

Approved in Open Board Meeting, March 16, 2010

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

February 17, 2010
Wednesday, 10:15 a.m.

MINUTES OF REGULAR MEETING

The School Board of Broward County, Florida, met in regular session at 10:15 a.m., Wednesday, February 17, 2010, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Jennifer Leonard Gottlieb; Vice Chair Benjamin J. Williams; Members, Robin Bartleman, Maureen S. Dinnen, Phyllis C. Hope, Stephanie Arma Kraft, Esq., Ann Murray, Dr. Robert D. Parks, Kevin P. Tynan, Esq., Superintendent James F. Notter, and Edward J. Marko, Esq.

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

Minutes for Approval Motion was made by Mrs. Hope, seconded by Mr. Williams and carried, to approve the official minutes for the following Board Meetings: Mrs. Kraft, Ms. Murray and Dr. Parks had not yet assumed their seats on the dais. (6-0 vote)

January 27, 2010 – Special – 1st Public Hearing – School Boundaries for 2009-2010
School Year
February 2, 2010 – Special – Student Expulsions
February 2, 2010 – Regular School Board Meeting

Added Items One speaker.

Close Agenda Upon motion by Mr. Tynan, seconded by Mrs. Hope and carried, the Agenda was approved and declared closed. Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (7-0 vote)

Referring to the Superintendent's withdrawal of Agenda Item CC-6. Revisions to School Board Policy 1341 – Use of Broward County School Facilities for Non-School Purposes, Ms. Dinnen clarified, for the record, that the district has a policy regarding use of school facilities for non-school purposes, Policy 1341. Ms. Dinnen stated she read an editorial in the newspaper that indicated the district did not have this policy.

Following the Superintendent's comments on new staff appointments under Agenda Item G-3, Ms. Dinnen informed her colleagues that there was a memorial service at Fort Lauderdale High School last week for student Cedric McClendon who lost his life. (A moment of silence was observed).

Mrs. Hope offered condolences for Former Mayor of Lauderdale Lakes, Sam Brown, who passed away on Saturday, February 13, 2010. Funeral Services will be held on Friday, February 19, 2010. Mrs. Hope stated that Sam Brown brought a level of civility and class to the Lauderdale Lakes Commission and he will be greatly missed by the community. (A moment of silence was observed).

REPORTS

District Advisory Council – Jeanne Jusevic

Mrs. Jusevic reported that DAC met on February 10, 2010, with an opening presentation by Dr. Earlean Smiley, Deputy Superintendent, Curriculum; Mrs. Diane Carr, Executive Director, Core Curriculum; and Dr. Mark Quintana, Curriculum Generalist, Core Curriculum, regarding the issue of high school scheduling. Assurances were made that the rubric being used to assist in helping students choose the rigor of their classes is a guide, not a set default, and that the parent override form may be used in cases of over-scheduling or misplacement.

The DAC survey has been available for two weeks and 398 participants have responded. DAC is encouraging the district to assist in promoting the survey by linking the survey to the district's website on the front page to maximize exposure, as this will assist the district in getting feedback from its stakeholders.

A motion was passed by DAC to request the School Board to move the community input and committee reports time certain in the morning of the meeting when all children are attending school. Mrs. Jusevic stated that DAC does not oppose changes to the agenda, however, parents and stakeholders strongly feel the time certain of public speakers should be in the morning. A second motion regarding communication was defeated, and a second motion will be coming forward on communication next month.

DAC thanked Mrs. Bartleman for attending the DAC February meeting and contributing to the discussion.

The DAC Steering Committee will next meet on February 25, 2010, at Monarch High School Media Center, beginning at 7:00 p.m.

Mrs. Jusevic further reported that DAC is working on a project in conjunction with Public Relations and Governmental Affairs, Broward Days, PTA and Broward Education Coalition in formulating a strategic legislative plan for this year's Legislative Session.

The next DAC meeting is scheduled for March 10, 2010, beginning at 6:30 p.m., at the K.C. Wright Board Room.

A comprehensive written report was submitted to the Board.

Broward County Council PTAs/PTSAs – Bernie Kemp

Mr. Kemp thanked the School Board and Superintendent for attending today's PTA luncheon in celebration of PTAs 113th birthday, founded on February 17, 1897 by two mothers.

Documentation was provided to the Board regarding Class Size requirements for public schools and a policy regarding the FCAT, issues that will be reviewed during the Legislative Session. PTA's position on these bills were also submitted to the Board.

Mr. Kemp further reported that PTA is preparing for the Rally in Tally on March 25, 2010, and an e-mail will be sent to PTA presidents and other individuals who are interested in attending. On March 24, 2010 an orientation will be presented by Florida PTA, and welcomed the Board Members and Superintendent to attend this event.

Mr. Kemp informed that 40 schools are now in compliance in terms of making sure that their PTA Council dues, state dues and bylaws are up to par, which is a success for Broward County.

A comprehensive written report was submitted to the Board.

On behalf of the Board, Mrs. Gottlieb thanked Mr. Kemp and the PTA for providing a luncheon meeting today in honor of PTAs 113th birthday, congratulating Mr. Kemp for being elected the first male President of Broward PTA and thanking him for his efforts.

Diversity Committee – Roland Foulkes

Mr. Foulkes reported that the Diversity Committee met on February 4, 2010 at the K.C. Wright Board Room. Gratitude was expressed to Vice Chair Ben Williams for installing the Diversity Committee Chair, Vice Chair and all members present, and for filling all his appointments to the committee.

Gratitude was also expressed to Dr. Katherine Blasik, Associate Superintendent, Research Development and Assessment; Marion Williams and Diversity Committee and Cultural Outreach department staff for notifying the Diversity Committee of the First Annual Tri-County Town Hall meeting convened by the State of Florida Task Force on Black African-American History. This meeting will be held at the African-American Research Library and Cultural Center on February 19, 2010, 6:00 p.m. to 8:00 p.m. This presentation addresses many of the concerns by the Diversity Committee of the broader issues of diversity and the specific educational equity issues.

Two motions were made and passed unanimously: that student Garrett Mayersohn be formally recognized by the Diversity Committee at the March 4, 2010 monthly meeting and to accept the new Diversity Committee Site Visitation Form.

Mr. Foulkes further reported that the Site Visitation Subcommittee will pilot the instrument by visiting four schools before May 2010; Nova Middle, Dillard Elementary, Nova Middle, Blanche Ely High School and Whispering Pines Center.

Gratitude was extended to former Diversity member Bapthol Joseph for leading the initiative over the last year to assist in revising the Site Visit instrument. He has been an active member of the committee for 10 years and resigned on February 4, 2010.

Acknowledgment was given to Mary Fertig and attorneys at the Gramling Law Firm for providing the annual update on the CCC lawsuit settlement and presenting current concerns at two schools, Blanche Ely and Boyd Anderson high schools. Gratitude was expressed to Mr. Williams for convening another meeting at Boyd Anderson to address the concerns raised at the February 8, 2010 meeting.

Mr. Foulkes accepted an invitation from ESE teacher Ms. Valerie Smith of the Post Graduate Alternatives for Secondary Students/Pass program at Northeast High School to be the keynote speaker at the Black History Month luncheon on February 26, 2010, 11:00 a.m. These are ESE students ages 18-22. Mr. Foulkes will attend as the Diversity representative and will present Disabling Disabilities: Past, Present & Future Civil Rights Direct Actions in Broward County & Beyond.

Mr. Foulkes congratulated Ms. Coco Burns and staff, Broward Education Foundation Board Members and approximately 500 Broward teachers who attended to listen and learn from 30 different workshops that were presented on new ways of doing business in the classroom.

Since 2005, Mr. Foulkes has presented the Peace Corps Building Bridges Across Cultures curriculum and this year a new workshop has been added, Aligning Diversity, Inclusion and Cultural Proficiency for 21st Century Learning: One Student at a Time. Several teachers across the district have adopted the Building Bridges curriculum.

The next Diversity Committee meeting will be held on Thursday, March 4, 2010 at the K.C. Wright Board Room, beginning at 6:30 p.m.

A comprehensive written report was submitted to the Board, including documentation on the Encyclopedia of the African Diaspora and a Black Studies Guidebook: Africa and the African Diaspora (1982).

BOARD MEMBERS

Ms. Murray informed her colleagues that she visited South Broward High School's Marine Engineering School and New River Middle School Marine Engineering program with Philippe Cousteau who spoke to students. Later that evening she attended a social gathering at the Museum of Discovery and Science with Mr. Cousteau.

Ms. Murray reported that eight students from Gulfstream Middle School have been invited to a cross-state competition with a championship team from Texas as the Tabula Digital Champions. Students will represent the school in this highly interactive math competition.

Congratulations was extended to Hollywood Hills High School student Liora Hostyk who wrote a poem that was nominated for a special award in the Scholastic National Writing Competition – The American Voices Nominee, part of The Alliance for Young Artists and Writers.

Ms. Murray congratulated the following Grant Award recipients: Apollo Middle, \$800 grant from Target; Collins Elementary, \$3,010 grant from Jim Moran Foundation, and a \$1,000 grant from Wal-Mart; and Dania Elementary School, \$3,000 grant from the Jim Moran Foundation. Teachers from Apollo Middle, Driftwood Elementary, Hollywood Hills Elementary and Sheridan Hills also received grants to stimulate programs and expose children to Earth Day projects, Pushing Your Weight Around, FCAT Fun through iMovies.

Ms. Dinnen reported on the presentation at the Broward Historical Commission, the opening of its headquarters at the old West Side Grade School site. She stated that Mr. Marko was interviewed about various events that occurred at the school before closing in 1961.

Ms. Dinnen presented a video clip of Philippe Cousteau's visit to South Broward High School, New River Middle School, and the celebration of Discovery Channel's feature of the school district, students and Mr. Notter. Ms. Dinnen noted that the event did not get much play in the local press. (The video presentation was shown).

Mr. Williams informed his colleagues that a Ribbon Cutting ceremony was held at Lauderhill Middle School on Wednesday, February 10, 2010, to mark the opening of the first YMCA Community Center located within a South Florida public school campus. This new facility will serve both the school and the Lauderhill community.

Mr. Williams recognized and thanked Ms. Sheryl A. Woods, President/CEO of the YMCA of Broward County and Ms. Dawn McCormick, Community Affairs Manager of Waste Management Corporation, for their support and untiring efforts on behalf of this project. The community and the Broward County School system are most appreciative and look forward to a very successful partnership.

Mr. Williams also thanked the administration at Lauderhill Middle School and the Mayor, Commission and the community of Lauderhill for their participation in the ribbon-cutting and dedication of the Wellness Center at Lauderhill Middle School.

Dr. Parks informed that students at Pompano Middle School conducted interviews at the Pro Bowl through the school's Communications Broadcast magnet. He will present a video presentation of this event at the March 2, 2010 School Board meeting.

Dr. Parks stated that the Broward School district and numerous contractors, engineers are conducting a ground-breaking ceremony for the Sample McDougal House in Pompano Beach, beginning at 4:30 p.m.

Mrs. Bartleman informed her colleagues that she and Mrs. Kraft attended the Coral Springs Education Committee meeting and questions were raised about the bullying policy. Mrs. Bartleman stated that bullying forms are usually located in the media center or at the front desk of schools. She said one of the suggestions was that parents and students should be able to send their complaints electronically, directly to the school's website.

Mrs. Bartleman congratulated Lauderhill Middle School's first YMCA Community Center.

Mrs. Bartleman congratulated student Amanda Frank who performed a dance at Cypress Bay High School on February 5, 2010, the Best Buddies dance.

Mrs. Bartleman had lunch with Boyd Anderson High School students and Sherry Bines, Broward Advisors for Continuing Education (BRACE) Advisor, an outstanding individual. Mrs. Bartleman voiced concern that Dillard High School does not have a BRACE advisor, and requested that staff look into this issue.

Mrs. Bartleman attended the DAC meeting and said she has been receiving a lot of complaints that students are not able to choose their core classes. Mrs. Bartleman stated if a large-scale implementation is going to occur that will impact every student, that parents need to be informed and parent groups need to be informed if there is going to be a schedule change. She stated there is not enough looping and stakeholders feel they need to come back and be involved in the process.

Mrs. Bartleman further requested that there be follow up with accountability as it pertains to Exceptional Student Education students. She indicated that in the past it was discussed that if the district loses a due process case the attorneys were going to follow up with the principal and write a letter. Mrs. Bartleman inquired whether this process has been followed.

Concurring, Mr. Marko informed that the request is being implemented but recently there have been no cases lost. In addition, there are post-mortem hearings even when the district prevails, if there is anything that would be helpful to the staff.

Mrs. Bartleman stated if the district loses, the principal's actions should not be duplicated.

Mrs. Bartleman discussed Senate Bill 1216 regarding Children's Services Council, stating the bill "cuts the heart" out of Children's Services Council.

Ms. Dinnen suggested contacting Senator Nan Rich who was very instrumental in setting up the Children's Services Council in Broward County and she is the minority leader in the Senate.

Mrs. Bartleman stated that help is needed with the Interlocal Agreement (ILA), and it is important to contact municipal elected officials and let them know why the district is modifying the ILA.

Mr. Tynan informed his colleagues that Glades Middle School won the Boys School Basketball Team District Championship last week.

The following District 2 schools were grant recipients: Silver Trails Middle; Dolphin Bay Elementary, Cooper City Elementary, Miramar Elementary, Coral Cove and Sunshine Elementary School, \$30,000 from Lennar Homes.

Mr. Tynan thanked students at Everglades High School who made the wooden nameplate for him.

Mrs. Kraft congratulated Stoneman Douglas High School Band for their performance at the Super Bowl Pre-Game show (picture was shown to the viewing audience) who did a great job representing the school district.

Congratulations was extended to Ramblewood Middle School's drama program, as 14 of their 18 performers received Excellent scores at the Florida Junior Thespian State Festival.

Mrs. Kraft informed that the Florida PTA report included a position on the end-of-course examinations. She requested that a workshop be held on the status of the end-of-course examinations to discuss the nuances of the law, as it is going to change during the Legislative Session and the district has not taken an official position as a legislative platform. Mrs. Kraft stated she shares the concerns of PTA and that the district should be updated so that if the Board has a position it can be presented by Ms. Georgia Slack to present to the Legislature.

Mrs. Kraft stated that she informed the press, one of the Editorial writers, indicating that Board Policy 1341 – Use of Broward County School Facilities for Non-School Purposes does exist. She stated, when there is an article in the paper and it is not written by the usual educational correspondent, or if information in the paper is not accurate, that the Public Relations department immediately correct this information and set the record straight.

Mrs. Kraft stated she was upset upon hearing the AP examination reviews were canceled due to lack of funding. She stated that during her informal survey of the issue parents indicated they would be willing to pay a nominal amount, \$15 or \$20, to cover the admission charge. Mrs. Kraft stated when the district offers programs that may be eliminated, that an attempt be made to raise funds by asking parents to help. She said that the decision was made by staff without Board input, similar to the All County Music program. Mrs. Kraft requested that a workshop discussion be held for the entire pay for extraneous event-type of issues.

Mrs. Hope expressed birthday greetings to the PTA on their 113th year and thanked them for hosting the School Board at their luncheon, providing a history of the PTA and its founder.

Mrs. Hope informed her colleagues that grants were awarded at Gator Run Elementary School, \$1,000 from Armed Forces Communication and Electronics Association to support a project on exploring birds and their habitat; Falcon Cove, \$212 from Florida Farm Bureau to support a garden project; and Banyan Elementary, \$1,000 from Armed Forces Communication and Electronics Association to support the 2nd grade science team, to purchase materials, including a human skeleton model.

Mrs. Hope indicated that Fox Trail Elementary school teacher Sharon Rapheal was named one of six finalists for Broward Teacher of the Year 2011.

Mrs. Hope informed that Cypress Bay High School has received national recognition for the largest number of Hispanic students achieving AP exam success. Cypress Bay is one of 15 schools in the nation recognized in the recently released Six Annual AP Report to the Nation for increasing access to AP courses.

Mrs. Hope discussed the Census 2010. The Broward Legislative Delegation gave a send-off breakfast which focused on providing information to the community on the census. This breakfast was hosted by Senator Chris Smith, Representative Perry Thurston, Representative Hazel Rogers and Representative Gwendolyn Clark Reed. She stated all School Board Members will be doing a Public Service Announcement on the census at BECON studios, and the Broward County Commission will run the district's PSA on the regular commercial channels.

Mrs. Hope informed that she spoke about the census at the West Broward Democratic Club and Central Area Advisory Meeting, and she was a guest speaker at Charles Drew Teen Center along with a former teenage mom, Mrs. Lasane who was a Harvard graduate.

Mrs. Hope stated that a Mr. Western contest was held at Western High School for young men, a very successful and fun contest that was well attended. Congratulations to student Dylan Hatton for winning the contest.

Mrs. Hope celebrated Black History Month at Weston Regional Library with students from the Weston area displaying their art at the library. Their art will also be displayed in Weston Magazine. Mrs. Hope reminded everyone that students' art work is always displayed on the 14th floor. This month's students' art work is from Cypress Bay High School.

Mrs. Hope showcased missing child Aneesa Knowles, date of birth November 12, 1992, missing January 5, 2010, eyes black, race black, 103 pounds, and missing from Fort Lauderdale. Aneesa was last seen at home on January 5 and may still be in the area. Anyone with information please call the local police or the National Center for Missing and Exploited Children.

Mrs. Gottlieb informed that she has spoken with individuals this past week – committee chairs, parent activists and representatives of community groups regarding the structure and changes of School Board meetings. She stated that while many individuals supported the majority of the changes made, there are some individuals that were not happy with the change, and other people gave opinions on how the meetings should be structured. Mrs. Gottlieb stated they understood that not everyone would be pleased with the change, and individuals understood there was never an intent to limit communication.

Mrs. Gottlieb suggested starting the Student Expulsions meetings at 9:30 a.m. and the Regular Board meeting beginning at 9:45 a.m. with Committee Reports.

Mrs. Kraft suggested that the Committee Report Chairs give their reports at a time that is convenient, and interspersed throughout the meeting. She discussed child care issues for parents, and suggested Committee Reports begin at 10:00, speakers at 1:00 p.m., and flexible times for Board Members Reports.

Concurring, Mrs. Bartleman stated a morning time and an afternoon time would work for the parents' schedule. She noted that some middle schools begin at 9:30. The speakers portion could begin at 10:00 a.m. Mrs. Bartleman said that Board Members Reports lose their impact when they are done all at once.

Ms. Dinnen stated it is important to have a grouping, having designated times for reports and speakers, and she voiced her opposition to working lunches.

Remarking that all suggestions will be explored, Mrs. Gottlieb stated it is important that there is consistency in the process. She stated she will meet with Mr. Notter to discuss all possibilities.

Speakers

Bruce McGraw
Curtis Hodge
Roland Foulkes

The Superintendent responded that the information regarding the 40 students at Plantation High School, the convenience of riding a bus versus walking, will be received and he will meet with the subcommittee to review the data that the Area Superintendents were informed of and discuss a resolution. Mr. Notter stated he will ensure that action is taken, that as Superintendent of Schools he will take a personal interest, and will discuss and review the data and lay down some action steps.

CONSENT AGENDA Following identification of those items Board Members and members of the public indicated they would like considered separately, motion was made by Mr. Tynan, seconded by Mrs. Hope and carried, to approve the Consent Agenda for the remaining items. Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (7-0 vote)

CONSENT ITEMS

A. RESOLUTIONS

- A-1. Resolution in Support of Entrepreneurship Week – February 20 through February 27, 2010 (Adopted)

Adopted Resolution #10-60, in support of National Entrepreneurship Week – February 20 through February 27, 2010.

- A-2. Resolution in Support of Designating February as Hindu Heritage Month (Adopted)

Adopted Resolution #10-61, in support of designating February as Hindu Heritage Month.

- A-3. Resolution in Support of Irish Heritage Month – March 2010 (Adopted)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried, to adopt Resolution #10-62, in support of Irish Heritage Month – March 2010.

Ms. Dinnen stated that the resolution cites Broward County as a diverse county whose citizens represent many cultures and traditions; Irish Heritage and the roles that Irish-Americans have played, and the amount of time and energy that Americans of Irish descent have contributed.

Ms. Dinnen read the following into the record: “Whereas, in an effort to preserve our rich and diverse culture and to foster mutual respect and understanding among all peoples, March is recognized as Irish Heritage Month and March 17th is celebrated honoring the Irish; and now, therefore, be it resolved, that The School Board of Broward County, Florida, in conjunction with other governmental bodies, agencies, organizations and businesses, hereby extends its support to the concept and the intent of Irish Heritage Month to be celebrated in March 2010, and encourages all schools, departments and centers within its jurisdiction to support this community-wide observance.

- A-4. Resolution in Support of National Women and Girls HIV/AIDS Awareness Day, March 10, 2010 (Adopted)

Adopted Resolution #10-63, in support of National Women and Girls HIV/AIDS Awareness Day, March 10, 2010.

B. BOARD MEMBERS

- B-1. Request to Move the June 1, 2010, Special School Board Meeting for Expulsions and Regular School Board Meeting to June 2, 2010 (Approved)

Approved the recommendation that The School Board of Broward County, Florida, move the June 1, 2010, Special School Board Meeting for Expulsions and Regular School Board Meeting to June 2, 2010, at 10:00 a.m. and 10:15 a.m., respectively.

It is requested that the June 1, 2010, Special School Board Meeting for Expulsions and Regular School Board Meeting be moved to June 2, 2010 due to May 31, 2010, being a holiday. School Board Members requested to not have a Regular School Board Meeting the day after a holiday, so there is sufficient time to get with staff with questions as needed.

There is no financial impact to the school district.

D. OFFICE OF THE CHIEF AUDITOR

- D-1. Audit of the Internal Funds of Selected Schools in the North, Central and South Areas (Received)

Received Audit of the Internal Funds of Selected Schools in the North, Central and South Areas.

Audited the Internal Funds of the schools listed below for the fiscal years ended June 30, 2008 and 2009, as authorized by the State Board of Education Rule 6A-1.087(2), Florida Administrative Code and School Board Policy 1002.1.

*Deerfield Beach Middle School, *Margate Elementary School, *Markham Elementary School, *Millennium Middle School, *North Andrews Gardens Elementary School, *Parkside Elementary School, *Pinewood Elementary School, *Quiet Waters Elementary School, *Riverglades Elementary School, Stoneman Douglas High School, *Tamarac Elementary School, *Westglades Middle School, *Apollo Middle School, *Driftwood Middle School, *Glades Middle School, Hallandale High School, *Lanier James Education Ctr., *Nova Blanche Forman Elementary School, *Pembroke Lakes Elementary School, *Pembroke Pines Elementary School, *Silver Lakes Elementary School, *Silver Palms Elementary School, *The Quest Center, Boyd Anderson High School, Cypress Bay High School, *Horizon Elementary School, *Lauderdale Lakes Middle School, *Meadowbrook Elementary School,

*Sandpiper Elementary School, *Sawgrass Elementary School, *Seagull School, Sheridan Technical Center, *Welleby Elementary School.

*Denotes Schools With No Audit Exceptions

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's January 28, 2010 meeting.

The source of funds to perform the Internal Audit Reports was the General Fund budget allocation for the Office of the Chief Auditor. There is no additional financial impact to the school district.

D-2. Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2009-2010 (Received)

Received Internal Property Audit Report – Property and Inventory Audits of Selected Locations 2009-2010.

Property and Inventory Audits of Selected Locations were performed, as authorized by the Florida Statute 274.02(2), School Board Policy 1002.1 and School Board Policy 3204.

The Audit report represents 21 locations in which a total of 19 locations had no exceptions and 2 locations had exceptions.

The Audit Committee reviewed and approved this report for transmittal to the School Board during the Committee's January 28, 2010 meeting.

The source of funds to perform the Internal Property Audit Reports was the General Fund budget allocation for the Office of the Chief Auditor. There is no additional financial impact to the school district.

E. CHIEF OPERATIONS OFFICER

E-1. Bid/RFP and Other Financial Recommendations Less Than \$500,000 (Approved)

Approved the RFP recommendation as stated on the attached award recommendation for the RFP listed below.

<u>BID/RFP</u>	<u>Title – Location – Amount</u>
10-028N	Internet Advertising and Web Development Services – Various – Amount: Income

The Supply Management and Logistics Department issued an RFP to provide potential vendors an opportunity to compete by offering the District the greatest revenue for providing sale of Internet Advertising Services. Not only does this contract provide positive cash flow to schools, it also allows the district to benefit with the development of teacher websites.

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

These advertising services will generate revenue for participating locations. The revenue is contractually determined as a percentage of net profits generated from the services.

E-2. Recommendation on the Ms. Willie Ann Glenn Act, Florida House Bill #227 (Summer Nutrition Program) (Approved)

- Renew disapproval of participation in the Ms. Willie Ann Glenn Act for the Summer of 2010
- Vote to be exempt from the Summer Feeding Program per Chapter 2005-73, Section 1, (3)
- Notify the Commissioner of Education within 10 days of the decision not to participate and be exempt
- Notify the Commissioner of Education within 10 days of each subsequent year's decision to continue the exemption

The request for approval from the Board not to participate in the Ms. Willie Ann Glenn Act is a standard item presented annually since 2006. Chapter 2005-73, General Laws, further explains that House Bill 227 is, "An act relating to children's summer nutrition programs; providing a popular name; requiring each district school board to develop a plan to sponsor a summer nutrition program; providing criteria for operating summer nutrition program sites; **authorizing exemption from sponsoring a summer nutrition program and providing procedures thereafter; requiring a district school board to annually reconsider its decision to be exempt**; authorizing district school boards to encourage not-for-profit entities to sponsor a summer nutrition program under certain circumstances; authorizing a superintendent of schools to collaborate with specified agencies and private, not-for-profit leaders to implement a summer nutrition program; providing reporting; directing the Department of Education to provide each district school board with a list of organizations intending to participate; providing an effective date."

Participation in the Ms. Willie Ann Glenn Act by Broward County Public Schools is not necessary to ensure adequate Summer Feeding sites within the District since additional resources are not available, since the District already has a Summer Feeding Program, and approximately 45-55 schools with 50% or more students eligible for free/reduced meals will open for the Summer of 2010. The final number depends upon the number of schools hosting summer school, Voluntary Pre-K, and summer programs not related to District activities that use the schools in the summer. Providers and vendors will be identified after the Department of Education's Summer Feeding training. The District initially notified the Commissioner of Education in 2006, and each year thereafter, of its decision not to participate, and is required to do so on an annual basis.

There is no financial impact to the district for not participating in the Ms. Willie Ann Glenn Act.

E-3. Business Associate Agreement with University Hospital, Ltd., d/b/a University Hospital and Medical Center (Approved)

Approved the Business Associate Agreement between The School Board of Broward County, Florida and University Hospital, Ltd., d/b/a University Hospital and Medical Center.

The federal regulation for the Health Insurance Portability and Accountability Act (HIPAA), effective April 14, 2003, guarantees individuals access to their own medical records and gives them more control over how their protected health information (PHI) is used and disclosed. The legislation requires covered entities to enter into formal agreements with any parties in which they communicate confidential medical information.

The District's Health Science Education programs provide secondary and postsecondary career technical students with clinical learning experiences through contractual agreements with hospitals, nursing homes, and other clinical facilities. Students participating in these programs will handle confidential medical information and PHI under HIPAA.

This Business Associate Agreement delineates the obligations and activities of the entities, permitted use and disclosure of PHI, and indemnification.

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

There is no financial impact to the school district.

F. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

- F-1. Agreement with Larry Bell Multicultural America, Inc., to Provide a "Closing the Achievement Gap" Seminar (Approved)

Approved the consultant agreement between The School Board of Broward County, Florida (SBBC), and Larry Bell to provide a "Closing the Achievement Gap" Seminar.

Larry Bell is an educational consultant, motivational speaker and author. He has been the keynote speaker at many conferences across the country such as the National ASCD Conference, the National Association of Multicultural Education Conference, numerous state NEA affiliates and hundreds of local and regional conferences.

Larry Bell's workshop entitled "Closing the Achievement Gap," has been presented all over the country. Some topics included in the seminar are: 12 words that trip up "at-risk" students on standardized tests, even when they know the answer; 10 teaching strategies used in "model" schools; 5 major academic obstacles faced by students and how to overcome them; and 20 standardized assessment activities every classroom teacher should be doing all year long.

The Smaller Learning Communities (SLC) federal grant is sponsoring Larry Bell. Ms. Merceda Stanley, principal of Dillard High School, attended Larry Bell's workshop earlier this year in New Orleans along with other district SLC teachers. The group felt strongly that bringing Larry Bell to Broward County would be an excellent use of SLC dollars. Dillard and Deerfield Beach High Schools are collaborating on this workshop, and will equally split the cost of the consultant. Each school has a designated budget line for consultants and will pay \$5,400 each. Arrangements for other SLC schools to attend will be made once this agreement is approved. The workshop will be held on March 26, 2010, at Dillard High School for faculty and staff from Dillard High, Deerfield Beach High and other Smaller Learning Community (SLC) schools.

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

There is a financial impact of \$10,800 to the district. The source of these funds is the Smaller Learning Communities (SLC) federal grant (\$5,400 from Dillard High School and \$5,400 from Deerfield Beach High School).

- F-2. Grant Applications (Approved)

Approved the submission of grant applications to:

- A. Dairy Council of Florida Bucks for Breakfast Grant, \$8,113
- B. FPL Group Foundation, \$1,990
- C. Wachovia Bank, \$500

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

The positive financial impact is \$10,603 from various sources. There is no additional financial impact to the district.

F-3. New Agreement with the City of Coral Springs (Approved)

Approved a new agreement with the City of Coral Springs.

The agreement from the City of Coral Springs will award the following:

- 1) \$2,500 to Coral Glades High to purchase instructional materials for a character education program.
- 2) \$2,500 to Coral Springs Middle to implement a school-wide character education program.
- 3) \$1,500 to Parkside Elementary to purchase materials for a counseling program.
- 4) \$700 to Ramblewood Elementary to support the implementation of a vegetable garden.
- 5) \$2,000 to Ramblewood Middle to support the "Raiders for Peace" crime watch program.
- 6) \$2,500 to Sawgrass Springs Middle to support the school's annual "Green Field Day" special environmental event.
- 7) \$1,500 to Westchester Elementary to support the provision of three after-school character education assemblies.

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

This agreement will be executed after School Board approval.

The positive financial impact is \$13,200. The source of funds is the City of Coral Springs. There is no additional financial impact to the school district.

F-4. Continuation Agreement with Town of Davie (Approved)

Approved the continuation agreement between Town of Davie and The School Board of Broward County, Florida.

Health Science Education programs provide secondary and postsecondary career and technical students with clinical learning experiences through contractual agreements with hospitals, nursing homes, and other facilities.

Currently, The School Board of Broward County, Florida, has 38 School Board approved agreements with various health care facilities related to the following programs: Medical Coder/Biller, Electrocardiograph (Cardiovascular) Technology, Health Unit Coordinator, Hemodialysis Technician, Massage Therapy, Medical Assistant, Medical Records Transcribing, Optometric Technician, Patient Care Technician, Pharmacy Technician, Practical Nursing, First Responder, Emergency medical Technician and Surgical Technology.

The continuation agreement with the Town of Davie will provide EMT/Paramedic clinical experiences to McFatter Technical Center students in the Broward Fire Academy. On-site/ride time clinical experiences are necessary to meet curriculum frameworks, student performance standards, and requirements of regulatory agencies for students to qualify for certification/licensure examinations upon program completion.

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

There is no financial impact to the district.

F-5. Continuation Agreement with the Broward Cultural Council for Arts in Education (Approved)

Approved the agreement with the Broward Cultural Council and funding in the amount of \$29,000.

Since 1984, The School Board of Broward County, Florida, and the Broward Cultural Council have worked as partners to provide cultural and artistic services to schools. The Arts in Education program is designed to specifically support student-learning objectives identified in school improvement plans. Past evaluations of the Arts in Education program reflect that program objectives to facilitate student achievement enables students to become appreciators and producers of the arts.

This collaborative program will provide \$58,000 in funding for school district-wide training and school art residency projects that promote learning in core curriculum and arts disciplines. Under the terms of the agreement, The School Board of Broward County, Florida, and the Broward Cultural Council will each contribute \$29,000 to fund the Arts in Education program.

(See e-Agenda for continuation of Summary Explanation and Background.)

There is a financial impact of \$29,000 to the district. The funding source is the Department of Athletics and Student Activities budget and the Student Enrichment Trust Fund. There is no additional financial impact to the district.

G. HUMAN RESOURCES

G-1. Personnel Recommendations for Instructional Appointments and Leaves for 2009-2010 School Year (Approved)

Approved the personnel recommendations for the 2009-2010 appointments and leaves as listed on the Executive Summary and respective lists for Instructional staff. All recommendations are made with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida. The teacher approvals on this G-1 item are teachers in subject areas for which there is no surplus and/or layoff teacher in that certification area that could be placed in these positions.

The Personnel Recommendations for Instructional Employees include the following items:

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

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

G-2. Personnel Recommendations for Instructional Separation of Employment or Discipline for the 2009-2010 School Year (Approved)

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

The Personnel Recommendations for Instructional Employees include the following items:

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

There will be no financial impact to the school district.

G-3. Personnel Recommendations for Non-Instructional Appointments and Leaves for the 2009-2010 School Year (Approved)

Approved the personnel recommendations for appointments and reassignments as listed on the Executive Summary, respective lists and individual appointments for Non-Instructional Employees. All recommendations are made pending security clearance and with the understanding that these individuals will comply with regulations/policies as set forth by the Florida State Department of Education and The School Board of Broward County, Florida.

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

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

Funding has been budgeted in 09-10 fiscal year for all appointments through June 30, 2010.

Newly-appointed district personnel were identified and congratulated by the School Board.

Mr. Notter informed that on today's agenda there are five Assistant Principals, 14 openings, and the Area Superintendents and the Superintendent have justified the need for those appointments between now and the end of the school year. Mr. Notter stated these appointments are made in the event that there may be Central Office reductions and/or reductions where individuals are certified for Assistant Principals. The Superintendent said this will keep with the belief of trying to save jobs as one of the priorities as the district struggles through the economic downturn.

The Superintendent further stated there is a hard freeze in the Central Area Office and it does take into account the Assistant Principal positions. There will be two additional positions on the May 4, 2010 Board meeting, from the current 14 openings, replacing only 7 openings, in terms of need at this time.

G-4. Personnel Recommendations for Non-Instructional Separation of Employment or Discipline(s) for the 2009-2010 School Year (Approved)

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

The Personnel Recommendations include the following items:

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

There is no financial impact to the school district.

G-5. Supplemental Pay Positions – List #12 (Approved)

Approved the recommended supplemental pay positions of employees for the 2009-2010 school/fiscal year.

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

The Specific Supplemental Pay Positions include the following type of supplements: Secondary department chairpersons high school; secondary department chairpersons and/or team leaders middle school; elementary grade level chairpersons and/or team leaders; athletic supplements; general supplements; and special supplements for the 2009-2010 school year.

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

Individuals listed meet the requirements for the supplemental positions. The total number of Supplements recommended in this item is 221.

Funding has been budgeted in 09-10 school/fiscal year for all supplements through June 30, 2010.

G-6 Recommendation(s) for Instructional/Noninstructional Discipline for the 2009-2010 School Year (Approved)

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

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

There is no financial impact to the school district.

H. ATTORNEY

H-1. Broward County School Board vs. Brian Duda (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to consider (1) the Recommended Order, rendered on December 15, 2009, by Eleanor M. Hunter, Administrative Law Judge, in the matter of Broward County School Board, Petitioner vs. Brian Duda, Respondent, Case No. 09-2807, before the State of Florida Division of Administrative Hearings; and (2) Respondent's Exceptions to Recommended Order; (3) Petitioner's Response to Respondent's Exceptions to the Recommended Order; and (4) render a Final Order in this cause.

On February 12, 2008, The School Board voted to approve the recommendation to suspend Music Teacher, Mr. Brian Duda, without pay. Subsequently on May 5, 2009, The School Board voted to approve a recommendation to terminate Mr. Duda. Mr. Duda requested an administrative hearing before the State of Florida Division of Administrative Hearings.

The Administrative Law Judge issued a Recommended Order to which the Respondent filed Exceptions. The Petitioner, The School Board, by and through the Superintendent and its special counsel, filed a Response to the Respondent's Exceptions.

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

There is no financial impact to the district.

Mr. Marko provided a synopsis of the case, the suspension of the employee, followed by the submittal of an Administrative Complaint to the Board requesting termination. Subsequently, the Administrative Law Judge issued a Recommended Order that is before the School Board for final approval. Mr. Marko stated that the employee's attorney, Ms. Melissa C. Mihok, Esquire, filed exceptions, and Ms. Carmen Rodriguez, Esquire, represents the district and filed responses to the employee's exceptions. Mr. Marko explained the procedure to be followed in this case.

Ms. Mihok, representing the Respondent Brian Duda, highlighted portions of the Amended Administrative Complaint, and addressed Exceptions 11, 13, 15, 18 and 62. She requested that the Administrative Law Judge's conclusion be rejected as unreasonable and a misinterpretation of the Collective Bargaining Agreement and Florida Statute.

Ms. Rodriguez responded to the exceptions and addressed the credibility of the 22 witnesses as determined by the Administrative Law Judge. Based on the review of the record and the conclusions of law that were predicated on the findings of fact, Ms. Rodriguez requested that the Recommended Order be adopted in full and that the School Board deny the Respondent's exceptions, as they are without merit.

Motion to Reject (Carried)

Motion was made by Mr. Tynan, seconded by Mrs. Bartleman and carried, to deny Exceptions 11, 13, 15, 18 and 62, there being substantial competent evidence in the record to support the findings of law.

Ms. Mihok addressed paragraphs 12, 45 and 53, and portions of 63 and 64, as findings of fact. She requested that these exceptions be rejected as there is no competent substantial evidence to support the Administrative Judge's findings.

Ms. Rodriguez requested that the Recommended Order be adopted in full and that the School Board deny the Respondent's exceptions, as they are without merit.

Second Motion to Reject (Carried)

Motion was made by Mr. Tynan, seconded by Mrs. Bartleman and carried, to deny Exceptions 12, 45 and 53, and portions of 63 and 64, there being substantial competent evidence in the record to support the findings of law.

Addressing Exceptions 76, 77, 80 and 81, and the remaining portions of 63 and 64, Ms. Mihok stated these are conclusions of law that there was just cause to terminate the employee's employment. Ms. Mihok stated that even taking the allegations as true, they are not so egregious as to warrant termination of employment. She stated that had the employee been made aware of complaints that were made, any dispute would have been resolved at that time. Ms. Mihok requested that based upon the evidence presented at the evidentiary hearing, written exceptions and the arguments, that the Board reject Exceptions 76, 77, 80 and 81, and substitute a determination that the employee's conduct does not amount to just cause or a violation of the rules and statutes cited by the Superintendent.

Ms. Rodriguez responded it is a misstatement to say that this case was about the written statements, they were part of the record and the Administrative Law Judge made her determination about the manner in which they were collected.

Third Motion to Reject (Carried)

Motion was made by Mr. Tynan, seconded by Mrs. Bartleman and carried, to deny Exceptions 76, 77, 80 and 81, and remaining portions of 63 and 64, there being, if applicable, the substantial competent evidence in the record to make the factual statements; and as to the standard of the Board's review for conclusions of law.

Mr. Tynan stated there was a request from counsel that the Board not affirm the penalty.

Mr. Marko advised that the law specifically provides that the agency may accept the recommended penalty in the recommended order but may not reduce or increase it without a review of the complete record, and without stating with particularity its reasons therefore in the Order by citing to the record in justification of their action. Mr. Marko stated that the penalty requires the Board to state why they believe the penalty should be reduced based upon the record. If the Board feels that the record as reviewed would not support a reduction, the Board could reject on that basis.

Motion to Affirm (Carried)

Motion was made by Mr. Tynan, seconded by Mrs. Kraft and carried, to affirm the penalty imposed by the Administrative Law Judge, the suspension and the termination.

Mr. Marko thanked Ms. Mihok and Ms. Rodriguez for their succinct and professional presentations.

Motion to Accept the Recommended Order (Carried)

Motion was made by Mr. Tynan, seconded by Mrs. Kraft and carried, to accept the Recommended Order in its entirety, including the Findings of Fact, Conclusions of Law and Recommendations.

H-2. Addition of Carmen Rodriguez, Esq., to the Cadre Attorney Panel – Labor Law Area (Approved)

Approved the addition of Carmen Rodriguez, Esq., to the Cadre Attorney Panel in the area of Labor Law.

The School Board previously approved attorneys to serve as cadre to The School Board in specialized areas of law. Three attorneys were approved to represent the School Board in the area of Labor Law. Approximately three years ago, one of the attorneys passed away. Based upon the demand during this time, the remaining two attorneys have been able to provide the necessary services to the School Board, however, the demand for these services have increased.

Based upon discussions between School Board staff and the General Counsel, it was determined that a need exists to add an attorney to the Labor Law Cadre. The Legal Services Committee met and concurred that an item would be placed on the agenda recommending that The School Board appoint Carmen Rodriguez, Esq., to the Labor Law Cadre. Ms. Rodriguez has extensive experience in the Labor Law area and presently serves as a Cadre Attorney in the area of Administrative Law.

There is no additional financial impact to the district.

H-3. General Release Agreement between The School Board of Broward County, Florida, and The City of Wilton Manors, Florida (Approved)

Approved the General Release between The School Board of Broward County, Florida, and The City of Wilton Manors, Florida, in the matter of School Board of Broward County v. City of Wilton Manors, Broward County Circuit Court, Case No. 09-04202(21).

This matter arose following a fire at Wilton Manors Elementary School on or about June 30, 2008, allegedly caused by an employee of the City of Wilton Manors during an after-school program. The General Release provides that The School Board will receive \$100,000 from or on behalf of the City of Wilton Manors, Florida, (which is the amount of its responsibility pursuant to sovereign immunity).

District staff, the School Board Attorney, and outside counsel, Eugene K. Pettis, Esq., recommend approval of this General Release Agreement as a fair, reasonable and cost-effective resolution of this matter, which will eliminate protracted litigation and additional costs.

The City of Wilton Manors approved the General Release Agreement at its January 26, 2010 commission meeting. The General Release Agreement will be executed in its entirety after School Board approval.

There is a positive financial impact to the district in the amount of \$100,000.

H-4. Approval of Assignment Cubellis Inc., to Manuel Synalovski Associates, LLC (Approved)

Approved the Agreement Between The School Board of Broward County, Florida, Cubellis Inc., and Manuel Synalovski Associates, LLC, for the assignment of thirteen (13) Professional Service Agreements from Cubellis Inc., to Manuel Synalovski Associates, LLC.

It is requested that The School Board of Broward County, Florida, approve the assignment of thirteen (13) Professional Service Agreements for architectural and engineering services of fifty-three (53) separate projects from Cubellis Inc., ("Cubellis") to Manuel Synalovski Associates, LLC, ("MSA"). These projects are identified in the Agreement as "Attachment 1."

Cubellis provided services to The School Board under the Professional Service Agreements until November 25, 2009, at which time Cubellis ceased all operations and performance. As a result of its cessation of operations, Cubellis desires to assign the Professional Service Agreements to MSA.

This Agenda Item is being brought forth because the terms of the Professional Service Agreements provide that assignment cannot be made without the written consent of The School Board.

Staff recommends approval of such assignments as being in the best interest of the district.

There is no financial impact; therefore, a collaboration form is not required for this item.

I. OFFICE OF THE SUPERINTENDENT

I-1. Petition For Formal Proceedings (Received)

Received the Petition for Formal Proceedings submitted by the Superintendent in reference to this teacher and that teacher be suspended immediately without pay for three days, pending final action on these charges.

The Professional Standards/Special Investigative Unit (PS/SIU) completed an investigation into allegations of inappropriate conduct. The allegations were thoroughly investigated and the results were presented to the Professional Standards Committee (PSC). PSC found probable cause of inappropriate conduct and recommended suspension. A pre-disciplinary meeting was held with the employee, BTU Representative, a School Board cadre attorney and a representative from PS/SIU. After the pre-disciplinary meeting a suspension was recommended. Subsequently, employee refused to sign a Disciplinary Action Agreement. The cadre attorney prepared the Petition for Formal Proceedings and notice was sent to the employee that a recommendation for an imposed three-day suspension would be presented to the School Board on February 17, 2010.

There is no financial impact to the school district.

I-2. Proposed School Board of Broward County, Florida 2010-2011 Work Calendars and Year-Round School Calendars (Approved)

Approved the proposed School Board of Broward County Year-Round School Calendars for the 2010-2011 school year. Approve the proposed School Board of Broward County Work Calendars for fiscal year 2010-2011.

Approve the proposed Professional Study Days for the 2010-2011 school year.

On December 15, 2009, the School Board approved the school calendar for the 2010-2011 school year. The Calendar Committee has now developed the year-round school and work calendars to correspond with the primary calendar for the 2010-2011 school year. All calendars align to the primary school calendar and provide the appropriate number of work days and paid holidays in accordance with the respective collective bargaining agreements.

Additionally, the proposed Professional Study Days have been included for Board approval. The Calendar Committee was requested to include the proposed Professional Study Days within the calendar development process to minimize potential conflicts with testing schedules and other pertinent calendar events.

There is no financial impact to the district.

J. FACILITIES AND CONSTRUCTION MANAGEMENT

J-1. Change Orders (Approved)

Approved change orders as listed for various school projects, and an additional appropriation of \$8,802 from Capital Projects Reserve.

<u>Anderson, Boyd H. High</u>	Change Order 18	\$5,356
Consultant Omission	\$4,644	
Owner Request	\$712	
<u>New Elm C (G-1)</u>	Change Order 05	\$-10,950 (CREDIT)
Consultant Error	\$6,004	
Owner Request	\$-43,008 (CREDIT)	
Unforeseen Condition	\$26,054	
<u>Lanier-James Education Center (SAAC)</u>	Change Order 03	\$2,088
Consultant Omission	\$2,088	
<u>Forman, Blanche (Nova) Elementary (CREDIT)</u>	Change Order 05	\$-24,036
Owner Request	\$-24,036 (CREDIT)	
<u>Perry, Henry D. Middle</u>	Change Order 03	\$3,446
Consultant Omission	\$3,446	
<u>Plantation Middle</u>	Change Order 02	\$17,473
Unforeseen Condition	\$17,473	
<u>Plantation Park Elementary</u>	Change Order 01	\$4,930
Consultant Error	\$4,930	
<u>Silver Trail Middle</u>	Change Order 02	\$3,481
Consultant Omission	\$1,060	
Unforeseen Condition	\$2,421	

The financial impact to the district of \$8,802 will come from the Capital Projects Reserve; Anderson, Boyd H. High – Project No.: P.000326 \$5,356; Perry, Henry D. Middle – Project No.: P.000187 \$3,446. There is no additional financial impact to the district.

J-2. Termination of Declaration of Restrictive Covenants Regarding Voluntary Mitigation Commitment for Rezoning Application No. 20-2005/06 (Raintree) (Approved)

Approved the termination of the Declaration of Restrictive Covenants regarding the voluntary mitigation commitment for Rezoning Application No. 20-2005/06 (Raintree).

In November 2005, School District staff reviewed the City of Pembroke Pines Rezoning Application No. 20-2005/06, proposed by Raintree Development of Broward LLC ("Raintree") to enable the development of 103 single family residential units on a property located in the City of Pembroke Pines. The review determined that the development would generate a total of 46 (26 elementary, 12 middle and 8 high school) students, and impact Palm Cove Elementary, Pines Middle, Walter C. Young Middle and Charles W. Flanagan High Schools. To address the anticipated student impact, Raintree voluntarily committed to pay for three (3) modular classroom additions, and on November 14 2006, the School Board accepted the proposed voluntary mitigation commitment.

Subsequently, the application was approved by the City of Pembroke Pines City Commission, recognizing the voluntary commitment.

On November 29, 2006, Raintree executed and recorded the required Declaration of Restrictive Covenants ("Declaration") to enable the legal enforcement of the voluntary mitigation commitment. However, in the subsequent years Raintree sold/transferred an approximately 88-acre portion of the property to the City of Pembroke Pines ("the City Property") for non-residential uses. Therefore, the proposed use will not generate any students into Broward County Public Schools. Also at a subsequent date, the City approved transfer of the 103 single family dwelling units currently allocated to the City Property to an approximately 10.82 acre remaining property (the "Retained Property"), and approved the use of the Retained Property as an Assisted Living Facility (Special Residential Facility Category 3 consisting of 206 sleeping rooms, which is equivalent to 103 single family dwelling units) and restricted to non-school age residents. Therefore, the proposed use will not generate any students into Broward County Public Schools.

Based on these actions and proposed uses, Raintree is requesting a termination of the Declaration to enable release of the City Property and the Retained Property from the voluntary mitigation commitment obligations specified in the Declaration. Raintree agrees that any subsequent change of use or release of the Assisted Living Facility restriction would require further public school concurrency review by the School District at the plat or site plan (or functional equivalent) phase of development review of the Retained Property. Therefore, it is recommended that the School Board terminate the Declaration of Restrictive Covenants regarding the voluntary mitigation commitment for Rezoning Application No. 20-2005/06 (Raintree).

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

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

- J-3. Reduction of Retainage – Hewett-Kier Construction, Inc. – New Multipurpose Building – Deerfield Beach Elementary, Deerfield Beach – Project No. P.000002 (f.k.a.0011-23-01) (Approved)

Approved the recommendation to reduce retainage now being held on Deerfield Beach Elementary, New Multipurpose Building, Project No. P.000002 for the Contractor Hewett-Kier Construction, Inc., from \$279,622 to \$5,000.

In accordance with School Board Policy 7005, the Facilities and Construction Management Department is recommending that the retainage be reduced from \$279,622 to \$5,000. The amount of \$5,000 is being withheld pending receipt of as-built drawings and warranty documents.

This project will be brought back to the Board for Final Acceptance and Release of Retainage.

The funds being released totaling \$274,622 were in a previously Adopted District Educational Facilities Plan, Fiscal Years, 2008-2009 to 2012-2013, page 56.

J-4. Total Program Management Agreement – D. Stephenson Construction, Inc. – Cafeteria Replacement and Miscellaneous – Termination of Project – Larkdale Elementary School, Fort Lauderdale – Project No. P.000880 (f.k.a. 0621-26-01) (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to approve the termination of the Total Program Management Agreement with D. Stephenson Construction, Inc., Larkdale Elementary School, Project No. P.000880, approved by the Board on August 27, 2008. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan (ADEFP), Fiscal Years 2009-2010 to 2013-2014. As a result, the Total Program Management Agreement is terminated for cause as a result of this item having been eliminated from the ADEFP, and is being terminated in accordance with Article 36 of the General Conditions of the Total Program Management Agreement dated August 27, 2008.

D. Stephenson Construction, Inc., has been paid \$406,859 for the services performed. Should the Total Program Manager claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

The original agreement was for the design and construction of the Cafeteria Replacement for \$1,667,202. The funds released by this termination will be placed in the Capital Projects Reserve. Funds released by this Termination totaling \$1,260,343 will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Total Program Management Agreement is terminated for cause as a result of this item having been eliminated from the ADEFP, and is being terminated in accordance with Article 36 of the General Conditions of the Total Program Management Agreement dated August 27, 2008.

J-5. Total Program Management Agreement – Pavarini Construction Co., (SE), Inc. – Classroom Addition – Termination of Project – Westglades Middle School, Parkland – Project No. P.000882 (Approved as amended)

Motion was made by Mr. Tynan, seconded by Mrs. Hope and carried to approve the termination of the Total Program Management Agreement with Pavarini Construction Co., (SE), Inc., Westglades Middle School, Project No. P.000882, approved by the Board on April 21, 2009. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan (ADEFP), Fiscal Years 2009-2010 to 2013-2014. As a result, the Total Program Management Agreement is terminated for cause as a result of this item having been eliminated from the ADEFP, and is being terminated in accordance with Article 36 of the General Conditions of the Total Program Management Agreement dated April 21, 2009.

Pavarini Construction Co., (SE), Inc., has been paid for services totaling \$290,683.

The original agreement was for the design and construction of the Classroom Addition for \$581,365. The funds released by this termination will be placed in the Capital Projects Reserve.

The financial impact for this item is \$290,682. Funds released by this termination totaling \$290,682 will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Total Program Management Agreement is terminated for cause as a result of this item having been eliminated from the ADEFP, and is being terminated in accordance with Article 36 of the General Conditions of the Total Program Management Agreement dated April 21, 2009.

Mrs. Kraft informed that she has not spoken with anyone who represents Pavarini Construction Company nor has she spoken with any principal of the company.

Mrs. Kraft inquired about the amount of payments that the district will be responsible for.

Mr. Thomas Lindner, Acting Deputy Superintendent, Facilities and Construction Management, responded that this is now a legal issue and the auditors are reviewing a timeline; the invoice was processed and paid without a Notice to Proceed. Mr. Lindner stated that a meeting will be set up with Pavarini and district counsel. He concurred that without a Notice to Proceed there should not have been any work done and the district should not have made a payment. After discussion with the auditor, Mr. Lindner stated that the internal controls issue has since been remedied.

Mrs. Kraft stated that internally there were a lot of conversations that had occurred without any coordination, such as sending out invoices and paying invoices.

Mr. Lindner informed that there is documentation that is under review that shows why this work was done and it is being reviewed by an outside agency. He stated it is hopeful that he can instill the same level of customer service and communication that was implemented at Physical Plant Operations to Facilities prior to the selection of the Deputy Superintendent, Facilities and Construction Management department.

Mr. Lindner concurred that the payment of \$290,682 is for services and part of that is under dispute as to whether it should have been paid.

- J-6. Terminate Professional Services Agreement – ACAI Associates, Inc. – New Media Center – Atlantic Vocational Technical School – Project No. P.000414 (f.k.a. 2221-26-01) (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to approve the Termination of the Professional Services Agreement with ACAI Associates, Inc., Atlantic Vocational Technical Center, Project No. P.000414, approved by the Board on December 11, 2007, and previously amended on February 18, 2009. This motion was superseded by a Motion to Amend (page 33).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 11, 2007.

The original Agreement includes fees of \$759,622 for the design of the New Media Center. The funds released by this Termination will be placed in the Capital Projects Reserve.

ACAI Associates, Inc., has been paid \$389,168. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$370,454, will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 11, 2007.

- J-7. Terminate Professional Services Agreement – Harvard Jolly, Inc. – Concurrent Replacement (2 story) TV/Radio Studio – BECON, Davie – Project No. P.000808 (f.k.a. 9129-99-51) (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried to approve the Termination of the Professional Services Agreement with Harvard Jolly, Inc., BECON, Project No. P.000808, approved by the Board on January 13, 2009. This motion was superseded by a Motion to Amend (page 34).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated January 13, 2009.

The original Agreement includes fees of \$1,330,000 for the design of the Concurrent Replacement (2 Story) TV/Radio Studio. The funds released by this Termination will be placed in the Capital Projects Reserve.

Harvard Jolly, Inc., has been paid \$379,588. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$950,412, will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated January 13, 2009.

- J-8. Terminate Professional Services Agreement – Brown & Brown Architects – Remodeling and Renovations – Coconut Creek High School – Project No. P.000305 (f.k.a. 1681-25-01) (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried to approve the Termination of the Professional Services Agreement with Brown & Brown Architects, Coconut Creek High School, Project No. P.000305, approved by the Board on December 11, 2007. This motion was superseded by a Motion to Amend (page 35).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 11, 2007.

The original Agreement includes fees of \$700,000 for the design of the remodeling and renovations. The funds released by this Termination will be placed in the Capital Projects Reserve.

Brown & Brown Architects, has been paid \$308,750. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$391,250, will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 11, 2007.

- J-9. Terminate Professional Services Agreement – Zyscovich, Inc. – New Gymnasium Building – Coral Springs Middle School – Project No. P.001167 (f.k.a. 2561-25-01) (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Mrs. Hope and carried to approve the Termination of the Professional Services Agreement with Zyscovich, Inc., Coral Springs Middle School, Project Number P.001167, approved by the Board on December 16, 2008. This motion was superseded by a Motion to Amend (page 36).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 16, 2008.

The original Agreement includes fees of \$350,000 for the design of the New Gymnasium Building. The funds released by this Termination will be placed in the Capital Projects Reserve.

Zyscovich, Inc., has been paid \$126,000. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$224,000, will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 16, 2008.

Mrs. Kraft inquired whether the project was a re-use and whether the district is going to be responsible for up to the 50 percent of Phase III design.

Responding affirmatively, Mr. Lindner stated that the basic core of the design process is done and it would be sent out again and the project would begin over. The value in putting 50 percent plans on the shelf and then the cost to put them back is very close to starting over because it is a re-use. Mr. Lindner further stated that they were told to go to 50 percent and then the plans would be shelved, and it is reasonable to assume that they would be paid for the remainder of Phase III 50 percent.

Mrs. Kraft stated this is a project that is unfortunately canceled due to lack of funding and it does not mean that the gym will not be built.

Mr. Lindner stated that many of these contracts were discussed in August 2009 and it was a matter of public record what items were and were not included in the District Educational Facilities Plan.

Mrs. Kraft requested that when it is clear that a project is not going forward that there be more coordination and improve the communication process so that the Project Manager can inform the architect.

- J-10. Terminate Professional Services Agreement – Cubellis Inc., (f.k.a. Synalovski Gutierrez Architects, Inc.) – Remodeling and Renovations – Hallandale High School – Project No. P.001163 (f.k.a. 0403-99-01)
(Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to approve the Termination of the Professional Services Agreement with Cubellis Inc., Hallandale High School, Project No. P.001163, approved by the Board on December 12, 2000. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 12, 2000.

The original Agreement includes fees of \$450,888 for the design of the remodeling and renovations. The funds released by this Termination will be placed in the Capital Projects Reserve.

Cubellis Inc., has been paid \$271,924. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$178,964, will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 12, 2000.

J-11. Terminate Professional Services Agreement – Pierce Goodwin Alexander & Linville, Inc., (PGAL) – New Administration/12 Classroom Addition – Lauderdale Manors Elementary School, Fort Lauderdale – Project No. P.000082 (f.k.a. 0431-22-01) (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to approve the Termination of the Professional Services Agreement with Pierce Goodwin Alexander & Linville, Inc., Lauderdale Manors Elementary School, Project No. P.000082, approved by the Board on August 17, 2004. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated August 17, 2004.

The original Agreement includes fees of \$1,026,471 for the design of the New Administration/12 Classroom Addition. The funds released by this Termination will be placed in the Capital Projects Reserve.

Pierce Goodwin Alexander & Linville, Inc., has been paid \$226,507. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$799,964, will be placed in the Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated August 17, 2004.

- J-12. Terminate Professional Services Agreement – Brown & Brown Architects – Renovate & Expand Kitchen – Margate Middle School – Project No. P.000111 (f.k.a. 0581-23-01) (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to approve the Termination of the Professional Services Agreement with Brown & Brown Architects, Margate Middle School Project No. P.000111, approved by the Board on April 20, 2004. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 20, 2004.

The original Agreement includes fees of \$783,879 for the design of the renovation and expansion of the kitchen. The funds released by this Termination will be placed in the Capital Projects Reserve.

Brown & Brown Architects, has been paid \$307,834. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$476,045, will be placed in Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 20, 2004.

- J-13. Terminate Professional Services Agreement – GLE Associates, Inc. – ADA Restroom Renovations – Nova High School, Davie – Project No. 1281-99-02 (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to approve the Termination of the Professional Services Agreement with GLE Associates, Inc., Nova High School, Project No. 1281-99-02, approved by the Board on June 19, 2001. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated June 19, 2001.

The original Agreement includes fees of \$209,900 for the design of ADA restroom renovations. The funds released by this Termination will be placed in the Capital Projects Reserve.

GLE Associates, Inc., has been paid \$102,592. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$107,308, will be placed in Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated June 19, 2001.

- J-14. Pre-Qualification of Contractors – Approval of Application and Issuance of Certificates (Approved)

Approved the recommendations of the Superintendent indicated in Exhibit 1.

The Qualification Selection Evaluation Committee (QSEC) convened on February 3, 2010, to review Contractor Pre-Qualification Staff Application Review Executive Summaries received for the following contractors and makes the following recommendations to the Superintendent of Schools:

- * **A.C. Electrical Contractor, Inc.– Issue Pre-qualification Certification
- **Al Hill Plumbing Corporation – Issue Pre-qualification Re-Certification
- * **Built Right Construction Inc. (Roofing) – Issue Pre-qualification Certification
- * **Built Right Construction Inc. (General) – Issue Pre-qualification Certification
- Decon Environmental & Engineering, Inc.– Issue Pre-qualification Re-Certification
- **Hernandez Construction, LLC – Issue Pre-qualification Re-Certification
- James A. Cummings, Inc. – Issue Pre-qualification Re-Certification
- **M.A.C. Construction, Inc. – Issue Pre-qualification Re-Certification
- **Mills Electric Service, Inc. – Issue Pre-qualification Re-Certification
- National Roofing of South Florida, Inc. – Issue Pre-qualification Re-Certification
- Roth Bros., Inc. – Issue Pre-qualification Re-Certification

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

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

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

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

- J-15. Amend Professional Services Agreement – Zelch & McMahon, Architects – New Cafeteria/Multipurpose and Site Improvements – Pembroke Pines Elementary School – Project No. P.000227 (f.k.a. 1221-23-01) (Approved)

Approved the Third Amendment to the Professional Services Agreement with Zelch & McMahon, Architects for Pembroke Pines Elementary School, New Cafeteria/ Multipurpose and Site Improvements, Project No. P.000227, dated December 21, 2004, previously amended on November 14, 2005 and July 25, 2006.

Scope of Work:

Professional Services Agreement 12/21/04: Construct new cafeteria/multipurpose building; remodel existing cafeteria to classrooms, new covered walkways and sidewalks; provide additional parking and driveway improvements; add additional chiller pumps.

First Amendment 11/14/05: Replace existing fire alarm systems.

Second Amendment 7/25/06: Convert from Design/Bid/Build to Construction Management at Risk in order to align the Project Consultant's responsibilities with those of the Construction Manager.

Third Amendment 2/17/10: Additional Construction Administration Fee to align Consultant's construction duration with the approved construction duration for the Construction Manager (CM).

As a result of increasing Phase V, Construction, from 570 consecutive calendar days to 681 consecutive calendar days, the fees in Article 5 are amended from \$211,509 to \$222,097 for additional Construction Administration Fees, totaling \$10,588.

The Fixed Limit of Construction Cost (FLCC) in the Professional Services Agreement (PSA) was \$4,326,645. The Guaranteed Maximum Price (GMP) awarded to the Construction Manager was \$7,836,391. This item increases the FLCC in the PSA to \$8,736,391.

The Risk Management Department has reviewed this Third Amendment, and The School Board Attorney has approved this Third Amendment as to form and legal content.

The financial impact for this item is \$10,588 for Basic Services. The sources of funds are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 92.

- J-16. Terminate Professional Services Agreement – Cubellis Inc. – Remodeling and Renovation/HVAC – Pompano Beach Middle School – Project No. P.000006 (f.k.a. 0021-25-01) (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried to approve the Termination of the Professional Services Agreement with Cubellis Inc., Pompano Beach Middle School, Project No. P.000006, approved by the Board on December 11, 2007. This motion was superseded by a Motion to Amend (page 43).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 11, 2007.

The original Agreement includes fees of \$918,000 for the design of the remodeling and renovations/HVAC. The funds released by this Termination will be placed in the Capital Projects Reserve.

Cubellis Inc., has been paid \$567,709. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$350,291, will be placed in Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated December 11, 2007.

- J-17. Terminate Professional Services Agreement – Borrelli & Partners, Inc. – Regional Athletic Facility – South Broward High School, Hollywood – Project No. 0171-23-01 (Approved)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried to approve the Termination of the Professional Services Agreement with Borrelli & Partners, Inc., South Broward High School, Project No. 0171-23-01, approved by the Board on May 4, 2004, and authorize negotiations with Walters Zackria Associates, PLLC, for the reuse of the Fort Lauderdale High School Replacement Pool Design. This motion was superseded by a Motion to Amend (page 44).

The Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated May 4, 2004. The cause for termination is referenced in Exhibit 2.

Borrelli & Partners, Inc., has been paid fees for Basic Services totaling \$90,000 and Supplemental/Reimbursable Services totaling \$29,848. Termination of this Agreement results with a credit to The School Board of Broward County, Florida, of \$135,000 for Basic Services and \$155,152 for Supplemental/Reimbursable Services, resulting with a total credit of \$290,152.

Staff intends to negotiate the site adaptation fees for the reuse of the Fort Lauderdale High School Replacement Pool Design and the award of a contract for that reuse at a future School Board meeting. The reuse fee of \$138,686 has been established in the Professional Services Agreement for the Fort Lauderdale High School Replacement Pool Design and includes \$108,486 for the design of the main pool and \$30,200 for the teaching pool.

Funds released by the Termination, totaling \$290,152 will be placed in the Capital Projects Reserve.

Ms. Murray informed her colleagues that the pool project at South Broward has been in the District Plan for many years and the community was promised two years ago that the project move forward at a reasonable pace. Due to lack of performance the contract was going to be terminated with the architect which will delay the project at an unreasonable time.

Ms. Murray stated that any delay will impact the quality of education the marine magnet students have. She said it is unreasonable that the pool construction would take two or three years to complete. This program is a viable program for the future, advocating marine engineering programs, and the school deserves the pool construction in an expedited manner.

Mr. Lindner informed the Board that an attempt is being made to expedite the project, as has been discussed in the past with the principal and several constituents. He stated the project has been on hold for approximately four years; a permit is not yet available and an approved set of drawings has not been completed. Mr. Lindner stated that subsequently it was determined to go forward with a re-use of the Nova pool design which will expedite the process as quickly as possible. Expressing his commitment to construct the pool, Mr. Lindner stated the district is not canceling the project but only terminating the architect. There is a plan to put another architect in place, re-use the design of a pool that is currently operating, a good design that is being considered for the Fort Lauderdale High School. He noted that there is another architect that is being considered for the project.

Mrs. Bartleman inquired about the breakdown in communication with the community.

Mr. Lindner responded that the breakdown has been identified and is being dealt with appropriately.

Mrs. Gottlieb inquired whether a bidding process is needed for the project.

Responding affirmatively, Mr. Linder stated that the re-use of the pool does not require a re-bid but the project has to be re-bid because the award of the project has not been made. An attempt is being made to get a set of plans and then the construction of the pool will be awarded to a contractor through a hard bid. Mr. Lindner further stated that the timeline for awarding the contract will be within the next 90 days; the design and plan review is approximately six to seven months, followed by award of the contract, and construction is approximately eight months. Mr. Lindner concurred that this process is a fast-track to the project.

The following individuals addressed this item:

Donna Green
Ted Davis
Debbie Hixson
Michelle Parente
Rolando Monteoga
Thomas Kent
Ann Rosales
Miranda Nevels
Todd Dane
Tim Warren
Taluga Orsel
Heidi O'Sheehan, Commissioner, City of Hollywood
Lori Hersey
Unidentified male speaker

Dr. Parks praised the magnet program at South Broward and said the Board understands the importance of the pool.

Ms. Murray stated she received notification that the Attucks school's pool is available to South Broward on a temporary basis. She thanked everyone who spoke before the Board today, as it illustrates the quality of students that are in the school system.

Ms. Dinnen stated she was impressed with the students' passion for their program. She said the Board will do everything they can to try to make sure this project is expedited as much as possible.

Mrs. Hope, who remarked that it was very positive to have the students and parents speak before the Board, stated this project has to be put above other projects.

Mr. Lindner informed that his daughter swam on the Stoneman Douglas Swim Team that did not have a pool, and said that he understands the importance of the program at South Broward and will make a commitment to keep this project on the fast track.

Mrs. Gottlieb thanked Ms. Murray for her hard work and leadership and engaging the community on this issue. Mrs. Gottlieb thanked students for speaking passionately about their program and education. She stated the Board wants everyone to be successful in their education and careers, and the Board will do all it can to assist on this project.

Mrs. Gottlieb requested the Superintendent to meet with Mr. Lindner on this project; ascertain if there are any roadblocks with any other facilities that have pools in the school system and work to make sure there is use available to the students. In addition to viability, to look at putting a temporary pool structure, above-type structure, on the site on a temporary basis.

Mr. Lindner informed that the Board will be voting to terminate the contract, the funding is already in place, and another architect will be selected because the cost will be less. An agenda item will be presented to the Board for approval of a contractor to build the facility once the design is complete.

- J-18. Terminate Professional Services Agreement – Saltz Michelson Architects, Inc. – Administration Building/ Demolition/ Classroom Addition – Walker Elementary School, Fort Lauderdale – Project No. 0321-99-01
(Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mrs. Hope and carried, to approve the Termination of the Professional Services Agreement with Saltz Michelson Architects, Inc., Walker Elementary School, Project No. 0321-99-01, approved by the Board on January 15, 2008. This motion was superseded by a Motion to Amend (page 47).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated January 15, 2008.

The original Agreement included fees of \$751,000 for the design of the administration building/ demolition/ classroom addition. The funds released by this Termination will be placed in the Capital Projects Reserve.

Saltz Michelson Architects, Inc., was paid \$354,900. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$396,100, will be placed in Capital Projects Reserve.

Motion to Amend (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated January 15, 2008.

- J-19. Final Construction Documents which include Authorization to Advertise for Bids – EHPA Underground Storage Tank – Manatee Bay Elementary, Weston – Project No. P.001062 (Approved)

Approved Final Construction Documents, which include Authorization to Advertise for Bids for EHPA Underground Storage Tank, Project No. P.001062.

Project Consultant: Craven Thompson & Associates
Scope of Work: Remove existing 3,000 gallon underground tank and install new 4,000 gallon underground tank.
Contract Estimate: \$250,000

Final Construction Documents, which include the advertisement for bids are available for review at the Facilities and Construction Management Division.

The funds will come from the Capital Projects Reserve.

K. OFFICE OF CHIEF FINANCIAL OFFICER

- K-1. Revision to General Fund Amendment (Approved)

Approved the General Fund Amendment I-4 for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 12/31/09.

Financial Impact: Recognize changes in Revenues and Appropriations through 12/31/09.

- K-2. Revision to Special Revenue (Other) Amendment (Approved)

Approved the Special Revenue (Other) Amendment IV-4B for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 12/31/09.

Financial Impact: Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 12/31/09.

- K-3. Revision to Special Revenue – American Recovery & Reinvestment Act (ARRA) Amendment – Part II (Head Start, Early Head Start, Title II D- Educational Technology, Title X-Homeless, Food Service Equipment Assistance, Boys & Girls Club) (Approved)

Approved the Special Revenue (ARRA) Amendment IV-4E for Fiscal Year 2009-10.

This amendment is for the purpose of updating The Broward County School District Budget for changes in Revenue and Appropriations due to the recognition of new revenue or the adjustment of projected revenue through 12/31/09.

Financial Impact: Recognize changes in Revenues and Appropriations due to new revenue or the adjustment of projected revenue through 12/31/09.

K-4. Revision to Capital Projects Funds Budget Amendments (Approved)

Approved the Capital Projects Funds Amendments for Fiscal Year 2009-2010. These amendments are as of December, 2009.

These amendments are being submitted to reflect additional revenues and appropriations of the Capital Projects Funds in order to:

- 1) Recognize an increase in estimated revenue
- 2) Adjust appropriations
- 3) Reallocate budgeted funds
- 4) Allocate time and travel to projects

The financial impact of this agenda item is adjusting Revenue and Appropriation as indicated on schedules A and B for Capital Budget activities as of December, 2009.

OPEN ITEMS

AA. RESOLUTIONS

BB. BOARD MEMBERS

CC. BOARD POLICIES

CC-1. Proposed New Job Description and Minimum Qualifications for the Test Developer Positions for The School Board of Broward County, Florida
(Adopted)

Motion was made by Ms. Dinnen, seconded by Mr. Williams and carried, to adopt the proposed new job description and minimum qualifications for the Test Developer positions for The School Board of Broward County, Florida. This is the final reading. Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (7-0 vote)

The job description for Instructional Test Developer has been created to complete a job study of TSA positions and delineate the required knowledge, skills, and abilities to identify personnel fully capable of developing testing materials, which follow Sunshine State Standards, and provide feedback on the effectiveness of the curriculum and instructional practice on student progress against defined benchmarks. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

CC-2. Proposed New Job Description and Minimum Qualifications for the Teacher Specialist, Early Childhood Positions for The School Board of Broward County, Florida (Adopted)

Motion was made by Mr. Tynan, seconded by Ms. Dinnen and carried, to adopt the proposed new job description and minimum qualifications for the Teacher Specialist, Early Childhood positions for The School Board of Broward County, Florida. This is the final reading. Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (7-0 vote)

The job description for Teacher Specialist, Early Childhood, has been created to meet the specific requirements defined in the Pre-K-2 department's grants, which stipulate the requirement for a master's degree with certification in Early Childhood Education. All positions covered under this job description are filled. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

CC-3. Proposed New Job Description and Minimum Qualifications for the Distance Learning Instructional Specialist Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Murray, seconded by Mr. Tynan and carried, to adopt the proposed new job description and minimum qualifications for the Distance Learning Instructional Specialist position for The School Board of Broward County, Florida. This is the final reading. Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (7-0 vote)

The job description for Distance Learning Instructional Specialist has been created to complete a job study of TSA positions and formally establish this as a permanent, full-time position which designs, creates, models techniques, and teaches classroom lessons in critical core-curriculum subjects through video conference technology. See Executive Summary.

There is no additional financial impact to the district budget.

Ms. Dinnen noted that these are new job descriptions and not new positions.

CC-4. Proposed New Job Description and Minimum Qualifications for the Broward Teen News Coordinator Position for The School Board of Broward County, Florida (Adopted)

Motion was made by Ms. Murray, seconded by Ms. Dinnen and carried, to adopt the proposed new job description and minimum qualifications for the Broward Teen News Coordinator position for The School Board of Broward County, Florida. This is the final reading. Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (7-0 vote)

The job description for Broward Teen News Coordinator has been created to complete a job study of TSA positions and formally establish this as a permanent, full-time position which provides students with the basic knowledge, skills, and experience to pursue a career in broadcast journalism. See Executive Summary.

There is no additional financial impact to the district budget.

No discussion was held on this item.

CC-5. Revisions to Policy 1002.1 – Office of the Chief Auditor (Approved)

Motion was made by Ms. Dinnen, seconded by Mr. Tynan and carried, to approve Revisions to Policy 1002.1 – Office of the Chief Auditor. **First vote:** Mrs. Kraft and Dr. Parks had not yet assumed their seats on the dais. (7-0 vote) Following a Motion to Reconsider discussion, a unanimous vote was taken. (9-0 vote)

These revisions are requested in order to update and clarify the Policy that relates to the operations of the Office of the Chief Auditor.

There is no financial impact to the school district.

No discussion was held on this item.

Motion to Reconsider (Carried)

Motion was made by Dr. Parks, seconded by Mrs. Kraft and carried, to reconsider the agenda item. (9-0 vote)

Dr. Parks stated that the item was designed with the input of a member of the Audit Committee, audit staff and the Superintendent, and it has captured the essence of what the Board wanted. It gives the Board a first-hand look at audit responses from staff, having a transparency so that everyone can see the recommendations, responses, timelines and solutions in action steps. Dr. Parks further stated that the audit reports will create transparency between the Board and the community.

Mrs. Kraft stated that the Board has had two opportunities to discuss this policy at a workshop and expressed gratitude to Dr. Parks for his leadership on this policy.

Concurring, Ms. Dinnen stated this has been an area that has caused a lot of discomfort and the lack of clarification has caused apprehension on School Board Members. Ms. Dinnen stated that the policy is a good compromise and it is a good example of working together to arrive at a satisfactory solution.

CC-6. Revisions to School Board Policy 1341 – Use of Broward County School Facilities for Non-School Purposes (Withdrawn)

Mrs. Kraft stated that she spoke with Mr. Carter about several issues of this policy. She requested that consideration be given to some of the issues she addressed in her e-mail. Mrs. Kraft stated it is important to have some of the stakeholders give input, especially the high school principals, booster clubs, PTA/PTAOs, PTSOs, and anyone who will be impacted by this policy.

CC-7. Proposed Revised Job Description and Minimum Qualifications for the General Counsel Position for The School Board of Broward County, Florida, 2009-2010 Organizational Chart (Approved)

Motion was made by Mr. Tynan, seconded by Mr. Williams and carried, to approve the proposed revised job description and minimum qualifications for the General Counsel position for The School Board of Broward County, Florida, 2009-2010 Organizational Chart. Approval is requested to advertise for the position following the first reading. This is the first reading. Dr. Parks had not yet assumed his seat on the dais. (8-0 vote)

The job description for the position of General Counsel was originally developed and adopted in 1996. The Legal Services Committee recommends that the revised job description be approved by The School Board to be in concert with the Request for Letter of Interest (RLI) for General Counsel Services, which was approved by The School Board on February 2, 2010. See the Executive Summary for more detail.

Funding for this position is included on the 2009-2010 Organizational Chart. There is no additional financial impact to the district budget.

Ms. Dinnen noted that previously on the requirements of the position there was admission to the General Bar of the U.S. District Court, admission to the U.S. Court of Appeals and prior experience as attorney for a school district or public agency, and now this is listed under Preferred. Ms. Dinnen inquired about the rationale for this change.

Mr. Marko responded that the Job Description initially drafted matched the qualifications that he had as General Counsel when he worked for the Board as outside counsel. These qualifications have now been included in the job description. Mr. Marko stated that the Legal Services Committee took these qualifications into consideration and determined they wanted a broader pool of applicants. Rather than making the issue of experience to be a requirement, it was Preferred and the committee would review and bring to the Board who they thought had the most experience. Additionally, as related to the different courts, the individual must be a member of the Florida Bar to be a candidate and he/she may apply to the other courts for permission for admission, but it would not prohibit the General Counsel from representing the school district.

Mr. Marko further responded that the Middle District of Florida requires a test for admission and other courts do not require a high standard that would be the same for admittance to the Florida Bar.

Ms. Dinnen stated that someone with considerable knowledge of school law or background of school law is something the district would be looking for. Ms. Dinnen said that the district wants someone who has public agency and preferably School Board experience.

Mr. Tynan stated if the district is looking to expand on the scope of who you are looking at, it is good to have a general description. If you have to pick someone, concerns over specificity are important in who you hire.

Mr. Marko explained that there are bright attorneys who have not had governmental experience but the experience that they have is in-depth information and it may be worthwhile to consider. Also, someone who has exclusively devoted themselves to the educational field is limited because there are only 67 school districts in the state, yet there are hundreds of municipalities. Mr. Marko stated this opens the door for a myriad of backgrounds of individuals who think that they could qualify. Mr. Marko further stated that these individuals would be short-listed and interviewed by the Legal Services Committee and subsequently interviewed by the School Board.

Remarking that she has seen legal representation where school law was not the field of expertise, Ms. Dinnen stated that she wants to ensure that applicants are being notified properly and that she will be looking for this type of background.

Mrs. Kraft stated that the General Counsel position for any school board encompasses more than just school laws. She stated the public agency law is similar in terms of contract law, bargaining 120 hearings, public records law, and a lot of constitutional law, school law, is similar to city laws regarding church and state. The actual school law is a small part of what the General Counsel does. Mrs. Kraft stated that the Legal Services Committee felt that if someone has substantial experience with all other aspects of law but maybe they did not have specific experience in school law in particular, there are five other district attorneys who are well versed in school law. Mrs. Kraft voiced concern with hiring someone who has only worked with school-related law and had no experience with construction or other aspects of district work. She said it is more important to have someone that can handle the "whole picture" and not specifically be an expert in school law.

Concurring that it is important to have the public arena experience, Ms. Dinnen stated she would like to see some experience in the school realm.

Mrs. Kraft stated the committee included substantial experience with education and School Board law or as an attorney for a public agency, which would capture all aspects rather than someone that only had substantial experience with school law.

Mrs. Hope inquired why the Qualifications category has been struck through and eliminated and strike-throughs under Essential Performance Responsibilities.

Mr. Marko responded that the Qualifications are subsequently added in another section within the application.

Mrs. Norma Segal, Manager, Classification and Compensation, informed that the Qualifications category still remains, with subcategories of Education, Experience, et cetera. Mrs. Segal stated this clarifies it better by breaking it out under specific qualifications under each category.

Ms. Dinnen suggested restructuring the Job Description differently, so that it looks like an outline, with Qualifications at the top, with indentations that delineate the Qualifications specifics.

Referring to page 3, Essential Performance Responsibilities, Ms. Dinnen inquired about the rationale for what was previously number 13 which is a strike-through. She stated there should be some collaboration or recommendation that that position was needed.

Mrs. Segal responded that page 4, number 16, addresses the concerns brought by Ms. Dinnen.

CC-8. Revision of Purchasing Policy 3320 (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve Revision of Purchasing Policy 3320, at the first reading. This motion was superseded by a Motion to Amend (page 56).

The following recommended changes are requested to more closely align The School Board of Broward County, Florida (SBBC), Purchasing Policies with the Florida Administrative Code 6A-1.012(F.A.C.). The changes to the Florida Administrative Code were revised in 2009 based on a proposal submitted for consideration by SBBC's legal department with assistance from the Director of Supply Management & Logistics. The revision provides corrections to issues experienced as a result of a bid specification protest in 2006.

The revised policy provides clarification by adopting definitions and more clearly defines various procurement options. The previous rule did not take into account some of the modern best practices in use to achieve maximum value in public procurement. The rule changes allow for awarding to multiple suppliers on bids as primary and alternate awardees, allowing for multiple awardees for RFPs, increases the competitive solicitation threshold from \$25,000 to \$50,000, grants authority to use contracts issued by governmental agencies such as cities, counties, and school boards from any state, and federal agencies, and more clearly defines commodities and services that are exempt from competitive purchases.

(See e-Agenda for continuation of Summary Explanation and Background.)

There is no financial impact to the district.

Mrs. Hope requested an explanation of this item.

Mr. Jeff Moquin, Executive Director, Support Operations, explained that this is the first reading of the purchasing policy revisions that were discussed at two Board Workshops; to bring the policy up to date and align it with changes in State Board rule.

Some of the primary changes include the increase in the bid threshold from \$25,000 to \$50,000 and to "piggyback" off of other governmental contracts beyond the state of Florida, and the ability to award to multiple proposers.

Remarking that she reviewed a matrix of changes that was provided at the workshops, Mrs. Kraft inquired about the rationale for changes of post-approval level for competitive solicitations from \$500,000 to \$1 million. Mrs. Kraft inquired how this aligns with the district's facilities or construction policy.

Mr. Robert Waremburg, Director, Supply Management and Logistics, responded that this is an alignment with the Facilities Department as far as whether or not they are separated as the Open Items or approvals. This brings up all competitive items such as RFPs, bids, rather than the \$500,000 mark which was the previous mark. Mr. Waremburg stated this also reduces the level for anything that is a sole source, any bid exempt items, bringing it down from the current \$500,000 to \$50,000. An example would include invitations to bid and selecting the lowest price meeting specification as the only criteria for selection.

Mrs. Kraft stated she would like a two-tiered approach so that if there is a selection process it can be kept at \$500,000. If there is a closed bid, a low-bidder, it could be raised to \$1 million.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Murray and carried, to amend to separate out in the policy (to be determined by staff) the Competitive Solicitations and make the Differential. If it is a bid process where the low bid is selected, it can be raised to \$1 million; if it is a selection process, that it be kept at \$500,000.

Mrs. Kraft stated she will meet with staff to review the verbiage.

Responding to Mrs. Hope's inquiry, Mr. Moquin stated that the distinction will provide an additional control mechanism for the Board and ensure that anything that is not based just on cost when there is discretion, in terms of evaluation process, will be seen.

A vote was taken on the amendment, followed by a vote on the item as amended.

CC-9. Delete Purchasing Policy 2081 – Contracts by Individual Schools
(Approved)

Motion was made Mr. Tynan, seconded by Ms. Dinnen and carried, to approve Deletion of School Board Policy 2081, at the first reading.

The revision to Policy 3320 renders Policy 2081 redundant and the deletion of Policy 2081 will allow for a consistent application of purchasing policy. Individual schools will no longer be required to evaluate their own RFPs. Instead, one RFP will be issued to meet the needs of the schools for each classification previously covered by Policy 2081.

There is no financial impact to the district.

Responding to Mrs. Hope's inquiry, Mr. Moquin stated that this item is being withdrawn because the revisions to Policy 3320 will make this policy moot. Mr. Moquin requested that it be eliminated.

CC-10. Delete School Board Policy 6302 – Use of Consultants (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Deletion of School Board Policy 6302, at the first reading.

The revision of Policy 3320 renders Policy 6302 redundant, and the deletion of Policy 6302 will allow for a consistent application of purchasing policy. These services will be incorporated in the professional services section of the revised purchasing policy which will include consultant services. Professional services, including consultant agreements, which are exempt from bidding and over \$50,000, will require School Board approval.

There is no additional financial impact to the district.

Responding to Mrs. Hope's inquiry, Mr. Moquin stated that the policy is not needed because consulting contracts can be administered through the revisions to Policy 3320.

DD. OFFICE OF THE CHIEF AUDITOR

EE. CHIEF OPERATIONS OFFICER

FF. CURRICULUM/EDUCATIONAL PROGRAMS & STUDENT SUPPORT

FF-1. First Amendment to Broward County Government Agreement for Joint Comprehensive Recycling Services (Approved)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the First Amendment with Broward County Government for recycling services from November 1, 2009 through October 31, 2012. The financial impact to the school system is \$563,304. The funding source is the District's Waste Management/Utility Account.

The School Board of Broward County, Florida's adoption of Environmental Stewardship as part of the Strategic Plan recognizes the importance and value of recycling. Our stewardship goal is to ensure the district remains a community and national leader in the recycling movement. The amendment with Broward County Government continues our recycling program for the next three years at the fixed annual cost of \$563,304.

(See e-Agenda for continuation of Summary Explanation and Background.)

The financial impact to The School Board of Broward County, Florida, is \$563,304. This represents a decrease of \$135,696 annually over the previous recycling agreement with Broward County Government. The funding source is the District's Waste Management/Utility Account. Through recycling, the school system reduces disposal costs by \$802,620.

Following the vote on this item, Mr. Notter recognized the district's Strategic Plan and Environmental Stewardship, and stated that over \$800,000 was saved in recycling.

Dr. Parks stated when the Environmental website was presented one of the recommendations is to identify all those areas – cost avoidance and return on investment.

Mrs. Hope stated that the district could enhance their efforts if water bottles are recycled.

Mr. Carter stated that water bottles will be incorporated in the list of items that are part of the recycling program.

GG. HUMAN RESOURCES

HH. ATTORNEY

II. OFFICE OF THE SUPERINTENDENT

II-1. School Resource Officer (SRO) Program Agreements – (2009-2010)
(Approved)

Motion was made by Dr. Parks, seconded by Ms. Dinnen and carried, to approve the nine (9) SRO Agreements with designated municipalities for police officers to serve as School Resource Officers as listed in the Executive Summary.

The Agreements provide for police officers to serve as School Resource Officers in thirty-five (35) elementary, twenty-three (23) middle, seventeen (17) high schools and two (2) centers that are operated by the School Board and located in the designated municipal police jurisdictions. The School Resource Officer Program is one of the most effective, proactive safety and security programs in our schools. This cooperative partnership was initiated by the Broward Sheriff's Office dating back to the 1985-86 school year. Now, in its twenty-fourth year, the SROs concentrate on preventative initiatives such as anti-drug and alcohol programs, conflict mediation and anti-violence, crime initiatives and Stranger Danger. In addition, these officers provide a positive presence and serve as role models for students of all ages, as well as liaisons between schools and law enforcement.

The additional four (4) SRO Agreements will be submitted to the Board upon receipt from the municipalities. These Agreements have been approved as to form and legal content by the School Board Attorney.

The financial impact of the SRO Program is \$2,038,220. The source of funds is the school and center budgets for the 2009-2010 school year.

Dr. Parks informed that he and Mr. Williams appeared before the City of Pompano Beach Commission. Dr. Parks inquired whether the city has come forward on this issue.

Mr. Notter responded that the agreements are for this school year and not for the 2010-2011 school year. Dr. Parks requested the development of a broader rationale for having SROs in schools. He stated that the district does not want municipalities to cut out their contribution to the SROs.

Mr. Craig Kowalski, Acting Executive Director, Professional Standards/Special Investigative Unit, stated that the district contributes approximately \$29,000 for the cost of an officer and it will go up to 50 percent. Mr. Kowalski informed that the district recently received the SRO Agreements with the Broward Sheriff's Office for Deputies to serve as School Resource Officers and they will be presented to the Board at the March 16, 2010 Board meeting.

JJ. FACILITIES AND CONSTRUCTION MANAGEMENT

- JJ-1. Terminate Construction Management at Risk Agreement – Hewett-Kier Construction, Inc. – Renovation and Remodeling – Coconut Creek High School – Project No. P.000305 (f.k.a. 1681-25-01)
(Approved as amended)

Motion was made by Dr. Parks, seconded by Ms. Dinnen and carried, to approve the Termination of the Construction Management at Risk Agreement with Hewett-Kier Construction, Inc., Coconut Creek High School, Project No. P.000305, approved by the Board on December 11, 2007. This motion was superseded by a Motion to Amend (page 62).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Construction Management at Risk Agreement is terminated in accordance with Article 36, General Conditions, of the Agreement.

The original Agreement includes fees of \$1,315,000 for the renovation and remodeling. The funds released by this Termination will be placed in the Capital Projects Reserve.

Hewett-Kier Construction, Inc., has been paid \$18,143 and agrees to this amount as final contract amount of the Agreement.

Funds released by this Termination, totaling \$1,296,857 will be placed in the Capital Projects Reserve.

Dr. Parks stated that he spoke with Mr. Lindner to discuss the improvement of facilities and the current budget issues. Dr. Parks inquired about the future need of these terminating contracts.

Mr. Lindner responded that the contracts were removed from the District Educational Facilities Plan in August 2009, with the exception of one contract, and those projects are valid needs that were previously approved by the Board and will be memorialized, prioritized and executed in coming years. Mr. Lindner stated that termination of contracts is strictly driven by the current financial crisis.

Dr. Parks discussed the disparity of building classroom additions, that through reassignments have taken kids from under-enrolled schools and placed in schools that have more permanent capacity. Dr. Parks requested a comprehensive approach to construction, the location and placement of buildings. In addition, there needs to be an Enrollment and Facility Planning Inventory (EFPI) format that shows what students need, the enrollment and under-enrollment in a matrix.

Dr. Parks further stated that a review needs to be made of the level of service, the interlocal agreements.

Dr. Parks discussed the painting at Coconut Creek High School.

Mr. Lindner responded that he has spoken with the principal and an assessment was made of the condition of the buildings, with two buildings needing to be painted. An estimate is being developed by Plant Operations to paint those buildings.

Ms. Dinnen concurred with memorializing the projects because many communities with old schools have been waiting for their replacement schools. She stated these communities should not be discouraged during these economic times, and when the economic recovery begins these needed projects will be put at the head of the list. Ms. Dinnen further stated that painting is needed to impede the growth of mold and other things that might be harmful to the integrity of the building.

Concurring, Mr. Lindner stated that painting is one of the most expensive remediations that occurs in construction or building maintenance.

Responding to Ms. Murray's inquiry, Mr. Lindner stated that some of the projects that were close to 100 percent planned, that could be shelved and used at a later date, have been continued. Large capital projects that were not going to be constructed in two years have been terminated, and the product delivery would be paid. As an example, Mr. Lindner indicated that projects that were planned in 2004 were changed due to code changes in 2007 and were built in 2009 which resulted in many change orders. He stated the value of these plans in a five-year time frame is minimal and the plans would have to be re-done.

Mr. Lindner further stated had the termination of contracts should have been terminated immediately, in August 2009.

Dr. Parks further requested that the maintenance of buildings continue because it will cost the district more money in the future.

Mrs. Bartleman requested that a training program be implemented for accountability and that principals and assistant principals become well versed on the maintenance of buildings.

A unanimous vote was taken on this item.

Following the action of Agenda Item JJ-2, the following motions were made:

Motion to Reconsider (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to reconsider Agenda Item JJ-1.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Construction Management at Risk Agreement is terminated in accordance with Article 36, General Conditions, of the Agreement dated December 11, 2007.

Following a vote on the amendment, a vote was taken on the item as amended.

- JJ-2. Terminate Professional Services Agreement – Zyscovich, Inc. – Concurrent Replacement – Hollywood Hills High School – Project No. P.000300 (f.k.a. 1661-23-01) (Approved as amended)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to approve the Termination of the Professional Services Agreement with Zyscovich, Inc., Hollywood Hills High School, Project No. P.000300, approved by the Board on April 15, 2008. This motion was superseded by Motions to Amend (pages 67 and 69).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 15, 2008.

The original Agreement includes fees of \$4,800,000 for the design of the Concurrent Replacement. The funds released by this Termination will be placed in the Capital Projects Reserve.

Zyscovich, Inc., has been paid \$2,350,000. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$2,450,000, will be placed in the Capital Projects Reserve.

Mr. Richard Daniel, Esquire, informed the Board that he represents the architect, Zyscovich, on four projects that were terminated under Agenda Items JJ-2, JJ-4, JJ-6, and J-9. Mr. Daniel stated that a termination for cause is performance related and it is a financial issue for the owner as opposed to a performance issue by Zyscovich. Mr. Daniel said if there is a termination for cause it shall include the failure of the project consultant to comply with his material obligations. If a termination is being made for financial reasons there should be a termination for convenience.

Mr. Daniel discussed the impact to the firm on their reputation. He indicated if the architect goes to another school board they ask whether the company has been terminated for cause, which is understood that it is a performance related issue. In addition, when there is a termination for convenience there is a termination fee due under the contract. A termination for cause damages the company's reputation and it eliminates the termination fees which have been put in as consideration for the architects to pass on these 50 percent plans that will be used in the future. Mr. Daniel further stated that in the past when contracts have been terminated with the School Board and this firm and there were charges later presented, the position of administration was to not entertain the charges because there no longer is a contract. Mr. Daniel requested that the termination of all four contracts be for convenience.

Mr. Marko responded that the reduced funding by the Legislature caused the funding of construction and design for the district, and the termination of the contracts is for cause and nothing the district had any control over. If the appropriate funds had been provided the projects would have continued.

Mrs. Gottlieb inquired about the process and whether the company will be paid for work performed.

Mr. Marko responded that the process is not in written form but it is based upon language in the agenda item, with the architect presenting material to show that their costs were higher. Mr. Marko stated that several of the architects have agreed to the amount, and if they have not agreed they would begin the next step in the process. He said that the company will be paid for a percentage of any work already performed under the contract. Mr. Marko advised that a letter will be provided to any entity that is affected by the Board action, that the termination for cause is not related in any way to a performance issue, it is related to a financial constraint that has been placed on the district by the Legislature.

Mrs. Bartleman inquired whether a letter is sufficient to address the concerns of the architect.

Mr. Daniel responded that the architect presently works for three or four school boards and it is uncertain whether a letter is sufficient. He stated that the contract in place allows the School Board to terminate for cause if the architect is not performing properly.

Remarking that the procedure of other districts is unknown, Mrs. Bartleman stated the contractor or architect should not be put in a bad position for future employment.

Mr. Marko stated that there is a difference of interpretation of termination for clause. If the architect is correct, there is additional moneys that would be due under the convenience clause that you pay for, which is not before the Board. Mr. Marko, who informed that he knows every Superintendent of Schools in the state by name, stated that a qualifications committee by any district will not hold a company or person responsible for the loss of a contract based on the financial situation. He stated that a letter by Broward School Board would indicate they did nothing wrong.

Ms. Dinnen stated that "convenience" would have a legal definition and if the district explains its interpretation it would be clear to them that this is a state of Florida problem and not a problem with Broward County. Ms. Dinnen concurred with sending a notification letter and would support the issue as presented.

Mrs. Hope stated the district needs to be cognizant of potential harm to its partners, businesses that have been doing business with Broward County schools.

Mr. Marko stated that sending an explanation letter would be positive for the company.

Remarking that she would not support the termination, Mrs. Hope said hopefully the court costs do not cost more than paying the convenience portion.

Mrs. Kraft stated that the contract provides for a termination under several different circumstances, cause and convenience, and the reasons given for the termination sounds more like convenience than cause and the district is choosing to do the cause for the purpose of saving money. She voiced concern that the Board is setting themselves up for a lawsuit which would result in paying attorney's fees and court costs.

Mr. Marko responded that the district could sustain its position in a court of law, notwithstanding that the law is subject to interpretation. Remarking that anyone can file a lawsuit, Mr. Marko stated that an evaluation could be made at that time, enter into mediation, and report back to the Board during an Attorney-Client Session. He stated that the risk is worthwhile under the circumstances and move forward.

Mrs. Kraft stated that the district has had a good business relationship with this company, designing a lot of good projects for the district. She stated terminating for cause is not appropriate, given the history of this company and other companies. Mrs. Kraft said she would not support this item, nor other similar agenda items.

Mr. Notter stated that he met with Mr. Marko and Mr. Lindner to review these items, and even though it is a difficult position he would support moving forward with these items. Mr. Notter stated that he personally scrutinized each item as to what the defense was and the process available to all vendors. The Superintendent said there is a balance of justice for both the School Board and the companies.

Mr. Tynan inquired whether more companies will have their contracts terminated.

Mr. Lindner responded that the series of companies before the Board are the beginning cuts and staff is currently reviewing additional projects to determine whether or not to continue to 100 percent plans.

Mr. Tynan stated that vendors must be treated fairly, and the Board needs to rely on the advice of the Board Attorney to explain what the contract means. Mr. Tynan stated he also has concerns but the door is still open for discussion, to protect the vendors from any stigma that may occur. He stated he will reluctantly support the item.

Remarking that there should be compromise, Dr. Parks stated the Board needs to make the assumption that Mr. Marko and Mr. Tom Cooney, Deputy Attorney, represent the district's best interests in this case. Dr. Parks concurred with submitting a letter with a statement of what the company has done for the district, and said that he will support the Superintendent's recommendation.

Ms. Murray inquired whether the vendors understood the district's position and whether options were provided to them. She voiced concern over repercussions that may result by terminating these contracts.

Mr. Lindner responded that a clause was added that allows a claim by the vendor for anything over and above what they have delivered, and then a review is made of change orders and cost estimates in order to come to agreement as to whether or not the services rendered and the claims match. If an agreement is made, closure will be made in a mutually beneficial agreement for both parties. Mr. Lindner stated that the termination contract is being done legally and ethically. He stated that the companies continue to work on projects and the district has a vested interest in trying to preserve those relationships in moving forward over the next two years.

Mrs. Bartleman inquired whether there is a manner to get out of the contract that would mutually meet the needs of both parties. She stated that litigation against a company will have an impact.

Mr. Cooney responded that the Board can approve or not approve the item; if the item is not approved the Board can determine the manner of termination. Mr. Cooney stated that before the Board is a termination for cause, and the cause being strictly the economic conditions.

Mr. Daniel stated the dollar amount is a small dollar amount compared to the total dollar amount that the impact may be from a termination for cause.

Mrs. Gottlieb stated that the issue is not whether the company does or does not do excellent work, the issue is that the district does not have the money. Mrs. Gottlieb said there will be a process for dispute resolution.

Concurring, Mr. Lindner stated that the Parameters Committee will review all contracts if there is a claim made and the process will include the necessity for mediation, if necessary.

Mr. Williams stated that staff has gone through a legal process and regardless of today's outcome, there needs to be a workshop to discuss the issues that have been raised today.

Mr. Marko concurred with Mrs. Kraft that the process that staff will follow will not be a process that will look at cause versus convenience. The vendor will submit a bill that he believes is owed to him.

Mrs. Kraft stated that the recommendation of cause versus convenience is an attempt to cap the amount of money that is being paid to the vendor. Mrs. Kraft stated that in the past she has been told that a contract allows a termination for convenience; if there is not enough money, or the project is being canceled, it can be canceled for convenience.

Mrs. Kraft stated, for the record, that she has never been contacted by any lobbyist for any vendor on this issue. She stated she will not support the item.

Mr. Tynan inquired whether the language can be revised if the contract is terminated for cause, stating the reason for termination, if a compromise is subsequently reached between the terminated company and the district.

Mr. Marko stated that the termination is not for the vendor's failure to do the work and a language revision would not be appropriate.

Mrs. Bartleman stated for the record that the district has to terminate the projects and save as much money for the district. Mrs. Bartleman voiced concern over the cause and the reputation to the firm.

Mr. Marko reiterated that the companies are not being terminated due to poor performance, and this information could be placed in a letter if requested. Mr. Marko stated that the item can be placed back on the agenda to reconsider, but he has not been addressing his comments to a reconsideration.

Mrs. Bartleman stated that staff should look into this request, after negotiations, and placed on the agenda and change it to protect the reputation of the vendors.

Mrs. Kraft offered an amendment that terminates for cause based on insufficient funding.

Motion to Amend (No vote taken)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman, to amend to terminate for cause based on lack of funding.

Mrs. Gottlieb inquired whether there will be an impact on the pay-out of these contracts and what the amount will be.

Mr. Marko advised that the amendment may not convey the whole story of funding.

Mrs. Kraft requested tabling the item so that the attorneys can present the appropriate language.

Motion to Table (No vote taken)

Motion was made by Mrs. Kraft, seconded by Ms. Murray, to table the discussion.

Following the Board Reports by Ms. Murray and Ms. Dinnen, the following motion was made:

Motion to Place Item Back on Table (Carried)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft, to table the discussion.

Mr. Marko stated that language has been prepared for all termination of contracts based on economics, and the date of the original agreement would be different for each contract.

Mrs. Gottlieb read the amendment verbiage: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement...

Motion to Reopen Consent Agenda (Carried)

Motion was made by Mrs. Kraft, seconded by Mrs. Bartleman and carried, to reopen the Consent Agenda to amend items: J-4, J-5, J-6, J-7, J-8, J-9, J-10, J-11, J-12, J-13, J-16 and J-18. (9-0 vote)

Motion to Close Consent Agenda (Carried)

Motion was made by Mrs. Kraft, seconded by Ms. Dinnen and carried, to close the Consent Agenda. (9-0 vote)

Agenda Items J-4, J-5, J-6, J-7, J-8, J-9, J-10, J-11, J-12, J-13, J-16 and J-18 were amended. (See each item for amendment)

Motion to Reconsider (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to reconsider Agenda Item JJ-2.

Second Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 15, 2008.

Following the unanimous vote on the Second Amendment, Mrs. Kraft stated that the "cause" in the termination language would fall under the clause in the Professional Services Agreement, that the owner may terminate this agreement for cause which shall include "but not limited to." Mrs. Kraft said that it is being used as another explanation of "cause." Mrs. Kraft further stated that on some of the projects there has been work done and the district is required to pay for work that has been done. She inquired whether the committee will review the amount of work and whether the district is paying for the work that was actually done.

Mr. Lindner responded that there have been funds encumbered and the item specifically indicates what has been already paid to the vendor. Once the termination agreement is approved the item allows the contractor to submit a claim for additional expenses and review the work product, review the claim and determine whether or not the request is valid. If not, an attempt will be made to negotiate a proper settlement and the item will be brought to the Board, asking for additional funds to be allocated against that specific contractor. He concurred that if the architect had done some design work and can show that the work was done, staff will negotiate to ascertain whether the amount is within the parameters that the district would pay in accordance with the parameters of the contract and if it was authorized.

Mrs. Hope requested a copy of the Professional Services Agreement, the reference to Article 10.2.3, Termination for Cause.

Mr. Daniel, who noted the Board's discomfort with this item, stated that his client has done nothing to cause this contract to be terminated for cause. The firm is being placed in an unfair position of being terminated for cause and to make a choice to sue their own client, which they do not want to do.

Mr. Daniel stated that he and Mr. Marko can go to court on a friendly declaratory action and ask the court whether this is a termination for cause or for convenience. He requested that the Board postponed making a decision or to reject the Board item.

Responding to Mrs. Kraft's inquiry, Mr. Linder stated that the dollar amount that is listed on the agenda item has been paid for services rendered. Mr. Lindner informed that the district is required to pay for work performed even if the company is terminated for non-performance.

Mr. Marko stated that money the company has earned for work product, not yet billed, will be considered for payment by a review process to ensure that the amount is being paid appropriately for the work done and authorized.

Mrs. Kraft voiced concern that if the company did work that was authorized, even though it has not been billed, the district is still under an obligation to pay.

Concurring, Mr. Marko stated that the contract is not interpreted this way and staff is not interpreting it that way. Mr. Marko indicated that although there is a figure on the agenda item, it does not preclude the company from showing additional work performed up until the time they were informed to stop work. The only dispute is any work that was performed up to the date the termination letter was sent.

Mr. Lindner stated that staff reviewed the completion of the project prior to terminating the contract, and some projects were so far along that a decision was made to continue the project.

Mrs. Kraft clarified for the record that the district is terminating for cause under 10.2.3 and the contract indicating that the consultant is not entitled to any additional payment, staff is indicating that they do not believe that the additional payments referred to include payments for work that was legitimately done, authorized and performed up to the time of the termination notice.

Mr. Marko concurred with Mrs. Kraft's statement.

JJ-3. Terminate Professional Services Agreement – Brown & Brown Architects – Phased Replacement – Northeast High School, Oakland Park – Project No. P.000231 (f.k.a. 1241-27-01) (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Termination of the Professional Services Agreement with Brown & Brown Architects, Northeast High School Project No. P.000231, approved by the Board on April 15, 2008. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 15, 2008.

The original Agreement includes fees of \$4,200,000 for the design of the phased replacement. The funds released by this Termination will be placed in the Capital Projects Reserve.

Brown & Brown Architects, has been paid \$789,061. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$3,410,939, will be placed in Capital Projects Reserve.

Motion to Reconsider (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to reconsider Agenda Item JJ-3.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 15, 2008.

JJ-4. Terminate Professional Services Agreement – Zyscovich, Inc. – Phased Replacement – Stranahan High School, Fort Lauderdale – Project No. P.000035 (f.k.a. 0211-26-02) (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Termination of the Professional Services Agreement with Zyscovich, Inc., Stranahan High School, Project No. P.000035, approved by the Board on February 20, 2008. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated February 20, 2008.

The original Agreement includes fees of \$5,600,000 for the design of the phased replacement project. The funds released by this Termination will be placed in the Capital Projects Reserve.

Zyscovich, Inc., has been paid \$2,809,061. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$2,790,939, will be placed in Capital Projects Reserve.

Motion to Reconsider (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to reconsider Agenda Item JJ-4.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated February 20, 2008.

JJ-5. Total Program Management – Roofing and Renovations – Weiss & Woolrich Contracting Co., Inc. – Final Guaranteed Maximum Price – Deerfield Beach High School – P.000888 (Approved)

Motion was made by Ms. Dinnen, seconded by Mrs. Kraft and carried, to approve the Final Guaranteed Maximum Price (GMP) in the amount of \$6,200,367, for Weiss & Woolrich Contracting Co., Inc., Roofing and Renovations, Deerfield Beach High School, Project No. P. 000888. Amend the Adopted District Educational Facilities Plan to adjust the scope of the work as indicated in Exhibit 3.

Revised Scope of Work:

Miscellaneous Repairs: Re-roof Buildings 1, 2, 3, 6, 8, 9, 10, and 13, approximately 187,000 square feet. Install wheel chair lift to projection room and stage and renovate dressing/toilet in auditorium behind the stage. Install fire sprinkler system approximately 267,000 square feet. Replace 21 Air Handling Units, retrofit controls and other miscellaneous repairs per IAQ report.

The School Board approved an amendment to this agreement on December 15, 2009, to add the retrofitting of the HVAC controls and miscellaneous repairs as per the Indoor Air Quality Report.

The Board previously approved TPM fees of \$1,279,625 and a Construction Budget of \$6,201,258. This item results in TPM fees of \$1,279,625; Cost of Work of \$4,920,742; and a Final Guaranteed Maximum Price of \$6,200,367.

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

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

The financial impact for this item is \$4,920,742, which is the Cost of Work. Funds for this item are identified in the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014, page 152. This project is financed by the Certificates Of Participation (COPs).

No discussion was held on this item.

JJ-6. Terminate Professional Services Agreement – Zyscovich, Inc. –
Concurrent Replacement – Oakridge Elementary School, Hollywood –
Project No. P. 001084 (f.k.a. 0461-27-01) (Approved as amended)

Motion was made by Ms. Dinnen, seconded by Ms. Murray and carried, to approve the Termination of the Professional Services Agreement with Zyscovich, Inc., Oakridge Elementary School, Project No. P. 001084, approved by the Board on April 15, 2008. This motion was superseded by a Motion to Amend (below).

This project has been canceled and eliminated from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. As a result, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 15, 2008.

The Agreement includes fees of \$1,966,086 for the design of the concurrent replacement. The funds released by this Termination will be placed in the Capital Projects Reserve.

Zyscovich, Inc., has been paid \$807,063. Should the Project Consultant claim that additional fees are due for authorized work satisfactorily performed, such claim will be promptly evaluated.

Funds released by this Termination, totaling \$1,159,023, will be placed in Capital Projects Reserve.

Motion to Reconsider (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to reconsider Agenda Item JJ-6.

Motion to Amend (Carried)

Motion was made by Mrs. Kraft, seconded by Mr. Tynan and carried, to amend Agenda Request Form, Summary Explanation and Background, first paragraph to read: Over the past two years, the State of Florida Legislature has reduced the capital outlay millage from 2 to 1.5 mills. This tax cut, combined with the unprecedented decrease in property values in Broward County, has resulted in a \$1.8 Billion Dollar cut to available funds to the District's Capital Plan. As a result of this massive funding cut, the District has been forced to cancel and eliminate this project from the Adopted District Educational Facilities Plan, Fiscal Years 2009-2010 to 2013-2014. Accordingly, as a direct result of this budget cut, the Professional Services Agreement is terminated for cause in accordance with Article 10.2.3 of the Professional Services Agreement dated April 15, 2008.

KK. OFFICE OF CHIEF FINANCIAL OFFICER

Adjournment This meeting was adjourned at 5:10 p.m.

RT