

BROWARD COUNTY PUBLIC SCHOOLS
BOND OVERSIGHT COMMITTEE

FORT LAUDERDALE HIGH SCHOOL
MEDIA CENTER
FORT LAUDERDALE, FLORIDA
DECEMBER 10, 2015
6:07 p.m. - 9:40 p.m.

ATTENDANCE:

J. Paul Carland, II, Esq., General Counsel
Tony Hunter, SBBC Chief Information Officer
Robert Nave, Florida TaxWatch
Jeffrey Moquin, SBBC Chief of Staff
Leslie Brown, SBBC Chief Portfolio Services Officer
I. Benjamin Leong, SBBC C.P.A., Chief Financial
Officer
Omar Shim, SBBC Capital Budget Director

Bond Oversight Committee Members

ATTENDANCE:

Adam Rabinowitz, Esq., The Florida Bar, Chair
Ann Siegel, Esq., Disability Rights Florida, Vice Chair
Maxine Lewers, President, Broward County PTA
Laura Aker Reece, Budget Manager, Florida Government
Officers Association
Donald DiPetrillo, Fire Chiefs Association of
Broward County

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P R O C E E D I N G S

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4 MR. RABINOWITZ: All right. I think we can
5 call the meeting to order.

6 The first order of business is to approve the
7 minutes from the prior meeting of October 5th.

8 Do I hear a motion to approve the minutes?

9 MS. REECE: Moved.

10 MR. RABINOWITZ: Second, anybody?

11 MS. SIEGEL: Second.

12 MR. RABINOWITZ: All those in favor say aye.

13 COMMITTEE MEMBERS: Aye.

14 MR. RABINOWITZ: I think it's unanimous.

15 We'll recess the business aspect of the
16 meeting at this point to accept public comments.

17 I think that one person signed in. If they
18 want to approach the podium that would be
19 fantastic.

20 MR. SIRBOLA: Okay. I was expecting to talk
21 at the end rather than the beginning.

22 Hello, is there a time? What's the time?

23 MR. RABINOWITZ: Yeah, sorry, I didn't
24 announce it earlier. You have four minutes.

25 MR. SIRBOLA: Well, first off I want to be

1 real clear, I'm in favor, as is everyone, of
2 having more resources for kids, and I want to be
3 clear, as well, that the kids will see the money.
4 There's no situation where they won't be seeing
5 construction funds and other funds they require.

6 However, that doesn't mean that we don't need
7 to assess our situation so that that money is
8 effective. And, in order to do that, we have to
9 be honest with ourselves and our situation.

10 When I reviewed the materials, it was very
11 clear that if anything materially affected the
12 financial viability of the Bond, there was clear
13 procedures to be followed, which included, I
14 think, the notifying agent was the District
15 Advisory Council was one of the options. When I
16 tried contacting them there was no response. And
17 this is true, also, at the School District.
18 Aside from the issues and what they weren't
19 responding to, it's the lack of response. It's
20 the fact of, whether it was valid or not, there
21 is a long history of just, we'll ignore it. It
22 lowers our -- you know, it's a legal -- I'm not
23 saying you're doing it on purpose, but it's also
24 done in industry, as well.

25 We don't want to do that with our kids. Our

1 kids -- it's like a hospital, you know, it's not
2 the same thing. I made the point that up in Palm
3 Beach, for example -- well, let's just get right
4 to it here. What we're talking about is chronic
5 post traumatic stress disorder. It's a spectrum
6 disorder. It doesn't mean that our kids are
7 being shot, it means that they're being
8 micro-stressed over and over and they're
9 suffering that here. There's a billion dollar
10 lawsuit in Compton, California. That's the type
11 of thing that, if it happens here, will
12 materially affect the Bond and its viability
13 moving into the future.

14 Another example is what's going on in
15 Washington where they said charters aren't really
16 public. That's pretty clear to me when I say
17 things like I did just the other night to the
18 School Board about how in our charters, they're
19 being made to sign blood contracts, where if they
20 become pregnant they have to go to a little
21 pregnancy boot line and leave their school.
22 There are also, in some charter schools, they are
23 being, literally, assaulted once a month with
24 full assault gear, dogs, guns drawn, and they're
25 being trained not to duck and hide but that

1 they'll have a better chance of, quote unquote,
2 survival. I don't know how those words can be
3 used with an eight-year-old, chance of survival
4 if they attack the attacker. And this is,
5 actually, happening without, apparently, our
6 awareness.

7 And, you know, so all of these things are
8 relevant. They really do count. But they're not
9 negatives. This complex PTSD is a unifying way
10 for us to view all of these ills we've been
11 viewing separately and appropriating --
12 misappropriating blame.

13 When kids can't pass a test and don't know
14 the answer to the test, it is not because we
15 spent too much time trying to teach them the
16 answers. It still makes my brain hurt to say.

17 So the difficulty here is that this trauma
18 isn't a psychological foo-foey something that
19 we're coddling kids. When we present them with
20 two things that are opposite, it damages their
21 ability to learn. It, literally, damages their
22 brains. It affects their ability to learn.

23 Look up traumaandlearning.org,
24 traumaandlearning.org.

25 So, you know, when I talk about trauma, I'm

1 talking about learning, which is why we're here,
2 and why the Bond exists and why we're discussing
3 the Bond.

4 So, what happens is, this affects our kids
5 minds, how we treat them. And this is real and
6 this affects how the money is spent.

7 For example, we need to make room, I think,
8 for some changes in how our physical facilities
9 are constructed. And if we don't have proper
10 public input and proper relationship with our
11 school district and that relationship --

12 MR. SHIM: 20 seconds.

13 MR. SIRBOLA: Thank you. And that
14 relationship -- I'll get back to my real concern
15 isn't even the issue of the PTSD, it's the issue
16 of the neglect for even once these things are
17 brought forward, I'm surprised we weren't the
18 first in line for that lawsuit. Our kids are in
19 distress.

20 MR. RABINOWITZ: Thank you.

21 MR. SIRBOLA: We don't gnaw on ourselves, we
22 cut, because we're not animals. And our kids are
23 in need. So, please, respond. Thank you.

24 MR. RABINOWITZ: Thank you.

25 MR. SIRBOLA: And it should be at the end

1 next time.

2 MR. RABINOWITZ: We'll reconvene the business
3 meeting at this time and accept the quarterly
4 reports. The first individual on the agenda is
5 Tony Hunter.

6 MR. HUNTER: So, I'm not exactly sure in
7 terms of what the Committee is looking for, but
8 we certainly, as a part of our quarterly report,
9 want to report out that we have -- in fact, I
10 have folders for the Committee, let's first of
11 all do that.

12 I think this information was previously
13 distributed, but just in case, I'll put it in
14 your hands.

15 So this quarterly report is as of September
16 30th, 2015. And as of that time we had,
17 actually, started the work as it relates to
18 technology in 60 of our schools. We had ordered
19 18,167 computing device and had received and
20 installed 4,108. As of that time we had ordered
21 3,965 individual access points and received and
22 installed 385 of those.

23 I will remind the Oversight Committee that
24 there are some specific goals around technology
25 that we're expected to meet. One of those is to

1 adhere to a minimum of a 3.5-to-1 student to
2 computer ratio. So many of the schools will
3 start out at a much higher rate, but at a minimum
4 the Bond is supposed to get them to the 3.5-to-1.

5 In addition to that, we are to make sure that
6 there is an access point in every one of the
7 classrooms for wireless access, and then to
8 upgrade, as necessary, the infrastructure, that
9 being the cabling within the building, any
10 exterior cabling as well as file servers, network
11 switches and those things that are necessary to
12 support the schools.

13 There is also a core infrastructure piece of
14 the Bond which involves the work of upgrading the
15 core infrastructure to support all of the
16 schools, the core infrastructure being back in
17 the data center at TSSC.

18 So that's the work that has been completed as
19 of 9/30/2015 and I think that's where I'm
20 supposed to stop tonight in terms of the
21 quarterly report.

22 In front of you you have the data. You have
23 a data sheet that shows each school, what their
24 current status was at that time, whether or not
25 they were in process or completed, and a

1 breakdown of what their starting point was for
2 that student to computer ratio. And if the work
3 has been completed, it also shows where they
4 ended.

5 Additionally, there is a sheet in there, a
6 map that, again, I want to remind the Committee
7 that we do have a website up that keeps the
8 community aware of where we are in this process
9 and that website, using yellow, green and red
10 dots will indicate whether or not the work has
11 been completed, started or not yet started.

12 And then, finally, the last part of your
13 packet is a detailed sheet that once if you would
14 go -- anyone that goes to the website and selects
15 one of those dots are able to pull up a detailed
16 sheet for that school. And we use Hawks Bluff
17 Elementary School here as an example since it was
18 completed to show the current status of the work
19 and the expenditures and where they started
20 around, the computer ratio, and where they ended.

21 Okay.

22 MR. RABINOWITZ: If the Committee has any
23 questions of Mr. Hunter, please, feel free to
24 ask.

25 MS. REECE: Sure. Thank you for your

1 presentation. I do have two questions.

2 How do you deal with replacements? Some of
3 these -- I believe you explained at the last
4 Board meeting that some schools have parent
5 organizations that get funds, that's why their
6 ratios are a little higher, so how do you deal
7 with replacements of the those computers; how is
8 the replacement?

9 MR. HUNTER: So I want to step back for a
10 moment. I think the question is around why are
11 schools winding up beyond the 3.5-to-1.

12 MS. REECE: Right.

13 MR. HUNTER: I want to start with the fact
14 that the student to computer ratio was a snapshot
15 that was taken long before the Bond was issued.
16 So it was at that point in time. Between that
17 time and the time that we get to the campus to
18 start installing many factors could lead to the
19 fact that schools have received additional
20 equipment. Some may have received equipment
21 through grant funds, some could receive equipment
22 through title funds, some could have received
23 equipment from PTA, PTO councils or whatever.
24 But the dollar amount that was approved for the
25 Bond for their computers, they're still entitled

1 to use all of that money for computers for those
2 students. If computers are outdated as it
3 relates to replacement, then we have a process in
4 place through our warehousing group where that
5 equipment is properly inventoried, marked for
6 surplus and then the warehouse team picks that up
7 and handles it through the District's normal
8 disposal process.

9 MS. REECE: So they're not necessarily
10 replaced once they're antiquated? So if you get
11 a grant for a computer, it doesn't mean that the
12 School Board is going to pay to replace that one
13 when it's at end of life?

14 MR. HUNTER: No, it's really -- no, not
15 necessarily to replace that, since it's end of
16 life, but it's all about making sure that the
17 students have what they need. So if that
18 computer could still be used on the campus, the
19 principal will make the decision to hold onto
20 that. If it's out -- if it's end of life, then
21 we will work with the school to make sure the
22 proper paperwork is filled out and it's disposed
23 of through the warehousing surplus process.

24 MS. REECE: One more. The second question
25 is, it looks like you have a lot of computers on

1 order. With technology changing all the time,
2 are you really able to install them quick enough
3 or are we going to have an antiquated technology
4 by the time it's installed?

5 MR. HUNTER: Great question. There is a
6 four-week lead time on -- from the time that we
7 order, per contract, the equipment has to be
8 delivered and installed within four weeks.

9 MS. REECE: Four weeks.

10 MR. HUNTER: Yeah, so equipment is not
11 sitting for long periods of time without going to
12 schools. It's just that we're deploying quite a
13 bit.

14 MS. REECE: Thank you very much.

15 MR. RABINOWITZ: Any other questions?

16 I want to follow that up. When I'm looking
17 at the report that you provided to us, it
18 indicates that over 18,000 computers have been
19 ordered and 4,100 have been received. That's a
20 gap of roughly 14,000 computers. That's a big
21 number. And I imagine that's a big dollar
22 amount.

23 MR. HUNTER: Correct.

24 MR. RABINOWITZ: And based upon what you just
25 said with the four-week lead time, does that

1 mean, because we're now sitting here in December,
2 that the additional 14,000 computers have already
3 been received and installed in the schools?

4 MR. HUNTER: It does. Today, if we were
5 looking at those numbers today, that number would
6 look something like 34,000 ordered and about
7 19,000 delivered.

8 MR. RABINOWITZ: Okay. Fair enough. I
9 assume we'll get that report at the next meeting.

10 MR. HUNTER: You'll get that report at the
11 next meeting. That's correct.

12 MR. RABINOWITZ: And, if I understood you
13 correctly, as well, you indicated that once a
14 dollar amount is allocated for a specific school,
15 in fact let's use your example that you provided
16 to us, that there was \$152,000 budgeted for Hawks
17 Bluff Elementary, that all of those dollars,
18 regardless of the money that's raised through
19 other sources must still be utilized for that
20 specific school?

21 MR. HUNTER: Per the Bond -- per the general
22 obligation Bond, we must spend the money for the
23 purpose that it was allocated, which includes for
24 that school for the specific technology. The
25 Bond is very specific in terms of what money goes

1 for computers, what amount goes for wireless,
2 what amount goes for infrastructure. So anything
3 that's sitting in the computer budget can only be
4 used for computers at that school per the Bond.

5 Now, I will say, I would ask the Committee
6 to, please, keep in mind that the 3.5-to-1 was
7 just an entry point. The District really would
8 love to be at a 1-to-1 for all of our students,
9 but when that snapshot was taken, it just didn't
10 seem feasible. Today, because of price of
11 technology and additional computers coming on,
12 we're able to exceed that in many cases.

13 MR. RABINOWITZ: So if the ratio is,
14 actually, exceeded and all of the Bond dollars
15 for an allocated school had not been spent, those
16 dollars can't flow back into a general pool for
17 other schools' benefits, though; am I
18 understanding you correctly?

19 MR. HUNTER: No. At that point -- when we
20 get to the end of this year, we will go back to
21 the Board of Education, we will give a report to
22 let them know in terms of what's been spent, and
23 if there's any additional dollars that have not
24 been spent, we will look for direction from the
25 Board in terms of how to proceed with that.

1 MR. RABINOWITZ: Okay. Thank you.

2 Any other questions?

3 Thank you very much.

4 MR. SIRBOLA: Does the public have the option
5 to speak at all?

6 MR. RABINOWITZ: No. I'm sorry.

7 MR. SIRBOLA: Thank you.

8 MR. RABINOWITZ: The agenda indicates that
9 you, again, Mr. Hunter, are on the clock with
10 regard to charter schools or Ms. Brown.

11 MS. BROWN: So Tony and I might tag team off
12 on this one a little bit.

13 So, Leslie Brown, Chief Portfolio Services
14 Officer, and the charter school department
15 reports up in my division. We have 104 charter
16 schools and part of the Bond project was to allow
17 technology to be purchased through and by the
18 charter schools. So Tony's team and my team, as
19 well as a committee, worked together to take a
20 look at some of the standards and some of the
21 processes that we would use for those dollars.
22 There was a committee that was developed. Our
23 auditor was on it to make sure that they were
24 looking at those processes to monitor for data on
25 student enrollment. Of course, the charter

1 school office, the I.T. office, legal, also,
2 helped us look at all of our processes, portfolio
3 services, my team, as well as risk management.

4 So, what we did is we spent some really great
5 time thinking of how to effectively identify the
6 dollars and what those dollars could be used for
7 and whether or not they fit state statute and the
8 purpose of the Bond.

9 So, a couple of the questions that I had
10 received, I think, from the Committee or through
11 one of the reports was, how were the charter
12 schools allocated the funding?

13 So, what we did is, there was a total \$80
14 million allocation for technology in the total
15 Bond project, and we took that 80 million and we,
16 actually, provided the benchmark enrollment date
17 of 2014 -- I'm sorry, the FTE date of how many
18 students were sent up to the state for FTE
19 funding, and we divided that total number and we
20 took a look at a calculation of per student
21 number for technology.

22 Then what we did is we took a look at that
23 date, that enrollment date at each of the charter
24 schools, and we took that percentage of \$80
25 million per student allocation and applied it to

1 each of the charter schools.

2 So, there was an allocation originally
3 established based on a proportionate share of the
4 technology dollars based on a first due
5 allocation on the total amount that was allocated
6 for the project.

7 So, then the next question came about as to
8 how -- how could the charter schools, actually,
9 use that money and then how did charter schools,
10 actually, qualify to be able to get that money?

11 So, there were a couple of things that we
12 took a look at. At the state level there are
13 lots of avenues that charter dollars are,
14 actually, flowed through the District to
15 charters, so we took a look at several models to
16 make sure that we were matching what the state
17 expectations are for, actually, passthrough
18 purposes for funding to charter schools.

19 So, first of all, we took a look at the Race
20 To The Top dollars and there was an, actual, rule
21 set as to how dollars flowed through, what the
22 criteria was for a charter school to be eligible
23 for those dollars. So that was our first, kind
24 of, what shall we say, funnel, to make sure that
25 any dollars that were going out through the Bond

1 also followed the Race To The Top dollar
2 initiative.

3 We, also, took a look at the rules for
4 charter schools, state and federal, what is it,
5 the charter school planning grants, and there are
6 rules attached to how charter schools, how that
7 money flows through the districts and, actually,
8 goes out to the charter schools. And then we,
9 also, took a look at state required surveys for
10 district and charter schools to make sure that
11 the charter schools completed both of those
12 surveys in order to be eligible for the money.

13 So what happened was, out of that, sort of,
14 circle of criteria, there were some that were
15 consistent through all of them. One is, they had
16 to be operating for three or more years or meet
17 -- and/or meet the accreditation standards of
18 Advanced Ed, which is a similar accreditation
19 process that we use.

20 They also had to have financial stability.
21 And what that means is we worked with our
22 auditor's office and they check their monthlies
23 every single month, as well as an annual audit
24 has to be approved. And if our auditing team is
25 seeing anything within that sequence of checks

1 and balances and the auditing process, if there's
2 anything that looks like it needs to be
3 addressed, we call them in for a financial
4 corrective action meeting. And then if they're
5 in financial corrective action or in some kind of
6 a state financial emergency, they were not
7 eligible for the dollars at all.

8 The other thing is, they could not be in what
9 we call corrective action for any academic issues
10 that were going on at the charter. Sometimes
11 charters have some struggling points, and so what
12 we do is we do a monitoring process for all of
13 our charter schools. And through that monitoring
14 process, if it is determined that a charter
15 school is in corrective action for not serving
16 ESL for not serving ESE, for not following the
17 reading plan, for not doing their operations
18 appropriately, if a charter school was in any
19 corrective action at all, they were not eligible
20 for those funds.

21 And then in every single charter there,
22 actually, are academic goals that a charter
23 school must meet in order to continue to operate,
24 if they were not meeting their academic goals,
25 they, also, were not eligible.

1 So what happened is, after we sifted the
2 schools through all of these, whether we want to
3 call them funnels, there, actually, were 64
4 schools that showed up as being eligible. There,
5 actually, were some charter schools that didn't
6 really like our rules because we work with the
7 auditor on how they needed to keep their
8 inventory and how they would be turning their
9 inventory in and how it would be checked, some of
10 the charter schools begged off. They said, we're
11 not interested in those dollars. Okay?

12 At the beginning we did not tell charter
13 schools exactly how much money they were going to
14 get. We really told them the rules, and if they
15 were interested in following the rules, then we
16 applied that 2014 benchmark date to the per
17 student allocation and we shared with the charter
18 schools an allocation per student that they would
19 be eligible for.

20 The next part of the process was they,
21 actually, had to complete two state-required
22 processes. They had to complete the Florida
23 Innovates Survey. That is an online survey that
24 every single school, including Broward County
25 public schools, state, county public schools;

1 everybody has to do it, but, P.S., sometimes the
2 charter schools don't. If they didn't do it, off
3 the chart, you're not allowed, because that,
4 actually, gave the charter school and us the
5 information about what they had in their schools
6 and how ready they were for any additional
7 technology.

8 The second thing that they had to do was they
9 had to complete a digital classroom plan, which
10 was a brand new state statute two years ago. So,
11 in order to be eligible for the digital classroom
12 money from the state, we felt that was an
13 appropriate requirement, also, to be eligible for
14 Bond technology dollars. So, if they did not do
15 a digital classroom plan and get that submitted
16 and approved by the state, they, also, were not
17 eligible for the Bond technology dollars.

18 So, the eligibility piece was a great, great
19 process. I just really appreciate all the
20 different departments we worked with to try to
21 come up with that.

22 So, how were charter schools -- how was it
23 determined as to what they could buy? So, as you
24 could imagine, there was lots of conversation.
25 We went out to the principals' meetings, we

1 included the charter schools in these
2 conversations, we were not trying to subterfuge
3 or not have all kinds of input in this process.
4 So, when we went out, there was lots of requests
5 for infrastructure, for networking, for anything
6 that might attach to a building. We went back to
7 state statutes and we found, which we have known
8 this forever, but it, actually, fit beautifully,
9 was in State Statute 1002.33, Section 8E, the
10 assets that a charter school uses taxpayers
11 dollars for, they, actually, if the charter
12 school closes or is terminated must revert to the
13 School District. So we applied that rule and
14 said that, because everything has to revert if
15 something happens to the charter school, we have
16 to have the ability to recover any of the
17 technology Bond assets if something happens to
18 the school. So in that actual state statute it
19 says that, in the event that a charter school is
20 dissolved or terminated, all District School
21 Board property and improvements, furnishings,
22 equipment purchased with public funds, shall
23 automatically revert back to the School District.

24 So, in that process, in working with Tony's
25 team and I.T., how do we control what charter

1 schools are able to buy? Okay?

2 So, again, we went along with absolutely no
3 infrastructure, no wires, no electrical outlets
4 that were going to not be able to be recoverable
5 and we started at the student level first. So we
6 took a look at any devices that a charter school
7 might need, technology-wise, that were, actually,
8 on bids that our great I.T. team had already
9 established, so that was the first priority.

10 The second priority was technology that
11 teachers could use within the classroom or a
12 teacher laptop, teacher desktop, again, based on
13 the appropriate approved bids that the I.T.
14 department has done.

15 And then the last piece was anything in the
16 classroom that, again, could be recoverable. So
17 it might be a projector, a cart, a promethium
18 board, those types of devices that would allow
19 instructional use of technology. We did not
20 allow technology to be bought for administrative
21 purposes. It was student, teacher, classroom
22 only.

23 So how did we design something that allows us
24 to stay somewhat in control of where the money
25 went is the I.T. team, actually, developed an

1 online ordering system and every single charter
2 school got an access code where they went in and
3 they -- I have to tell you, it took a lot of
4 planning on their part, we sent out the catalog
5 first so that they could see all the devices that
6 were allowed to be purchased, and then they went
7 in online and the system, actually, was
8 calculating as they're shopping. It was, put it
9 in your cart, put it in your cart, put it in your
10 cart, and they got it down pretty darn close to
11 the last penny.

12 So the other purpose for doing that is
13 because then we, actually -- then it gets shifted
14 to our business service center, where they are
15 developing the purchase orders, the inventory is
16 already defined and so that whole cycle of --
17 from conception, eligibility, to ordering, to,
18 actually, now, it's back in Tony's shop with the
19 delivery, the set up and the signing off and
20 paying the vendors for those devices that are
21 going to the schools.

22 So I have copies if anybody -- maybe I can
23 just put them on the record or something for
24 those questions that were posed to us.

25 Tony, did I miss anything?

1 MR. HUNTER: No, I think you covered it.

2 Thank you.

3 MR. RABINOWITZ: Do the members of the
4 Committee have any questions for Mrs. Brown?

5 MS. REECE: This is just a school, like how
6 charter schools run, question. Do they usually
7 have their own I.T. staff or does your team
8 support that.

9 MR. HUNTER: Charter schools have their own
10 staff.

11 MS. REECE: But in this case the School Board
12 is volunteering to provide this extra service?

13 MR. HUNTER: Well, the School Board has
14 responsibility for oversight of the Bond program.
15 So, to the extent that we need to administer the
16 program we are participating.

17 MS. REECE: Okay. Thank you.

18 MR. RABINOWITZ: Anyone else?

19 MS. LEWERS: Yes. My question is, we have
20 some of our schools that have not received
21 anything yet and all the charter schools have
22 gotten something or are in the process. How did
23 charter schools bump in front of some of our
24 schools? I'm just curious.

25 MR. HUNTER: Yeah, excellent question.

1 So charter schools -- our schools, we are
2 installing over the next couple of years just
3 because of the number of schools. With charter
4 schools, it was a smaller pot of money and a
5 smaller group of schools. So they had a specific
6 window of time to order all of their equipment.
7 So their equipment was ordered during the month
8 of September. By the end of September all of
9 their equipment orders were in and so they are
10 now receiving their equipment. It really was for
11 the District a much more efficient way to handle
12 that so that we could, in fact, as Ms. Brown has
13 indicated, manage the process, oversee the
14 inventory and make sure that all the rules were
15 followed.

16 Now, I will say that I.T. is not doing the
17 installation for charter schools. Their I.T.
18 staff, they are responsible for that. So we do
19 not have staff out installing, configuring or
20 setting up equipment for charter schools.

21 MS. BROWN: I think one of the other pieces
22 is the timing with some of Tony's great work on
23 the infrastructure is, charter schools could only
24 order what their either little or big school
25 could handle in their infrastructure. There was

1 no waiting for more bandwidth or -- because they
2 were ordering pretty small devices. They were
3 not ordering, you know, big large infrastructure
4 systems.

5 MR. HUNTER: And that's a great point.
6 Because you'll remember Ms. Brown mentioned that
7 charter schools were not able to order cabling or
8 wiring or access points.

9 In our case, for the rest of the schools,
10 we're not deploying the equipment until the
11 infrastructure is in place to support the
12 equipment. And that's what, actually, is
13 delaying. The pulling of cables or installing
14 wireless access points takes a lot longer than
15 placing an order and installing a computer. So,
16 if that's what we were doing we would be much
17 farther along now. But now we need to go into
18 each building, identify what the infrastructure
19 needs are, make sure that we take care of those.
20 Because it makes no sense to put a lot of extra
21 computers in a room in a school that requires
22 wireless access without adequate wireless access
23 there to support it.

24 MS. LEWERS: Okay. Thank you.

25 MR. RABINOWITZ: Chief, you had a question.

1 CHIEF DIPETRILLO: I'm good.

2 MR. RABINOWITZ: I have a couple questions
3 unless you had some questions.

4 You mentioned earlier that it's a smaller
5 percentage of money. I agree. It appears to be
6 about 10 percent of the Bond amount, \$80 million,
7 which, in my mind, is still a big number. And I
8 understand that 64 schools were selected through
9 different eligibility parameters to receive the
10 money, but was the amount of money, the \$80
11 million, established before we knew the number of
12 schools or did we know the number of schools that
13 would meet the eligibility requirements first?
14 Do you understand my question?

15 MR. HUNTER: So the 80 million, I want to
16 make sure that we're clear, the 80 million is not
17 for charter schools. That's the total technology
18 budget.

19 MR. RABINOWITZ: Oh, the total. Okay. The
20 total. Thank you. Okay. I got scared for a
21 second.

22 MR. HUNTER: Okay.

23 MS. BROWN: No, no, no.

24 MR. HUNTER: No. I do believe that the
25 charter school budget was around \$12 million, a

1 little over 12 million.

2 MR. RABINOWITZ: And here's my other
3 question, if charter schools have their own I.T.
4 departments that are installing whatever
5 equipment that they get as a result of this
6 initiative, who makes sure that when they get the
7 equipment that it's actually utilized for
8 students versus the administration; who does
9 that?

10 MS. BROWN: So that is a part of, you know,
11 our auditing process is that we will be asking
12 them to confirm that that's what it's being used
13 for.

14 MR. RABINOWITZ: Well, I appreciate that
15 someone's asking the question, but does someone,
16 physically, go to these schools and make sure
17 that this computer with this specific serial
18 number is being utilized for the kids versus
19 being utilized for administration?

20 MS. BROWN: We, actually, do annual audits.
21 I mean, we walk about every single school every
22 single year. So that is on the review tool for
23 charter schools. I can't say that I would be
24 able to tell if somebody used a computer tomorrow
25 in an administrative office versus in the

1 classroom, but it is a part of our auditing tool.

2 MR. RABINOWITZ: And my last question is
3 this. And I appreciate the fact that you and Mr.
4 Hunter are not, obviously, walking schools
5 yourselves doing the audits, I understand there's
6 probably a team that does that. My other
7 question is, if a school is going to be buying a
8 computer, for example, a charter school, are they
9 questioned at all about the same ratios that are
10 being applied to other schools? I mean, is that
11 taken into consideration? Or how is it
12 determined that they get this -- I understand
13 they got a certain amount of money, but, you
14 know, how is it determined that they should spend
15 it on this or that for the kids?

16 MR. HUNTER: Ms. Brown will have to help me
17 out here, but if you are referring to the student
18 to computer ratio that I referred to earlier,
19 charter schools are not held to that. And Ms.
20 Brown can speak much more to this than I, but
21 charter schools are independent in their
22 operation. So the District, to my knowledge,
23 does not have the ability, per state statute, to,
24 actually, dictate that.

25 We do have a responsibility to oversee the

1 use of the general obligation Bond funds to make
2 sure they are used according to what the voters
3 voted, but I don't think, and Ms. Brown can speak
4 to that, that we could, actually, give them a
5 student to computer ratio that they had to comply
6 with.

7 MS. BROWN: And so, just on top of that,
8 charter schools, actually, don't have to follow
9 our curriculum. They don't have to follow how
10 our schools are organized. They don't have to
11 follow the reading plan that the state requires
12 us to follow. So, by applying the 3-to-1 ratio
13 might be very different to what their
14 instructional practices are at their school. So
15 that's why when we were developing this model it
16 was students, teachers and classroom. And the
17 devices, again, I can't tell if you, Jeff, the
18 administrator, is using it one day and Leslie,
19 the teacher, is using it the next day, but
20 that -- we're not allowed, by state statute, to
21 go in and tell the charter school what to do in
22 their classrooms.

23 MR. RABINOWITZ: Any other questions?

24 CHIEF DIPETRILLO: Is there an obligation for
25 you to give computer equipment to the charter

1 schools or was that some decision that was made
2 internally?

3 MS. BROWN: So it was a part of the Bond
4 referendum. It was, actually, a part that the
5 community, actually, voted for or against.

6 CHIEF DIPETRILLO: Okay.

7 MR. RABINOWITZ: Any other questions?

8 MS. SIEGEL: I just have one. So you stated
9 that there were 64 charters that were eligible
10 but some dropped out. What was the total number
11 that received?

12 MS. BROWN: So, my apologies, it was 64 total
13 including the ones that dropped out and the ones
14 that were not eligible. And that's out of 104.

15 MS. SIEGEL: Thank you.

16 MS. BROWN: So, again, that pure student
17 ratio, we did not change it. We kept it the same
18 pure student. So the total amount that,
19 actually, goes out to the charters of the
20 eligible per student is less than that 12
21 million. That will just stay in the Bond pile
22 because those that were eligible got what they
23 deserved.

24 CHIEF DIPETRILLO: Mr. Chairman, from a pure
25 instructional viewpoint, was there priority given

1 to higher grade levels for this technology or was
2 it evenly applied across the board for all the
3 grades?

4 MS. BROWN: It was evenly applied.

5 CHIEF DIPETRILLO: Okay.

6 MS. BROWN: So an elementary charter school
7 has the same allocations as a high school charter
8 school. Of course, the enrollment is much higher
9 in a high school, so, again, it would create a
10 larger --

11 MR. RABINOWITZ: I've got a question to
12 follow up on that. Who set the parameters for
13 the allocation of the funds within the charter
14 school? In other words, you said it's equally
15 divided amongst the grades, but then who
16 determined, you know, if the school got, let's
17 use a round number, \$120,000 and each grade got,
18 you know, \$10,000 for their technology component,
19 how was that determined?

20 MS. BROWN: Sure. We used the Race To The
21 Top model. The Race To the Top model was based
22 on a pure-student allocation based on an
23 enrollment percentage of the total District. So
24 when we knew there was an \$80 million pot, total,
25 we divided that by the total enrollment of the

1 District and then applied the same rules as Race
2 To The Top. So if Leslie Brown Charter School
3 had 10 kids in it and the allocation was \$300 I
4 got \$3,000.

5 CHIEF DIPETRILLO: One more question. Did
6 you determine what the individual computer
7 components and programs were for each grade level
8 or did you just come out with a standard computer
9 for everybody?

10 MS. BROWN: So we don't determine what the
11 program -- this has nothing to do with software.
12 The computers were blank. Go ahead, Tony. Help
13 me.

14 MR. HUNTER: So there was a catalog of
15 technology items that could be purchased that had
16 already been negotiated -- prices had already
17 been negotiated by the District through its RFP
18 or bid process, and we made that catalog
19 available to charter schools and they could pick
20 and choose from that catalog based on what they
21 felt their needs were. So some would need a
22 laptop, some might need a desktop, some might
23 need an interactive board or, you know, things
24 like that. But they would have to choose from
25 the catalog and the catalog was developed from

1 District approach technologies that had been
2 approved through our RFP process.

3 CHIEF DIPETRILLO: But you didn't define the
4 programs that each level of school, grade school
5 would use; none of the instructional pieces were
6 built into that?

7 MS. BROWN: There's no software built in it.

8 CHIEF DIPETRILLO: Did you give Microsoft
9 Excel to second graders or did you give that to
10 high schoolers?

11 MR. HUNTER: No, as it relates to charter
12 schools, they only received the hardware. So if
13 a computer ships with the Windows operating
14 system on it, that's what they get. If they want
15 Microsoft Excel or Word or Acrobat or anything
16 like that, they have to install it at their cost.
17 So the Bond does not allow us to purchase
18 software. So we only purchase the hardware.

19 CHIEF DIPETRILLO: Okay. Thank you.

20 MR. RABINOWITZ: Any other questions?

21 Thank you very much.

22 The next report was concerning the
23 construction report from Mr. Moquin, if I
24 pronounced that appropriately.

25 MR. MOQUIN: Yes. Good evening. Jeff

1 Moquin, Chief of Staff.

2 The report on the construction aspect of the
3 Bond program was largely involving the
4 development of the infrastructure over the past
5 few months relative to deliver a program of this
6 magnitude.

7 For the reporting period relative to this
8 quarterly report, the two big milestones were
9 really the on-boarding of two of the strategic
10 business partners to execute the program, one
11 being Heery International as the owner rep, who
12 will be delivering project management services,
13 and then Atkins North America, who is going to be
14 giving us the cost and program controls. So
15 those two firms are on-boarding.

16 As we stated in the summary report we focused
17 on the infrastructure and the E-Builder system
18 that was part of Atkins' contract that we are in
19 the process now of implementing, talking about
20 some of the project starter meetings and then,
21 ultimately, culminating with the very first three
22 projects went to the Board for approval for
23 advertisement on November 3rd for Stranahan High
24 School, Blanche Ely and Northeast.

25 MR. RABINOWITZ: Any questions?

1 MS. REECE: When you say that the projects
2 went to the Board for approval, just to go up for
3 an RFP or what was the approval?

4 MR. MOQUIN: Yes. Our process that we have
5 internally requires the Board to, basically,
6 authorize the release of the RFP. So all three
7 of them were requests for design/builder services
8 for those three large renovation projects.

9 MS. REECE: Where are the amounts of those
10 projects? Are they somewhere in here?

11 MR. MOQUIN: Yeah, they ranged from 14.8 to
12 \$16 million.

13 Yeah, these are three of our most critical,
14 largest projects that we will roll out throughout
15 the entire Bond program.

16 MS. REECE: Thank you.

17 CHIEF DIPETRILLO: Mr. Moquin, wasn't there
18 some previous allocation for those schools that
19 they had some deterioration going on currently,
20 it was part of a previous construction.

21 MR. MOQUIN: That's one of the messages that
22 we're trying to convey. Before the Bond had been
23 approved our Board had asked us to develop a
24 five-year capital program as if the Bond wasn't
25 going to be approved. And so there were certain

1 projects that had been approved assuming the Bond
2 hadn't gotten done. And then when the Bond was
3 approved, we went back and amended the program.
4 What we are doing is we have taken the existing
5 millage in those projects and combined them with
6 the Bond and that's what we call our SMART
7 Program. So if you, actually, look at our
8 five-year capital program or what we've branded
9 the SMART Program, it's actually \$984 million.
10 So it's a combination of the \$800 million of Bond
11 and the \$184 million of existing millage.

12 CHIEF DIPETRILLO: Yeah, there was some
13 significant discussion about that, I'm sure, and
14 there has been some public concern.

15 MR. MOQUIN: Well, I think the concern that I
16 have heard as I go out and talk to some of the
17 community members was the thought that there was
18 a supplanting effort. And we've tried to
19 demonstrate it's, actually, supplementing. And,
20 again, the allocation of these funds was not
21 based on schools getting an equal percentage or
22 per-student allocation. It was purely driven
23 based on need. So, if the need existed, there's
24 a project there to resolve the issue with the
25 school.

1 CHIEF DIPETRILLO: Thank you.

2 MR. RABINOWITZ: Any other questions?

3 MS. REECE: I do have one. And it's probably
4 not for this meeting, but in a future meeting
5 would there be a way to see, maybe in a
6 one-liner, the school and the total budget, like
7 the unspent balance in the project, something
8 with a little higher level? It's hard to look at
9 each project, individually, and kind of put
10 context. Do you have like a one -- like a
11 schedule where you can see on one page? Like,
12 for Stranahan it would say, they have
13 appropriated an unspent \$15 million. Next year
14 they're going to get another two million; you
15 know what I mean, so you can see each --

16 MR. MOQUIN: Yeah, and we can, absolutely, do
17 something like that for the entire program.
18 Additionally, one of the things that the team is
19 working on right now is taking all of the Year 1
20 projects and, actually, developing a master
21 calendar. So we'll be able to, most likely
22 before your next meeting, you'll be able to see a
23 calendar of all the Year 1 projects, when we
24 anticipate on going to the Board for release of
25 the RFP, when we're anticipating award and the

1 like, so you'll get to see as we ramp up now --
2 like I was just telling the Board Tuesday, you
3 know, we brought those first three projects in
4 November. Tuesday night there were eight more
5 projects that are going out. And I've told them,
6 be prepared, every meeting now you're going to
7 see the program starting to ramp up and more and
8 more projects, you know, being let out on the
9 streets.

10 So we'll have more data for you in the next
11 quarterly report.

12 The only other thing that I will point out
13 that's moving along really well, too, for the
14 Year 1 is the \$100,000 school choice priority,
15 where schools have \$100,000 to do a capital
16 project of their choice. We have had -- the
17 process dictates that it will -- the school will
18 make those determinations in consult with their
19 PTA or their SAT Committee and there will be a
20 school-wide vote given a choice of two projects
21 in terms of determining what the ultimate use of
22 those allocations will be. So we have had
23 preliminary meetings with all of the Year 1
24 projects. They are in various stages of either
25 going to vote or we're trying to formulate a cost

1 estimate and a scope of the project. What we're
2 finding and we'll hopefully simplify the process
3 moving forward is that a lot of the schools are,
4 actually, choosing the same thing. So what we're
5 seeing is a lot of schools wanting to have
6 electronic marquee, more playgrounds or shade
7 structures installed. So we're, actually,
8 working with our PPO team and our procurement
9 team to make sure that we have the capacity to
10 deliver those projects really quickly through
11 vendor pools. And so that's moving along well,
12 too.

13 MS. SIEGEL: You said the school was voting.
14 Was that staff at the school or staff and
15 families?

16 MR. MOQUIN: We've modeled it after what they
17 call the unified dress code where it's both the
18 staff and the parents of students voting, so
19 trying to make it, truly, a school community
20 decision, both of staff and parents.

21 MS. SIEGEL: And are the students included in
22 the vote?

23 MR. MOQUIN: Are the students included in the
24 vote?

25 MS. GABY: No, the parents vote. The parents

1 vote based on how many students they have, the
2 enrollees.

3 MR. RABINOWITZ: Can you just say your name
4 so we have it on the record?

5 MS. GABY: Marlane Gaby with the Heery team.

6 MS. SIEGEL: With the what team?

7 MS. GABY: Heery.

8 MR. MOQUIN: She's the team lead for the
9 schools for the south region.

10 MS. LEWERS: If a student is part of the SAC
11 and SAF they do vote. Is she saying there's no
12 student participation?

13 MR. MOQUIN: Well, there is student
14 participation on a lot of the SACs and SAF. The
15 SAF isn't really doing the voting, per se. What
16 they're doing is determining the choices that
17 will go out to vote. So, in some instance, there
18 is student participation in trying to narrow down
19 what the choice would be.

20 MS. LEWERS: Thank you.

21 CHIEF DIPETRILLO: I have one question. In
22 reference to Ms. Reece's comment about a running
23 total on the Bond expenditures, the first group
24 looks like about 45 million and then you just
25 said you had some others out there. Could you

1 provide us with a running total? We know it's
2 not expended until the project is completed, but
3 what is, actually, being allocated or encumbered
4 at that point against your goal for each year?

5 MR. MOQUIN: Absolutely.

6 CHIEF DIPETRILLO: All right. Thank you.

7 MR. RABINOWITZ: Anyone else?

8 Thank you very much.

9 Mr. Shim.

10 MR. SHIM: Thank you. And good evening.

11 Omar Shim, Director of Capital Budget.

12 The purpose of the budget activity report is
13 to provide financial activity for projects in the
14 SMART Program for the quarter ending September
15 30th, 2015.

16 The budget activity report may give some
17 indication of the project activity, but it
18 doesn't give the status of the projects and
19 technology and should be used in conjunction with
20 the construction and I.T. status reports. The
21 budget activity report is organized in a logical
22 way with the introduction that provides some
23 background and some historical context. There is
24 a glossary of terms to provide, you know, some
25 definitions and notes that provide specifics

1 about the numbers in the actual tables. So the
2 introduction and the notes are an integral part
3 of the report and will provide the context for
4 the tables, you know, the numbers that you see.

5 On page 4, the general obligation Bond was
6 approved by the public on November 4th, about a
7 year ago, 2014. And, although the GOB funds were
8 approved 10 months prior to the reporting period,
9 in order to make funding available for the SMART
10 Program, the last fiscal year and our current
11 fiscal year is Year 1 and 2 of the actual SMART
12 Program. So you'll see in that table that it,
13 actually, is Year 1 and 2, which totals 449 or
14 \$450 million is what's currently in our current
15 budget for the SMART Program.

16 Now, on page 6 I just want to kind of go over
17 some of the definitions, and, particularly, you
18 hear about the Bond and the SMART Program, well,
19 the SMART Program, as Mr. Moquin indicated,
20 includes \$800 million for the GOB funding and
21 \$187 million after we approved all the addendums
22 that were approved during the amendment into
23 categories of the SMART Program. It stands for
24 Safety, Music and Arts, Athletic, Renovation and
25 Technology projects totalling 987 million. The

1 District Educational Facilities Plan was amended
2 on May 19th, 2015 to incorporate the SMART
3 Program into our capital plan and we just
4 recently adopted the plan, which didn't change
5 any of the projects in the SMART Program that was
6 amended on May 19th.

7 To effectively deliver projects at any
8 particular school, the Facilities Department may
9 need to combine several categories of the SMART
10 Program into one project to deliver the project
11 that encompasses scope of individual categories.
12 Now, the way that we report that out on the
13 expenditures is that we -- of a combined project,
14 is that we provide expenses that are a percentage
15 of the budget. So, if there's a project that
16 incorporates a safety project and a renovation
17 project and it's in one project, the way that we
18 report the expenses out is a proportion of the
19 budget. And that may or may not, actually,
20 reflect the reality of it, but it's difficult to,
21 actually, show expenses on each of those
22 categories in an actual contract because you
23 don't know if the guy -- if the workers are going
24 there to work on one or the other. So that's
25 just a note on how the expenses are allocated in

1 the categories.

2 As it pertains to the program management fee
3 allocation, the projects that are being managed
4 by the external consultants, as you know there's
5 a program manager with Heery and as our owner
6 representative and the cost -- the cost of
7 program management managers are included in the
8 project budgets and the expenses will be prorated
9 as a proportion of the project budgets assigned
10 to the project manager. So that's just how those
11 are shown.

12 On page 7, I wanted to point out that the
13 planned issuance of these bonds is based,
14 initially, in our plan over five series to align
15 with the needs of the projects in the SMART
16 Program. The actual amounts that will be issued
17 may vary from that plan based upon the actual
18 execution of the projects and the cash flow
19 projects that are in here. And so you can see in
20 that table on Roman numeral 7 that -- how the
21 Bond issue is planned out.

22 The first year of 162.7 about 167 million, we
23 already issued, I think, it's in June and then
24 the others are planned. The second year is
25 planned this year. So that's --

1 On page 1 of the report it provides an
2 overview of the 450 million that's budgeted in
3 the SMART Program for Years 1 and 2 in the
4 categories that were mentioned. This table also
5 shows that there is 356.2 million in GOB and 93.7
6 million in Non-GOB funding for those two years.

7 It shows that the 450 million allocated for
8 Years 1 and 2 projects, 92.4 million of the
9 budgeted projects reflect financial activity.
10 Projects with financial activity are those that
11 have expenditures and/or purchase orders or other
12 commitments on those projects. Also shown on the
13 table are the original budgets and the current
14 budgets. These columns are shown if they have
15 any changes from the original budget. At this
16 time in this report there were no changes, so the
17 current budget figures are the same as the
18 original budget figures.

19 On page 3 of the report a summary of the
20 expenditures and commitments for the \$92.4
21 million in active projects, financially active
22 projects, are shown for the SMART Program. The
23 District had 3.7 million in expenditures last
24 fiscal year that ended on June 30th, 2015 and 4.9
25 million for the first quarter of this year that

1 ended September 30th, 2015. This totals 8.6
2 million in expenditures for the SMART Program up
3 through September.

4 The increased rate in expenditures is
5 expected to continue as the District ramps up its
6 operation to deliver projects of technology.

7 The District commitments were 25.5 million as
8 of September 30th, 2015, which includes purchase
9 orders, contracts and requisitions. And out of
10 the 92.4 million in projects that show financial
11 activity, there were uncommitted price balances
12 of 58.2 million after commitments and
13 expenditures.

14 This table also breaks down the financial
15 activity into the SMART categories and into GOB
16 or Non-GOB funding.

17 The details that are shown between pages 5
18 and 18 are the actual financial activity on a
19 project by project level. And this report shows
20 the original budget and the current budget. And,
21 as I mentioned, there's no changes on those as of
22 this time. And it shows prior year expenditures
23 commitments, the current year expenditure and the
24 remaining balance for each product. This detail
25 rolls up to the 92.4 million summarized for the

1 financial active projects shown on page 3.

2 Page 19 to 53 provides a budget -- the budget
3 summary and detailed list of the remaining
4 projects in the SMART Program for Years 1 and 2.

5 So that just gives you, kind of, like a
6 guideline of the report, and if you have any
7 questions I'm willing to take them.

8 MR. RABINOWITZ: Questions?

9 Ms. Reece, go ahead. Ladies first.

10 MS. REECE: First of all, this is what I was
11 looking for. So this is what I was hoping for
12 where it shows the unspent balance and at a
13 project level versus the school level was hard
14 for me to kind of determine. So now that I know
15 what it is, this is exactly what I was looking
16 for.

17 So I have a question about project
18 management. You have the contracts in this,
19 right, that you just entered into the agreements
20 for project management. What percent of each
21 budget is that and how is that incorporated into
22 the budgets versus what the quote came back at?

23 MR. MOQUIN: What we are doing right now for
24 each of the projects to go forward is we're
25 allocating five percent of the project budget to

1 account for the administrative consultant costs
2 for both Heery and Atkins.

3 MS. REECE: And what's the role of School
4 Board staff versus the project manager; how is
5 that relationship going to work?

6 MR. MOQUIN: The way that the structure of
7 the School Board staff, it's really to monitor
8 and oversee. So rather than having project
9 management and project managers, per se,
10 they've -- we've structured the department to
11 sort of be pre-construction, then a construction
12 unit, and then sort of a program controls
13 oversight. So it's, basically, three units where
14 on the pre-construction side it's around certain
15 disciplines and expertise to sort of like
16 recognizing that a lot of the projects are either
17 mechanical or architectural, so there's an
18 architectural discipline, there's a mechanical
19 discipline, recognizing there's a lot of HVAC
20 projects, et cetera. Then on the construction
21 side there are, basically, two construction
22 managers whose role is to provide the oversight
23 to Heery.

24 MS. REECE: So you have more contracts -- I'm
25 sorry. I know you explained it, but I'm just

1 trying to clarify. You have a contract manager
2 that's managing the contract and then your staff
3 is doing certain architectural work?

4 MR. MOQUIN: No, the entire staff, internal
5 staff, is largely geared to provide monitoring
6 and oversight of the strategic business partners,
7 not to necessarily execute the work.

8 MS. REECE: And the RFPs are created by staff
9 or by the contractor now?

10 MR. MOQUIN: Both.

11 MS. REECE: Okay. And you think five percent
12 is going to be sufficient to provide all of that
13 service?

14 MR. MOQUIN: Well, the way that the contracts
15 are set up is they're a fee for service with a
16 cap based on the total construction costs. So,
17 in terms of the development of these first three,
18 in recognizing that we're going to be doing sort
19 of a straight line allocation of those costs
20 across all the projects, that's the number that
21 we're using at this juncture. Clearly, we'll
22 have to monitor that as we get into execution of
23 the project and the program.

24 MS. REECE: Okay. That was my questions.

25 MR. RABINOWITZ: Anybody else?

1 CHIEF DIPETRILLO: Yeah, I have one question.

2 MR. RABINOWITZ: Please.

3 CHIEF DIPETRILLO: There was an awkward piece
4 in the paper in August and Mr. Runcie and Ms.
5 Korn responded to some of the projects. I'm
6 looking at the project total, there's \$450
7 million in the first two years, that's roughly 50
8 percent or nearly 50 percent of the Bond in the
9 first two years. That's a fairly significant
10 capital investment right up front. You said you
11 had some more staff and you hired some more
12 staff. Do you have enough people to be able to
13 get these projects off the ground before you get
14 backlogged on the first couple of years before
15 you get to year three and you have to start
16 letting out more contracts? Do you think you can
17 handle the capacity of 450 million for the
18 projects right up front?

19 MR. MOQUIN: Well, that's part of the reason
20 why we amended our overall strategy for the
21 department as a whole; right? The beauty of the
22 new model, relying on the strategic business
23 partners, is that it's scaleable. So, clearly,
24 we're going to be able to tap that expertise, as
25 well as those resources on an as-needed basis and

1 to bring on certain skill sets when they're
2 needed, and then when they're no longer needed,
3 go ahead and excuse them from the project, per
4 se. So that's part of the reason why, rather
5 than having to bring on a whole bunch of internal
6 staff and ramp them up and then when the programs
7 slow down or, you know, the way that the previous
8 chief facilities officer structured the
9 department is he believes it's the right size
10 regardless of the size of the capital program and
11 then depending on how much revenue exists to
12 address needs, capital needs, then we can ramp up
13 the strategic business partners on an as-needed
14 basis, scale it up and down.

15 CHIEF DIPETRILLO: That answers my question.

16 Thank you.

17 MR. RABINOWITZ: Any other questions?

18 I have a couple. I say this being a huge
19 sports fan, and possibly, Mr. Shim, you can't
20 answer this question, but I'm curious, and I'm
21 happy to see that there's almost \$12 million
22 allocated for music and art and only almost four
23 million for athletics, that to me, in my mind, is
24 a good thing, knowing that I have two little
25 girls that aren't in athletics, but when I look

1 at the financially active projects, why is there,
2 basically, a small utilization of those allocated
3 funds in Years 1 and 2? At this point it appears
4 there's only about \$169,000 being utilized for
5 music and art, yet they've already almost
6 utilized a third of the athletics budget; if you
7 know? I'm just curious.

8 MR. SHIM: I mean, I'm -- just from the
9 financial perspective, I mean, I think it's
10 within the implementation of how, you know, what
11 we did is we are in the beginning stages, and so
12 each area is gearing up to do a lot of this
13 deployment. And so it is within those
14 implementation plans of the functional
15 departments of how they implemented it. And so
16 whether or not we were in a position at this
17 specific time to actually push those pieces out
18 the door, but I believe that we're moving forward
19 with those pieces, so even -- even if the music
20 piece wasn't, you know, there at the time of this
21 report, I think it's being, you know, getting in
22 position to do that.

23 MR. RABINOWITZ: So if I understand you,
24 hopefully, by the next meeting we're going to
25 have -- we'll see some more movement on the music

1 and arts side?

2 MR. SHIM: Well, I'll certainly have the
3 right person to answer your question.

4 MR. RABINOWITZ: I appreciate that.

5 Thank you.

6 MS. LEWERS: Why don't we go -- and I know I
7 did ask Pat on this one, my members are asking me
8 when we're going to get an itemized list of what
9 we're spending at each school. I know you told
10 us a total amount of what's going to what, but an
11 actual itemized amount, when will the public know
12 what we're getting for 160,000 at whatever
13 school, what are we actually spending on?
14 Because we say computers and that's it but we
15 never have to say exactly what we're getting.
16 Because I can't tell my husband I'm going to the
17 store to buy a dress or something for that
18 amount. He wants to know what I, actually,
19 bought for that amount.

20 MR. HUNTER: We can certainly get that for
21 you. We can provide -- for any projects that are
22 completed we can provide the itemized lists. We
23 can show you exactly -- in fact, what we haven't
24 done is assigned a dollar amount to it, but if
25 you will look at the report that I gave you

1 earlier, and let's look at a couple of the
2 completed schools, if you will go down to
3 Challenger Elementary School -- or let's go to
4 Chapel Trail, if you don't mind, Chapel Trail
5 Elementary School, you will see that we ordered
6 324 computers and we received 324 computers, that
7 their beginning was student to computer ratio was
8 9.3-to-1 and after receiving and installing those
9 computers they were at 1.3-to-1. You will also
10 see over in the wireless access point area for
11 Chapel Trail that it was in process at that time
12 and 71 of the access points had been ordered but
13 zero had been received. So, now -- and the
14 Committee will have to tell me whether or not you
15 want more detail down to actual models and those
16 kind of things, we can pull that, but this
17 particular table shows exactly and will continue
18 to show exactly what has been ordered and
19 installed per school. Is that what you were
20 looking for?

21 MS. LEWERS: Yes.

22 MR. HUNTER: Okay.

23 CHIEF DIPETRILLO: Mr. Chairman, going back
24 to the original question, I think -- and I think
25 I heard it because I was trying to listen and

1 look at things at the same time, but didn't you
2 say that besides the parents that were involved
3 in some of the processes in developing your
4 technology plan that the teachers and the
5 students that the overall administration within
6 each school, their decision making process was
7 the one that identified the computers and the
8 numbers and the technology that was necessary?

9 MR. HUNTER: I think you're referring to the
10 \$100,000 choice program.

11 CHIEF DIPETRILLO: No, actually in developing
12 the plan.

13 MR. HUNTER: Oh, developing the strategic
14 plan?

15 CHIEF DIPETRILLO: Developing the numbers for
16 each location.

17 MR. HUNTER: So the way that works is that a
18 team from I.T., as well as our instructional
19 technology team and professional development goes
20 to meet with a team from the school that the
21 principal pulls together, whomever he or she
22 deems they would like to, and, together, we kind
23 of talk through what the options are. We kind of
24 go over the entire program with the school. We
25 leave that with them and they have up to a week

1 later to report back what they would like to
2 order. So we go over with the school the
3 catalog, all of the options, what they can buy,
4 you know, and answer any questions they may have
5 around the use of that technology. And then we
6 give them a week to get back with us and let us
7 know what they would like to order and at that
8 point we start the ordering process.

9 MR. RABINOWITZ: But that total choice is
10 theirs in the end? But do you guide them if they
11 order something that's not compatible?

12 MR. HUNTER: The choice is theirs with
13 guidance. So they have to purchase equipment and
14 technology that's on an approved list.

15 CHIEF DIPETRILLO: They're not going to buy
16 something that's not compatible with something
17 else or usable.

18 MR. HUNTER: That's correct. So there is
19 guidance there. But we do leave a great deal --
20 they determine exactly which classrooms, what --
21 how they want, what they want to buy for
22 students, what they want to buy for teachers, et
23 cetera.

24 CHIEF DIPETRILLO: I mean, obviously, you
25 have experience in doing this, so, you know,

1 second graders aren't going to use something that
2 a 12th grader would use, essentially.

3 MR. HUNTER: Yeah, that's true. But we rely
4 -- at that point we rely more upon the
5 instructional leadership of the school to
6 determine what's appropriate for those grade
7 levels.

8 CHIEF DIPETRILLO: Okay.

9 MR. RABINOWITZ: Any other questions?

10 CHIEF DIPETRILLO: No, I thought maybe there
11 was a menu that said if you were in 12th or 11th
12 you can only pick these things, but he explained
13 it well.

14 MR. RABINOWITZ: TaxWatch is on the clock.

15 Do you want to take a break for a few
16 minutes, for five minutes, or do we want to just
17 trudge on through?

18 Okay. Why don't we break for five minutes,
19 10 minutes.

20 (Whereupon, a brief recess was taken).

21 MR. RABINOWITZ: All right. We'll call the
22 meeting back to order.

23 MR. NAVE: Thank you, Mr. Chairman. My name
24 is Bob Nave. I'm Vice President of Research for
25 Florida TaxWatch and we had an opportunity to

1 review the quarterly reports submitted by the
2 District. And, again, we received the four
3 reports that have been presented tonight on
4 October 3rd, and then on November 4th we received
5 the revised SMART Program Technology SBBC Schools
6 Report that was revised to include footnotes that
7 outlined the student to computer ratio and the
8 wireless access points standards that Mr. Hunter
9 talked about earlier. And because we had never
10 looked at one of these before, I had to figure
11 out, well, what do I use to guide my review of
12 this? And the Resolution that was adopted by the
13 Board provides the guidance to the Bond Oversight
14 Committee and the direction is clear. When we
15 review these quarterly reports, our task is to
16 make sure that the Bond revenues are being spent
17 for the purposes set forth in the Bond program as
18 approved by the Board.

19 So I went to the District Educational
20 Facilities Plan that was amended in May to
21 include not only the \$800 million from the
22 general obligation Bond, but \$184 million in
23 other moneys. And that's what I reviewed these
24 quarterly reports against. And I hope that's
25 what you reviewed the reports against.

1 Facilities Construction, Mr. Moquin talked
2 about the progress in facilities construction and
3 it's primarily the on-boarding of two strategic
4 business partners, one for the project management
5 and then one for the cost and other controls
6 management. And there's a statement in the
7 report that talked about the owner's
8 representative establishing a central coordinated
9 repository of data. And we thought that was not
10 only a good idea, but it was also consistent with
11 one of the Best Practices that we presented at
12 the last meeting about maintaining a single
13 database where Committee members can get all the
14 information they need. So we think that was a
15 good thing.

16 I don't see real well, so I have to look at
17 it for just a second to make sure we're on the
18 same slide.

19 So there was another provision in there where
20 the owner's representative discussed establishing
21 performance metrics that would be used to
22 determine whether this program is operating
23 efficiently and to identify areas that require
24 improvement. And we looked at that and TaxWatch
25 is recommending to the Oversight Committee that

1 you be allowed to participate in establishing
2 those metrics to make sure that any key
3 performance metrics, anything that's going to
4 measure the success of this program, that you are
5 involved in the process and you have an
6 opportunity to review and concur with those.

7 There was also mention made of the use of
8 E-Builder, which is a web-based project
9 management tool that will be used to report all
10 the project schedules, expenditures and the key
11 performance indicators. And TaxWatch recommends
12 that the Committee invite folks from Atkins to
13 demo this project to you so that you have a
14 comfort level with it and so that you know
15 whether the use of this will give you all the
16 information you need to answer the questions you
17 have. So we think asking them to demo that is a
18 good thing.

19 There was mention made earlier about project
20 charter meetings to -- which if the reports are
21 used to discuss different project delivery
22 methods and to make sure that the work is being
23 done as efficiently and effectively as possible.
24 TaxWatch recommends that the purpose of these
25 charter meetings be revised consistent with one

1 of our recommended Best Practices, to make sure
2 that they also look for opportunities to
3 implement cost-saving measures.

4 There was mention made, also, of expanding on
5 delivery methods ostensibly to attract a wide
6 range of potential proposers to execute the
7 projects. TaxWatch thinks that's a good thing.
8 We think that's necessary to ensure the
9 participation of women and minority-owned
10 businesses and businesses that have been
11 historically underutilized. So we think that's a
12 good thing.

13 There's mention, also, of the co-location or
14 the relocation of the District Building
15 Department to the Rock Island Administration
16 Center in the beginning of 2016. We think having
17 all the key players co-located in the same
18 facility will help the process. We think that
19 will be critical to the success of the SMART
20 Program.

21 One thing we saw in the contracts with the
22 strategic business partners were references to
23 allegations of potential Sunshine Law violations
24 during the evaluation process for both hires.
25 And TaxWatch recommends that the Committee

1 request a briefing by the District's General
2 Counsel so that you better understand the nature
3 of the allegations, the steps taken to resolve
4 the concerns, and what the District's going to do
5 to mitigate the likelihood of having to repeat
6 future evaluation and selection processes.

7 Moving on to the technology --

8 MR. RABINOWITZ: Mr. Nave, can I just
9 interrupt you for just a moment? Before moving
10 on to that, I mean, I think it would be more
11 beneficial to, basically, cover each section and
12 if members of the Committee have questions about
13 the section concerning facilities construction
14 that we handle it that way. So I'd rather open
15 it up to the Committee to ask you questions about
16 facilities construction before we move and go
17 over the balance of the report, if that's okay
18 with you, as well.

19 MR. NAVE: You're the Chairman.

20 MR. RABINOWITZ: Fair enough. Thank you.

21 Any questions of Mr. Nave about the
22 facilities construction review that they
23 performed?

24 MS. REECE: Are you going to be asking us to
25 vote on his recommendations? I mean, are we

1 going to be discussing one by one and then
2 voting?

3 MR. RABINOWITZ: Well, let's ask him
4 questions first and then we can address.

5 No questions?

6 CHIEF DIPETRILLO: I do have one. You did in
7 -- let me go back and see which one it was. You
8 talked about in page 3 under cost and program
9 controls manager, you talked about the E-Builder
10 program, a web-based capital program management
11 construction project software. Is that something
12 the School Board would be familiar with or is
13 this something new on the market that, you know,
14 you're recommending that it's better than the
15 process they're using now?

16 MR. MOQUIN: The good thing about this
17 particular solution, before we incorporated the
18 requirement to provide a solution through the
19 contract, staff had already started to kind of
20 conduct their own search in terms of replacing
21 the existing systems that we have, currently, for
22 project management, and that was the system that
23 staff was eyeing, thought that would be a good
24 solution. It turns out that both Heery and
25 Atkins are very familiar with the solution, so we

1 feel comfortable that that's going to be the
2 right solution for this program and we're more
3 than happy to have them -- we anticipate that
4 full implementation will be done by the beginning
5 of March. So we'd be more than happy to come out
6 and do some kind of a demo relative to the system
7 at your next meeting.

8 CHIEF DIPETRILLO: Is that cost contemplated
9 in the Bond or is that something in addition to
10 the Bond?

11 MR. MOQUIN: It's infused into Atkins'
12 contract. So it's contemplated. It was a
13 requirement of their contract to provide the
14 solution since they're going to be the prime
15 strategic partner over the cost estimating,
16 scheduling, program management, that sort of
17 thing, so --

18 CHIEF DIPETRILLO: All right. Thank you.

19 MS. REECE: I have a follow-up on that.

20 MR. RABINOWITZ: Sure.

21 MS. REECE: So do you have certain projects
22 that you manage inhouse, as well, in addition to
23 what Atkins is managing?

24 MR. MOQUIN: I'm going to say no at this
25 juncture. There are certain projects that are

1 legacy projects, where inhouse staff is working
2 to go bring closure to them. There are -- this
3 school, for example, is a legacy project where we
4 do have a District project manager kind of
5 overseeing the completion of a partial phase
6 replacement of this school where we're at.

7 The real issue is that currently, at least
8 through mid-January, we have two program
9 managers. Before this most recent RFP we had
10 contracted with URS and they are providing
11 project management services over projects that
12 had been previously approved and then DEFP before
13 the award or the approval of the Bond and now
14 Heery is going to be our owner rep going forward.
15 So the question that we're having is how we're --
16 the internal discussions about, is the transition
17 of those projects that they are overseeing and
18 whether or not we want to go ahead and
19 incorporate them into Heery's contract or if we
20 want to try to utilize some of the internal staff
21 to bring closure to them.

22 MS. REECE: So, ultimately, everything would
23 be in the one E-Builder system, though?

24 MR. MOQUIN: Yes. Absolutely.

25 MR. RABINOWITZ: Chief?

1 CHIEF DIPETRILLO: This may be a little off
2 of the previous question I asked earlier, I'm not
3 sure if this is a good time to ask, but since
4 we're on facilities, you said you had five
5 percent set aside for management fees for these
6 projects; is that a total allocation from the
7 entire Bond project; and is that scaleable; or is
8 it emphatically five percent for every project no
9 matter what the size.

10 MR. MOQUIN: Again, what we're doing is we're
11 just trying to take what the proposed costs are
12 and then work into a percentage against the work
13 that we anticipate them overseeing. So, taking
14 the cap, if you will, that they projected as a
15 percentage of the cost of construction that that
16 cost is supposed to oversee, it's roughly five
17 percent, and that's how we're using that number.

18 CHIEF DIPETRILLO: But if the project is \$100
19 million and a project is \$50,000, obviously, you
20 have a little more leverage when you're dealing
21 with a \$100 million project; do you get a
22 reduction in those fees?

23 MR. MOQUIN: Again, that's not how they're
24 paid. They're paid for a fee for service for the
25 work that they, actually, perform. The five

1 percent is just a way for us, from an accounting
2 standpoint, to apply the cost to the project
3 rather than trying to say, how many hours did you
4 spend on Stranahan; how many hours did you spend
5 on this project? The administrative burden
6 associated with that would be tremendous. So we
7 just rather have said, let's go ahead and do a
8 straight line allocation of what the actual costs
9 are on a percentage basis across all of the
10 projects.

11 CHIEF DIPETRILLO: Thank you.

12 MR. RABINOWITZ: Any other questions?

13 CHIEF DIPETRILLO: No, I'm good.

14 MR. RABINOWITZ: I have one question.

15 Mr. Nave, with regard to a member of the
16 Committee, this Committee, participating in the
17 key performance metrics, how do you envision
18 that, actually, happening? Would there be a
19 subcommittee created that would interface with
20 whoever at the District relative to that
21 circumstance or a liaison; what would be your
22 recommendation?

23 MR. NAVE: In our Best Practices document
24 we -- we recommended an appropriate size of this
25 group that would permit subcommittees to be

1 formed. So I think putting a subcommittee
2 together, two or three of the Committee members
3 or whatever number you think is appropriate would
4 be a good way to go about that. It's just -- the
5 intent is to make sure that if key performance
6 measures are going to be established, then
7 TaxWatch believes the Committee should be at the
8 table, how you get there and how many you get
9 there would certainly be up to you.

10 MR. RABINOWITZ: Okay. I have somebody in
11 mind who is not on the Committee yet, but --

12 Any other questions, comments, concerns
13 relative to this?

14 Are there any motions relative to the
15 recommendations at this time of the TaxWatch's
16 recommendations concerning facilities
17 construction; or do you guys want to handle it at
18 the end?

19 MS. REECE: Let's go section by section. And
20 I do have one more concern. It's not a question,
21 but, why do you think that we -- our board should
22 be involved in issues about Sunshine Law and
23 RFPs, is that like -- I don't know if that's
24 within the scope of our duties.

25 MR. NAVE: It may not be and it may be

1 something that you choose to take a pass on. I
2 just -- given the fact that bids are going to be
3 let and that there's going to be a very public
4 procurement process and these are very large
5 dollar projects, the fact that the two that have
6 been done so far had allegations of Sunshine Law,
7 if I were on the Committee I would just be
8 curious as to what was the nature of the
9 violations or the allegations. It's clear in the
10 report that the District's decision to start over
11 and rebid was done in an abundance of caution, so
12 they probably erred on the side of safety, but I
13 would want to know that.

14 MS. REECE: Thank you.

15 MR. RABINOWITZ: Chief, did you have a
16 comment.

17 CHIEF DIPETRILLO: No, I think I'm good.

18 MR. CARLAND: Mr. Chair, Committee, I'm Paul
19 Carland, General Counsel for the School Board.
20 I'm happy to address that issue tonight if you
21 would like me to. I could do it now. I don't
22 think it would take too long.

23 MR. RABINOWITZ: Go for it.

24 MR. CARLAND: Okay. As was noted, there were
25 the two procurements that went out relative to

1 the program consultants that facilities wanted.
2 They were a little bit different than the
3 ordinary that we've done through our procurement
4 office before, in that we had somewhat different
5 personnel involved in the screening committees
6 than we would normally have in your procurement
7 office. When those committees met and went
8 through the process to select the appropriate
9 consultant there was a concern that there had
10 been some Sunshine violations. Now, when we
11 looked at that issue, the meetings for those
12 particular -- where the concerns arose were, in
13 fact, publicly advertised meetings. And,
14 remember, Sunshine Law, basically, has two
15 requirements, that you have a publicly noticed
16 meeting and that you provide minutes after the
17 meeting has occurred. The concern -- again,
18 because they were already publicly noticed, the
19 concern was that there was not enough active
20 discussion amongst the Committee members when
21 they were doing their voting. And that,
22 therefore, there was some concern that the public
23 was not fully apprised of the process by which
24 the committee was reaching its decision.

25 So when we reviewed that, again, it was

1 indicated, in an abundance of caution, as the
2 Sunshine permits, we recommended that there be a
3 cure meeting whereby the committee, actually,
4 re-met and rescored and publicly announced the
5 scores during the course of the open meeting.

6 When the procurements, actually, came to the
7 Board for award, I provide a memorandum to the
8 Board outlining what the concerns were, how we
9 cured those under the Sunshine Law, also,
10 discussed with the Board on the record what I had
11 outlined in the memo. We were very careful, as
12 well, when the agenda items came to the Board to
13 provide, again, all of the documentation over and
14 above what ordinarily would come to the Board, so
15 that the public, even if their first intersection
16 was the Board's review and approval, that they,
17 again, had open access to all the documentation.
18 Our office did consult with the Attorney
19 General's Office, Pat Gleason, when we developed
20 the cure process, and so we feel like the
21 Sunshine concerns were completely addressed. The
22 memo that was provided to the Board is a public
23 document. I'm happy to provide that to the
24 Committee, if you would like.

25 MR. NAVE: And, Mr. Chairman, I would add

1 that Pat Gleason, for those of you who don't
2 know, Pat is the state's resident expert on all
3 things Sunshine Law and open government. And if
4 she is comfortable with the cure, then it's a
5 good cure.

6 MR. RABINOWITZ: Anybody else have comments
7 about that issue?

8 No?

9 Thank you very much.

10 MR. CARLAND: Yes, sir.

11 MR. RABINOWITZ: We have the report in front
12 of us concerning facilities construction. Are
13 there any motions from the Committee relative to
14 the recommendations made by TaxWatch?

15 I, actually, had one other question on --
16 there was a comment about bringing Heery and
17 Atkins together in the Rock Island Administrative
18 Center; I mean, is that even feasible from a
19 space perspective in getting the personnel there?

20 MR. MOQUIN: Yeah, we believe so, with some
21 minor modifications around the infrastructure,
22 primarily around some of the wireless access
23 issues. So we believe there's going to have to
24 be a small investment. But that's currently
25 where the Building Department is housed and there

1 is available space within that center. It's an
2 old elementary school. And, so, we're working on
3 implementing that.

4 MR. RABINOWITZ: Okay. Thank you.

5 CHIEF DIPETRILLO: One quick question on that
6 point.

7 MR. RABINOWITZ: Sure.

8 CHIEF DIPETRILLO: When you do bring them
9 together, they are your subcontractor; correct?
10 Atkins is your subcontractor?

11 MR. MOQUIN: They're both prime contractors
12 for different aspects.

13 CHIEF DIPETRILLO: They're not in competition
14 with each other, there's no --

15 MR. MOQUIN: No, no, no, no.

16 CHIEF DIPETRILLO: They're strictly
17 representatives of the Board here and the
18 District; correct?

19 MR. MOQUIN: Yes.

20 CHIEF DIPETRILLO: They're working directly
21 for you.

22 MR. MOQUIN: Yes.

23 CHIEF DIPETRILLO: There's not going to be
24 any issues with one of your two parties working
25 as far as projects, conflicts of interest, et

1 cetera?

2 MR. MOQUIN: No. I mean, we've been working
3 together now for a couple months very well, kind
4 of outlining delineation of roles and
5 responsibilities relative to project execution.
6 I think we're in a really good place.

7 CHIEF DIPETRILLO: All right. That answers
8 my question.

9 Thank you.

10 MS. REECE: Has staff looked at these
11 recommendations and do they have an opinion?

12 MR. MOQUIN: I did look at them. I don't
13 really have issue with any of them. You know, we
14 are more than happy to demo the E-Builder system
15 and relative to participation in the development
16 of performance metrics, I think what might be
17 easier is, perhaps, once we develop the framework
18 of what we believe we're going to use, is, maybe,
19 come and share that and then talk about gaps or
20 other aspects of the program performance that the
21 Committee would be interested in seeing and then
22 potentially, you know, developing our dashboard
23 even further. As opposed to, you know, trying to
24 organically do that from scratch, let us go kind
25 of show you what we're thinking and then see if

1 there's any gaps where we can supplement it.

2 MR. RABINOWITZ: When do you think that can,
3 actually, take place?

4 MR. MOQUIN: March.

5 MR. RABINOWITZ: Okay. So, I suppose we
6 could table the idea of creating a committee
7 until that point in time after we have an idea of
8 what they will have to present to us.

9 Okay. Thank you.

10 Move on to technology, Mr. Nave.

11 MR. NAVE: Thank you. Mr. Hunter outlined
12 the report for the schools that are under the
13 direction of the District, and his report
14 itemized the number of additional computers that
15 have been ordered for each school, the number
16 that have been received, the number of wireless
17 access points ordered and installed. And, again,
18 it's all geared towards achieving or exceeding
19 the standard of, you know, three and a half
20 students per computer and one wireless access
21 point per classroom.

22 And this gives me pause to wonder whether I
23 thought that slide was so important that I needed
24 to put it in there twice or whether I made a
25 mistake. So let's assume it's a mistake.

1 For 12 of the schools that were identified in
2 Mr. Hunter's report a sufficient number of
3 computers had been ordered and received to meet
4 the 3.5-to-1 standard. Five of the schools,
5 though, have final student to computer ratios
6 below 2.1. And having one computer per every two
7 students is better than having one computer for
8 every three or three and a half students. I'm
9 certainly not going to argue that, but it does
10 suggest that more computers were purchased than
11 were needed to achieve the desired standards and
12 it begs the question, what's the proper thing to
13 do in a situation like that? If those cost
14 savings could be reverted and reallocated to meet
15 other needs, then that would be a good thing. If
16 not, then having more computers per student,
17 then, certainly, that's a good thing, as well.
18 So, you've got countervailing good things here.

19 MS. REECE: So I believe that question was
20 already addressed, that it can't be moved based
21 on Bond covenants; correct? That it was
22 guaranteed to each school, the technology funds,
23 so it's got to be spent within that school
24 regardless if they have 1-to-1 or 3-to-1?

25 MR. HUNTER: Yes, that's the commitment that

1 the Board has made to the schools, that those
2 dollars will be available to the schools.

3 MS. REECE: Okay.

4 MR. RABINOWITZ: I'll follow it up.

5 Is there any way to go back to the Board? I
6 mean, it just seems inequitable in some areas
7 that you have greater participation, whether it
8 be the school being more active in getting
9 dollars from other places, that some districts
10 don't have the same benefits -- or, excuse me
11 some schools don't have the same benefit that
12 others do.

13 I mean, is there no way to address that?

14 MR. HUNTER: Most certainly we can take that
15 conversation back to the Board as a
16 recommendation of the Oversight Committee. I
17 would be more than happy to do that. But I need
18 to know, specifically, what the Oversight
19 Committee is asking the board to consider.

20 MR. RABINOWITZ: I think that the Committee,
21 correct me if I'm wrong, is suggesting that while
22 there was a fixed dollar amount that was
23 allocated for technology for each school, that
24 once certain recommended ratios are already
25 achieved, that the amount of money that was

1 allocated for a specific school could be lowered
2 and possibly reallocated to another school for
3 whatever other needs may be necessary. That may
4 make some departments of the District crazy, but
5 that's kind of our job.

6 MR. HUNTER: Let me -- so, yes, we'll be
7 happy. I was just asking our General Counsel if
8 there was anything legally that precluded us from
9 having that conversation with the Board or having
10 the Board consider that at this time. He said
11 there was not. So we'll take that as an action
12 item to take back to the Board. We'll get that
13 -- I'll work with our Chief of Staff to determine
14 the appropriate time, whether or not that's a
15 workshop or agenda item. More than likely, he
16 will direct us there.

17 MR. MOQUIN: Again, I'm just kind of
18 brainstorming out loud, but this Committee, we
19 were planning on you going to a workshop anyway
20 to kind of report out. I think that that could
21 be something that you could present to the Board
22 on behalf of the Committee in terms of your
23 consideration from the first quarterly report of
24 things you want them to consider moving forward.
25 So it might be even more appropriate in that

1 forum, the Committee, if it's something that they
2 want the Board to consider, to present it at that
3 time.

4 MR. RABINOWITZ: Okay.

5 MS. REECE: If I may, to my point earlier
6 about computer replacement, that's sort of where
7 I was going, too. If you have an equal
8 replacement for schools each year, if you get
9 computers through grants or other sources you'd
10 want to make sure that whatever your baseline is
11 that you would be able to replace it
12 periodically.

13 MR. HUNTER: Yeah, currently the District
14 does not have a standard refresh schedule. Our
15 funding for technology is based on available
16 funds each year and those funds could be a
17 combination of things from capital funds to
18 grants to -- and this year, of course, the
19 general obligation Bond. But there is not a
20 standard refresh plan that guarantees a certain
21 number of dollars to refresh computers or any
22 technology for that matter on an annual basis.

23 MR. RABINOWITZ: Any other comments?

24 Chief?

25 CHIEF DIPETRILLO: One question. It was my

1 perception from an earlier meeting that you had
2 when you first talked about this, that some of
3 the reasons the ratios are out of balance is
4 because some of the schools already had a fairly
5 aggressive program and the age of the computers
6 may or may not have been taken into
7 consideration. When you did your analysis and
8 you looked at the age of the computers and the
9 number of students I know that that varies each
10 year, so looking for a range is probably more
11 appropriate here, but I do share the Committee
12 members' concerns that some schools have a higher
13 ratio than others, and it could, on the surface
14 to the taxpayer or the citizen, the students
15 think that it was an unfair distribution, so --

16 MR. HUNTER: Yeah. And I would also ask the
17 Oversight Committee to consider that perhaps the
18 initial ratio was not low enough, that, given
19 instructional need, that perhaps 3.5-to-1 should
20 really be 2.5-to-1. I don't know and we can have
21 that conversation, but I think in conversation
22 with the Board that we should consider both sides
23 of that coin.

24 MR. RABINOWITZ: I think that you're right.
25 I mean, ideally, we would like to see 1-to-1 for

1 students in Broward County. There's no question
2 about that. But when we're allocating these
3 dollars for schools, I think it's the obligation
4 of this Committee to ask the appropriate
5 questions and try to effectuate equity for all
6 schools.

7 MS. LEWERS: I just have a quick question on,
8 I guess it's page 5. We ordered 1,673 desktop
9 computers but we only received one.

10 MR. HUNTER: What now? I'm sorry.

11 MS. LEWERS: On page 5.

12 MR. HUNTER: Of the TaxWatch report?

13 MS. LEWERS: Yes. And I'm just curious, you
14 know, what's slowing down how we're receiving the
15 technology? It says 1,673 desktop computers were
16 ordered and only one has been received; so what
17 slows that process down?

18 MR. HUNTER: Well, yeah, on that page we're
19 referring to charter schools, and, remember, that
20 this report is as of a certain date and time. So
21 as of 9/30, so as of 5:00 that day, we took a
22 snapshot and said, tell me what's in the
23 building. Had we taken that snapshot a day
24 later, a lot more computers would be there.

25 MS. LEWERS: So we're not having a problem

1 with receiving anything?

2 MR. HUNTER: No, no.

3 MS. LEWERS: Okay.

4 MR. NAVE: And the recommendations that come
5 out of that, the first recommendation we have
6 just done, and that is ask the District to
7 explain the apparent purchase of more computers
8 than are necessary. The follow-up
9 recommendation, that would be looking at the
10 other schools for which computers have been
11 ordered, what will the final student to computer
12 ratios be for those schools. So that's
13 information that we recommend that you request of
14 the District.

15 MS. REECE: If I may interject one more
16 thing. Are we doing this too late in the process
17 when, obviously, the computers have already been
18 ordered? Sort of -- I'm not sure that by the
19 time we meet with the Board and recommend
20 changes, is it too late, because you guys -- you
21 guys are doing an incredible job with moving
22 forward with the program. So, is it almost an
23 afterthought at this point? I'm not sure.

24 MR. HUNTER: I can't answer the timing
25 question, but we are certainly open to consider

1 any recommendations coming from the Committee,
2 itself. Now, what we can't do -- I mean, I won't
3 say what we can't do. What might be difficult is
4 to go back, you know, to schools that have
5 already spent all of their money, unless the
6 Board -- again, the Board would have to direct us
7 in terms of doing that. So --

8 MR. RABINOWITZ: Any other comments,
9 questions, concerns?

10 Nope? Okay.

11 MR. NAVE: Moving on. There was one -- at
12 least one school that we identified, Cooper City
13 Elementary School, for which -- Sue, if you could
14 back up one, please -- that nothing had been
15 ordered and there was no explanation as to why
16 that the project hasn't begun. And the obvious
17 recommendation is to just get a better
18 understanding from the District, is there a
19 problem here; what is the problem; or why haven't
20 we moved forward on that project?

21 MR. RABINOWITZ: Questions?

22 MS. LEWERS: Did we find out why?

23 CHIEF DIPETRILLO: Yeah, is there an answer?

24 MR. HUNTER: Well, I can tell you it's all
25 been ordered and installed now.

1 CHIEF DIPETRILLO: That's a good answer.

2 MR. HUNTER: But what I don't know is, as of
3 the date of this report, and I think that's
4 something that on a quarterly basis we'll
5 continue to wrestle with, is that if we -- if
6 we're going to give you data as of a certain
7 cutoff, we're going to be in process. And in
8 process here means that we've started the
9 ordering process with the school. And remember
10 what I said earlier, and I'm not saying that this
11 is the case with Cooper City, but just to remind
12 the Committee that I mentioned earlier, that we
13 meet with the school and then they have seven
14 days to get us the information back that they
15 want to order. At the time that meeting takes
16 place, the process begins. So, I'm not saying
17 that that's the case here, I'm just saying that
18 we were somewhere in the process.

19 MS. LEWERS: But we still don't know what
20 caused that school not to be online and to place
21 the order; we don't know what caused this?

22 MR. HUNTER: Yes.

23 MS. LEWERS: I know that you're saying you're
24 going back to when this report was, but what
25 caused the initial concern or problem?

1 MR. HUNTER: Yeah, I'm not sure that there
2 was a problem. Honestly, I'm not aware that
3 there was a problem. We were probably just in
4 that process at the point of ordering their
5 equipment.

6 MR. NAVE: Mr. Chairman, the fact that it's
7 been ordered and delivered makes our concern go
8 away. We just -- we saw it. We raised the
9 issue.

10 MR. RABINOWITZ: Thank you.

11 MR. NAVE: Moving on to the charter schools,
12 the Amended District Education Facility Plan and
13 SMART Program allocates \$12 million for charter
14 school technology, which, as we heard Ms. Brown
15 talk about earlier, she outlined how those moneys
16 were allocated to the schools. When one looks at
17 the activity that was reported, it's obvious that
18 a lot of stuff is being purchased and installed
19 in the schools. When you add this to the numbers
20 that Mr. Hunter offered earlier, I think we're in
21 excess of 25,000 computer devices and then with
22 that you add the accessories, the peripherals and
23 the wireless access points, so it becomes clear
24 then that, you know, the Bond moneys are being
25 spent for the purposes outlined in the Bond

1 programs. But the concern we had is that there's
2 nothing in the reports that identifies,
3 specifically, how these moneys were to be spent.
4 Charter school technology is a broad category.
5 It can include anything. There has to be some
6 basis for -- and I think Ms. Brown kind of laid
7 it out earlier, maybe that solves or answers the
8 question, but you want to be able, I think, to
9 compare the actual spend to the plan spend. So
10 there had to be some plan for how that money was
11 going to be spent and that's what TaxWatch would
12 expect to compare it to. So -- so the
13 recommendation is to get as much information as
14 we can regarding the planned technology
15 expenditures for the charter schools. And it's
16 also unclear or it was unclear at the time we
17 wrote the report whether the student computer
18 ratios and the wireless access point standards
19 applied to the charter schools like they apply to
20 the District controlled schools. And, again, the
21 recommendation would be to request clarification
22 on that policy.

23 And that's pretty much it. In looking at
24 this, I mean, this was our first pass. It was
25 the District's first pass at putting the reports

1 together. It was our first pass, our collective
2 first pass in reviewing the reports and so it has
3 been a learning experience, I think, for all of
4 us. And I think what is clear in all of this is
5 that the District is moving forward aggressively
6 in doing the technology upgrades and buying the
7 stuff, getting it installed and making technology
8 more accessible for the teachers and the
9 students.

10 The quarterly reports do a good job of
11 showing what's been purchased for every financial
12 project and it gives you a good idea of the path
13 of the Committee today. But, again, what is
14 missing is that link back to the planned spend.
15 Because I think if we're going to do what we want
16 to do, and you asked earlier for an itemized list
17 of the things and that's kind of what we're
18 hinting at here is, that we need to see, we need
19 to make sure that what is, actually, being
20 purchased is what was planned to be purchased.

21 And I think as we go forward into the second
22 quarterly report we've offered some
23 recommendations, one for the technology spend
24 that gets at, let's look at these listings, let's
25 see what's planned to be purchased, let's look at

1 what we're actually buying, let's see how those
2 match. Also, any measures that would have the
3 effect of saving cost, and, again, maybe just
4 buying at 3.5-to-1 or 3-to-1 or 2.5-to-1
5 generates cost savings that could be reallocated
6 to meet other needs and we've talked about that
7 issue, a description of how the acquisition and
8 installation of this technology will achieve the
9 desired standards. Mr. Hunter has laid that out
10 tonight and I think we all have a better
11 understanding of how those purchases are going to
12 achieve the three and a half and the 1-to-1
13 standards.

14 Other things that would be good to know as we
15 go forward, if there are -- if we miss
16 opportunities to save money, then I think we need
17 to identify those. Any changes in the planned
18 spend, those are things that need to be brought,
19 I think, to the Committee's attention. Contracts
20 for women and minority-owned businesses, and I
21 don't know where the District buys the technology
22 and who they get it from, but I think it's
23 important to look at how much of this money is
24 going to businesses that are historically
25 underutilized and making sure that these

1 businesses in Broward County are being able to
2 participate in this program.

3 And then, finally, I think there should be a
4 certification from someone that every dollar
5 spent on this program is consistent with the
6 intent of this. Somebody has got to put their
7 signature on the line that says, every dollar
8 spent has been spent properly. And, again,
9 any -- any non-certified expenditure, I think
10 those need to be publicly disclosed and we
11 recommend that.

12 And we make the same kind of recommendations
13 with respect to the facilities side of it,
14 getting a better idea of the -- and I think maybe
15 the -- the web-based software program that we're
16 going to use to track these kinds of things,
17 maybe that gives us all the information we need,
18 maybe that helps us answer questions and will
19 help us get a better understanding of how the
20 projects' actual scope and budget and timeline
21 compare to the planned scope, budget and
22 timeline.

23 And, again, the other recommendation we made
24 with respect to cost-saving measures, the
25 certification of disclosure of the contracts to

1 minority women-owned businesses, things like
2 that, they would apply to the construction side,
3 as well.

4 So, that completes our recommendations.

5 If there are other questions and comments, I
6 guess the first question, and I'll reserve the
7 right to ask that is, you've had a chance to look
8 at our report, does it meet your expectations?
9 Is this what you're looking for from us?

10 MR. RABINOWITZ: I thought so. Just one
11 man's opinion.

12 MR. NAVE: Let the record show that everyone
13 is nodding in agreement.

14 Well, I appreciate that. I'll be glad to
15 answer any other questions or if you have
16 comments.

17 MR. RABINOWITZ: If I said no, would you take
18 a pay cut? I'm just kidding. Just kidding.

19 MR. HUNTER: I would like to share one
20 comment with the Committee as it relates to cost
21 savings that I think is important here, as well.
22 Taking a look at the procurement vehicles that we
23 were using for the technology, our wireless
24 access points and cable RFP's were fairly recent
25 within the last year, and so we thought were very

1 timely. Our computer RFP or solicitation vehicle
2 has been in place for about two and a half or
3 three years, so the District has gone out on a
4 new solicitation that will be presented to the
5 Board in January, all with the idea of making
6 sure that we're getting the most cost-effective
7 solutions for the District as possible. So I did
8 want you to be aware of that.

9 As a part of that solicitation, the large
10 computer manufacturers to deliver to the School
11 District the size of Broward are probably not
12 going to fall into the small business category,
13 so we split the solicitation into equipment
14 delivery and warranty and then we did a separate
15 solicitation for installation configuration
16 services that would provide an opportunity for
17 small minority-size businesses to compete for
18 that business, as well. So both solicitations
19 have gone on the street, both closed within the
20 last week and both will be presented to the Board
21 at the January Board meeting.

22 MR. RABINOWITZ: Thank you. Ms. Reece.

23 MS. REECE: I have a question about your
24 certification recommendation. In government
25 finance, generally, you're -- in your CAFR

1 you're, essentially, certifying that your
2 expenses -- are you saying something beyond that?

3 MR. NAVE: I'm sorry. I'm not sure I'm
4 understanding what you said.

5 MS. REECE: Okay. So your recommendation was
6 that somebody signs their name that it's an
7 eligible expense. I'm assuming your audit covers
8 that, is what I'm saying. So maybe it's a
9 question for staff. Your audit -- does your
10 audit confirm that Bond-eligible expenditures are
11 spent in the Bond fund or how is that?

12 MR. LEONG: The annual audit report is
13 certified that the financial statement presented
14 is fairly presented and a certified public
15 accountant signed their name and certified it.
16 And I think that Mr. Nave is talking about that,
17 what he was talking about, at least I'm guessing,
18 is that in the technology area he's also saying
19 in the construction area that someone certify
20 that the spending dollars, for example, in the
21 technology area spending is what the Board
22 intended to spend. So I think that's the
23 difference between what you're talking about and
24 the audit.

25 MR. NAVE: What we're looking for, we just --

1 it could be one sentence. It could just be a
2 general sentence to certify that all of the Bond
3 funds have been expended consistent with the
4 purposes laid out in the Bond program as approved
5 by the School Board.

6 MR. RABINOWITZ: Is there any problem giving
7 that certification in a report?

8 MR. MOQUIN: I'm just, again, thinking out
9 loud. We have certain forms now that exist to
10 attest to certain things and I'm thinking we have
11 like this collaboration form when we're bringing
12 financial information forward. We might be able
13 to replicate something like that where we take,
14 you know, the head of technology, the head of
15 facilities and then somebody representing finance
16 to, sort of, attest that, you know, the
17 expenditures are consistent with the DEFP and the
18 SMART Program and that sort of thing. I don't
19 think that would be too much to ask for.

20 MR. NAVE: And that's, essentially, what we
21 are asking for.

22 MS. REECE: Okay. That's what I was trying
23 to understand.

24 MR. RABINOWITZ: The other recommendation
25 within the report was providing cost data. Is

1 that kind of information readily available; can
2 it be provided to TaxWatch to make sure that --
3 you know, I'm looking at the report 66 wireless
4 access points were ordered and what that expense
5 was so that they could confirm that that was
6 done; can that be provided?

7 MR. HUNTER: I believe it's there as part of
8 the financial report. But the question is, would
9 you like to see that as part of the technology
10 report as opposed to -- what we did under the
11 financial column, and Mr. Shim can respond to
12 that, we put all of the financials together for
13 facilities, as well as technology. So there is,
14 in fact, a section in technology that shows those
15 expenditures. We're happy to do that over on the
16 technology report, if that's where you would
17 prefer to see it.

18 I just want to make sure I'm correct, first.

19 MR. SHIM: Yes. That's correct. The
20 financials do reflect all of the technology
21 expenditures and what -- the current commitment
22 as of that date. So you can -- you would have to
23 look in two places if you want to see per piece
24 what was there.

25 MR. HUNTER: And I believe it's broken down

1 in the financial report, and I don't have my copy
2 here today, but I do believe it's broken down by
3 category, if I'm not mistaken. I'll double check
4 that for you.

5 MR. RABINOWITZ: Mr. Nave, was there
6 something else that you were looking for?

7 MR. NAVE: Yeah, thank you Mr. Chairman.
8 What our recommendation is getting at in
9 comparing the plan to the actual is not so much
10 to make sure that it's a dollar for dollar match,
11 but if the technology program at a certain school
12 is designed to increase the number of computers
13 and computers only and the District were to spend
14 it on peripherals or accessories or wireless
15 stuff or network upgrades or something that
16 wasn't in the program, then that's the kind of
17 thing that -- and that's the level of which I
18 think we would want to look at that. I'm not an
19 accountant. I don't want to have to go, well,
20 they spent \$12 more than they were allocated, I'm
21 more concerned that if the money is to be
22 allocated to a certain school to buy computers,
23 that they're buying computers and not something
24 else. So to be able to compare the planned spend
25 to the actual spend as far as the scope, that's

1 more of what I'm interested in.

2 MR. RABINOWITZ: Well, can the District
3 provide that level of detail that he's looking
4 for as he just explained it; or do you think it's
5 already there?

6 MR. HUNTER: I think it's here. We'll be
7 happy to work with a couple different formats
8 and, you know, to make sure that we're presenting
9 it in a way that it clearly shows what we're
10 doing. But I think between the reports the
11 information is there. But we'll certainly take a
12 look at the -- I don't have a problem taking a
13 look at the format.

14 MR. NAVE: I think it's just a matter -- I
15 think as we go through this, the section report,
16 I think, will be better than the first report, I
17 think the third report will be better than the
18 second, and after that they should all be about
19 the same level of quality. We should figure it
20 out by then. I'm sure the information is there.
21 I think it's an issue of it wasn't presented in
22 this report, so I felt compelled to flag it.

23 MR. RABINOWITZ: Any other comments?

24 MR. HUNTER: I do want to mention, though,
25 I've heard the conversation around benchmarking

1 to, you know, several times and there is not a --
2 again, the snapshot, the original snapshot was at
3 a certain date and time and on that date and time
4 we identified what the number of computers,
5 number of access points, et cetera, at the time a
6 year and a half later, two years, if we go to
7 that campus that number will, in most cases has
8 changed. So that's why we're using the 3.5-to-1
9 and the one access per classroom because that
10 doesn't change. We're still looking for that. I
11 mean, I want the Committee to be aware that
12 simple things like from one year to another
13 enrollment changes in schools. And so that will,
14 in fact, impact the student to computer ratio.

15 Part of the renovation program, not that this
16 has hit us yet, if they're adding classrooms,
17 then additional access points are going to be
18 needed, if they're repurposing rooms, those kinds
19 of things. So, if we are looking -- and so it's
20 our intent to make sure that at the end of the
21 program the equity is that every school has an
22 access point in every classroom and that every
23 school has a minimum of 3.5-to-1 student to
24 computer ratio. But I'm not so sure that we can
25 stick with the benchmark that was taken two years

1 ago to determine whether or not we've done that.

2 MR. RABINOWITZ: Thank you.

3 MR. NAVE: And I would agree. I think the
4 important thing is that the District has set
5 standards and the intent is to meet or exceed the
6 standards and that's what we want to look at.

7 MR. RABINOWITZ: Ms. Siegel, did you have a
8 comment?

9 MS. SIEGEL: Yes. Along the lines that you
10 were saying, some sort of certification that if
11 we say we're buying computers, we're buying
12 computers, would that also include, and they're
13 going for their intended purpose?

14 MR. NAVE: I think it should include that
15 it's consistent with the purposes outlined in the
16 Bond program as approved by the Board. I think
17 that's the key. You know, if the intent is to
18 buy computers and the District is buying cars,
19 then, you know, they want to certify that buying
20 a car is consistent with the Bond program, then
21 someone would -- I guess would sign that and take
22 their chances.

23 MR. RABINOWITZ: I think Ms. Reece has
24 another question.

25 MS. REECE: What's the value of the

1 certification? Who does that serve or, I mean --

2 MR. RABINOWITZ: The public.

3 MS. SIEGEL: Yes, it's an accountability.

4 MR. NAVE: Exactly.

5 MS. SIEGEL: I think that's something that,
6 at least most of the families who send their
7 children want that accountability, knowing that
8 you said you're buying X amount and this ratio
9 for the students and we want to make sure that
10 that has been adhered to and it's consistent with
11 the plan, and like you said, computers to
12 computers, we're not buying cars.

13 MR. RABINOWITZ: All done?

14 Well, thank you very much. We appreciate
15 TaxWatch's efforts.

16 The next item on the agenda is the nomination
17 of a new member and I think the Chief is the
18 proponent of someone.

19 CHIEF DIPETRILLO: Well, in the last couple
20 of meetings we talked about the number of people
21 on the board and how to fill some of the open
22 spots, that we had to look out into the community
23 for people with certain levels of expertise that
24 could help with both the Committee, itself, and
25 the District. I've had the pleasure of working

1 with the person I'm nominating for a position on
2 the board, Mr. Bruce Bernard. He's here this
3 evening. I would like to have him stand up, if
4 he could, for a moment. Mr. Bernard's got over
5 40 years experience in public works and other
6 projects. He has managed capital projects,
7 himself. He has done construction work. He has
8 worked with vendors. He has been in government.
9 He has been in the private sector. I think he'd
10 be a good fit for our Committee. He understands
11 the implications of -- and the things that the
12 TaxWatch folks are concerned about, about
13 accountability. He also knows how to deal with
14 staff and some of the folks here, having had that
15 responsibility in some of his previous
16 employment. I know he managed a \$20 million Bond
17 project for me and it worked out very well.

18 So I think that he has the right stuff, so to
19 speak, for our Committee.

20 So I would like to advance his recommendation
21 for position on the board.

22 MR. RABINOWITZ: If General Counsel has a
23 comment?

24 MR. CARLAND: Yes, Mr. Chair and Committee
25 Members, what I want to just point out, again, is

1 that the Committee was created by way of
2 resolution from the School Board, which was very
3 specific as to the number of individuals on the
4 Committee and from whence they are to be brought
5 forward the persons.

6 What I would just suggest to the Committee is
7 that you make this request or nomination part of
8 your -- kind of mold it or fold it into your next
9 item, as well, as part of your consideration for
10 your recommendations to the Board on amending the
11 Resolution.

12 MR. RABINOWITZ: So, is your suggestion that
13 there be a motion such that there be a
14 presentation to the Board to amend the Resolution
15 to permit us, as a Committee, to nominate
16 individuals that are not otherwise characterized
17 within the Resolution?

18 MR. CARLAND: Right. I mean, I know your
19 next item is to discuss other points of the
20 Resolution that you would like to see some
21 changes in. This request to add a person to the
22 Committee, I think, would be part and parcel of
23 that same request, just, obviously, looking at
24 Section 3 that you would like some flexibility in
25 terms of appointing people, the number of people

1 to sit on the board with you and how they're
2 brought forward.

3 MR. RABINOWITZ: Okay. So what we would need
4 to do, functionally, is amend Section 3 of the
5 Resolution concerning membership to include
6 individuals that the Committee believes would be
7 a valuable addition to our Committee.

8 MR. CARLAND: Right.

9 MR. RABINOWITZ: Okay. I think we have to
10 entertain a motion in that regard.

11 CHIEF DIPETRILLO: I'll so move.

12 MR. RABINOWITZ: Do we have a second?

13 MS. LEWERS: Second.

14 MS. REECE: I would like to discuss, do we
15 need to amend -- because, right now, we have a
16 really hard time reaching quorum, so do we need
17 to amend so we don't have all of these listed if
18 they're not all going to be able to appoint
19 someone?

20 That would be the time to do all of that;
21 right?

22 MR. CARLAND: Well, again, these are
23 recommendations that you're going to make to the
24 School Board. The School Board's going to have
25 to review the Resolution based upon your

1 recommendation as to membership.

2 So, again, what I'm suggesting is that your
3 motion be to ask the Board to consider amending
4 Section 3 to give you the flexibility to add
5 members to assist you in your work. You know, as
6 this Resolution is currently put forward, it's
7 very prescriptive, the Board was very
8 prescriptive as to the number of individuals that
9 would serve and their affiliations. And so what
10 I hear the Committee suggesting is that you would
11 like the Board to authorize -- change Section 3
12 and give you some authority to appoint members
13 that you believe would be helpful to you in doing
14 your work.

15 MS. REECE: And remove the number if we can't
16 fill the spots; right? We wouldn't want to have
17 that large of a quorum if we only have five.

18 MR. CARLAND: Right. Whatever the number
19 ends up being, if you want to ask the Board to
20 give you, maybe say, six additional slots up to
21 15 or if you want to ask the Board to add just
22 three more, whatever your request is, I think you
23 can formulate that and then, obviously, quorum
24 changes depending on what your number of
25 membership is.

1 But what I clearly hear the Committee talking
2 about in this discussion is that you feel a need
3 or you have the desire to have some flexibility
4 to bring on members from the community that you
5 believe would help you in doing your work.

6 MR. RABINOWITZ: So the motion is clear on
7 the record, because somebody may actually read
8 this one day, the motion is that the -- it's
9 Section 3, Subsection 1, would be adding another
10 letter, I guess it would be letter J, that the
11 Committee would be permitted to add one member to
12 be nominated and approved by the majority of the
13 Committee, something to that effect. Is that the
14 motion, so it's clear on the record?

15 CHIEF DIPETRILLO: One or more depending on
16 the number necessary, to a maximum. I think we
17 talked about that in the past, no more than a
18 certain number. I think we were contemplating
19 what TaxWatch had said, but I believe their
20 concern -- we spoke about that, but I don't
21 remember correctly, I don't remember the number,
22 what 11 or 12, but they had a fairly high number
23 we thought was a little bit unwieldy, but
24 inasmuch as there's five or six of us sitting
25 here and there is supposed to be nine as a

1 starter, and the other members of those
2 organizations refused to appoint somebody, we're
3 at a -- you know, we're in a quagmire. So, I
4 think it's incumbent on us to go back to the
5 Board and say, listen, if we can't get somebody
6 from here, we need to add some more who can
7 perform and have the expertise. So, I don't know
8 if I'd set a number on it, it's not my choice,
9 but, you know, I would entertain that with the
10 other members of the board.

11 MR. RABINOWITZ: Would that amendment to the
12 Resolution be something that your office could
13 draft or do we have to draft the proposed
14 amendment? I mean, for mine, I did it, I'm a
15 lawyer, so --

16 MR. CARLAND: Right. Well, we'll, certainly,
17 staff, you know, my office will work with
18 finance, we'll certainly articulate it for you.
19 We just need to be clear what it is your desire
20 is to go to the Board with.

21 So I think you've got a really good start.
22 What I'm understanding is, as you stated, the
23 motion would be to add letter J under Section 3
24 Subsection 1 to permit the Committee to add
25 members upon your nomination and vote, you know,

1 as you need to do your work. But right now it's
2 kind of open ended, you've had some discussion on
3 whether or not you would want to close that up to
4 a maximum. I can tell you that when the Board
5 was debating the Resolution, the Board did have
6 some discussion and was concerned about the
7 Committee being too large and it being unwieldy.
8 So my advice to the Committee is you may want to
9 consider putting a cap on the additional members
10 that you would want to be able to add because
11 that was a concern of the Board. But it's up to
12 you what you want to recommend.

13 MR. RABINOWITZ: Ms. Reece.

14 MS. REECE: Just a suggestion and just to
15 throw out there, kind of thinking out loud, since
16 certain committees or certain like A or D might
17 not be able to, could our motion be that we could
18 recommend a substitution to the Board, so it
19 would keep with the same number, but if somebody
20 wouldn't be able to be appointed by a certain
21 organization, then our Committee could recommend
22 a substitution to the Board?

23 MR. CARLAND: Right. That's certainly
24 another way of looking at it.

25 MS. REECE: Right. So it would still be I.,

1 but we would recommend substitutions and stick
2 within their framework.

3 I don't know how you guys feel.

4 MR. CARLAND: So the suggestion now, what I'm
5 hearing is, rather than adding members, the
6 Committee would like to have the flexibility to
7 substitute if one of the enumerated groups is
8 unable or unwilling to appoint someone.

9 MR. RABINOWITZ: That would be a friendly
10 amendment.

11 CHIEF DIPETRILLO: Yes, I would accept that
12 amendment.

13 MR. RABINOWITZ: Okay. Based upon Mrs.
14 Reece's friendly amendment to the motion to
15 permit the nomination and approval by majority
16 vote of the Committee, is there a second?

17 MS. LEWERS: I second.

18 MR. RABINOWITZ: So all those in favor say
19 aye.

20 COMMITTEE MEMBERS: Aye.

21 MR. RABINOWITZ: It's unanimous. The motion
22 carries.

23 MS. REECE: I do have a question for Counsel.
24 What's the timeframe once the Chair hands the
25 motion to the District are we talking about? Is

1 this even going to be looked at anytime soon? I
2 know the calendars are pretty filled up. What's
3 the odds of, actually, getting it on?

4 MR. CARLAND: Well, I think Mr. Nave made a
5 really great observation tonight, which is this
6 is new to everyone. This is going to be new to
7 the Board, too. So the next action item or the
8 next regular meeting of the School Board is
9 January 20th. So that would be the absolute
10 earliest that the Board could consider amending
11 the Resolution. What we don't know is, you know,
12 is the Board going to want to maybe have a
13 discussion about your recommendations at a
14 workshop before we bring something to them to
15 vote on? You probably want to do that and might
16 even invite some of the Committee members to be
17 able to come and kind of just talk them through
18 what your suggestions or requests are so they
19 understand it better. That might be one way to
20 handle it and then we could put it on for them to
21 vote on to, actually, amend it.

22 MS. LEWERS: Okay. And then I know this
23 might be a hard task. Section 3, Membership, and
24 I know from that particular workshop, are we able
25 to get minutes? I'm just curious and I think I

1 watched it, also, it was pretty long, on how we
2 got down to these A through -- what is that, I?
3 I. Just for ours, I would want to go back
4 through, especially, if we are planning to go in
5 front of the Board just to see how we got down to
6 these particular groups and whatever groups,
7 actually, did put in for it. Because I remember
8 it was like 20 or whatever it was and they got
9 knocked off the list. Are we able to see that or
10 hear that or --

11 MR. MOQUIN: With every workshop there's a
12 staff follow-up. Part of the staff follow-up is
13 a synopsis of the discussion. I don't know to
14 what extent it's going to capture all of the
15 discussion, but it normally identifies the
16 salient points that the Board was considering.

17 You know, my recollection of having sat
18 through those things is that there was a concern
19 that they were -- they didn't want the Committee
20 to be too large, they wanted it to be -- they
21 didn't want to participate in any sort of way in
22 terms of appointing anybody to the Committee
23 because they wanted it to be at arm's length from
24 the District. And that's why they wanted
25 organizations as opposed to people and then let

1 the organization identify someone. And then,
2 finally, there was a lot of talk about conflict
3 of interest and those sort of things to try to
4 make sure that this Committee, from an integrity
5 standpoint, was the highest it could possibly be
6 recognizing that on a quarterly basis you are
7 going to be providing on behalf of the community
8 kind of your thoughts on where the District
9 stands with executing the program.

10 MS. LEWERS: Now, when that happened was
11 there any -- and I don't remember seeing or I
12 could have missed it from A through I, did they
13 have a backup plan if, you know, A couldn't
14 participate then a committee that was kicked off
15 of the list or didn't make it through the cut
16 could jump up to that spot, was that ever a
17 consideration?

18 MR. MOQUIN: I mean, my only recollection and
19 some of the discussions that we've had from a
20 practical standpoint is that a couple of
21 committees have come back to us and felt that
22 because of the provisions around who is capable
23 of being able to participate from not, you know,
24 doing any business with the District and what
25 have you, that they felt that that precluded

1 anyone in their organization from actually
2 participating.

3 So, I think, we contemplated all along that
4 there was going to be the potential need to have
5 replacement organizations to round out the
6 membership. And then the question was, how do we
7 facilitate that? And the thought was, it would
8 probably be best to have the Committee perhaps
9 recommend some replacement organizations to keep
10 the District out of it, you know, to sort of keep
11 our hands out of it.

12 MS. LEWERS: And my last question is, when
13 the District did come in to make this document
14 and for membership was there ever consideration
15 for individuals, instead of actually coming from
16 an organization or a group? Was that ever a
17 consideration?

18 MR. MOQUIN: Again, I'm going off my personal
19 recollection that there was a desire to have
20 organizations as opposed to people because there
21 were a lot of people who had interest in being on
22 the Committee and were advocating to be on the
23 Committee. And so the thought was, hey, let's
24 pick professional organizations that have some
25 either interest in this Bond or expertise in

1 these areas and then they would identify their
2 representative on behalf of the organization is
3 how it was contemplated, originally.

4 MR. CARLAND: And I would just add to that
5 just for completeness, I mean, I believe an
6 earlier iteration of a draft Resolution did
7 include opportunities for direct appointments and
8 the Board immediately went to the discussion that
9 Mr. Moquin just had, which is, we don't -- we
10 would like -- we would rather have third party
11 organizations that we think are important do the
12 appointments. So that's how we got away from
13 that and got to the list that you see here.

14 CHIEF DIPETRILLO: Mr. Chairman, I had some
15 concerns because what was relayed to us during
16 the last organizational period when we were
17 putting this together was that they were having
18 difficulty soliciting people from these
19 organizations because of either conflict of
20 interest concerns we talked about in one of our
21 last meetings and that they may never appoint
22 anybody. So I was looking to say at some point
23 did you sunset that opportunity? Did you move on
24 to somebody else to get a committee that was
25 working? And that was my concern. And in

1 looking at some of the -- in this particular
2 case, just Mr. Bernard as an example, the
3 Engineering Contractors Association of South
4 Florida, we're talking about a gentleman who
5 works in engineering, things like that, I was
6 looking toward these categories. But without a
7 nomination from those associations, that was a
8 pretty narrowly defined opportunity. If they
9 decided not to participate, we're left out in the
10 cold.

11 So the question now becomes, do you look for
12 somebody with that level of expertise that may
13 not be a part of that organization and do we make
14 recommendations based on that? That was one of
15 the reasons why I reached out to Mr. Bernard to
16 begin with, because I felt that that was an
17 opening that wasn't filled here.

18 So is that, in your mind, and I'll ask
19 Counsel, whether or not that would qualify as an
20 individual appointment even if what you said
21 earlier, they were trying to avoid?

22 MR. CARLAND: Well, I think what -- the
23 motion that you just passed, actually, is a good
24 alternative that I think will be of interest to
25 the Board because what you've said is, if we

1 contact these organizations, and, again, they're
2 unable or unwilling to fill their slot, then the
3 suggestion is, you know, give us that
4 opportunity, Board, then to bring forward in our
5 own group a nomination and approve and I
6 believe -- I don't know what the rest of the
7 staff thinks, but I think the Board will think
8 that's an, actual, probably good compromise.

9 MR. RABINOWITZ: And as a matter of
10 everyone's edification I spoke with Mr. Shim
11 about this specific issue outside the balance of
12 the Committee because he had spoken with some of
13 those organizations and I'd welcome him to
14 comment on that now.

15 MR. SHIM: Yes. I did touch base with the
16 Engineering Contractors Association, the NAACP
17 and the Broward County Minority Builders
18 Coalition, and the Broward County Minority
19 Builders Coalition and the Engineering
20 Contractors Association, they declined to
21 participate. And I, also, asked them about the
22 whole recusal thing, to see if they wouldn't
23 participate if there was some aspect of the
24 Resolution that was changed to address that
25 issue, and they said, no, that they are

1 declining. They didn't want to participate for
2 some reason.

3 The NAACP, they kind of gave us mixed
4 messages. You know, we have documentation
5 showing that they did decline to participate and
6 I think Mr. Nave also confirmed that he spoke
7 with them and that they declined, but we got a
8 strange e-mail saying that they didn't decline
9 and I followed up with the e-mail by a phone call
10 and a series of e-mails and I never got a
11 response back. So at this point I'm kind of --
12 you know, I don't know what their position is
13 other than that they haven't really responded.

14 CHIEF DIPETRILLO: Well, I would think that a
15 lack of response is a negative. At least where I
16 come from it is. So, you know, I would encourage
17 that we move forward with some type of
18 recommendation, if there's a period of time
19 greater than 90 days or 180 days we're without
20 that level of expertise, that has a significant
21 impact on a recommendation. So that's why I'm
22 trying to accomplish, as far as helping, not only
23 our Committee, but the School Board and staff, as
24 well.

25 MR. MOQUIN: Again, not to be repetitive, but

1 I was aware that at least two organizations did
2 not have an interest in participating at all
3 because they are representative of areas that
4 might do business in the program and didn't want
5 to have that -- you know, they would be in
6 violation of the conflict of interest provisions
7 of the Resolution. So, again, I think that the
8 Committee has, you know, three opportunities in
9 front of it. You know, one is, you could
10 recommend replacement organizations to serve in
11 those roles, recognizing that they have said no;
12 you could recommend to modify the membership from
13 nine to a smaller number, to seven, and say, you
14 know what, that fixes some of your quorum issues,
15 you know, instead of five, you know, quorum, you
16 only need four; or you could recommend kind of
17 like the motion that is out there on table now
18 that you're discussing, that in lieu of some
19 organizations the Committee would like the Board
20 to consider allowing us up to the maximum number
21 of nine is recommend individuals who have the
22 expertise in these certain areas, in lieu of the
23 organizations appointing somebody, the Committee,
24 itself, would appoint somebody kind of with that
25 experience and background.

1 And, again, it's going to be a recommendation
2 to the Board for consideration. I, too, would
3 recommend that you discuss that at a workshop
4 before we just put an item on the agenda because
5 I think this is something that warrants, you
6 know, considerate dialogue and, you know, the
7 dais, through an item, isn't necessarily the best
8 vehicle to facilitate that dialogue. So, I mean,
9 the next item on your agenda is talking about the
10 School Board workshop because the Resolution
11 speaks to you having a workshop with the Board.
12 We've already talked about the issue of the
13 student to computer ratio being a consideration
14 that you might want to talk about. I think
15 that's another perfect venue. I mean, you're
16 going to come, you're going to give our quarterly
17 update, you're going to talk about some
18 considerations from the review of the quarterly
19 report and then, potentially, talk about
20 recommendations to revisions of the Resolution
21 given the practical attendance issues and quorum
22 issues you face.

23 MR. SHIM: And I just want to back up a
24 second and say that I did in an abundance of
25 caution, extend an invitation to the NAACP for

1 this meeting. But, of course --

2 CHIEF DIPETRILLO: Do I need to amend my
3 motion again or --

4 MR. RABINOWITZ: No, the motion has been
5 approved. The motion passed.

6 The other issue on the agenda under this
7 amendment to Resolution section concerns other
8 organizations considered for membership.

9 In light of the fact that there were other
10 organizations that were considered, you know, who
11 else down the line, if you could tell us, what
12 other organizations were considered? Is there
13 any way you could tell us that?

14 CHIEF DIPETRILLO: I know one.

15 MR. MOQUIN: I think the Police Chiefs
16 Association was and there was some issue as
17 people were trying in an abundance of caution to
18 talk about concerns was, you know, we have an SRO
19 program in our schools, and so, you know, the
20 District funds municipal law enforcement
21 representatives in the majority of our schools,
22 and so is that a conflict because if they're
23 getting revenue from the District and now
24 somebody from their association is going to
25 speak, so the Board, in an abundance of caution,

1 eliminated that from consideration. So that's
2 one that I know that was talked about.

3 MR. CARLAND: One of the other organizations
4 that was on the original list that was removed
5 was a member from the Associate Builders and
6 Contractors, Inc., Florida East Coast Chapter.
7 And I think they -- again, I think there was too
8 much of a possibility of conflict for any of
9 those folks, so those were the two that I had
10 removed from the original police.

11 MS. BROWN: The other one that we did contact
12 when we were struggling with membership from the
13 NAACP, we did contact the Urban League as we were
14 reaching out and they, also, were unable to
15 provide a Committee member.

16 MR. NAVE: What about organizations like
17 Broward College or the universities, groups that
18 have public works capitals and program experience
19 that aren't in a position to compete against the
20 School Board for projects?

21 MR. RABINOWITZ: I think that the
22 recommendation from this Committee back to the
23 District would be they need to revisit the
24 membership parameters from this Committee.
25 Because, otherwise, we're going to have a

1 potential problem getting a committee every
2 single time we meet.

3 I think they need to go back to the drawing
4 board a little bit.

5 I know they're going to love to hear that.

6 MR. CARLAND: Again, just speaking for
7 myself, but I think -- you know, I think the
8 Resolution that you passed tonight or the motion
9 that you passed tonight to give you some
10 flexibility within the nine is probably a really
11 good starting place for that conversation with
12 the Board.

13 MR. RABINOWITZ: Okay.

14 MR. CARLAND: Because I think the Board will
15 appreciate that the Committee is kind of taking
16 control of its work and that you're coming
17 forward and saying, look, we'll do the work to
18 fill the slot if the organization that you've
19 asked won't do it. So I think this is a really
20 good start.

21 MR. RABINOWITZ: The next item on the agenda
22 was actually my proposed amendment to the
23 Resolution. Specifically, it's on page 10 under
24 Section Number. I made two proposed amendments.
25 Number 10 -- and I raised the concern because

1 while a member of the Board of Governors of the
2 Florida Bar, I'm also a partner in a very large
3 law firm that represents countless contractors
4 around the state of which I would have no
5 knowledge of participation. I do a lot of
6 healthcare litigation. I don't represent a lot
7 of developers anymore, notwithstanding the fact
8 that my bio may say that. I have done that in
9 the past, but my work, primarily, doesn't concern
10 that.

11 So I hope that you guys -- I say guys, ladies
12 and gentlemen of our Committee have had an
13 opportunity to review this. I welcome your
14 comment, as well, before I make my own motion to
15 adopt this so we can present this to the Board.

16 Does anybody have any comments, questions,
17 concerns, discussions about my proposed amendment
18 to the Resolution?

19 Because, as I noted, you know, I think that
20 if there's an eligibility issue, if there's an
21 issue concerning a conflict that a perspective
22 member knows about, that's one thing. And the
23 example I gave, if one of my law partners up in
24 Tallahassee is representing Stiles that I have no
25 involvement with, I would never know that he is

1 representing them in something, obviously, that
2 nothing to do with the moneys coming out of this
3 Bond Oversight Committee's consideration, I,
4 personally, don't see that as an issue, you know.
5 And the example I can give is, my firm is
6 representing a construction company concerning an
7 employment dispute in another aspect of the state
8 having nothing to do with Broward County and,
9 certainly, nothing to do with these moneys, I
10 don't see that as being an eligibility issue,
11 number one. Number two, to the extent that it
12 comes to a member's attention that a conflict
13 does exist, that there's already a parameter set
14 for recusal of the Committee member from voting
15 on a specific issue, but, as I noted in what
16 would be Number 11 under Section 10, that that
17 conflict and recusal does not automatically make
18 the individual member ineligible to continue
19 serving in the absence of a majority vote of the
20 members asking that the person remove himself
21 from the Committee.

22 MS. LEWERS: I guess my only question is now,
23 out of the membership list back on Section 3,
24 does that now open up the door to the people that
25 you called who said they couldn't participate

1 because of their conflict of interest?

2 MR. SHIM: That was one of my questions to
3 them when I did speak with them, is that if we
4 made changes to the Resolution that addressed or
5 had a recusal process if they would still be
6 interested in participating and they both said
7 no.

8 MS. LEWERS: Okay. Thank you.

9 MR. RABINOWITZ: Any other questions,
10 comments, discussion?

11 So my motion would be to amend the Resolution
12 as set forth within the documents you have been
13 provided and then present the proposed amendment
14 to the Board for their prospective approval.

15 MS. LEWERS: I have one more question. I
16 apologize. But I'm going to go back to, maybe,
17 Counsel, what was the purpose, was it put in to
18 protect -- what was the reason why it was
19 originally put in that way? What was the Board
20 looking to, why that wording was, actually, put
21 in? What was the purpose why it was put in
22 there, the actual how it is? Now.

23 MR. CARLAND: Are we talking about the
24 specific Section 10?

25 MS. LEWERS: That is correct. Yes. Not

1 allowing --

2 MR. CARLAND: Well, I mean, this is kind of
3 general language relative to conflicts presented,
4 you know, through ethics rules. I think that the
5 bigger issue and the discussion that I had with
6 the Chair offline was, unlike some of the other
7 conflicts that, you know, you can, under the
8 general ethics code kind of recuse yourself from
9 like voting conflicts, the way the Board has
10 structured the Resolution in creating a
11 committee, if you go back to the membership
12 section, there's some eligibility criteria, that,
13 as I interpret the Resolution, can't be waived.

14 MS. LEWERS: Okay.

15 MR. CARLAND: One of them being, specifically
16 on page 3, Item 7, that you can't have an active
17 contract or be seeking a contract with the
18 District, so forth, for the duration of the Bond
19 and once no longer, the member's no longer active
20 the restrictions apply for two years.

21 Those are -- those are conflict criteria that
22 are -- in my opinion, again, not waiveable the
23 way they've structured it. That's eligibility
24 criteria. So if you fall afoul of that
25 restriction, then it's not something you can

1 waive. You're just no longer eligible. And so I
2 think the Chair's attempt, and the discussion
3 that the Board will need to have is, you know,
4 are there going to be situations where you can
5 recuse yourself from that particular motion from
6 the Committee because maybe a conflict might
7 exist?

8 MS. LEWERS: Okay. Thank you.

9 MR. CARLAND: Yep.

10 MR. RABINOWITZ: So the motion is on the
11 table.

12 MS. SIEGEL: I second it.

13 MR. RABINOWITZ: Thank you.

14 All those in favor say aye.

15 COMMITTEE MEMBERS: Aye.

16 MR. RABINOWITZ: Thank you. The motion
17 carries.

18 The next item on the agenda is News Related
19 Articles.

20 MS. REECE: What about the list of
21 recommendations; was that part of changing the
22 Resolution?

23 MR. RABINOWITZ: You know what, you're right,
24 that's on there. I apologize. I apologize. We
25 had skipped over something.

1 As part of the proposed changes TaxWatch
2 provided to us and staff provided to us back and
3 forth between TaxWatch's Best Practices and
4 proposed amendments to the Resolution, prior to
5 the hearing -- this meeting, I, actually, had
6 discussions with staff, as well, about these
7 issues, discussed it with them and they had their
8 own comments, not recommendations.

9 So we can go line item by line item. I think
10 that's the best way to go.

11 The first item would be a prospective
12 amendment to Section 6.3 of the Resolution to
13 permit the general public to be recognized to
14 speak on motions.

15 I had no objection to that.

16 Any discussion?

17 MR. NAVE: Mr. Chairman, can I clarify
18 something --

19 MR. RABINOWITZ: Please.

20 MR. NAVE: -- just to make sure we all
21 understand what was being recommended here. And
22 it wasn't so much that the public would be
23 recognized to speak on a motion, per se, but this
24 whole thing kind of gets at what I think is a
25 critical question here and that's how much public

1 input does the Bond Oversight Committee want and
2 how is that public input going to be structured?
3 And I think if you look at the meeting, the
4 public hearings, the workshops, the briefings on
5 this, they all kind of tie in together. And what
6 we were trying to lay out here was kind of the
7 way the legislature does business. If there's a
8 bill presented or an amendment to a bill
9 presented, the committee hears -- there are
10 questions from the members, there are debates,
11 and then the members of the public have an
12 opportunity to speak before action is taken on
13 that bill. And that's what we're laying out
14 here.

15 It may be that the Committee doesn't want to
16 do that, but maybe the Committee wants the public
17 to have an opportunity to speak. We started this
18 meeting after the adoption of the minutes with a
19 public hearing. One member of the public, Mr.
20 Sirbola, had an opportunity to speak, and on his
21 parting shot he suggested that we save the public
22 comment to the end.

23 And as a member that spoke, if there's
24 anything in this meeting that peaks his interest
25 or any member of the public, you know, would

1 invite them to want to make a comment, their
2 opportunity is already passed and they don't get
3 another shot. So I think if we are going to have
4 public comment, later in the meeting is better
5 than earlier.

6 With respect to whether this Committee wants
7 to have members of the public give their advice
8 before you take an action, that's up to you.

9 Some of the bond oversight committees we looked
10 at did that. Others did not. Broward County has
11 a way of structuring public input and staff, the
12 Resolution and everything is kind of consistent
13 with that. So there may be some areas you want
14 to deviate, there may be some areas where you
15 want to stick to what the county does.

16 But on this one particular area it wasn't
17 that someone from the public questioned a motion
18 that's been made and seconded. If a motion is
19 made and seconded, it's on the table. So this
20 Committee has to decide whether they want to get
21 public input before they vote on that or whether
22 they want to leave public input until the end of
23 the meeting or keep it at the beginning of the
24 meeting.

25 MR. RABINOWITZ: I think that's just an issue

1 for the Chair, myself, to determine when on the
2 agenda that is actually permitted, though. I
3 don't think that's necessarily an issue for
4 resolution to -- an amendment to the Resolution;
5 am I correct?

6 MR. CARLAND: Well, what I would comment, and
7 if you go back and look at Section 6 of the
8 Resolution, the Board did structure, expressly,
9 public comment to occur in what it's calling a
10 public hearing setting apart from what the Board
11 called public -- the Committee meetings, I guess.
12 And I remember the discussion of the Board at the
13 time was the Board was concerned that the
14 Committee had a lot of, you know, work to get
15 through, you had a lot of detailed reports to
16 review, you needed to have discussion on that and
17 the Board, I believe, thought it was be helpful
18 to the Committee by saying, let you do your work
19 through the meeting process and then have a
20 separate hearing opportunity for the public to
21 come forward and comment on all of the
22 documentation you've looked at and all of your
23 discussions. And, so, you know, I think if the
24 Committee does want to do it differently and
25 we're already going to go back to the Board to

1 talk about the Resolution, I think it would be
2 appropriate for the Committee to entertain a
3 motion to recommend changes to Section 6 on when
4 and how you want to receive public comment.

5 MS. REECE: Do you want to do one at the
6 beginning and one at the end? I don't know. To
7 Bob's point, having --

8 MS. LEWERS: Well, I think it would be better
9 at the end because, like me, when I go to a
10 meeting, you get all the meat while everyone's
11 talking and your questions come, actually, after
12 you've heard all of your speakers, so at the end
13 is when you're ready to go back and say, hey, you
14 know, when you talked about this, this is what I
15 felt, so --

16 MR. CARLAND: And if the Committee -- if the
17 Committee is happy with the general structure of
18 kind of keeping public comment in the hearing
19 context, I would agree with the Chair, that if
20 it's just a matter of deciding where you do the
21 hearing, that doesn't require a change in the
22 Resolution. That's really, again, as the Chair
23 indicated, kind of his responsibility with staff
24 to just kind of put things in the order on the
25 agenda that he thinks are appropriate.

1 So, if that's the direction the Committee is
2 going, then, yes, I think that's something the
3 Chair can handle with staff.

4 MR. RABINOWITZ: I think we just table the
5 issue at this point in time. We can determine it
6 as our hearings, obviously, grow longer and more
7 detailed. Okay?

8 MS. REECE: So no change to that?

9 MR. RABINOWITZ: No change. Unless there's a
10 motion to do it.

11 The next issue is with regard to term limits.
12 Is there any discussion or comment about -- what
13 was TaxWatch's specific -- I mean, I have the
14 synopsis of it, but what was TaxWatch's
15 recommendation?

16 MR. NAVE: One of the things we found in
17 looking at some of the practices of other bond
18 oversight committees was we saw several of those
19 that did not have a term limit. They all had the
20 staggered terms, which this Committee does, but
21 what we saw in some of the other bond oversight
22 committees was that, if you have a member -- and
23 it may be particularly important here given the
24 problem we've had filling out the membership, if
25 you've got a member, if one of you guys at the

1 end of your term says, no, I want to keep doing
2 this and you have been coming to the meetings and
3 you've been participating and you've been
4 shepherding this thing through and you want to
5 stay a part of it, what's the benefit of booting
6 you off and bringing someone different? That's
7 the issue.

8 So it may be that someone, you guys maybe --
9 maybe you can't wait for your term to end. I
10 don't know. But if it does end and you want to
11 stay a part of it and the Committee thinks you
12 have been valuable, then what's the harm?

13 MR. RABINOWITZ: I think we all can't wait
14 for Mr. Bernard to start.

15 I spoke to the staff about this, as well. I
16 mean, this is all new to us and I think this is
17 another issue that we can address at a later date
18 and time when we all feel how this plays out.
19 So, again --

20 MS. REECE: I would like to entertain, if
21 we're going to modify the Resolution, if we're
22 going to go to the Board to modify it anyway, I
23 think it would be a good one to include. But
24 it's just my take because we've had such a hard
25 time filling the positions.

1 MS. LEWERS: Do you want to make the motion
2 so I can second it?

3 MS. REECE: Yeah, I make a motion to accept
4 the second agreement of TaxWatch, which is -- I
5 want to make sure I'm --

6 CHIEF DIPETRILLO: Can you repeat that again?
7 I'm sorry. I didn't hear it.

8 MS. REECE: So I'm making a motion to go with
9 TaxWatch's second recommendation, which is to
10 eliminate term limits.

11 MS. LEWERS: Second.

12 MR. RABINOWITZ: Okay. There's a second for
13 the motion, so the motion's, technically, on the
14 table.

15 All those in favor say aye.

16 MS. REECE: Aye.

17 MS. LEWERS: Aye.

18 MR. RABINOWITZ: All those opposed say nay.

19 CHIEF DIPETRILLO: Nay.

20 MR. RABINOWITZ: Nay.

21 You didn't say anything.

22 MS. SIEGEL: No, I'm sorry, I'm still
23 thinking about it.

24 MR. RABINOWITZ: Okay. We need it clear on
25 the record. So we need to make sure those who

1 said aye and those who said nay are clear.

2 So, Ms. Siegel, you're the only one -- I
3 didn't hear you and I don't know if our court
4 reporter actually, got it, as well.

5 MS. SIEGEL: No, he didn't, because I didn't
6 speak out loud. I was still reviewing it.

7 MR. RABINOWITZ: You're the tiebreaker,
8 technically.

9 MS. SIEGEL: I know. I should have done it
10 when everybody else did it.

11 MR. CARLAND: And just as a reminder,
12 generally, silence is an affirmative vote. So
13 always be careful, if you're voting nay and you
14 intend to vote nay, you need to verbalize it.

15 MR. NAVE: If I can clarify, maybe the way to
16 go and the proper way would be no term limits,
17 but keep the fact that the term can expire, but
18 it just doesn't necessarily have to, that if a
19 member wants to stay and they're doing a great
20 job then that can be waived.

21 MR. CARLAND: Well I'll piggyback on that,
22 because this is just discussion, but if the
23 majority of the Committee is interested in having
24 this discussion with the Board, a compromise may
25 be that a term limit might be waived by a super

1 majority vote of the Committee. That way the
2 Committee, itself, is determining whether or not
3 it's going to continue to have someone serve or
4 not if they have been productive and helpful.

5 MS. LEWERS: But I have another question.
6 How did they determine what groups got to serve
7 two and what groups got to serve three?

8 MS. BROWN: It was a staggering. It was
9 really all about making sure there was
10 staggering.

11 MS. LEWERS: Okay. But how did they, yes,
12 they were staggering, but it was just --

13 MS. BROWN: It was just random.

14 MR. CARLAND: It was just an effort to try to
15 achieve that result.

16 MS. REECE: So we would still have terms, but
17 you wouldn't limit out, right, is what my motion
18 is; right?

19 MR. CARLAND: Well, your motion, which is on
20 the floor right now, is to recommend eliminating
21 term limits altogether.

22 MS. REECE: Oh, no, I think we should still
23 have terms is what I meant. I mean, I thought
24 that was what was his recommendation was, but we
25 shouldn't have like -- well, we still should have

1 two and three-year terms and they should be
2 staggered, but if you want to leave you can
3 leave, but if you don't want to leave you don't
4 have to. That's what I meant to get to.

5 MS. LEWERS: That's what I was seconding.

6 MS. REECE: I thought that's what Bob's
7 recommendation was.

8 CHIEF DIPETRILLO: I'm glad we're clarifying
9 that.

10 MR. CARLAND: What I understood the motion to
11 be was a motion to eliminate the term on this.
12 If you look at Section 3.5, the section sentence
13 -- third sentence, Members may only serve on the
14 Committee for two consecutive terms.

15 MS. REECE: Yes, that's what I was trying to
16 -- that's correct then. So I still think there
17 should be terms, but you shouldn't -- the two
18 consecutives was what I wanted to take away.

19 MR. CARLAND: Okay. So that's what's on the
20 floor.

21 MS. SIEGEL: Okay. So -- all right.

22 MR. RABINOWITZ: So it currently exists that
23 a single member can't serve more than a total
24 of --

25 MS. SIEGEL: Two consecutive.

1 MR. RABINOWITZ: Correct. Which would be
2 four years or six.

3 CHIEF DIPETRILLO: Mr. Chairman, in reference
4 to that, and I do understand what both Ms. Lewers
5 and Ms. Reece have said that they're concerned
6 that some members will be on longer if they have
7 consecutive terms for three years and some will
8 only be on for four years. So -- and I'm
9 contemplating the Bond is going to last and the
10 project is going to last probably greater than
11 five years, probably closer to seven or eight
12 years. By that time all of those are done. So,
13 if you have a member who is initially part of
14 this my all in this group all way the through to
15 the end and they get right up to year four and
16 somebody else gets up to year six because they
17 have a longer period of time, I think I heard
18 from the Committee members we'd like the ability
19 to override that and give that member the
20 opportunity to finish out another greater period
21 of time. Instead of putting consecutive terms of
22 only two, maybe allowing us to add to that in a
23 majority vote to give an additional term or a
24 longer period. I don't quite understand the two
25 or three other than the fact that you like to

1 have members.

2 MR. MOQUIN: I can explain it. From a
3 practical standpoint, the two or three is only
4 the initial term. If you read there, it says
5 after that everybody's on a three-year term. The
6 purpose of staggering it so that it wasn't just a
7 three-year term is because if all nine were
8 replaced at the same time we would be, basically,
9 at a point where the Committee is starting from
10 scratch having to learn the process versus having
11 half the membership having some historical
12 knowledge to help bring on the new members so
13 that they can gain some expertise in the process.

14 CHIEF DIPETRILLO: Yeah, but, again, that's
15 my concern, is if you've got somebody serving
16 here for five or seven or six years, whatever
17 that number is, and they've got all this
18 experience and knowledge, and then just as you're
19 getting to the end of the Bond, at that point we
20 want the ability to keep that person.

21 MR. MOQUIN: I'm not speaking against the
22 motion. I'm just saying the philosophy behind
23 it.

24 CHIEF DIPETRILLO: No, I understand what
25 you're saying and I understand the philosophy

1 behind it. It works that way in most
2 organizations so you don't lose the expertise.

3 But I think I heard the Committee say that
4 they'd like the option to override that. Is that
5 not correct?

6 MR. CARLAND: That was my suggestion. So
7 that isn't part of your motion, currently.

8 MR. RABINOWITZ: Right. Technically, there's
9 no amendment to the motion because nobody's
10 actually made it. But my comment was, we can
11 address this in two years. We don't need to make
12 this decision today.

13 CHIEF DIPETRILLO: Okay.

14 MR. RABINOWITZ: That's why I recommended in
15 the beginning we just can table the issue.

16 CHIEF DIPETRILLO: All right.

17 MR. RABINOWITZ: But if you guys want to make
18 the motion and approve it, you're welcome to.

19 MS. REECE: Yeah, and if I may, the reason I
20 thought we'd do it now is it takes a big deal to
21 have a workshop and to amend the Resolution. So
22 if it's something that we're supportive of I
23 think we should do it now, because it's a whole
24 process to have another workshop and to take it
25 to the Board again. I mean, these are

1 recommendations that TaxWatch has put before us,
2 so I think we should either go with them or not.

3 So that was my logic behind moving forward
4 right now.

5 MR. CARLAND: So where you are is you have,
6 actually, a vote hanging in the air. You have
7 four votes, you need your fifth to decide what's
8 the result of your motion.

9 MR. RABINOWITZ: Or does somebody want to
10 make an amendment to the motion based upon what
11 General Counsel recommended -- or commented
12 about, I should say.

13 MR. CARLAND: I'm not a member of this
14 Committee.

15 MR. RABINOWITZ: I know.

16 CHIEF DIPETRILLO: I thought under Robert's
17 Rules of Order only the prevailing side can make
18 an amendment; is that not correct?

19 MR. CARLAND: You don't have a prevailing
20 side yet.

21 CHIEF DIPETRILLO: Well, I thought the
22 absence of a vote meant a positive.

23 MR. CARLAND: Well, technically speaking, you
24 haven't finished yet because the Chair did not,
25 actually, announce the vote. So it's still kind

1 of hanging there. And, remember, under Robert's
2 Rules that as long as you don't all object and
3 you understand what you're doing you can do it.

4 So if, at this point in time, if the
5 Committee would like to revisit the vote with a
6 friendly amendment that what you're recommending
7 is an added provision that the Committee can, by
8 vote, waive the term limit, you could do that and
9 then take a new vote.

10 MS. LEWERS: Now, I would have to agree to
11 it.

12 CHIEF DIPETRILLO: It would have to come from
13 you if you voted in the positive.

14 MS. REECE: No, I would have to agree to it.
15 But it can come from anyone right now.

16 MS. LEWERS: And what is the motion that I
17 would have to make?

18 MS. REECE: That we would vote it.

19 MR. RABINOWITZ: Right. What the Chair has
20 asked you to entertain is a friendly amendment at
21 this point -- unless there's an objection, a
22 friendly amendment to the motion on the floor,
23 which is that you add a provision in Section 3.5
24 that authorizes the Committee to waive the term
25 limits.

1 MS. LEWERS: So I make a friendly motion to

2 --

3 MR. CARLAND: A friendly amendment.

4 MS. LEWERS: A friendly amendment to --

5 MR. CARLAND: To add a section to -- a
6 sentence to 3.5, allowing the Committee, by vote,
7 super majority, if you want, or regular, by vote
8 to waive the term limits.

9 MS. LEWERS: Okay. I agree with what he just
10 said.

11 MR. RABINOWITZ: Perfect.

12 MS. REECE: And I accept the amendment. I
13 accept the amendment.

14 MR. CARLAND: Okay. So, Mr. Chair, I would
15 recommend that you just start over with the vote
16 now that you've had a friendly amendment.

17 MR. RABINOWITZ: Based upon the friendly
18 amendment that was just made, all those in favor
19 say aye.

20 MS. REECE: Aye.

21 MS. SIEGEL: Aye.

22 MS. LEWERS: Aye.

23 CHIEF DIPETRILLO: Aye.

24 MR. RABINOWITZ: All those say nay, which
25 would be me.

1 Okay. Moving on. Mr. Nave, if you could
2 enlighten us one more time about what you meant
3 with regard to public hearings.

4 MR. NAVE: Public hearings, the bond
5 oversight committees that we looked at kind of
6 held the public hearings to be a more formal
7 process than just a public comment. And we saw a
8 number of the bond oversight committees that
9 permitted public comment during the meetings,
10 generally, near the end of the meetings where the
11 public could just make comments. The public
12 hearing was a more formal process and it might be
13 limited to a single issue or a couple of issues
14 that warranted, you know, testimony and experts
15 coming in and it's just -- I think it's a matter
16 of degree of formality.

17 The way we have it now, there's not much of a
18 distinction between public comment and public
19 hearings. The public hearing we had first thing
20 this morning or this afternoon, essentially, is a
21 period of public comment. So it's -- I think
22 it's -- in TaxWatch's view, the public hearing is
23 a more formal proceeding than a public comment
24 period. Even though you get public comments in
25 both.

1 MS. LEWERS: So, basically, a person -- Mr.
2 Chair.

3 MR. RABINOWITZ: Please.

4 MS. LEWERS: So, basically, a person that
5 comes up to the microphone will talk on an actual
6 topic and stay on the topic that we're
7 discussing. Well, I mean, how can you hold
8 somebody to -- we pray and hope that they stay on
9 the topic, but --

10 MR. NAVE: Well, that's kind of what would
11 happen in the period of public comment. In the
12 public hearing there's more structure, there's
13 more formality and the purpose of the public
14 hearing is pretty limited. It may be a big issue
15 that the Committee just, for whatever reason,
16 determines that it needs to be elevated in
17 visibility and importance.

18 The period of public comment would just be
19 something, say, in every meeting the public has
20 the opportunity to speak.

21 MR. RABINOWITZ: I'm not quite sure how it's
22 any different.

23 MS. LEWERS: I guess my concern is when a
24 person comes up to the microphone, even if we
25 tell them it's a public hearing, how would we

1 implement them to, actually, do that? I mean,
2 guess that's what my concern is. When someone
3 comes up to the microphone isn't going to
4 necessarily stick on what we want them to do. So
5 how do we limit them or staff, whoever comes up
6 to the microphone to say, hey, this is what we
7 need you to stick to; how do we accomplish that
8 goal, I guess? It sounds really good, but how do
9 we -- you know, people come to the microphone and
10 they don't stay on topic.

11 MR. NAVE: In that scenario the public
12 hearing would be just a separate and dependent
13 event. I guess my recommendation would be, do
14 what you're doing now, just move the public
15 hearing to the end of the meeting so the public
16 has an opportunity to digest what we're doing
17 here before they speak and then that simplifies
18 this a great deal.

19 MR. RABINOWITZ: Any other discussion about
20 the issue?

21 Is there any motion to change anything in the
22 Resolution based upon what we just heard?

23 Hearing none, let's move on.

24 Currently, the Resolution allows, I guess,
25 for public comment to be permitted on agenda

1 items during workshops, and I take that
2 TaxWatch's recommendation is to not permit public
3 comment during workshops; am I understanding that
4 correctly?

5 MR. NAVE: Correct. And our thinking, what
6 we saw with the other bond oversight committees,
7 workshops are for your benefit. If there's
8 really an issue, you know, like amending this
9 Resolution is a workshop issue for the Board.
10 There may be issues that you want a workshop.
11 And the intent is to, you know, to improve your
12 understanding and your information level and you
13 can invite District staff to workshops, you can
14 invite experts, you can invite people in, but the
15 intent is not so much to hear from the public
16 what they think about something but to help you
17 better understand the issue. So, it's not
18 something that, you know, public comment like we
19 had here earlier in the meeting would be helpful.

20 MS. LEWERS: Do you, currently, have
21 workshops where you have no public comment?

22 MR. MOQUIN: Can I offer some input?

23 MR. RABINOWITZ: Please.

24 MR. MOQUIN: I'm not sure that in terms of
25 how the sequence of events is laid out or how

1 it's contemplated is kind of where we're going
2 now. So the thought was, you guys would have
3 meetings and you'd bring staff and TaxWatch here
4 and you'd ask all your questions and you'd kind
5 of formulate your opinion on how things are
6 going, then you'd have a public hearing. And
7 that would be -- and there would be no public
8 input during your meetings, right, because that's
9 your time to kind of get all of your questions
10 answered, review all the data and whatnot. Then
11 you'd have a public hearing where it would just
12 be members of the public could come and they
13 could say their feelings about how the bond is
14 going. And then the workshop isn't necessarily
15 for your benefit, it's for the Board's benefit.
16 It's a School Board workshop. So that you would
17 then come before our School Board and then you
18 would report out, hey, we reviewed the first
19 quarterly reports, things appear to be going, we
20 had a public hearing, Mr. Sirbola had some issues
21 on 1 and 3 not being appropriate, and then the
22 public comment at the workshop is just the
23 Board's process, that's for all of their agenda
24 items at the conclusion of their deliberation,
25 they allow the public three minutes to sort of

1 say, hey, I was at that hearing and that's not
2 what public said. You know, the public didn't
3 think things were going well. So that's kind of
4 how the Resolution was contemplated and the
5 distinction between your meetings, the hearing
6 and then the workshop.

7 MR. RABINOWITZ: Everybody get that?

8 CHIEF DIPETRILLO: Mr. Chairman, being in
9 government for 43 years I think that's generally
10 the way it works. So my recommendation would be
11 to leave it alone. Let's go with what the Board
12 established.

13 MR. RABINOWITZ: Okay. Is there any other
14 motion different than what the Chief recommended?

15 No? Not having a motion, let's move on.
16 There's a comment -- or there's a topic
17 concerning briefings.

18 Mr. Nave, can you enlighten us about that
19 issue?

20 MR. NAVE: Yeah. Again, the bond oversight
21 committees we looked at reserve the right to
22 conduct briefings on specific issues. Again,
23 it's to help them better understand the issues.
24 It's an opportunity to bring in District staff.
25 It's an opportunity to bring in outside experts.

1 So it's just another tool that other committees
2 avail themselves to better understand issues.

3 MR. RABINOWITZ: I think did General Counsel
4 have comment about that?

5 MR. CARLAND: Right. And I would just note
6 for the Committee that, again, if you look in
7 Section 6, Subsection 7, the Resolution, in its
8 current form, does permit the Chair or Vice Chair
9 to convene additional meetings as necessary.

10 So, I think, to address Mr. Nave's concern,
11 if you feel like you need an additional time or
12 meeting to discuss something or you want to give
13 direction to staff that you want to have a
14 specific meeting with specific information, you
15 already have the authority to do that.

16 MR. MOQUIN: Right. So you may decide in
17 lieu of getting an E-Builder overview or a
18 demonstration as part of your quarterly review of
19 all this data, you just have a special meeting
20 where you say, hey, we want to have a special
21 meeting to, you know, be able to get a
22 demonstration of the software tool or what have
23 you and not make it part of the quarterly review
24 meeting.

25 MR. RABINOWITZ: So you're saying it's

1 already in there.

2 MR. CARLAND: I think so.

3 MR. NAVE: And that is consistent with what
4 we're saying.

5 MR. RABINOWITZ: Does anybody have any
6 further comments or discussion or can we move on
7 from the topic?

8 Great.

9 With regard to the agendas, Mr. Nave, what
10 was your recommendation?

11 MR. NAVE: Again, the bond oversight
12 committees we looked at generally somewhere
13 between 48 and 72 hours before the meeting make
14 their agendas available. If you want to get them
15 sooner, I don't see a problem with that. The
16 School Board, if they've given seven days and
17 you're comfortable with seven days and the
18 members want it seven days, then this is a
19 no-brainer.

20 MR. RABINOWITZ: I think it -- any discussion
21 about it?

22 I think it's fine the way that it is.

23 What was the last topic concerning audits?

24 MR. NAVE: The last issue was just making
25 sure that when the financial auditors and the

1 performance auditors are hired that members of
2 the Committee are just allowed to participate in
3 the screening. It's not an approval thing, it's
4 just having you at the table so that you have a
5 comfort level with the auditors that are being
6 hired. We found that to be a common practice of
7 several other bond oversight committees. I think
8 here the financial auditors have already been
9 hired. It may be a moot point here. But at some
10 point that may change and members of this
11 Committee might want to just be a part of the
12 process just to be informed.

13 MR. RABINOWITZ: Comments? Discussions?

14 MS. LEWERS: I agree.

15 MS. REECE: Does that require a change to the
16 Resolution or would staff just facilitate to
17 allow us to go to those meetings if somebody was
18 interested?

19 MR. CARLAND: The Resolution Section 8
20 specifically excludes the selection of audit
21 firms from the responsibility of the Committee.
22 If I'm hearing Mr. Nave correctly, I'm not --
23 what I'm not hearing is that he's saying that you
24 should be responsible for the selection, but that
25 you provide input if you wish to. I mean we do

1 have public solicitation processes for the
2 selection of audit firms and we have Mr. Riley
3 here from our audit department internally. I
4 certainly think that the Committee either through
5 comment at the Committee meetings here or if you
6 so choose to come to our audit committee or
7 whenever you want to get feedback, I think those
8 public opportunities are going to be present and
9 feedback is present. But if you think you need
10 more in that area, I mean, you would need to seek
11 a change to --

12 MR. RABINOWITZ: If someone makes the motion
13 to participate in that, that person is going to
14 be the person that will be involved in the
15 selection and the participation.

16 MS. REECE: Warning. The Chair will ensure
17 that you --

18 MR. RABINOWITZ: Does anybody want to make a
19 motion?

20 MS. REECE: No.

21 CHIEF DIPETRILLO: I make a motion we move
22 on.

23 MR. RABINOWITZ: Seconded and everybody says
24 aye.

25 I think we've gotten through everything

1 concerning amendments or Resolution.

2 MS. BROWN: There are two more.

3 MR. RABINOWITZ: There's two more. Committee
4 budget. Mr. Nave.

5 MR. NAVE: Some of the Bond oversight
6 committees we looked at had a budget. And, you
7 know, it's clear in the Resolution that the
8 members of this Committee are not compensated for
9 being a member of it. It's unclear what -- what
10 the budget would cover. But in our Best
11 Practices we raised the idea that the Bond
12 Oversight Committee would be free to go on tours,
13 go onsite. But if you wanted to look at a
14 certain school, to get a boots-on-the-ground kind
15 of view of what's going on in that school, then
16 maybe there's some cost incurred in just the
17 travel or a lunch or something like that. So
18 some of the bond oversight committees felt the
19 need to request funding. And if this Committee
20 feels like it, you know, needs some money for
21 that, then that's your call. I would leave it up
22 to, you know, the General Counsel to guide you as
23 to what is compensation or what is not. So --

24 MR. RABINOWITZ: We'll take comments from
25 General Counsel first.

1 MR. CARLAND: Well, you know, the analysis --
2 the Resolution really doesn't address kind of
3 expenses, I think is what we're talking about.
4 I -- you know, the Resolution does have a support
5 section. It's my impression that the Board
6 intended the District and staff to provide what
7 you need. If you need additional resources or
8 you need additional reviews or whatever, I think
9 the Board expects that you would give that
10 direction or recommendation to staff and that if
11 staff is concerned about where the funding would
12 be coming from, then staff would be responsible
13 through our budget process and what have you to
14 make sure that we find those funds or at least
15 have a conversation with you about what that
16 expense might entail and whether or not you
17 really wanted to ask somebody to continue with
18 that. I don't know if any other staff members
19 have any other comment.

20 MR. RABINOWITZ: I think the Chief has some
21 comments.

22 CHIEF DIPETRILLO: I was kind of
23 contemplating from our discussion on this item
24 before that we would be like Mr. Rooney from the
25 movie, I forget the name of it, but we're all

1 riding in a school bus to go out to see, you
2 know, some site somewhere. So I was hoping that
3 we would -- you know, instead of all of us
4 getting in a -- as a group, we could be, you
5 know, marshalled out somewhere, have a little
6 seance with the folks at whatever the site is,
7 get some feedback to see where things were going
8 and looking at that as the -- you know, the way
9 we would have a budget or some funds or finances.
10 I really -- the last time I rode in a school bus,
11 they didn't have seatbelts or anything, so I'm
12 not too crazy about that.

13 MR. MOQUIN: The new ones now have seatbelts
14 air-conditioning, as well as propane fuel, so
15 we're going green these days.

16 CHIEF DIPETRILLO: Well, again, I don't know
17 what facilities you have for that, but if we did
18 a site visit or if we needed some experts in here
19 or wanted somebody to come in how would we go
20 about that? So I thought that the budget -- a
21 million dollars would be just fine.

22 MR. RABINOWITZ: We know you're saying that
23 in jest.

24 MR. MOQUIN: I would just echo what Counsel
25 said, if there's something the Committee needs,

1 you know, we'll make it happen. If you want to
2 go on a tour, we'll arrange -- you know we'll
3 meet at KCW and -- I mean, we do things like
4 that, but I think it sets a difficult --

5 MR. RABINOWITZ: Bad precedent.

6 MR. MOQUIN: It sets a bad precedent because
7 we have a lot of committees that work on behalf
8 of the School District, and, typically, what we
9 do is we provide the level of the support that
10 committee needs through staff.

11 CHIEF DIPETRILLO: So if we wanted to fly out
12 to Las Vegas and look at a site, you'd be good
13 with that?

14 MR. MOQUIN: Absolutely. As long as I can go
15 with you. Let's make it in March during the
16 first week of March Madness.

17 MR. RABINOWITZ: Is there any other
18 discussion about this topic before -- I suppose
19 there's no motion; correct?

20 MS. REECE: No.

21 CHIEF DIPETRILLO: No, I think we're good.

22 MR. RABINOWITZ: Okay. The last item is
23 about membership. We covered that ad nauseam.

24 So, moving on in the agenda is news related
25 articles. Does anybody have any that they wanted

1 to address with us?

2 CHIEF DIPETRILLO: No, I think I brought that
3 up earlier that there was one and that I thought
4 it was handled very well by the Chair of the
5 School Board and Mr. Runcie, who I would like to
6 congratulate for his recent award as the
7 Superintendent of the Year in Florida and is up
8 for nomination, I think, nationwide, as well.

9 MR. RABINOWITZ: Are you looking for a ticket
10 to Las Vegas?

11 CHIEF DIPETRILLO: Yes, I am. And I know
12 that's a result of his staff, and the work that
13 they've done on this was one of the reasons he
14 was given that honor, so my accomplishments to
15 the Board and staff.

16 MR. RABINOWITZ: The next item on the agenda
17 is the next meeting dates. There are a number of
18 workshop dates. I don't know what the topics
19 are.

20 MR. MOQUIN: So, again, in accordance with
21 the Resolution, the thought is now that you've
22 had your first quarterly meeting to review the
23 updates, you've had your first public hearing, is
24 that at some point in the near future we would
25 schedule you to, actually, go to a workshop so

1 that you could, basically, do, you know, a report
2 out on, you know, where we are. So these are
3 dates that were available. It's a very dynamic
4 -- the 2/9 meeting is in all likelihood going to
5 get taken away. So I would not target the
6 February 9th meeting.

7 MR. RABINOWITZ: Do we have to indicate --
8 I'm sorry. Do we have to indicate now -- I mean,
9 obviously, I'm the person who would be reporting
10 out.

11 MR. MOQUIN: Probably.

12 MR. RABINOWITZ: Do I have to indicate now
13 what date?

14 MR. MOQUIN: No.

15 MR. RABINOWITZ: By when do I have to do it
16 to make it -- I imagine this is an agenda.

17 MR. MOQUIN: Yeah, we have a calendar that we
18 maintain. It's fluid. Items are going on and
19 coming off on a regular basis. So there's
20 opportunity for you on all three of the dates
21 with the exception of the February 9th because in
22 all likelihood I'm going to have to convert that
23 into a Board meeting because the February 3rd or
24 2nd Board meeting I need to cancel, so --

25 MR. RABINOWITZ: Okay. I can tell you now

1 I'm open on the 12th, but we can nail that date
2 down at a later date and I'll talk to staff about
3 it, which date works best.

4 The next thing we need to accomplish is
5 setting our next quarterly meeting.

6 What month, Mr. Shim?

7 MR. SHIM: Yes. I, actually, did a little
8 bit of work to try to look at, you know,
9 everything kind of following out similar to the
10 end of the quarter and the soonest we could
11 develop the quarterly reports after that, giving
12 sort of like a six-week period after that for us
13 to develop the reports having gone through our
14 quarter ending process and everything else.

15 So I have a little handout that provides some
16 windows of that and --

17 MR. RABINOWITZ: Why don't you just tell us
18 what the prospective dates you have in mind are.

19 MR. SHIM: Yeah, sure. So, for the next
20 quarter, the week of February 15th. The only
21 thing is that February 15th is a holiday and I
22 think, based upon our -- our planning calendar
23 that the 17th is a workshop -- a Board workshop
24 day, so the 15th wouldn't work but the -- and the
25 17th is probably a bad day. So that week.

1 MR. RABINOWITZ: So what is your
2 recommendation relative to when we should
3 schedule our next quarterly meeting? Maybe I'm
4 missing it.

5 MR. SHIM: The 16th.

6 MR. RABINOWITZ: I'm expecting cake because
7 my birthday falls on the 12th. I want everybody
8 to sing happy birthday.

9 MS. REECE: He said the 16th. I can't do the
10 16th. I have a commission meeting.

11 MR. SHIM: So the other dates would be the
12 18th and 19th.

13 MS. REECE: I could do the 19th.

14 MS. LEWERS: I can do the 16th and the 19th.
15 I can't do the 18th.

16 MS. SIEGEL: I'm open.

17 MR. RABINOWITZ: Anybody else?

18 CHIEF DIPETRILLO: I'm good. Pick one.

19 MR. RABINOWITZ: So are we talking about the
20 19th being okay for everybody? Do we really want
21 to do it on a Friday?

22 CHIEF DIPETRILLO: I'd rather not.

23 MR. RABINOWITZ: Okay. So what was our
24 alternative?

25 MS. REECE: Could we do it the next week?

1 MR. SHIM: Yes, the next week.

2 MS. REECE: The 25th.

3 MS. SIEGEL: The 25th is, actually, an early
4 release day.

5 MR. MOQUIN: We're not bound by time, as you
6 can see.

7 MR. RABINOWITZ: 25th?

8 MS. REECE: That works for me.

9 MR. RABINOWITZ: 25th?

10 CHIEF DIPETRILLO: I'm good.

11 MR. RABINOWITZ: 25th it is.

12 I have a question. Is there anything that
13 dictates whether we do it here or the other
14 location?

15 MR. SHIM: It would be based upon the
16 availability of the other location and we're
17 going to try to have it there and I think that
18 would help. What I may do is I may circulate,
19 I'll circulate like an -- some dates for the
20 later meetings, the other meeting throughout the
21 year, maybe it would be best to kind of nail them
22 all down. That way, we can reserve the room
23 ahead of time and just have it be cyclical.

24 MR. RABINOWITZ: Are you suggesting we set
25 the next meeting now after the 25th?

1 MR. SHIM: To reserve the room, yes. To
2 reserve the room and, you know, for planning
3 purposes.

4 MS. REECE: I've got nothing on my calendar
5 in June. It's too far out.

6 MR. SHIM: So for the quarter ending in March
7 we could do the week of May 16th, which happens
8 to be my birthday.

9 MR. MOQUIN: So it looks like we're going to
10 have cake as a regular part of the meeting.

11 MS. REECE: May what?

12 MR. SHIM: May 16th, that week.

13 MR. RABINOWITZ: My mother's birthday.

14 MS. REECE: The 17th is the only bad day for
15 me that week.

16 CHIEF DIPETRILLO: I'm good on the 16th.

17 MS. LEWERS: I'm good on the 16th.

18 MR. RABINOWITZ: Monday the 16th? That
19 week's not going to be good for me. I, actually,
20 have a Board of Governors meeting. That week I'm
21 going to be out three days already. My wife will
22 kill me if I'm out another night. That's on the
23 record.

24 MS. REECE: The 23rd?

25 MR. RABINOWITZ: What week are we looking at

1 now?

2 MS. BROWN: The 23rd.

3 MR. RABINOWITZ: The 23rd? That's fine by
4 me.

5 CHIEF DIPETRILLO: Yeah, I'm only available
6 on Monday.

7 MS. REECE: Monday the 23rd?

8 MR. RABINOWITZ: The 23rd?

9 MS. LEWERS: That's good.

10 MR. RABINOWITZ: Okay.

11 MR. SHIM: Okay. The next one would be for
12 the quarter ending in -- on June 30th, so that
13 would be August 15th would be the six-week mark
14 after that quarter.

15 MS. LEWERS: When do we go back to school,
16 the 15th or the 22nd?

17 MR. MOQUIN: The 22nd.

18 MR. RABINOWITZ: Bruce, are you checking your
19 calendar, too? No?

20 MS. LEWERS: 15th is good for me. Well, wait
21 a minute. That's going to be teachers back;
22 right? So I take it back, it will not be a good
23 day. I'm a band parent so I'll be at the school.
24 Actually, it will be a long day.

25 MS. REECE: I can do Tuesday.

1 MR. MOQUIN: Tuesdays would be bad for you
2 getting the boardroom because that's their --

3 MS. REECE: I could do Thursday of that week.

4 MR. RABINOWITZ: Thursday of what week are we
5 talking about?

6 MS. REECE: August 18th.

7 MR. RABINOWITZ: Fine by me. August 18th?
8 Yes? Yes?

9 MS. LEWERS: I'm going to say no again
10 because usually Thursday and Friday is like
11 freshman invasion in the school and the band is
12 there so I won't be available if we do that week
13 because that's all back to school.

14 MR. RABINOWITZ: We need you. Let's pick
15 another day.

16 MS. REECE: The following week or no?

17 MR. RABINOWITZ: When does school restart?

18 MR. MOQUIN: On the 22nd.

19 MR. RABINOWITZ: Do we want to do it the
20 first week of school?

21 MS. LEWERS: They're busy. That's your
22 busiest week; right?

23 MR. MOQUIN: The first few days, the Monday,
24 Tuesday, Wednesday are usually pretty busy in
25 terms of working out any glitches. Touch wood,

1 the last two years have been smooth.

2 MR. HUNTER: First week of school; I would
3 ask if we could avoid that.

4 MR. RABINOWITZ: I thought so.

5 CHIEF DIPETRILLO: How about the 29th?

6 MR. RABINOWITZ: Second week of school is
7 that bad for you, too?

8 MR. HUNTER: No, that's fine.

9 MR. RABINOWITZ: Monday the 29th?

10 MS. LEWERS: Yeah, that works for me. That's
11 good.

12 MS. REECE: That works for me.

13 MS. BROWN: The day after my birthday.

14 MR. RABINOWITZ: See what I started?

15 MR. MOQUIN: We have a cake.

16 MS. REECE: We may have to revisit that
17 budget issue. Mine's September 4th so we could
18 do a double birthday.

19 MR. SHIM: Okay. So we have the August 29th
20 for that?

21 MS. REECE: Yes.

22 MR. SHIM: And so the final one would be for
23 the quarter ending in September and that would
24 put us at November 14th for the six-week mark.

25 MR. RABINOWITZ: Okay.

1 MS. LEWERS: I'm good on the 14th.

2 MS. REECE: Yeah, me, too.

3 CHIEF DIPETRILLO: I'm good.

4 MS. SIEGEL: November 14th?

5 MR. RABINOWITZ: I'm just amazed that you
6 guys, actually, have calendars a year out in
7 advance. That's impressive.

8 MS. REECE: I bet some of these will be
9 rescheduled. These are tentative; right?

10 MR. SHIM: Well, at this point they're just
11 good planning and to reserve the room.

12 So everybody is good with the 14th.

13 MR. RABINOWITZ: Yep.

14 MS. LEWERS: Yeah.

15 MR. RABINOWITZ: All right. Discussion about
16 anything?

17 MS. LEWERS: No.

18 MR. RABINOWITZ: No?

19 Believe it or not, I looked up Robert's
20 Rules, there needs to be a motion to adjourn the
21 meeting.

22 MS. LEWERS: I make a motion to adjourn the
23 meeting.

24 MR. RABINOWITZ: Is there a second?

25 CHIEF DIPETRILLO: Second.

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MR. RABINOWITZ: All those in favor say aye.

COMMITTEE MEMBERS: Aye.

MR. RABINOWITZ: Thank you everybody.

(Meeting was concluded at 9:40 p.m.)

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REPORTER'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF BROWARD

I, Timothy R. Bass, Court Reporter and Notary Public in and for the State of Florida at Large, hereby certify that I was authorized to and did stenographically report the foregoing proceedings, and that the transcript is a true and complete record of my stenographic notes thereof.

Dated this 18th day of December, 2015, Fort Lauderdale, Broward County, Florida.



TIMOTHY R. BASS
Court Reporter

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