



## **POLICY 1.09**

**5-A** I recommend the Board approve development of the proposed revised Policy 1.09, entitled "Advisory Committees to the Board."

[Contact: Sheryl Wood and Elizabeth McBride, PX 48751.]

### **Development**

### **CONSENT ITEM**

- This policy is amended to define a quorum for advisory committees as a majority of the individuals who have been appointed to an advisory committee. (See lines 113-116.)
- This revision was requested by the Board.
- Technical changes are also made.

## POLICY 1.09

### ADVISORY COMMITTEES TO THE BOARD

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#### 1. Purpose

To provide guidelines for advisory committees established by the School Board of Palm Beach County (Board) to advise the Board on specific issues pertaining to Palm Beach County public schools.

#### 2. Policy Statement

The Board believes that the Palm Beach County School District (~~School~~ District) is strengthened when communities are actively engaged in the education process. In support of this belief, the Board is committed to providing opportunities for responsible community participation in the operation of the school system. Advisory committees provide one means to achieve this objective and allow interested community members to become more effectively involved in the educational process.

#### 3. Establishment of Committees

Advisory committees may be created to advise the Board on specific matters as determined by the Board. All committees shall be created by written charter and no advisory committee charter shall conflict with the charter of any other advisory committee created to advise the Board. This policy governs board advisory committees unless a specific policy governing the committee contains contrary language, in which event the specific policy controls and supersedes this policy. All charters shall include the following:

- a. An explicit statement of the committee's mission or charge which establishes the committee's advisory role.
- b. Qualifications for membership on the committee, if the Board desires certain qualifications and/or experiences as pre-conditions for appointment to an advisory committee.
- c. Other matters as determined by the Board.

#### 4. Appointment, Term, and Removal of Committee Members

The following provisions shall govern the appointment, term of office and removal of members to advisory committees, unless otherwise provided in such policy governing the advisory committee. Such committees shall be advisory only and committee members shall serve in a voluntary capacity.

- 41 a. *Appointment.* Each member of the ~~School~~ Board shall designate an  
42 appointment to an advisory committee, or shall appoint a member(s) to an  
43 advisory committee consistent with this policy and any membership  
44 qualifications as specifically set out in the advisory committee's policy. The  
45 ~~School~~ Board will endeavor to appoint advisory committees representative of  
46 the diversity of the District.
- 47 i. *Member by Organization.* In cases where the Board has determined  
48 membership on an advisory committee will be by organization, the  
49 organization will be requested to submit nominees for vacancies.  
50 However, the final selection of membership remains the responsibility of  
51 the ~~School~~ Board.
- 52 ii. *Committee Form.* Any person appointed to an advisory committee,  
53 whether by an appointment of a Board member or nomination by an  
54 organization, shall complete the [School Board Advisory Committee](#)  
55 [Information Form](#), attached and incorporated hereto.
- 56 b. *Residency Requirement.* All advisory committee members shall be  
57 residents of Palm Beach County.
- 58 c. *Term of Office.* A committee member who was appointed by a Board  
59 member shall be entitled to remain a committee member as long as the  
60 appointing Board member serves on the Board, unless otherwise provided for  
61 in the advisory committee policy. However, the appointing Board member may  
62 exercise his/her discretion to remove such committee member at any time.  
63 The Board member shall address all pending vacancies in a reasonable period  
64 of time. A committee member may be reappointed by the appointing Board  
65 member or by a new Board member for that particular district. If a vacancy  
66 exists as to the position of an appointing Board member for a particular district  
67 or if the appointing Board member has been replaced for that particular  
68 district, the committee member appointed by the prior Board member may  
69 continue to serve as a voting member on the committee until such time as a  
70 new committee member is appointed.
- 71 d. *Compensation.* All members of advisory committees shall serve in a  
72 voluntary capacity and shall not be compensated for their services.
- 73 e. *Automatic Removal.* A committee member will be removed automatically  
74 should he or she miss three (3) consecutive regular meetings, unless, by  
75 request of the member, the Chair grants compassionate leave due to  
76 personal, business, or familial exigency, or other good cause. A periodic report  
77 will be made by the advisory committee chair to the Board regarding the  
78 attendance of appointed committee members.
- 79 f. *Provision of Policies.* Upon adoption of this policy, advisory committee  
80 members shall be provided with a copy of this policy and a copy of the

81 advisory committee policy. Upon the appointment of an individual(s) to an  
82 advisory committee, the individual(s) shall be provided with a copy of this  
83 policy and the advisory committee's charter policy.

84 **5. Advisory Committee Operations and Procedures**

85 All advisory committees shall adhere to the following procedures for the conduct of  
86 committee meetings. Otherwise, the committees shall conduct their meetings in  
87 accordance with the parliamentary rules of *Robert's Rules of Order*, newly revised,  
88 latest edition.

89 a. *Organizational Meeting.* The committee shall, at its initial organizational  
90 meeting, select a chairperson and vice chairperson, and adopt standing rules  
91 which shall include meeting dates and times. No standing rules shall be  
92 adopted which are contrary to this policy. Thereafter, each advisory  
93 committee shall hold an organizational meeting in January of each year.

94 b. *Committee Chairs Subject to Term Limitation.* An advisory committee  
95 member selected by committee members to serve as the committee's chair  
96 shall be limited to four (4) consecutive years as committee chair. The term  
97 limitation for an advisory committee chair as provided for herein shall become  
98 effective commencing with the reorganization meeting occurring in January  
99 immediately following the adoption of this policy.

100 c. *Meetings.* Advisory committees to the Board shall meet at least once  
101 monthly, or as otherwise needed to fulfill the committee's duties and  
102 responsibilities as provided in the advisory committee's policy.

103 d. *Meeting Agendas and Minutes.*

104 i. To facilitate preparation for committee meetings, the agenda and backup  
105 materials should be available to members a week in advance of each  
106 regular meeting. Special meetings may be called by the committee chair.  
107 If a special meeting is called, the agenda and backup materials should be  
108 available upon calling and noticing the meeting, at least 48 hours in  
109 advance.

110 ii. Copies of the approved minutes from all advisory committee meetings  
111 shall be forwarded regularly from the staff liaison to the Superintendent  
112 and Board members through Clerk of the School Board.

113 e. *Quorum.* A quorum for the transaction of business shall consist of a majority  
114 of the individuals who have been appointed to an advisory committee, whether  
115 by an appointment of a Board member or nomination by an organization ~~the~~  
116 ~~full membership of the advisory committee.~~

- 117 f. *Subject to Sunshine Law.* All advisory committee meetings shall be subject  
118 to Florida's Government in the Sunshine Law as provided in Fla. Stat. §  
119 286.011.
- 120 g. *Subject to Public Records Law.* All documents maintained as public records  
121 by persons in their capacity as advisory committee members are subject to  
122 public disclosure as required by Chapter 119, Fla. Stat., unless exempt under  
123 Fla. Stat. § 119.07 or other statutes.
- 124 h. *Public Officers Subject to Code of Ethics, Chapter 112, Fla. Stat.* By  
125 accepting an appointment to an advisory committee of the Board, an individual  
126 is a public officer as defined in Fla. Stat. §§ 112.313(1) and 112.3143(1).  
127 Thus, each member agrees to be subject to and shall comply with the  
128 standards of conduct for public officers and employees set forth in Fla. Stat. §§  
129 112.313(3) and (7); the voting conflicts prohibitions of Fla. Stat. § 112.3143;  
130 and pertinent Opinions of the Florida Commission on Ethics. *Public*  
131 *Officers Subject to Code of Ethics, Chapter 112, Fla. Stat.*
- 132 An individual appointed to or nominated for an advisory committee who has a  
133 conflict due to the provisions of Fla. Stat. §§ 112.313(3) and/or (7), Fla. Stat.,  
134 shall seek a waiver of such conflict as provided in Fla. Stat. § 112.313(12)  
135 prior to commencing service on the advisory committee. To seek such a  
136 waiver the individual must complete the necessary disclosure form as required  
137 by the Florida Commission on Ethics which can be located at  
138 <http://www.ethics.state.fl.us/Forms/Form4a.PDF>, and submit to the Board's  
139 Clerk for addition to the next available Board agenda for consideration.
- 140 i. *Public Participation.* Absent permission from the Chair, public comment  
141 speakers may address the committee for no longer than three (3) minutes at  
142 the appropriate time. The committee, however, may vote to limit the time to a  
143 lesser amount due to the volume of speakers or the amount of time scheduled  
144 for a meeting.
- 145 j. *Correspondence to Board.* Correspondence between the Board and its  
146 committees shall be conducted by Board Chair.
- 147 k. *Staff Support for Committee.* Unless otherwise provided for in the advisory  
148 committee's policy, the Superintendent will designate a staff member to  
149 provide administrative support to the committee. This support staff will be  
150 responsible for scheduling meetings, taking meeting minutes and maintaining  
151 the records of the committee. Additional staff members may be assigned to  
152 the advisory committee by the Superintendent as needed or requested by the  
153 advisory committee, to assist the members and answer questions. No voting  
154 committee member shall direct staff. Any requests for services shall be  
155 directed to the Superintendent/designee or Board.

156 l. *Reports.* Reports of the findings, conclusions, or recommendations of  
157 advisory committees shall be made to the ~~School~~ Board, and Superintendent  
158 on an annual basis or more often if required. The committee will present  
159 reports to the Board that may include dissenting viewpoints. Whenever a  
160 recommendation of the committee on a substantive issue is reported to the  
161 Board and the recommendation was not unanimous, the basis for the majority  
162 and minority positions should be brought to the attention of the Board at the  
163 same Board meeting in which the recommendation was made.

164 m. *Participation in Meetings Interactive Video or Telephonically.* Advisory  
165 committee members may attend meetings and participate at meetings through  
166 the use of an interactive video and/or telephone systems, as long as a quorum  
167 of advisory committee members are physically present at the meeting. Voting  
168 members of the committee may participate and vote by use of electronic  
169 media technology to allow a member of the committee who is not physically  
170 present to attend the meeting, in those instances where the committee  
171 member is confined to home or hospital due to illness or accident or in those  
172 situations where the committee member's absence is due to a death or  
173 serious illness of an immediate family member.

174 n. *Voting of Committee Members.* A unanimous vote will be considered if all  
175 committee members voting (not abstaining due to potential conflict of interest)  
176 audibly vote "yes", show by hands a "yes," or all those who are voting and  
177 present have indicated a "yes" vote on the e-agenda system, or if they remain  
178 silent it will also mean consent (unless they abstained due to a potential  
179 conflict of interest.) However, if a member votes "no" on the e-agenda, audibly,  
180 or by a show of hands, it will then be considered a split vote. If a vote is evenly  
181 tied for and against a measure, such tie vote shall defeat the measure For  
182 each vote, the Chair or acting chair shall announce the vote, and the names of  
183 any member in dissent, after it is tabulated.

184 **6. Guidelines for Communications Outside the School District**

185 The School Board encourages the free flow of ideas and opinions within advisory  
186 committees. However, members of the advisory councils or committees shall not  
187 represent their personal actions, views, statements, etc., as those of the committee  
188 or the School Board. In communicating with the media, members of the general  
189 public, other individuals or institutions, members must exercise caution to ensure  
190 that, unless authorized by the committee, they specifically indicate that any  
191 expressed opinions or views are, in fact, their own. The provisions herein  
192 governing a committee member's personal actions, opinions, views, statements,  
193 etc., do not prohibit a committee member from discussing decisions of the  
194 committee.

195

196 7. **Other**

- 197 a. Except as specifically authorized by the Board, advisory committees shall not  
198 obligate the Board for the payment of any funds.
- 199 b. The Board office, with the cooperation of the staff liaison designated by the  
200 Superintendent, shall ensure that all advisory committee members shall  
201 receive a copy of this policy and a copy of the advisory committee policy of the  
202 advisory committee to which the individual was appointed.
- 203 c. The Office of General Counsel shall serve as legal advisor to an advisory  
204 committee of the Board.
- 205 d. The Office of General Counsel shall develop and deliver, or contract with the  
206 Florida Commission on Ethics or other entity, to develop and deliver, ethics  
207 training programs for members of advisory committees. Such training  
208 programs shall be delivered in a timely and efficient manner.

209 8. **Limitation of Advisory Committees**

210 The Board possesses certain legal powers and prerogatives, which cannot be  
211 delegated or surrendered to others. Recommendations of an advisory committee  
212 are not, therefore, binding on the Board and must be submitted to the Board for  
213 consideration and action.

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215 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2); 1001.42(23);  
216 1001.43(10)

217 LAWS IMPLEMENTED: Fla. Stat. §§ 286.011; 112.313; 218.415; 1001.32(2);  
218 1001.41(1); 1001.43(2) & (10)

219 HISTORY: 02/18/72; 07/21/82; 02/4/98 (as Policy 2.08);  
220 02/25/2002 (as P-1.09); 8/27/08;10/5/2011; \_\_/\_\_/13  
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Legal Signoff:

The Legal Department has reviewed proposed Policy 1.09 and finds it legally sufficient for development by the Board.

  
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Attorney

  
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Date