



POLICY 1.09

5-C I recommend that the Board approve development of the proposed revised Policy 1.09, entitled “Advisory Committees to the Board.”

[Contact: Elizabeth McBride, PX47673; or Bruce Harris, PX48571.]

Development

CONSENT ITEM

- The proposed policy provide for the following changes regarding the Board’s advisory committees.
 - Provides for a purpose and policy statement for the policy. See paragraphs 1 and 2.
 - Eliminates Board members and District staff membership on advisory committees. See deleted paragraphs 8 and 9.
 - Establishes consistent practices and procedures for all advisory committee in this governing policy as to:
 - The appointment, term and removal of committee members. See paragraph 4.
 - Procedures for committees meetings as to initial organizational meetings and the selection of chair and c-chair and establishment of meeting dates and time; annual organizational meetings in January; meeting agendas and minutes; quorum; meetings being subject to Sunshine Law; committee records beings subject to Public Records Law; committee members being subject to Ethics Laws; public participation; Superintendent designating staff for administrative support to committee; reports to Board; use of interactive video or telephone by committee members to attend meetings; and voting of committee members. See paragraph 5.
 - Requiring committee members, in communications to media or outside District, to not represent their personal actions, views, statements, etc. as those of the committee or Board, but to specifically state the statements or views are their own. See paragraph 6.
 - Prohibits an advisory committee from obligating the Board from the payment of any funds; provides for the Office of General Counsel to serve as legal advisor to a Board advisory committee; and requires this policy and policy of advisory committee of the appointee be provided to the appointee. See paragraph 7.
 - Establishes that advisory committee decisions are recommendations which are not binding on the Board, and such recommendations must be submitted

to the Board for consideration and actions. See paragraph 8.

POLICY 1.09

ADVISORY COMMITTEES TO THE BOARD

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3 1. Purpose. To provide guidelines for advisory committees established by
4 the School Board of Palm Beach County (Board) to advise the Board on specific
5 issues pertaining to Palm Beach County public schools.
- 6 2. Policy Statement. The Board believes that the Palm Beach County School
7 District (School District) is strengthened when communities are actively engaged in
8 the education process. In support of this belief, the Board is committed to
9 providing opportunities for responsible community participation in the operation of
10 the school system. Advisory committees provide one means to achieve this
11 objective and allow interested community members to become more effectively
12 involved in the educational process.
- 13 3. ~~4.~~ Establishment of Committees. Advisory committees may be created to
14 advise the Board ~~board~~ on specific matters as determined by the Board ~~which~~
15 ~~require extensive study and discussion.~~ All committees shall be created by written
16 charter and no advisory committee charter shall conflict with the charter of ~~or~~ any
17 other advisory committee created to advise the board. This policy governs board
18 advisory committees unless a specific policy governing the committee contains
19 contrary language, in which event the specific policy controls and supersedes this
20 policy. All charters shall include the following:
 - 21 a. An explicit statement of the committee's mission or charge which establishes
22 the committee's advisory role.
 - 23 b. ~~b. Uniform rules of parliamentary procedure, such as Roberts' Rules, under~~
24 ~~which the committee will conduct its meetings.~~
 - 25 b. ~~c.~~ Qualifications for membership and terms of membership on the committee,
26 if the Board desires certain qualifications and/or experiences as a pre-
27 condition for appointment to an advisory committee.
 - 28 c. ~~e.~~ Other matters as determined by the Board. ~~A provision which permits the~~
29 ~~board to modify or terminate the charter before its expiration date upon~~
30 ~~recommendation of the superintendent with stated cause.~~
 - 31 d. ~~Procedure for appointment/reappointment of members.~~
 - 32 e. ~~Expiration date of the charter, if any.~~
- 33 4. ~~2.~~ Appointment, Term and Removal of Committee Members. The following

34 provisions shall govern the appointment, term of office and removal of members to
35 advisory committees, unless otherwise provided in such policy governing the
36 advisory committee. Such committees shall be advisory only and committee
37 members shall serve in a voluntary capacity. ~~For charters which extend beyond~~
38 ~~one (1) year, the board, upon recommendation by the Superintendent, may review~~
39 ~~the viability of the charter.~~

40 a. *Appointment.* Each member of the School Board shall designate an
41 appointment to an advisory committee, or shall appoint a member(s) to an
42 advisory committee consistent with this policy and any membership
43 qualifications as specifically set out in the advisory committee's policy. The
44 School Board will endeavor to appoint advisory committees representative of
45 the diversity of the District.

46 b. *Residency Requirement.* All advisory committee members shall be
47 residents of Palm Beach County.

48 c. *Term of Office.* A committee member who was appointed by a Board
49 Member shall be entitled to remain a committee member as long as the
50 appointing Board member serves on the Board, unless otherwise provided for
51 in the advisory committee policy. However, the appointing Board member
52 may exercise his/her discretion to remove such committee member at any
53 time. The Board member shall address all pending vacancies in a reasonable
54 period of time. A committee member may be reappointed by the appointing
55 Board member or by a new Board member for that particular district. If a
56 vacancy exists as to the position of an appointing Board member for a
57 particular district or if the appointing member has been replaced by a new
58 Board member for that particular district, the committee member appointed by
59 that Board member may continue to serve as a voting member on the
60 committee until and unless the new Board member for that district decides to
61 remove that committee member at any time.

62 d. *Compensation.* All members of advisory committees shall serve in a
63 voluntary capacity and shall not be compensated for their services.

64 e. *Automatic Removal.* A committee member will be removed automatically
65 should he or she miss three (3) consecutive regular meetings, unless, by
66 request of the member, the Chair grants compassionate leave due to
67 personal, business, or familial exigency, or other good cause. A periodic
68 report will be made by the advisory committee chair to the Board by regarding
69 the attendance of appointed committee members.

70 f. *Provision of Policies.* Upon adoption of this policy, advisory committee
71 members shall be provided with a copy of this policy and a copy of the
72 advisory committee policy. Upon the appointment of an individual(s) to an

73 advisory committee, the individual(s) shall be provided with a copy of this
74 policy and the advisory committee's charter policy.

75 5. ~~3.~~ Advisory Committee Operations and Procedures. All advisory
76 committees shall adhere to the following procedures for the conduct of committee
77 meetings. Otherwise, the committees shall conduct their meetings in accordance
78 with the parliamentary rules of *Robert's Rules of Order*, latest edition.

79 a. Organizational Meeting. The committee shall, at its initial organizational
80 meeting, select a chairperson and co-chairperson, and adopt standing rules
81 which shall include meeting dates and times. No standing rules shall be
82 adopted which are contrary to this policy. Thereafter, each advisory
83 committee shall hold an organizational meeting in January of each year.

84 b. Meetings. Advisory committees to the board shall meet at least once
85 monthly, or as designated in the advisory committee policy. Additional
86 meetings may occur as needed.

87 c. Meeting Agendas and Minutes.

88 i. To facilitate preparation for committee meetings, the agenda and backup
89 materials should be available to members a week in advance of each
90 regular meeting. Special meetings may be called by the committee chair.
91 If a special meeting is called, the agenda and backup materials should be
92 available upon calling and noticing the meeting, at least 48 hours in
93 advance.

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

97 d. Quorum. A quorum shall consist of 40% (rounded to the nearest whole
98 number) of the existing advisory committee members.

99 e. Subject to Sunshine Law. All advisory committee meetings shall be subject
100 to Florida's Government in the Sunshine Law as provided in § 286.011, F. S.

101 f. Subject to Public Records Law. All documents maintained as public
102 records by persons in their capacity as advisory committee members are
103 subject to public disclosure as required by Chapter 119, Fla. Stat., unless
104 exempt under § 119.07, Fla. Stat. or other statutes.

105 g. Subject to Ethics, Chapter 112, F.S. By accepting appointment to an
106 advisory committee of the Board, each member agrees to be subject to and to
107 comply with the conflict of interest rules in Chapter 112, Fla. Stat. and
108 pertinent Opinions of the Florida Commission on Ethics. During the time a

109 person is a voting member of an advisory committee, that committee member
110 or any company in which the member may have a direct financial interest,
111 shall not do business with the district, and shall not have a conflicting
112 employment relationship with the district, as the committee member is subject
113 to those standards within Fla. Stat. § 112.313, and relevant ethics opinions
114 issued by the Florida Commission on Ethics.

115 h. Public Participation. Absent permission from the Chair, public comment
116 speakers may address the committee for no longer than three (3) minutes at
117 the appropriate time. The committee, however, may vote to limit the time to a
118 lesser amount due to the volume of speakers or the amount of time scheduled
119 for a meeting. Otherwise, every advisory committee.

120 i. Correspondence to Board. Correspondence between the Board and its
121 committees shall be conducted by the Board Chair.

122 j. Staff Support for Committee. The Superintendent will designate a staff
123 member to provide administrative support to the committee. This support staff
124 will be responsible for scheduling meetings, taking meeting minutes and
125 maintaining the records of the committee. Additional staff members may be
126 assigned to the advisory committee by the Superintendent as needed or
127 requested by the advisory committee, to assist the members and answer
128 questions. No voting committee member shall direct staff. Any requests for
129 services shall be directed to the Superintendent/designee or Board.

130 k. Reports. Reports of the findings, conclusions, or recommendations of
131 advisory committees shall be made to the School Board, and Superintendent
132 on an annual basis or more often if required. The committee will present
133 reports to the Board that may include dissenting viewpoints. Whenever a
134 recommendation of the committee on a substantive issue is reported to the
135 Board and the recommendation was not unanimous, the basis for the majority
136 and minority positions should be brought to the attention of the Board at the
137 same Board meeting in which the recommendation was made.

138 l. Participation in Meetings Interactive Video or Telephonically. Advisory
139 committee members may attend meetings and participate at meetings through
140 the use of an interactive video and/or telephone systems, as long as a quorum
141 of advisory committee members are physically present at the meeting. Voting
142 members of the committee may participate and vote by use of electronic
143 media technology to allow a member of the committee who is not physically
144 present to attend the meeting, in those instances where the committee
145 member is confined to home or hospital due to illness or accident or in those
146 situations where the committee member's absence is due to a death or
147 serious illness of an immediate family member. Any other situations which
148 cause a committee member to be absent from a meeting will require a vote by

149 majority of the committee, based only on extraordinary circumstances as
150 required by law, to allow the committee member to participate by the above
151 referenced technology.

152 m. Voting of Committee Members. A unanimous vote will be considered if all
153 committee members voting (not abstaining due to potential conflict of interest)
154 audibly vote "yes", show by hands a "yes," or all those who are voting and
155 present have indicated a "yes" vote on the e-agenda system, or if they remain
156 silent it will also mean consent (unless they abstained due to a potential
157 conflict of interest.) However, if a member votes "no" on the e-agenda, audibly,
158 or by a show of hands, it will then be considered a split vote. If a vote is evenly
159 tied for and against a measure, such tie vote shall defeat the measure. For
160 each vote, the Chair or acting chair shall announce the vote, and the names of
161 any member in dissent, after it is tabulated.

162 6. Guidelines for Communications outside the School District. The School
163 Board encourages the free flow of ideas and opinions within advisory committees.
164 However, members of the advisory councils or committees shall not represent their
165 personal actions, views, statements, etc., as those of the committee or the School
166 Board. In communicating with the media, members of the general public, other
167 individuals or institutions, members must exercise caution to ensure that, unless
168 authorized by the committee, they specifically indicate that any expressed opinions
169 or views are, in fact, their own. ~~Advisory committee members shall serve only in~~
170 ~~a voluntary capacity. All advisory committee members shall be residents of Palm~~
171 ~~Beach County.~~

172 7. Other.

173 a. Except as specifically authorized by the Board, advisory committees shall not
174 obligate the Board for the payment of any funds.

175 b. The Board office, with the cooperation of the staff liaison designated by the
176 Superintendent shall ensure that all advisory committee members shall
177 receive a copy of this policy and a copy of the advisory committee policy of the
178 advisory committee to which the individual was appointed.

179

- 180 c. The Office of General Counsel shall serve as legal advisor to an advisory
181 committee of the Board.
- 182 8. Limitation of Advisory Committees. The Board possesses certain legal powers
183 and prerogatives, which cannot be delegated or surrendered to others.
184 Recommendations of an advisory committee are not, therefore, binding on the
185 Board and must be submitted to the Board for consideration and action.
- 186 5. ~~Unless otherwise specified in the charter, a member who was nominated by a~~
187 ~~board member shall be entitled to remain a committee member as long as the~~
188 ~~nominating board member serves on the board. However, the nominating board~~
189 ~~member may exercise his/her discretion to remove such committee member at any~~
190 ~~time. The board shall address all pending vacancies in a reasonable period of time.~~
191 ~~A committee member may be reappointed on recommendation of the appointing~~
192 ~~person or entity, as approved by the board, unless the charter of the committee~~
193 ~~provides otherwise. If a vacancy exists as to the position of an appointing Board~~
194 ~~member for a particular district, the Committee members appointed by that Board~~
195 ~~member may continue to serve as voting members on the Committee until and~~
196 ~~unless the new Board member for that district decides to remove that Committee~~
197 ~~member at any time.~~
- 198 6. ~~Advisory committees should not be appointed to advise on matters requiring a~~
199 ~~decision by the board unless adequate time is available for a thorough study by the~~
200 ~~committee.~~
- 201 7. ~~Upon the board's approval of nomination, the board shall appoint as voting~~
202 ~~members of advisory committees from names submitted by the superintendent,~~
203 ~~board members, or any other source the board deems appropriate as set forth in~~
204 ~~the committee's charter. If there are staff members on the committee, they shall~~
205 ~~constitute a minority of committee membership. Board members may serve in a~~
206 ~~non-voting capacity on advisory committees. The board attorney/designee may be~~
207 ~~invited to attend committee meetings and render legal advice.~~
- 208 8. ~~Members of advisory committees should be representative of the entire community.~~
209 ~~A lay member shall serve as chair.~~
- 210 9. ~~Members of advisory committees are subject to the conflict of interest rules in~~
211 ~~Chapter 112, Fla. Stat.~~
- 212 10. ~~During the time a person is a voting member of an advisory committee, that~~
213 ~~committee member or any company in which the member may have a direct~~
214 ~~financial interest, shall not do business with the district, and shall not have a~~
215 ~~conflicting employment relationship with the district, as the committee member is~~
216 ~~subject to these standards within Fla. Stat. § 112.313, and relevant ethics opinions~~
217 ~~issued by the Florida Commission on Ethics.~~

- 218 11. ~~All documents maintained as public records by persons in their capacity as~~
219 ~~committee members are subject to public disclosure as required by Chapter 119, F.~~
220 ~~S., unless exempt under Fla. Stat § 119.071 or other statutes.~~
- 221 12. ~~All advisory committee meetings shall be subject to the open meeting Sunshine~~
222 ~~provisions of § 286.011, F. S.~~
- 223 13. ~~The board shall appoint one of its members to provide liaison with and serve as a~~
224 ~~non-voting ex-officio member of each of its committees; however, all board~~
225 ~~members shall be encouraged to attend meetings of various committees at their~~
226 ~~convenience.~~
- 227 14. ~~The superintendent shall appoint one or two staff members to serve as liaison~~
228 ~~between the superintendent and board committees, and serve as non-voting ex-~~
229 ~~officio members. The person(s) serving in this capacity shall meet or~~
230 ~~communication with committees, keep informed as to committee activities, provide~~
231 ~~for the use of resources, and advise in the preparation of reports. The staff~~
232 ~~member(s) shall report all committee activities directly to the superintendent. The~~
233 ~~Superintendent shall designate staff to provide administrative support to the~~
234 ~~committee. This support staff will be responsible for scheduling meetings, taking~~
235 ~~meeting minutes and maintaining the records of the committee. Correspondence~~
236 ~~between the board and its committees shall be conducted by the board chairman.~~
- 237 15. ~~committee shall serve only as an advisory body. No voting committee member~~
238 ~~shall direct staff. Any requests for services shall be directed to the superintendent.~~
- 239 16. ~~The board shall see that the public is made aware of the services and~~
240 ~~recommendations rendered by advisory committees as required by law.~~
- 241 17. ~~Reports of the findings, conclusions, or recommendations of advisory committees~~
242 ~~shall be made to the School Board, superintendent and staff on an annual basis or~~
243 ~~more often if required.~~
- 244 18. ~~The superintendent shall maintain a record of all existing advisory committees and~~
245 ~~their chairs.~~
- 246 19. ~~Voting Members will be removed automatically should they miss three consecutive~~
247 ~~regular meetings, unless, by request of the member, the Chair grants~~
248 ~~compassionate leave due to personal, business, or familial exigency. A quarterly~~
249 ~~report will be made to the Board regarding the attendance of appointed committee~~
250 ~~members.~~
- 251 20. ~~Under the following circumstance, voting Committee members may attend~~
252 ~~meetings and participate at meetings through the use of an interactive video and/or~~
253 ~~telephone systems, as long as a quorum of voting Committee members are~~
254 ~~physically present at the meeting. Voting members of the Committee may~~

255 ~~participate and vote by use of electronic media technology to allow a member of~~
256 ~~the Committee who is not physically present to attend the meeting, in those~~
257 ~~instances where the Committee member is confined to home or hospital due to~~
258 ~~illness or accident or in those situations where the Committee member's absence is~~
259 ~~due to a death or serious illness of an immediate family member. Any other~~
260 ~~situations which cause a Committee member to be absent from a meeting will~~
261 ~~require a vote by majority of the Committee, based only on extraordinary~~
262 ~~circumstances as required by law, to allow the Committee member to participate by~~
263 ~~the above referenced technology.~~

264 21. ~~A unanimous vote will be considered if all Committee members voting (not~~
265 ~~abstaining due to potential conflict of interest) audibly vote "yes", show by hands a~~
266 ~~"yes," or all those who are voting and present have indicated a "yes" vote on the e-~~
267 ~~agenda system, or if they remain silent it will also mean consent (unless they~~
268 ~~abstained due to a potential conflict of interest.) However, if a member votes "no"~~
269 ~~on the e-agenda, audibly, or by a show of hands, it will then be considered a split~~
270 ~~vote. If a vote is evenly tied for and against a measure, such tie vote shall defeat~~
271 ~~the measure. For each vote, the Chair or acting chair shall announce the vote, and~~
272 ~~the names of any member in dissent, after it is tabulated.~~

273 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2); 1001.42(23);
274 1001.43(10)

275 LAWS IMPLEMENTED: Fla. Stat. §§ 286.011; 112.313; 218.415; 1001.32(2);
276 1001.41(1); 1001.43(2) & (10)

277 HISTORY: 02/18/72; 07/21/82; 02/4/98 (as Policy2.08); 02/25/2002 (as P-1.09); 8/27/08

Legal Signoff:

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

Attorney

Date