

Dr. Marta Pérez, Board Member

SUBJECT: DEVELOPING PROCEDURAL AND SUBSTANTIVE SAFEGUARDS TO STRENGTHEN CONTRACT DRAFTING, NEGOTIATIONS, ADMINISTRATION AND PAYMENT PROCESSES FOR EMPLOYMENT AGREEMENTS AND CONTRACTS WITH THE SCHOOL BOARD

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO DISTRICT STRATEGIC PLAN: IMPROVE FINANCIAL HEALTH OF THE DISTRICT

On April of 2006, School Board Rule 6 Gx13- 3F-1.01 was amended to strengthen the procedures, practices and negotiations of contracts between the School Board and outside parties. These amendments were occasioned by a report issued by the School Board's Inspector General concerning a contract involving the Professional and Comprehensive Evaluation System (PACES).

At last month's School Board Meeting, the School Board considered agenda items involving contracts associated with the ERP/BOSS system. During the discussion that ensued, several contractual issues were raised which, once again, called into question the safeguards associated in contract formation and negotiation with the School Board.

At the same School Board meeting, the School Board took action to place its attorney on administrative leave surrounding an issue that involves a provision in the Employment Agreement between School Board and its attorney as it pertains to reimbursement for relocation expenses. Upon a review of the specific provision, it is apparent that the contractual language is flawed. Specifically, the provision states that the Attorney shall receive a relocation fee of \$15,000 if she "decides to move to Miami-Dade County within the first year of her employment" without any requirement to provide receipts or to actually show proof of relocation.

On a number of other occasions, the School Board has found itself tied to contract provisions whereby the Board's interests are unprotected. As such, this agenda item proposes that procedures be put in place to provide greater safeguards that will strengthen contract drafting, negotiations, administration and payment processes for both employment agreements involving such employees of the School Boards as its attorney and its superintendent, as well as contracts with outside vendors involving significant expenditures of School Board dollars.

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This item further recommends that the Board have a workshop for purposes of discussing and then developing a formal process by which it negotiates the terms of its employment agreement with its attorney and superintendent prior to contract execution.

**ACTION PROPOSED BY
DR. MARTA PÉREZ:**

That The School Board of Miami-Dade County, Florida, direct the Board Attorney or Special Counsel to the School Board to review the current manner and processes associated with contract drafting, negotiations, administration and payment process for employment agreements and contracts with the School Board by the September 10, 2008 School Board Meeting and to thereafter have a Board Workshop to formalize these safeguards.