



500 East Ocean Blvd • Stuart, Florida 34994 • Telephone (772) 219-1200 Ext: 30200 • Facsimile: (772) 219-1231

AGENDA

SPECIAL SCHOOL BOARD MEETING

Tuesday, November 10, 2009 – 4:00 p.m.

School Board Meeting Room

500 E. Ocean Boulevard

Stuart, FL 34994

Call to Order by the Chairman and Pledge of Allegiance to the Flag of the United States

1. Adoption of the Agenda
2. Private Attorney-Client Session Regarding Florida Mechanical, LLC vs. School Board of Martin County, Florida – Case No. 09-2679CA and Case No. 2788CA (Ex. 2, P. 3 – 4)
3. Adjourn

UPCOMING MEETINGS

Unless otherwise noted, School Board Meetings & Workshops are held in the School Board Meeting Room, 500 East Ocean Boulevard, Stuart

REGULAR SCHOOL BOARD MEETINGS

Tuesday, November 17, 2009 – 7:00 p.m.

Tuesday, December 15, 2009 – 7:00 p.m.

SPECIAL SCHOOL BOARD MEETING

Tuesday, November 10, 2009 – 4:00 p.m.

Tuesday, November 17, 2009 – 7:00 p.m. Special School Board Reorganizational Meeting

WORKSHOP

Tuesday, November 17, 2009 – 9:00 a.m. – 3:00 p.m.

SPECIAL MARTIN SCHOOL BOARD LEASING CORPORATION MEETING

Tuesday, November 17, 2009 – 7:00 p.m.

64th ANNUAL JOINT CONFERENCE - FSBA/FADSS

Tampa

December 1 - 4, 2009

FORENSIC AUDIT COMMITTEE MEETING

Monday, November 16, 2009 – 3:00 p.m.

INSURANCE COMMITTEE MEETINGS

The Instructional Center, Room 6

December 14, 2009 February 22, 2010 April 24, 2010

January 25, 2010 March 22, 2010 May 24, 2010

JOINT MEETINGS

The John F. Armstrong Wing at the Blake Library

Tuesday, January 12, 2010 – 9:00 a.m. (Chair - City of Stuart)

Tuesday, June 15, 2010 – 9:00 a.m. (Chair – School Board)

0169.1 PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest. In order to permit the fair and orderly expression of such comment, the Board shall provide a period for public participation at those public meetings of the Board during which action may be taken and provide rules to govern such participation in Board meetings. The Chair of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The Chair shall be guided by the following policies:

- (1) **Time Limit.** Public discussion, not to exceed one (1) hour, may be scheduled or unscheduled. The Board may, from time to time, waive certain procedural requirements to allow greater public participation in Board meetings. Any waiver, regardless of how frequently made, shall be narrowly construed and not cited or used by other parties seeking to invalidate such procedures or otherwise avoid their impact. Attendees shall register their intention to participate in the public portion of the meeting with the Board clerk.
- (2) **Scheduled Appearances.** In scheduled appearances, any person or group shall be allowed fifteen (15) minutes for the purpose, provided such appearance has been placed on the agenda. Hearing procedures for formal argument and presentation are governed by Bylaw 0169.1.
- (3) **Unscheduled Appearances.** In unscheduled appearances, any person or group who has not made previous arrangements to be placed on the agenda may be heard for not more than three (3) minutes for an individual or group, provided there is time remaining in the public discussion.
- (4) **Remarks Directed to the Board.** When several members of the public or several members of a group share similar opinions on the same issues, a representative, rather than all the members, should address the Board. Persons addressing the Board shall speak into a microphone and direct their remarks to the Board. Staff members shall not be expected to answer questions from the audience unless called upon by the Chair or the Superintendent.
- (5) **Board Action.** Board action will not be taken on requests made during unscheduled appearances during the public discussion period until a later meeting unless the Board declares the matter to be an emergency.

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to Judicial Review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the School Board Clerk and a second copy, accompanied by filing fees prescribed by law, with the District Court, Fourth District. The notice of appeal must be filed within 30 days of rendition of the order to be reviewed. Rendition is defined as the filing of the Final Order with the Clerk of the School Board of Martin County, Florida. The agency shall accurately and completely preserve all testimony in the proceedings, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost.

Accommodations are available for persons with special needs. Please call 219-1200 X 425 for assistance.

Douglas G. Griffin, School Board Attorney



THE SCHOOL BOARD OF MARTIN COUNTY, FLORIDA

500 East Ocean Blvd • Stuart, Florida 34994 • Telephone (772) 219-1200 Ext: 30235 • Facsimile: (772) 219-1227

November 4, 2009

MEMORANDUM

TO: School Board Members

FROM: Douglas G. Griffin, School Board Attorney *DGG*

RE: Florida Mechanical, LLC v. School Board of Martin County, Florida, Case No. 09-2679CA
Florida Mechanical, LLC v. School Board of Martin County, Florida et al, Case No. 09-2788CA

Defense counsel and I are requesting a meeting with the School Board to discuss further litigation strategies and expenditures. In order to obtain direction, I respectfully request a private attorney-client session, as authorized by Section 286.01(8), Florida Statutes, to discuss the pending litigation and to seek advice from the School Board. I will be prepared to present the case strategy within the confines of Section 286.011(8), which imposes a number of requirements on such private attorney-client sessions:

- Each such meeting shall be among the School Board members, the chief executive officer of the School District, and the Board's attorneys only.
- The Board's attorney must advise the Board at a public meeting that the attorney desires advice concerning pending litigation. I propose to make such a request at the meeting on November 10, 2009.
- The subject matter of each session must be confined to settlement negotiations or strategy sessions related to litigation expenditures in the currently pending litigation.
- The entire session must be recorded by a certified court reporter; the court reporter must record the times of commencing and terminating the session, all discussions and proceedings, the names of all persons present, and the names of all persons speaking; no portion of the session may be off the record; and the court reporter's notes must be fully transcribed and filed with the secretary to the Board.

Nancy Kline, Superintendent

School Board Members: Dr. David L. Anderson • Maura Barry-Sorenson • Laurie Gaylord • Susan J. Hershey • Lorie Shekailo

"An Equal Opportunity Agency"

- The Board must give reasonable public notice of the time and date of the session and the names of the persons who will attend; the session must commence at an open meeting at which the chairperson must announce the commencement and estimated length of the session and the names of the persons attending.
- At the conclusion of the session, the meeting must be reopened and the chairperson must announce termination of the session.
- Upon conclusion of the litigation, the transcript of the session will become part of the public record.

I respectfully request that the Board schedule and notice a private attorney-client session at the end of the School Board meeting on November 10, 2009. At that time, the chairperson should make the following announcements at the open meeting:

- The Board is commencing a private attorney-client session, the estimated length of which is 45 minutes.
- The subject matter of the session is Florida Mechanical, LLC v. School Board of Martin County, Florida, Case No. 09-2679CA, Circuit Court of Martin County, Florida, and Florida Mechanical, LLC v. School Board of Martin County, Florida, et al., Case No. 09-2788CA.
- The names of the persons attending the session are as follows:
 - Dr. David L. Anderson;
 - Mrs. Maura Barry-Sorenson;
 - Mrs. Laurie Gaylord;
 - Mrs. Susan Hershey;
 - Mrs. Lorie Shekailo;
 - Mrs. Nancy Kline, Superintendent;
 - Douglas G. Griffin, School Board Attorney
 - Thomas Wackeen, attorney for the School District.

At the conclusion of the session, the chairperson should then reopen the public meeting and publicly announce termination of the session.

Please advise if you have any questions or require additional information.

/dmf

Copy to: Mrs. Nancy Kline, Superintendent