



**POLICY 1.095**

**4-C** I recommend that the Board adopt the proposed revised Policy 1.095, entitled "Independent Sales Surtax Oversight Committee."

[Contact: Joseph Sanches, PX 47573 and Elizabeth McBride, PX 47673.]

**Adoption**

**CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on July 27, 2011.
- The proposed policy has been re-drafted to include the governing provisions for all advisory committees as outlined in Board Policy 1.09 (Advisory Committees to the Board); thus, eliminating the provisions from this policy.

POLICY 1.095

INDEPENDENT SALES SURTAX OVERSIGHT COMMITTEE

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3 1. Purpose. ~~Independent Advisory Authority~~

- 4 a. The establishment of the Independent Sales Surtax Oversight Committee  
5 (ISSOC) was authorized by a resolution of the School Board adopted July 26,  
6 2004 ("the Resolution"), contingent upon the voters' approval of a half-cent  
7 sales surtax by referendum on November 2, 2004. As stated in Section 5 of  
8 the resolution:

9 Project Oversight by an Independent Committee. There is hereby  
10 authorized the establishment of an independent oversight committee of  
11 volunteers (the "Committee") for the purpose of overseeing and approving  
12 the implementation of the Plan [for the use of the proceeds of the levy  
13 and collection of the surtax, and any interest accrued thereto, for capital  
14 outlay projects, upgrades to the newest technology and land acquisition,  
15 and which may also be used for the purpose of servicing bond  
16 indebtedness to finance the authorized capital outlay projects set forth in  
17 Exhibit A to the Resolution] commencing upon approval of the surtax and  
18 extending through the date of completion of the projects to be funded  
19 under the Plan. The Oversight Committee shall consist of nine volunteer  
20 citizen members who are residents of Palm Beach County. One  
21 representative each from these current standing committees: CORC,  
22 Finance, and TAG; one representative appointed by the Education  
23 Commission; one representative appointed by the League of Cities; one  
24 representative from the Black Community; one representative from the  
25 Hispanic Community; and two representatives appointed by the Business  
26 Forum. The role of the Committee in overseeing the implementation of  
27 the Plan shall constitute an integral part of the Plan and shall not be  
28 subject to repeal prior to completion of the Plan.

- 29 b. ~~The committee shall function consistent with Board Policy 1.09, "Advisory~~  
30 ~~Committees to the Board," to assist the Board through independent oversight~~  
31 ~~of the District's use of the proceeds of the half-cent sales surtax to be~~  
32 ~~collected in Palm Beach County from January 1, 2005, through December 31,~~  
33 ~~2010 as well as reviewing the implementation of the 2005-2009 five-year~~  
34 ~~capital facilities plan as it relates to the proceeds of the sales surtax.~~

- 35 c. ~~The ISSOC will reasonably be given support by the School Board to discharge~~  
36 ~~its responsibilities, consistent with Board Policy 1.09.~~

37 2. Term of the Charter

- 38 a. Consistent with the section 5 of the Resolution ~~and with Policy 1.09(1) (f)~~, this  
39 charter shall remain in effect until all proceeds of the sales surtax revenues  
40 from the six-year period from January 2005 through December 2010 have  
41 been expended and accounted for, i.e., when the projects to be funded under  
42 the Plan in the Resolution have been completed.
- 43 b. ~~The School Board may modify the ISSOC charter as set forth in this Policy~~  
44 ~~upon recommendation of the Superintendent.~~ This Policy shall be evaluated  
45 on an annual basis for possible revisions, and any revisions shall be  
46 consistent with the Resolution and any amendments thereto.

47 **3. Responsibilities and Mission**

- 48 a. The ISSOC shall function consistent with Board Policy 1.09 (Advisory  
49 Committees to the Board), to assist the Board through independent oversight  
50 of the District's use of the proceeds of the half-cent sales surtax to be  
51 collected in Palm Beach County from January 1, 2005, through December 31,  
52 2010 as well as reviewing the implementation of the 2005-2009 five-year  
53 capital facilities plan as it relates to the proceeds of the sales surtax.
- 54 b. The ISSOC will provide oversight of the District's usage and expenditures of  
55 the proceeds of the sales surtax to verify consistency with the projects and  
56 purposes set forth in the Resolution, as set forth in subsection (1)(a) above.  
57 The ISSOC acknowledges that changes to, deviations from, modifications to,  
58 or non-compliance in relation to, the projects in Exhibit A to the Resolution  
59 may occur due to Acts of God or the public enemy, hurricanes or other natural  
60 disasters or other emergency situations affecting the operation of the public  
61 school system; compliance with an order of any governmental authority having  
62 jurisdiction or with state court judgments concerning the School District's state  
63 constitutional or statutory obligation to provide a uniform system of free public  
64 education; orders, consent decrees, or compliance agreements involving  
65 federal courts or the Office for Civil Rights of the U.S. Department of  
66 Education or the Florida Department of Education; shortage or unavailability of  
67 materials, equipment, labor or technical personnel; breakdowns, epidemics, or  
68 pandemics; riots, civil disorder, warfare, or terrorism; strikes, slowdowns,  
69 walkouts, blockouts, or other industrial disturbances, whether direct or indirect;  
70 or any other events, circumstances, forces, or causes not within the  
71 reasonable control of the School District, whether or not of the same class or  
72 kind as those specifically named above.
- 73 c. ~~The ISSOC will hold meetings on a regular basis such as quarterly. To~~  
74 ~~facilitate preparation for each meeting, the agenda and backup materials shall~~  
75 ~~be available to committee members a week in advance of each regular~~  
76 ~~meeting. If a special meeting is called, the agenda and backup materials shall~~  
77 ~~be available upon calling and noticing the meeting, at least 48 hours in~~

78           ~~advance.~~

79           d. ~~The committee will report its observations, opinions, and advice in a high level~~  
80 ~~executive summary to the School Board at the Board's regular monthly~~  
81 ~~meetings. The reports should indicate whether a recommendation is~~  
82 ~~unanimous or what ratio of the voting membership supported a~~  
83 ~~recommendation, along with summary of the basis for the majority and~~  
84 ~~minority positions. The School Board continues to make all final decisions.~~

85   4. Membership Composition ~~and Procedures~~

86           a. ~~Because of the special nature of this committee, any conflicting provisions of~~  
87 ~~this Policy are intended to supersede and control over the provisions of Policy~~  
88 ~~1.09. The ISSOC membership shall consist of:~~

89           i.   the nine (9) voting members as set forth in section 5 of the Resolution  
90           (quoted in section (1) of this Policy) and not more than four (4) additional  
91           voting members (one representative each from the Glades, the senior  
92           community, condominium residents, and the NAACP) totaling not more  
93           than thirteen (13) voting members, who: shall be residents of Palm Beach  
94           County; shall serve in a voluntary capacity; are not employed by the  
95           School District; and are approved ~~ratified~~ by the School Board ~~upon~~  
96           ~~recommendation of the Superintendent; and~~

97           ii.   two (2) non-voting, ex-officio members to include a representative of the  
98           Principals' Association and a representative of the Classroom Teachers  
99           Association. ~~(Additionally, though not members of the committee,~~  
100 ~~appropriate District staff may regularly make presentations and engage in~~  
101 ~~discussions with the committee and assist with coordinating meetings,~~  
102 ~~scheduling, and agendas; and the Board's Chief Counsel or designee~~  
103 ~~may attend solely to provide legal advice.)~~

104           b.   Upon adoption of this policy, ISSOC members shall be provided with a copy of  
105 this policy and a copy of Board Policy 1.09 (Advisory committees to the  
106 Board). Upon the appointment of an individual(s) to an advisory committee,  
107 the individual(s) shall be provided with a copy of this policy and Board Policy  
108 1.09. ~~The terms of ex-officio members shall be consistent with their term of~~  
109 ~~service in the position which qualified them to serve ex-officio on the ISSOC.~~  
110 ~~The terms of the voting members shall be up to a maximum of up to eight~~  
111 ~~continuous years, provided that the organization represented by a member~~  
112 ~~may recommend at any time that its representative be changed, and provided~~  
113 ~~that the term of each existing member shall be terminated upon dissolution of~~  
114 ~~the committee at such earlier time as the date when all projects to be funded~~  
115 ~~under the Plan have been completed and the expenditures of the sales surtax~~  
116 ~~proceeds have been accounted for.~~

- 117 c. ~~Any voting member may be removed for missing three (3) consecutive regular~~  
118 ~~meetings or more than 25% of the meetings during the previous twelve (12)~~  
119 ~~months, unless by request of that member, the committee's Chair shall grant~~  
120 ~~compassionate leave due to extenuating personal, business, or familial~~  
121 ~~reasons. A quarterly report will be made to the Board regarding the attendance~~  
122 ~~of voting ISSOC members. The School Board shall have discretion to remove~~  
123 ~~any committee member at any time and to seek nominations for a replacement~~  
124 ~~from the represented community. The appointment mechanism shall be~~  
125 ~~consistent with Board Policies and protocol and the Resolution.~~
- 126 d. ~~A quorum shall consist of 40% (rounded to the nearest whole number) of the~~  
127 ~~existing voting members.~~
- 128 e. ~~The ISSOC elected a Chair and a Vice Chair from among the voting members~~  
129 ~~on February 2, 2005, and shall elect voting members to those positions~~  
130 ~~annually thereafter as needed.~~

131 5. **Committee Meetings, Operations, Procedures and Administrative Matters**

- 132 a. Meetings. ~~The ISSOC will hold its meetings consistent with the provisions of~~  
133 ~~Board Policy [1.09](#).~~
- 134 b. Operations and Procedures. ~~ISSOC shall conduct its meetings consistent~~  
135 ~~with, and ISSOC members shall abide by, the provisions of Board Policy [1.09](#).~~

136 ~~Sunshine, Public Records, and Ethics Guidelines~~

- 137 c. ~~All ISSOC meetings shall be conducted under uniform rules of parliamentary~~  
138 ~~procedures such as *Robert's Rules of Order Newly Revised*. All committee~~  
139 ~~and subcommittee meetings are governed by the open meetings provisions of~~  
140 ~~Fla. Stat. § 286.011, the Sunshine Law. All documents maintained by persons~~  
141 ~~in their capacity as ISSOC members are subject to public disclosure unless~~  
142 ~~exempt under Fla. Stat. Chapter 119.07 or related statutes.~~
- 143 d. ~~Committee members and/or their company(ies) in which they may have a~~  
144 ~~direct financial interest, shall not do business with the School Board during the~~  
145 ~~members' term, in accordance with Fla. Stat. § 112.313 and pertinent~~  
146 ~~Opinions of the Florida Commission on Ethics.~~

147 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(1), (2); 1001.43(10)

148 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.41(1); 1001.43(2), (10)

149 HISTORY: 4/5/2006; \_\_/\_\_/2011

Legal Signoff:

The Legal Department has reviewed proposed Policy 1.095 and finds it legally sufficient for adoption by the Board.

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Attorney

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Date