

RESOLUTION 15-106 OF THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

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

WHEREAS, The School Board of Broward County, Florida, in response to community interest in the effective and efficient use of bond proceeds, will create a Bond Oversight Committee pursuant to Part V.A.1 of School Board Policy 1070 – “District Committees and their Membership” to act as an independent Broward County citizens advisory committee to The School Board; and

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

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

NOW THEREFORE BE IT RESOLVED THAT The School Board of Broward County, Florida, hereby creates the Bond Oversight Committee:

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

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

- 1) Consideration of racially and ethnically diverse Broward County residents to serve as Committee members;
- 2) Consideration of Broward County residents with professional backgrounds in finance to serve as Committee members;

- 3) Consideration of parents and/or grandparents of students enrolled in the School District of Broward County to serve as Committee members;
- 4) Consideration of Broward County residents that play an active role in recognized civic and community organizations to serve as Committee members;
- 5) Consideration of retired Broward County residents from identified industries/organizations;
- 6) Exclusion of persons who have a current or pending working relationship, contract, or sub-contract with The School Board; are employed by The School Board;, or are otherwise stated as being excluded in Section 3. Membership; and
- 7) Exclusion of persons who are currently serving on any School District business or advisory committee.

SECTION 3. MEMBERSHIP. The Committee shall consist of no more than seven (7) persons.

- 1) The Committee will consist of seven (7) Committee Members residing in Broward County selected by the following School Board-identified organizations or having qualifications listed below:
 - a. One member from Florida Government Finance Officers Association;
 - b. One member from the Broward County Parent Teachers Association;
 - c. One member from the Fire Chiefs Association of Broward County;
 - d. One member shall have experience with building code compliance;
 - e. One member shall have experience with engineering;
 - f. One member shall have experience with construction contracting; and
 - g. One member shall have experience as a minority builder.

A quorum of the Bond Oversight Committee necessary for the Committee to conduct business would be comprised of four (4) Committee Members who are physically present at the Committee meeting Unless the physical presence requirement has been excused by Executive Order from the governor.

- 2) School Board identified organizations listed heretofore will select their representative to serve on the Committee. If an organization does not want to have representation on the Committee, or if the identified organization cannot find an eligible and willing

person to appoint to the Committee, then The School Board may amend this resolution to identify a new organization to be represented on the Committee.

- 3) The Committee's Chairperson and Vice-Chairperson will be elected from among the Committee members.
- 4) The Authority conferred by The School Board upon the Committee under this Resolution requires any actions to be approved by a majority vote of the Committee as a body corporate and not by actions of individual Committee members.
- 5) Committee members will not receive direct or indirect compensation from The School Board. Committee members also may not accept compensation, honoraria, or money of any amount from entities with whom The School Board does business. Tangible gifts (including tickets to a sporting or entertainment event) may not be accepted either (see Section 112.3148, Florida Statutes, and Section 9. Ethics & Code of Conduct).
- 6) Committee members may not have an active contract or be seeking a contract with the School District or with any contractor or sub-contractor associated with the Capital and/or Bond Programs for the duration of the Bond and once no longer a Committee member, restrictions will apply for a two (2) year period.
- 7) Committee members may not be an employee or official of the School District, or of any vendor, contractor, sub-contractor, or consultant of the School District.
- 8) Committee members who are also admitted to The Florida Bar must not be currently representing or will represent any client who or which is doing business with The School Board or has been retained to represent any client against or pertaining to The School Board in any matter.
- 9) Committee members may not be currently serving as an appointed or elected government official.
- 10) Committee members may not be currently serving as an appointed member of any School District advisory committee.
- 11) Committee members may not be lobbyists as defined by School Board Policy 1100B – "Lobbyist Activities for Economic Gain", meaning, any natural person who was registered with the School District as a lobbyist during the preceding twelve (12) months or who, for compensation, seeks, or sought during the preceding twelve (12) months, to influence the governmental decision-making of The School Board or an

official of the School District, or who, for compensation, sought during the preceding twelve (12) months, to encourage the passage, defeat, or modification of any proposal or recommendation by The School Board or an official of the School District.

- 12) Committee members only serve in a monitoring and reporting capacity role.
- 13) Committee members serve the general interest of the public as opposed to any personal interest or special interest group.
- 14) If a Committee member moves outside Broward County, resigns, violates Section 9: Ethics & Code of Conduct of this Resolution, fails to attend two consecutive Committee meetings without reasonable excuse as determined by the Committee Chairperson, or otherwise becomes unable to serve on the Committee, the Committee Chairperson may declare the position on the Committee to be vacant and request another qualified person to be appointed to the Committee from that organization.

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

- 1) Review quarterly reports produced to verify effective use of bond proceeds and compliance with the purposes set forth in the Bond Programs as approved by The School Board;
- 2) Ensure that bond revenues are expended for the purpose set forth in the Bond Programs as approved by The School Board, and that any deferred proposals or changes of plans are executed after appropriate approval of The School Board;
- 3) Validate that no bond funds are used for any teacher or administrative salaries or other school operating expense;
- 4) Review efforts by the School District to maximize bond revenues by balancing best value, quality, and efficiency in meeting the School District's Bond Programs as approved by The School Board;
- 5) Hold quarterly public hearings within the School District for the purpose of presenting findings and receiving public comment; and
- 6) All Committee members will annually sign a conflict of interest statement disclosing any existing conflicts and must sign an agreement to abide by Section 9: Ethics & Code of Conduct of this Resolution.

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

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

- 1) All public meetings and public hearings shall be duly noticed pursuant to Section 50.031 or 50.0311, Florida Statutes, and published on School District website in advance of the scheduled date and open to the public.
- 2) A public hearing shall hereby be defined as any meeting held by the Committee in which the public is afforded an opportunity to comment on any proposed recommendations. The Committee may reasonably limit the time each member of the public can speak at a public hearing.
- 3) A public meeting shall hereby be defined as any meeting held by the Committee in which the Committee will deliberate in public regarding the status of School Board approved Bond Projects. The Committee Chairperson may reasonably limit the time each member of the Committee can speak at a time upon an issue under deliberation. Unlike public hearings, the public meetings are an opportunity for the Committee to work in the Sunshine, not an opportunity for community comment. All public meetings will be open to the public - however, public comment will not be permitted. Public comment will be received at the public hearings described above.
- 4) The Committee shall present its reports and findings quarterly to the public at a public hearing.
- 5) The Committee shall present its reports and findings, as well as a general summary of community comments, at a School Board Workshop that is conducted closely after the public hearing, ensuring that adequate time will be provided for preparing necessary materials to be made available to the public.

- 6) Appropriate representatives of existing School Board Appointed Business Advisory Committees (examples include: Facilities Task Force, Diversity Committee, etc.) will be afforded an opportunity to provide comments at the Committee public hearings relating to general obligation bond projects. The Chairperson of the Bond Oversight Committee may reasonably limit the time each School Board-Appointed Business Advisory Committee representative may speak at a Bond Oversight Committee public hearing. The Chairperson of the Bond Oversight Committee, or his/her designee, will be provided the opportunity to present at reasonably scheduled meetings of School Board Appointed Business Advisory Committees. The Bond Oversight Committee Chairperson will be provided the opportunity to share Bond Oversight Committee meeting deliberations and work products at reasonably scheduled meetings of the School Board Appointed Business Advisory Committees.
- 7) The Chairperson or Vice-Chairperson may convene additional public meetings and public hearings, if necessary.
- 8) All Committee meetings and public hearings shall be held within Broward County.
- 9) All Committee meetings and public hearings will adhere to Robert's Rules of Order.
- 10) Drafts of Committee meeting and Committee hearing minutes will be prepared and distributed to the Committee within fifteen (15) business days. The minutes will be voted upon for the record at the next scheduled Committee meeting and upon approval will be posted to the School District's website within seven (7) business days.
- 11) As an advisory committee, the Committee is subject to the State of Florida's Government in the Sunshine Law as well as Florida's Public Records Laws, as prescribed by Florida law.

SECTION 7. SUPPORT. The Committee will work collaboratively with School District staff, especially with agenda and meeting development. The Committee shall be provided the following School District support services in its endeavors to review each project:

- 1) The School District's Chief Operations and Facilities Officer and the Chief Financial Officer shall attend the Bond Oversight Committee meetings to provide support services to the Committee. These administrators are not Committee members and, as such, are not made subject to the Sunshine Law by this Resolution.

- 2) The Superintendent or the Superintendent's designee shall oversee management's action plan to respond to any written report from the Committee with findings or suggestions for improvement within fifteen (15) business days. All recommendations from the Committee's establishment to the current date will be tracked and made available to the Committee, The School Board, and the Superintendent. The School District's website and other communication avenues will also publicize the Committee's report for use by the general public.
- 3) The School District shall have a commitment to provide open communication to the Committee, and provide the Committee with necessary technical and administrative assistance in a timely fashion as follows:
 - a. Provision of a meeting room, including any necessary audio/visual equipment;
 - b. Preparation and copies of any written meeting materials, such as agendas and reports; and distribution of those materials to the Committee in a timely manner;
 - c. Provision of a quarterly summary progress report covering the Bond Programs;
 - d. Access to other information as allowable by law and necessary for the Committee to effectively perform its oversight function;
 - e. Retention of all Committee meeting records, and provision of public access to such records on the School District's website; and
 - f. Public notification of Committee meeting and Committee hearing times and locations pursuant to Section 50.031 or 50.0311, Florida Statutes. The meetings and hearings shall be open to the public.
- 4) Summary progress reports from School District departments will communicate and provide an explanation for the following attributes in a clear and concise manner. As part of reporting, the School District will identify projects that experience a significant impact to schedule, budget, or scope of work. Detailed reports can be provided upon the Committee's request and may include:
 - a. Project schedules with anticipated completion dates and current status;
 - b. Project scope;
 - c. Contingency reports (change allowance, encumbrances, and available budget);
 - d. Expenditure reports; and
 - e. Status of Minority/or Woman Owned Business Enterprise (M/WBE).

- 5) The appropriate School District staff, School District consultants, and/or designees shall attend all Committee meetings and hearings in order to provide a status update for their area of responsibility as it relates to the Bond Programs and to respond to any questions from Committee members.
- 6) The School District acknowledges that the Committee may request certain information that is sensitive or legally privileged, confidential, or exempt. The School District will consult with the Office of the General Counsel to ensure compliance with such requests within the constraints of applicable law and in a manner serving the best interests of the School District.

SECTION 8. ADVISORY NATURE OF THE COMMITTEE. The Committee provides external oversight for the bond projects only. Also, the Committee only serves an advisory role to the School District or The School Board, and its members are not personally liable to the District or Board for actions within the scope of their appointment. The following list is not exhaustive, but simply illustrates the areas over which the Committee will lack responsibility. The Committee is **not** responsible for:

- a. Approval of construction contracts or change orders;
- b. Appropriation of construction funds;
- c. Handling of legal matters for The School Board;
- d. Approval of construction plans and schedules;
- e. Approval of the School District's maintenance plan;
- f. Approval of the sale of bonds;
- g. Establishment of priorities and order of construction for the bond projects;
- h. Selection of architects, engineers, construction managers, project managers, and such other firms providing professional services to The School Board;
- i. Approval of the design for each School District project including exterior materials, paint color, interior finishes, site plan and construction, means or methods;
- j. Selection of independent audit firm(s), performance audit consultants, and such other consultants as are necessary to support the performance of the Bond Programs;
- k. Setting or approving schedules of design and construction activities; and

1. Investigations of alleged wrongdoing, potential waste, fraud, misuse or abuse, or non-compliance with Local, State, Federal laws/regulations, or School District policies.

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

- 1) Maintain compliance with Section 3: Membership of this Resolution. Committee members must notify the Committee Chairperson of any change that may prohibit them from serving on the Committee. The Chairperson may declare a Committee member's position on the Committee to have become vacant and request another qualified person to be appointed to the Committee from that organization;
- 2) Abide by regulations set forth in the State of Florida's Government in the Sunshine Law (Section 286.011, Florida Statutes) and Florida's Public Records Laws (Section 119.07, Florida Statutes) to ensure that Committee meetings and Committee Hearings are conducive to open and candid discussion;
- 3) Become familiar with and be committed to the responsibilities of the Committee, and adhere to the principles of fairness, honesty, integrity, and good faith in all Committee business and interactions;
- 4) Carefully prepare for, regularly attend, and actively participate in Committee meetings, Committee hearings, and assignments;
- 5) Refrain from corruptly using or attempting to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others;

- 6) Refrain from acting as a spokesperson for the entire Committee unless specifically authorized to do so by the Committee;
- 7) Refrain from accepting any compensation, payment, or thing of value when such Committee member knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the Committee member was expected to participate in his or her official capacity;
- 8) Refrain from taking any actions that create a perception that favorable treatment of outside entities by the Committee was sought, received or given in exchange for courtesies. "Courtesies" include gifts, gratuities, meals, refreshments, entertainment, or other benefits from persons or companies doing business with the School District. The Committee shall not accept courtesies that constitute, or could reasonably be perceived as constituting, unfair business inducements that would violate The School Board's governing laws, rules or policies;
- 9) Respect the rights of others when performing Committee responsibilities and refrain from actions that might compromise the School District's reputation or standing in the education community;
- 10) In the event of a potential conflict of interest, a Committee member will promptly disclose the known potential conflict and, until such time that a determination is made by the Office of the General Counsel and/or the Florida Commission on Ethics, the Committee member will remove himself or herself from all discussion and voting on the matter in question;
- 11) Exercise proper authority and judgment when dealing with Committee staff, contractors, and the general public, and respond to the needs of fellow Committee members in a responsible, respectful, and professional manner; and
- 12) Support the decisions and action of the Committee, even if they differ from such Committee member's personal views, unless such decisions and actions are unlawful, unethical, or otherwise improper.
- 13) A Committee Member shall promptly notify the Office of the General Counsel of a potential conflict of interest or voting conflict. If appropriate, the Committee Member may request an advisory opinion from the Florida Commission on Ethics. If a

determination is made that a prohibited conflict exists, the Committee Member will be required to resign from the Committee.

SECTION 10. TERMINATION AND CESSATION OF THE COMMITTEE. Unless otherwise terminated sooner by The School Board, the Committee shall sunset upon the completion of all projects funded by the general obligation bond as approved by the voting public on November 4, 2014.

SECTION 11. EFFECTIVE DATE. This Resolution shall become effective upon approval by The School Board of Broward County, Florida.

Debra Hixon, Chair

Dr. Howard Hepburn, Superintendent