



POLICY 1.095

- 4-L** I recommend that the Board approve the proposed new Policy 1.095, to be entitled "Independent Sales Surtax Oversight Committee."

[Contact: Joseph Moore, PX 48510, and Joe Sanches, PX 47573.]

Development

CONSENT ITEM

- By resolution dated July 26, 2004, the Board authorized the establishment of an independent oversight committee to oversee and verify the implementation of the plan for using the half-cent sales surtax to be imposed in Palm Beach County from January, 2005 through December, 2010.
- Consistent with Board Policy 1.09 and in line with the Policies for other advisory committees to the Board, this Policy constitutes the charter of the Independent Sales Surtax Oversight Committee and outlines the structure, function, and protocols of the Committee.
- The Independent Sales Surtax Oversight Committee reviewed the proposed Policy draft on February 2 and offered some suggestions, which have been incorporated in this document. On April 6, 2005, the committee again reviewed the draft and approved this proposal to go forward to the Board for first reading. Subsequent review added some minor clarifications: At line 39 added "as it relates to the proceeds of the sales surtax" after "and reviewing the implementation of the 2005-2009 five-year capital facilities plan." At line 55 added "as set forth in subsection (1)(a) above" after "consistency with the projects and purposes set forth in the Resolution." At line 84 added "and assist with coordinating meetings, scheduling, and agendas" after "District staff may regularly make presentations and engage in discussions with the committee." At line 90 added "the organization represented by a member may recommend at any time that its representative be changed" before "the term of each existing member shall be terminated upon dissolution of the committee at such earlier time as the date when all projects to be funded under the Plan have been completed and the expenditures of the sales surtax proceeds have been accounted for."
- At the Policy meeting on May 11, 2005, a Board member suggested an amendment to provide for Acts of God to allow changes, for good cause, to the project list in Exhibit A of the Resolution (see lines 56-71). On January 11, 2006, the ISSOC approved of that addition to the proposed Policy. (A prior suggestion, regarding geographic representation in selecting committee members, was not accepted.)

POLICY 1.095

INDEPENDENT SALES SURTAX OVERSIGHT COMMITTEE

1. Independent Advisory Authority

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

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

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

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

2. Term of the Charter

43 a. Consistent with the section 5 of the Resolution and with Policy 1.09(1)(f), this
44 charter shall remain in effect until all proceeds of the sales surtax revenues
45 from the six-year period from January 2005 through December 2010 have
46 been expended and accounted for, i.e., when the projects to be funded under
47 the Plan in the Resolution have been completed.

48 b. The School Board may modify the ISSOC charter as set forth in this Policy
49 upon recommendation of the Superintendent. This Policy shall be evaluated
50 on an annual basis for possible revisions, and any revisions shall be
51 consistent with the Resolution and any amendments thereto.

52 3. Responsibilities and Mission

53 a. The ISSOC will provide oversight of the District's usage and expenditures of
54 the proceeds of the sales surtax to verify consistency with the projects and
55 purposes set forth in the Resolution, as set forth in subsection (1)(a) above.
56 The ISSOC acknowledges that changes to, deviations from, modifications to,
57 or non-compliance in relation to, the projects in Exhibit A to the Resolution
58 may occur due to Acts of God or the public enemy, hurricanes or other
59 natural disasters or other emergency situations affecting the operation of the
60 public school system; compliance with an order of any governmental authority
61 having jurisdiction or with state court judgments concerning the School
62 District's state constitutional or statutory obligation to provide a uniform
63 system of free public education; orders, consent decrees, or compliance
64 agreements involving federal courts or the Office for Civil Rights of the U.S.
65 Department of Education or the Florida Department of Education; shortage or
66 unavailability of materials, equipment, labor or technical personnel;
67 breakdowns, epidemics, or pandemics; riots, civil disorder, warfare, or
68 terrorism; strikes, slowdowns, walkouts, blockouts, or other industrial
69 disturbances, whether direct or indirect; or any other events, circumstances,
70 forces, or causes not within the reasonable control of the School District,
71 whether or not of the same class or kind as those specifically named above.

72 b. The ISSOC will hold meetings on a regular basis such as quarterly. To
73 facilitate preparation for each meeting, the agenda and backup materials
74 should be available to committee members a week in advance of each
75 regular meeting. If a special meeting is called, the agenda and backup
76 materials should be available upon calling and noticing the meeting, at least
77 48 hours in advance.

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

84 4. Membership Composition and Procedures

- 85 a. Because of the special nature of this committee, any conflicting provisions of
86 this Policy are intended to supersede and control over the provisions of Policy
87 1.09. The ISSOC membership shall consist of:
- 88 i. the nine (9) voting members as set forth in section 5 of the Resolution
89 (quoted in section (1) of this Policy) and not more than four (4)
90 additional voting members (one representative each from the Glades,
91 the senior community, condominium residents, and the NAACP)
92 totaling not more than thirteen (13) voting members, who: shall be
93 residents of Palm Beach County; shall serve in a voluntary capacity;
94 are not employed by the School District; and are ratified by the School
95 Board upon recommendation of the Superintendent; and
- 96 ii. two (2) non-voting, ex-officio members to include a representative of
97 the Principals' Association and a representative of the Classroom
98 Teachers Association. (Additionally, though not members of the
99 committee, appropriate District staff may regularly make presentations
100 and engage in discussions with the committee and assist with
101 coordinating meetings, scheduling, and agendas; and the Board's
102 Chief Counsel or designee may attend solely to provide legal advice.)
- 103 b. The terms of ex-officio members shall be consistent with their term of service
104 in the position which qualified them to serve ex-officio on the ISSOC. The
105 terms of the voting members shall be up to a maximum of up to eight
106 continuous years, provided that the organization represented by a member
107 may recommend at any time that its representative be changed, and provided
108 that the term of each existing member shall be terminated upon dissolution of
109 the committee at such earlier time as the date when all projects to be funded
110 under the Plan have been completed and the expenditures of the sales surtax
111 proceeds have been accounted for.
- 112 c. Any voting member may be removed for missing three (3) consecutive
113 regular meetings or more than 25% of the meetings during the previous
114 twelve (12) months, unless by request of that member, the committee's Chair
115 shall grant compassionate leave due to extenuating personal, business, or
116 familial reasons. A quarterly report will be made to the Board regarding the
117 attendance of voting ISSOC members. The School Board shall have
118 discretion to remove any committee member at any time and to seek
119 nominations for a replacement from the represented community. The
120 appointment mechanism shall be consistent with Board Policies and protocol
121 and the Resolution.
- 122 d. A quorum shall consist of 40% (rounded to the nearest whole number) of the
123 existing voting members.
- 124 e. The ISSOC elected a Chair and a Vice Chair from among the voting
125 members on February 2, 2005, and shall elect voting members to those
126 positions annually thereafter as needed.

127 5. Sunshine, Public Records, and Ethics Guidelines

128 a. All ISSOC meetings shall be conducted under uniform rules of parliamentary
129 procedures such as *Robert's Rules of Order Newly Revised*. All committee
130 and subcommittee meetings are governed by the open-meetings provisions
131 of Fla. Stat. § 286.011, the Sunshine Law. All documents maintained by
132 persons in their capacity as ISSOC members are subject to public disclosure
133 unless exempt under Fla. Stat. Chapter 119.07 or related statutes.

134 b. Committee members and/or their company(ies) in which they may have a
135 direct financial interest, shall not do business with the School Board during
136 the members' term, in accordance with Fla. Stat. § 112.313 and pertinent
137 Opinions of the Florida Commission on Ethics.

138
139 STATUTORY AUTHORITY: §§ 1001.41(1), (2); 1001.43(10), Fla. Stat.

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

141 HISTORY: New: /2006

Legal Signoff:

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

Attorney

Date