in the previous item, the square footage remains the same, but the number of schools has changed.

Mr. Marchetti informed that the original proposal was approximately 30 million square feet with approximately 250 facilities. As time moved closer to finalizing the documents, the actual numbers were closer rather than approximations.

Mrs. Good stated there has not been a lot of discussion about the need for a plant survey, which needs to begin now as required by the state in order to be completed by next year. Mrs. Good inquired how this function will occur.

Responding affirmatively, Mr. Marchetti stated it is a deliverable. He explained that updating the Florida Inventory of School Houses (FISH) will be handled by district staff based on what the needs assessment finds. Mr. Marchetti stated that Jacobs has worked with Miami-Dade on their plant survey and is derived from the MAPPS system; they have the forms and the data would be uploaded into those forms. They will be giving the district the information in the proper format (electronic) that district staff will upload as the plant survey is due.

Mrs. Good noted that this will be a needs assessment and will dovetail into the district's educational plant survey. Mrs. Good was of the opinion that there will be a need for a five-year plan and a 10-year plan. It is a working document; using the five-year plan to assess the needs for the next five years, and the 10-year plan is a broader outlook. Mrs. Good stated that the district needs to understand what the immediate needs are in three, five, 10 years, and possibly 20 years, which changes on a yearly basis based on what occurs within the schools. She supported the development of a plan that the Superintendent and staff feels should be developed as a Board. Moving forward, Mrs. Good felt there needs to be a very different objective as to how to develop that five-year plan; having a comprehensive discussion amongst the Board and understanding the needs based on real priorities of the entire district.

Mrs. Good expressed her support for the hybrid model, as it is important to utilize the services of district staff as well as external. She did not support using any reserves for this project (proposed \$72,000). Mrs. Good inquired how much was actually allocated in the district's plan.

Omar Shim, Director, Capital Budget, responded that the Five-Year Capital Plan allocated \$15.5 million last year for capital salaries and program management, as shown in the breakdown on Exhibit 4. The difference of what was in the Five-Year Plan and what is needed is \$72,000.

Mr. Runcie noted that this is based on \$1.5 million; by using the \$1.2 million there will not be the need to go into reserves.

Mrs. Good stated that she supports the \$1.2 million, but has concerns because today it has increased. Remarking that she supports either one, Mrs. Good inquired whether the Board has the ability to use the \$1.2 million model and still utilize the hybrid, understanding that there may be time issues with regard to all the information being collected on time.

Mr. Marchetti informed that when the schedule was made with Jacobs it was based on anticipated required resources to do an assessment at elementary, middle, high school, and centers, because there are different hours associated with each one. Consideration was made regarding the need to not interrupt the educational process during FCAT testing, weeks blocked out during this time. Mr. Marchetti stated that staff can make up time during the testing period and is confident to have well within reason 80% by the original end-of-May scheduled completion date.

Remarking that this is a great undertaking, Mrs. Good stated she was confident the project will get done within the time frame that is allocated. She stated the district needs to show that the job can get done within a respectable time period and within the constraints that are being presented today.

Mrs. Bartleman voiced concern over the educational adequacy component; the deliverables suggest that the school district libraries be moved to different locations in the building. Mrs. Bartleman stated her major concern for the district is the safety of buildings, indoor air quality, and sports facilities. The needs are so great and there is not enough projects managers and staff to handle these needs.

Mrs. Bartleman stated the technology component is important, which was not provided in the Technology Strategic Plan, what computer services and wireless services are needed, and any infrastructure that is needed within the schools.

Mr. Marchetti responded that these types of questions will come up in the initial interview when the principal and assessor meet, what the concerns are at the school. This information will be kept in the Asset Management data base for future reference, if needed, from a design standpoint.

Mrs. Bartleman stated that there are some schools that have Castaldi reports, multiple schools that the state will not allow to be renovated but instead should be re-built. Remarking that she wants the "big picture items" that have already been done to determine the Capital Plan, Mrs. Bartleman said she does not want to hear that libraries and specific schools need to be moved.

Mr. Marchetti stated that staff is not participating in the Educational Adequacy Assessments. The district is asking Jacobs to assess against the educational specifications.

Mrs. Good stated if they want to move a library and specific schools need to be moved, staff would come back with a recommendation that the district is not going to spend money to move a library.

Concurring, Mr. Marchetti stated they are not necessarily recommending this, it is a point of information.

Mr. Moquin informed that this was based on listening to the dialogue at the January 14, 2014 meeting, some issues that were raised; a desire to maintain the existing project schedule, and to look at the independence aspect.

Mr. Marchetti clarified that the reason there was a deferral of the first Board meeting for two weeks was due to not getting the item posted on time, which caused a month delay. Looking back from the original end date, this would require additional people and additional money. Mr. Marchetti stated if an extra three or four weeks that was lost from this project was extended, the five-team approach can be used and without spending additional money with Jacobs.

Mrs. Bartleman inquired why the "hard" date originally was picked.

Mr. Marchetti responded that staff wanted to be done early enough to have the data available, reconciled for this year's Capital Plan. This will bring the time schedule to the end of June 2014, which is in the planning process for the DEPH.

Mr. Shim informed that the DEPH is adopted in September 2014.

Mr. Marchetti stated, at some point Mr. Shim will identify what the revenues are for this year's Capital Plan and there are other items that impact the plan, such as technology and transportation. The available dollar amount will be provided, based on priority, and staff will review the existing information and indicate the items that potentially need to be included in the Capital Plan.

Mr. Moquin stated there will be a considerable amount of information provided, but not 100%. He noted there is always an opportunity where a situation can arise, such as roofing issues.

Mr. Shim informed that a close review is being made of technology, vehicles and buses and other equipment needs. This information will be pulled earlier, and as information is submitted from the needs assessment that information will be incorporated in the Five-Year Plan.

Mr. Marchetti informed that the five public meetings are to inform the public on the process that is occurring; Jacobs will facilitate these meetings and be present to provide technical expertise. Mr. Marchetti informed that Plan A would be a little bit cheaper because the change was made based on Board recommendation; the number is approximately \$50,000 less because the district will facilitate those meetings, not Jacobs. Information will not be solicited at these meetings, mainly to inform on the process, providing an update with the overall needs assessment.

Responding to Mrs. Bartleman's inquiry, Mrs. Meloni clarified that the various meetings are held to inform as many community members as possible, informing them about the process.

Mr. Marchetti stated there is not one meeting planned for the end of the assessment. The original proposal included five meetings, and Jacobs was planning 10 meetings, holding two meetings in one evening, to get to as many people as possible. Mr. Marchetti further stated the meetings have not been set yet, and they end up being meetings that are held back-to-back early on in the process.

The following individuals addressed this item:

Jeanne Jusevic
Christina Brazille

Mrs. Rich Levinson stated that the five teams will go through each school and the public input portion is not needed. When the community gives input it is very subjective. The Board wants objective information, and staff has clearly indicated that a thorough and comprehensive needs assessment will be done.

Dr. Osgood stated as the district continues to be more transparent the Board will focus on sharing and at this time the Board is indicating what the process will entail. The public has many ways to communicate their input, such as e-mail. It is part of the district's strategic priority to communicate and be more transparent.

Mrs. Good called for a recess until the end of the workshop, so the Superintendent, staff and counsel can bring back proposed changes that will impact the agreement.

Following the recess, Mrs. Good asked Mr. Carland to reflect what transpired during the meeting with staff.

(Mrs. Rich Levinson appeared telephonically during this portion of the meeting)

Mr. Carland informed that what has been distributed to Board Members is a revised version of the contract, along with an updated version of the Proposal, Exhibit A. The Superintendent and staff will ask the Board to consider this revised document, as well as the revised Exhibit A, as the Superintendent's current recommendation at this time. Mr. Carland advised that it is sufficient, by acclimation, the Board could accept the revised recommendation and continue the conversation.

Explaining the contractual changes, Mr. Carland stated that Tom Cooney, Assistant General Counsel, Office of the General Counsel, and staff worked on concerns regarding Sections 2.03 and 2.04, Capital Plan; to revise those sections and state that the deliverables are going to be as found in Section 2.04. They have de-emphasized the Capital Plan, as indicated by Mrs. Korn, to change it from being a specific type of document that was used and the other work that Jacobs did as to specifically what it would entail in Broward County.

Mr. Carland further stated that the revisions to the proposal, Exhibit A, has been adjusted in terms of re-defining, under Section 6, as to what exactly the Capital Facility Planning will entail for the district.

Remarking that he is comfortable with those changes, Mr. Carland noted that Section 2.06 indicates that all these documents together constitute the contract. It is very clear in terms of any conflict the order of preference, that the district's agreement is to be the first document to review to understand the intent of the parties.

Mrs. Rupert, referring to page 2 of 12 of the Agreement, moved that Article 2 - Special Conditions, Compensation, 2.02, go back to the original contract fee.

Mr. Marchetti responded that the actual number in the proposal is lower than what the original amount was, \$1,219,933. This is less than was proposed at the last meeting.

Mrs. Rupert stated that the five teams was very important with this figure.

Motion to Amend (Carried)

Motion was made by Mrs. Rupert, seconded by Mrs. Korn and carried, to amend Agreement, to revise Section 2.02, compensation amount, \$1,219,933, as reflected in the proposal. (8-0 vote)

Mr. Marchetti responded affirmatively to Mrs. Rich Levinson's inquiry, that the new amount is the decrease in the Community Engagement piece.

Mrs. Rich Levinson inquired how the conflict regarding the delivery date of the needs assessment being July 31, 2014 and the September 30, 2014 Capital Improvement Plan has changed in that section.

Mr. Carland responded that in Section 2.03 (a), the deliverable dates were not changed and the parties will continue to work with those deadlines. The reference to the Capital Improvement Plan was removed. Instead, the scope of services was identified as in Section 2.04, which also has removed reference to the Capital Improvement Plan as a formal document, as noted in Jacobs' prior work, and will be reflecting the work as set forth in the proposal which does not include a specific Capital Improvement Plan but instead culminates in the deliverable of Capital Facility findings. This would be the deliverable for September 30, 2014.

Remarking that the agreement captures what she is looking for, Mrs. Korn referred to Exhibit 2, page 2, Facilities Assessment Proposal, Base Fee Proposal, 6.0 (\$105,189). Mrs. Korn stated the district is paying slightly less in most of the categories. Referring to the Capital Facility Planning, Mrs. Korn stated the district is paying a little more than \$200,000, yet it has been reduced to what the Board was looking for in that deliverable. She requested that this proposal be as accurate as what the Board intended it to be, as it seems that it would have gone up rather than down.

Mr. Marchetti responded that staff went back to the original proposal (\$107,434) and he is unsure as to the difference. It may be that in the turnaround process the amount changed.

Mrs. Korn requested, when amending the deliverable itself that staff address the cost associated with that particular deliverable; that everything coincides with the changes.

Mrs. Bartleman inquired whether the report will indicate whether the emergency items will be prioritized, such as roofs.

Responding affirmatively, Mr. Marchetti stated there will be a weighted matrix applied to the priorities. A roof that is 25 years old, its potential for failure is a lot greater than one that is 20 years old. Mr. Marchetti further stated there will be a weighted process associated with every one of the items that puts it in its place as to what staff believes is the actual need.

Responding to Mrs. Rupert's inquiry about the change in hours, Mr. Marchetti stated that the hours were not addressed in this quick fashion. Staff wanted to get the numbers right and they were not asked to address the hours.

Mrs. Rupert inquired whether there will be a certain amount of interface and cooperation on this assessment with URS Corporation and whether they can do some of the work.

Mrs. Meloni responded that it was not factored in the price.

Mrs. Good stated that the Board is attempting to do the best in ensuring the district is getting the most deliverables as possible in an efficient manner, and accomplish the needs assessment that is needed by the district.

Mr. Carland reiterated the Motion to Amend.

Mrs. Rupert requested that the number of teams is reflected in the agreement.

Mr. Moquin informed that it is included in Exhibit A, 3., in the proposal. The proposal is based on the School District providing five 3-person teams.

A vote was taken on the Motion to Amend, followed by a vote on the item as amended.

Adjournment This meeting was adjourned at 2:28 p.m.

RT