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**School Board Workshop
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General Counsel's Contract

It was requested by the Board Members to have a discussion regarding the General Counsel's Contract, which will end January 1, 2010. Mr. Edward Marko has been the in-house General Counsel for the School Board since 1996 and is the top Education Attorney in the State of Florida.

Two years ago the General Counsel's contract was to expire and at that time and it was extended with the agreement that an RFP would go out to identify someone for the position.

It was also requested that General Counsel would become more involved with School Board agenda items, workshops, attend the Executive Leadership Team meetings with the Superintendent, and to increase his knowledge on using computers; to become more hands on than in the past. It was further recommended to begin succession planning for the position.

Board Members have not done an evaluation on the General Counsel since 2006 and request that one be done. Board Members would like more clarification on the duties of the staff in this department. Board Members also requested an audit be done due to the fact that one has not been done since the department was expanded with new staff and attorneys.

Looking at other School Districts and Government Offices, in comparison to the School Board's General Counsel Office, it shows that this District has a much smaller group of attorneys. Broward Schools uses a cadre of attorneys and Board Members believe a cost analysis would show that it would be more efficient to hire additional in-house attorneys. It was requested to have an attorney available to respond to Board Members questions and their concerns in a timelier manner. Board Members requested that more staff be hired, but not before the new attorney is selected for the General Counsel position.

The Legal Services Committee has been developing an RFP (now an RLI), which would request applications for the General Counsel position. The RLI is requesting applications from outside firms and internal applicants to be an in house attorney, (employee of the School Board) or an outside attorney or firm, who would not be an employee of the School Board. This would bring in a large applicant pool.

The School Board Members had a good discussion regarding the RLI and the contract and agreed that because of the past turbulent year this Board has gone through, the RLI was not pursued.

The Board Members decided, because of the approaching date of the contract expiration, that at this time General Counsel's contract should be extended, so to not cause a lapse in the position, and to go forward with the RLI.

Board Members decided to extend the General Counsel's contract for two years. This would allow ample time to receive applications for this position and also allow a transition-training period.

General Counsel will design a Board Item for the Board's approval to extend the existing contract for two years with the acknowledgement that the RLI will go out to find a new attorney for this position.

Material for this item can be found on the eAgenda November 2, 2009 workshop.

Budget Update

Staff came forward to update the Board on the School District's budget. The Superintendent stated that this coming year will be very difficult. So much was cut last year that it will be difficult to see what can be cut this year. The Superintendent wanted to set the foundation for next year's budget and will be returning to the Board with recommendations.

There are several concerns regarding the 2010-2011 budget:

-Class Size Amendment.

-This is the last year of the stimulus money.

-Federal Government is looking at State Governments who used the stimulus money to fill holes in their budget. This is what the State of Florida did. At this time we do not know what repercussions will develop because of this and how it will affect this School District.

-The continuing of escalating health care costs. The School District has always paid for the employees' HMO benefits. The Superintendent did not know if the School District would be able to do that in the future.

-There are no capital budget funds for technology improvements and maintenance.

-The State underestimated the number of students that Broward County has and therefore underfunded the School District. The State is looking for a process, a prorating fund, which is not yet determined.

-The loss of students to Charter Schools. We cannot continue to lose students.

Staff informed the Board that there is a total deficit of \$58 million before we even start next year. Staff reminded the Board that property taxes have gone down due to the reduction in property values, and therefore, there are fewer dollars for the School District. Also last year the state reduced the millage to 1.5. That reduction alone cost the School District \$75 million and our bonding capacity. The State took the School District's capital dollars and put them into the operational fund to balance their budget, thus, no dollars for technology improvements and maintenance.

The Budget department has a website on browardschools.com, which has all the financial reports and stimulus funding reports available to keep the Board advised. The Budget department is also going out to the District's legislators showing them exactly what the cuts they approved last year have done to the School District.

As we move into our budget process, one of the pieces that we will start to hear about will be department's control of freezing their vacant positions. The School District is looking at ways to cut down the deficit and will continue to be vigilant to protect the classroom. It will be a tougher year than last year. The Superintendent stated the School District has great people working for us but is worried about their breaking point. The State needs to give us a financial plan for the upcoming years so we know how long we have to do patch work.

Material for this topic is available on the eAgenda November 2, 2009 workshop.

JFN:jd