AGENDA
SPECIAL MEETING OF THE CAPE CORAL CHARTER SCHOOL GOVERNING BOARD
Wednesday, February 28, 2018
City of Cape Coral Charter School-
Oasis High School - Cafeteria 3519 Oasis Boulevard, Cape Coral, FL 33914
2:00 PM

1. CALL TO ORDER:

A. Chairman Robert Zivkovic

2. MOMENT OF SILENCE:

A. Chairman Zivkovic

3. PLEDGE OF ALLEGIANCE:

A. Chairman Zivkovic

4. ROLL CALL:

A. Boyer, Vice Chairman Campbell, Fisher, McMillian, Nelson, Ross, Traiger, Winstead, Chairman Zivkovic

5. This is a Special Charter School Authority Governing Board Meeting to Discuss Recommendations for Revisions and Modifications to Chapter 26: Cape Coral Charter School Authority - Cape Coral, Florida Code of Ordinances

6. TIME AND DATE OF NEXT MEETING:

A. A Special Governing Board Meeting to Review the Superintendent Evaluation, Modifications, and Adoption will be held on Tuesday, March 06, 2018 at 12:00p.m. at Oasis High School - Conference Room, 3519 Oasis Boulevard, Cape Coral, FL 33914

B. The Regular Governing Board Meeting will be held on Tuesday, March 13, 2018 at 9:00a.m. at City of Cape Coral Council Chambers.

C. The Budget Workshop #1 will be held on Tuesday, March 27, 2018 at 9:00a.m. at City of Cape Coral Nicholas Annex, Room A200-Green Room, 815 Nicholas Parkway, Cape Coral, FL 33990

7. ADJOURNMENT:

Members of the audience who address the Board/Commission/Committee shall step up to the speaker's lectern and give his/her full name, address and whom he/she represents. Proper decorum shall be maintained at all time. Any audience member who is boisterous or disruptive in any manner to the conduct of this meeting shall be asked to leave or be escorted from the meeting room.

In accordance with the Americans with Disabilities Act and 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose Office is

located at Cape Coral City Hall, telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance. In accordance with Florida Statute 286.0105: any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based.

Item Number:	**1.A.**
Meeting Date:	**2/28/2018**
Item Type:	**Call to Order**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Chairman Robert Zivkovic

SUMMARY:

ADDITIONAL INFORMATION:

Item Number:	**2.A.**
Meeting Date:	**2/28/2018**
Item Type:	**Moment of Silence**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Chairman Zivkovic

SUMMARY:

ADDITIONAL INFORMATION:

Item Number:	**3.A.**
Meeting Date:	**2/28/2018**
Item Type:	**Pledge of Allegiance**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Chairman Zivkovic

SUMMARY:

ADDITIONAL INFORMATION:

Item Number:	**4.A.**
Meeting Date:	**2/28/2018**
Item Type:	**Roll Call**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
Boyer, Vice Chairman Campbell, Fisher, McMillian, Nelson, Ross, Traiger, Winstead, Chairman Zivkovic

SUMMARY:

ADDITIONAL INFORMATION:

Item Number:	**5.**
Meeting Date:	**2/28/2018**
Item Type:	**Agenda Items**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
This is a Special Charter School Authority Governing Board Meeting to Discuss Recommendations for Revisions and Modifications to Chapter 26: Cape Coral Charter School Authority - Cape Coral, Florida Code of Ordinances

SUMMARY:

ADDITIONAL INFORMATION:

ATTACHMENTS:

	Description	Type
🗋	Chapter 26: Cape Coral Charter School Authority	Backup Material

CHAPTER 26: - CAPE CORAL CHARTER SCHOOL AUTHORITY

CHAPTER 26: CAPE CORAL CHARTER SCHOOL AUTHORITY

Section

§ 26-1 - Purpose.

The purpose of this chapter is to effectuate and to implement the charter school contract (the "Charter") that has been entered into between the City of Cape Coral and the Lee County School District, as same may hereafter be amended.

(Ord. 41-04, 4-12-2004)

§ 26-2 - Creation of Charter School Authority and Board.

There is hereby established the Cape Coral Charter School Authority (the "Authority"), which is created for the purpose of operating and managing, on behalf of the City of Cape Coral, all charter schools for which a charter is held by the city (the "Cape Coral Charter Schools"). The powers of the Authority shall be exercised through a governing board, which shall be known as the Cape Coral Charter School Authority Board (the "Board") and which shall provide governance of the charter schools.

(Ord. 41-04, 4-12-2004)

§ 26-3 - Geographic boundaries.

The geographic boundary of the Authority shall be coterminous with the municipal boundaries of the City of Cape Coral as they presently exist and as they may be changed from time to time. The delineation of the aforementioned boundaries shall not be construed as prohibiting the enrollment of students who, though they may reside outside the municipal boundaries of the city, are otherwise members of one of the groups of students permitted to enroll in the charter school specified in § 26-4 below.

(Ord. 41-04, 4-12-2004)

§ 26-4 - Student community.

(a) The student community to be served by the Cape Coral charter school(s) shall consist of all students residing within the municipal boundaries of the City of Cape Coral; students who are siblings of a student enrolled in a charter school; and students who are children of an employee of the Authority or of a Board member.

(b) Each student shall complete an application to be considered for enrollment. In order to be considered to be eligible for enrollment, a student's application shall be submitted during the time period established by the Charter for accepting applications. The Charter School shall enroll all eligible students who submit a timely application, unless the number of applications exceeds the capacity of a program, class, grade level or building. If the number of applications exceeds the capacity of a program, class, grade level or building, then all the applicants who timely submitted an application shall have an equal chance of being admitted through a random selection process. Preference shall be given to siblings of a student already enrolled in the Cape Coral charter school(s) and to the children of a member of the Board or of an employee of the Authority.

(Ord. 41-04, 4-12-2004)

§ 26-5 - Composition of Authority Board.

The Board shall be composed of no less than seven and no more than 11 members as follows:

(a) One City Council member;

(b) One member from the business community;

(c) One member from the education community;

(d) Four members from the community at large;

(e) One parent of an elementary school student (of a city operated charter school);

(f) One parent of a middle school student (of a city operated charter school);

(g) One parent of a high school student (of a city operated charter school).

(Ord. 41-04, 4-12-2004; Ord. 71-05, 5-9-2005; Ord. 109-06, 8-14-2006; Ord. 2-08, 1-28-2008)

§ 26-6 - Board appointments and participation.

The members of the Board shall be appointed and participate as follows.

(a) The City Council member, the member from the business community, the member from the education community and the four members from the community at large shall be appointed by the City Council. All of the aforesaid members shall be residents of the City of Cape Coral both at the time of their appointment and at all times during their membership on the Board. Any member of the City Council, including the Mayor, shall be eligible for appointment by the City Council to the "City Council member" position on the Board, which shall be considered to be an "ex-officio" position. The City Council member who serves as a member of the Board, the member from the business community, the member from the education community and the four members from the community at large shall each have the right to participate and to vote on all decisions of the Board.

(b) The parent member(s) from each charter school level, i.e. elementary, middle and high school, shall be chosen by and from the parent organization(s) from each school level (elementary, middle and high school) and shall be the parent, legal guardian or legal custodian of a student enrolled in the Cape Coral Charter Schools at the school level (elementary, middle or high school) the parent member represents. The parent member(s) of the Board shall be residents of the City of Cape Coral, both at the time of their appointment and at all times during their membership on the Board. Prior to the enrollment of students at any charter school level, the parent position(s) on the Board for the charter school level shall remain vacant. The positions on the Board for parents from each charter school level shall be considered to be "ex-officio" positions. The parent member(s) of the Board shall have the right to participate in all discussions of the Board, but not to vote on any matter. If, for any reason, the parent organization is unable or unwilling to select a parent member of the Board, absence of the parent member from the Board shall not affect the right of the Board to meet or to take any action it may otherwise lawfully undertake.

(c) No member of the Board will be an employee of the Authority or receive any financial benefit from the operation of the charter school(s).

(Ord. 71-05, 5-9-2005)

(d) No more than one parent, legal guardian or legal custodian of any student shall serve on the Board at any given time, regardless of whether the parent, legal guardian or legal custodian is serving as a parent member, as a member from the education community, business community or community at large, or as a member from any other segment of the community.

(Ord. 41-04, 4-12-2004; Ord. 109-2006, 8-14-2006; Ord. 2-08, 1-28-2008)

§ 26-7 - Ex-officio Board members.

Service on the Authority Board by any ex-officio member shall be an additional duty to any and all other duties and responsibilities already exercised by the ex-officio officer, official or member. If, after the appointment of any ex-officio member to the Authority Board, a court of competent jurisdiction should determine that the appointment is an additional office, such as might be construed to violate the Cape Coral City Charter or the Florida Constitutional provision against dual office holding, the appointment shall be deemed void ab initio and automatically rescinded as of the date of the original appointment so as to avoid any forfeiture of other office for the ex-officio appointee and the city shall promptly take all steps reasonably necessary to amend the charter between the city and the Lee County School District and all ordinances, resolutions or other regulations necessary to address the rescission. Rescission of a Board member's appointment shall not call into question or invalidate any action or decision voted on by any member subject to the above provision.

(Ord. 41-04, 4-12-2004; Ord. 2-08, 1-28-2008)

§ 26-8 - Initial Authority Board.

(a) The previous appointments by the City Council of the City Council member, the member from the business community, the member from the education community and the members from the community at large to the initial Board as well as the City Manager are hereby ratified and confirmed upon the adoption of this chapter as the initial Board, which shall hold an organizational meeting as soon as practicable after the adoption of this section. At the organizational meeting, the members shall appoint a member to serve as chair and a member to serve as vice-chair of the Board until the next organizational meeting of the Board pursuant to § 26-10 below. The City Clerk shall provide a recording secretary to serve as secretary to the Board and keep minutes and records of all Board proceedings until a Superintendent is appointed.

(b) For purposes of this section, the initial terms of the members of the initial Board appointed by the City Council shall be deemed to have begun on April 1, 2004. The term of the Council member appointed by the City Council to the initial Board shall expire on March 31, 2005. With respect to the terms of the five remaining initial Board members (representing the business community, the educational community, and the community at large), and in order to provide for staggering of the terms of the members hereafter, two members shall serve a term of three years; two members shall serve a term of two years; and one member shall serve a term of one year. The initial Board shall, at its initial organization meeting, utilize a random selection process to determine which of the members shall serve a term of one year, two years or three years as provided herein. The one-year term identified in this section shall expire on March 31, 2005; the two terms of two years shall expire on March 31, 2006; and the two terms of three years shall expire on March 31, 2007. Thereafter, the terms of the Board members shall be as provided in § 26-9 below. Members of the initial Board are eligible for reappointment in accordance with the provisions of this chapter.

(Ord. 109-06, 8-13-2006)

(c) Upon the expiration of the term of an initial Board member as provided herein, the City Council shall appoint a replacement member from the same membership class as the predecessor member to fill the vacant Board position in accordance with § 26-9(d) so that upon the expiration of the term of a member from the educational community, the business community, or the community at large, the City Council will appoint a member from the educational community, business community or community at large, respectively.

(d) In the event a position on the initial Board becomes vacant due to the resignation, removal, death or forfeiture of a member, the City Council shall appoint a person to fill the vacancy for the remainder of the unexpired term in accordance with § 26-9(d).

(Ord. 41-04, 4-12-2004; Ord. 2-08, 1-28-2008; Ord. 2-15, 1-26-2015)

§ 26-9 - Terms of Board members.

(a) The City Council member Board member shall serve a one-year term commencing on April 1, and terminating on March 31, of the next calendar year. If he or she is otherwise qualified, the City Council member may be reappointed by the City Council for additional one-year terms with no limitation on the number of terms the member may serve on the Board.

(b) The member from the business community, the member from the education community and the four members from the community at large who are appointed by the City Council shall each serve a three year term with no limitation on the number of terms any member may serve on the Board.

(c) The parent Board member(s) shall serve one-year terms commencing on October 1, and terminating September 30, of the next calendar year. If they are otherwise qualified, parents may be reappointed by the parent organization(s) of the charter school(s) for additional one year terms with no limitation on the number of terms the member may serve on the Board.

(d) Members shall serve until the expiration of their term, resignation, death, removal or until a successor is appointed. Vacancies shall occur upon the death, resignation, removal, inability of a member to serve, or if a member no longer meets the requirements for a particular class of membership. When a vacancy on the Board occurs, the City Council, or the appointing authority or entity if the City Council did not originally appoint the member, shall appoint a replacement from the same membership class as the predecessor member. Persons appointed to fill a vacant position shall fill only the remainder of the term. All Board members, except the City Council member, shall be governed by the provisions of §§ 2-57 and 2-58 of the Cape Coral code of ordinances as they may be amended from time to time, at the time of their appointment and while serving as members of the Board.

(Ord. 41-04, 4-12-2004; Ord. 71-05; 5-9-2005; Ord. 109-06, 8-14-2006; Ord. 2-08, 1-28-2008)

§ 26-10 - Organization of Board.

Beginning in April 2005, an annual organizational meeting of the Authority Board shall be held at the first meeting of the Board that is held during the month of April, or as soon thereafter as practicable, for the purpose of electing officers for the ensuing calendar year. The annual organizational meeting of the Board may be either a regular or special meeting of the Board. A chair and vice-chair shall be elected by the Board from its voting membership for terms of one year, beginning on April 1 and expiring on March 31 of the following calendar year. Non-voting members shall not be eligible to hold any officer position. Officers will holdover until new officers are elected.

(Ord. 41-04, 4-12-2004)

§ 26-11 - Conduct of Board.

(a) From September through June of each school year, the Board shall hold at least 1 regular meeting quarterly, or more frequently if the Board deems necessary, at a time and date to be determined by the Board. Special meetings may be called at any time by the chair or any 4 voting members of the Board. The Board may adopt reasonable procedural rules and regulations governing the conduct of its business. All meetings, records and files of the Board are subject to F.S. Chapters 119 and 286 as well as all other applicable local state or federal statutes, rules, regulations or ordinances.

(b) The Superintendent, or his or her designee (if the Superintendent delegates this task), shall serve as Secretary to the Board and keep minutes and records of all Board proceedings. The minutes of each meeting shall be reviewed, corrected if necessary, and approved at the next regular meeting, provided that this action may be taken at an intervening special meeting if the Board desires. The minutes shall be kept as a public record in a permanent location.

(Ord. 41-04, 4-12-2004; Ord. 2-15, 1-26-2015)

§ 26-12 - Quorum.

Four voting members of the Board in attendance shall constitute a quorum of the Board. The non-voting members of the Authority Board shall not be counted for purposes of a quorum.

(Ord. 41-04, 4-12-2004)

§ 26-13 - Appointment of committees.

The Board may form committees to consider various aspects of charter school operations, or to comply with the provisions of the charter, and may appoint parents, members of the community, or experts in a particular field to serve on any created committee and make reports and recommendations to the Board on a committee's findings. Committee members need not be residents of the City of Cape Coral.

(Ord. 41-04, 4-12-2004)

§ 26-14 - Adoption of regulations, rules and resolutions.

(a) The Authority Board may adopt rules, regulations and resolutions to memorialize its actions. As used in this section the following words and terms shall have the following meanings unless some other meaning is plainly indicated.

REGULATION. An official legislative action by the Authority Board, which action is a regulation of a general and permanent nature and enforceable by the Authority Board.

RESOLUTION. An expression by the Authority Board concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the Board.

RULE. A statement of action or procedure governing, but not limited to matters such as conduct of employees or students, procedures for purchasing or expense reimbursement or for any other matter for which procedures need to be developed.

(b) The regular enactment procedure for a regulation shall allow the Board at any regular or special meeting to enact or amend any regulation, if notice of intent to consider the regulation is given at least ten days prior to the meeting by publication in a newspaper of general circulation in the city or county. A copy of the notice shall be kept available for public inspection during the regular business hours of the office of the Clerk of the Board and/or at other convenient locations designated in the notice.

(c) The notice of proposed enactment shall state the date, time and place of the meeting; the title or titles of proposed regulations; and the place or places within the city where the proposed regulations may be inspected by the public. The public shall have the right to appear and be heard prior to the adoption of any regulation except as otherwise provided herein, and the proposed notice shall so state this.

(d) Regulations shall be consecutively numbered for each calendar year with the last two digits of the calendar year appearing first followed by a hyphen with the number of the Regulation following the hyphen. Thus the first regulation adopted during the 2004 calendar year would be designated "04-01".

(e) Resolutions and rules may be adopted at any regular or special meeting of the Board provided that the proposed resolution or rule appears on the printed agenda, except as otherwise may be provided herein, for that meeting and is not added to the agenda at a meeting. Resolutions shall be numbered similar to regulations; rules shall be designated using numerals or letters as appropriate. The public shall have the right to appear and be heard prior to the adoption of any resolution or rule.

(f) Notwithstanding the above, the Board may adopt any regulation, resolution or rule by the emergency enactment

procedure as follows: The Board at any regular or special meeting may enact or amend any regulation, resolution or rule with a waiver of the notice or agenda requirements herein by the number required for a quorum plus one vote of the Board, declaring that an emergency exists and that the immediate enactment of the regulation, resolution or rule is necessary. All regulations, resolutions or rules adopted by the regular or emergency enactment procedures shall take effect upon adoption unless a later date is specified.

(Ord. 41-04, 4-12-2004)

§ 26-15 - Powers and duties of Charter School Authority, Superintendent and city.

(a) *Powers and duties of authority*. The powers and/or duties granted by this chapter to the Authority are declared to be public and governmental functions, exercised for public purposes, and are matters of public necessity. Any list of powers and/or duties contained herein is not meant to be exclusive, but only illustrative of the powers that may be exercised by the Authority. The Authority is a public body corporate and shall have the right and responsibility to exercise the following powers and/or duties:

(1) Establish positions, duties and a pay plan, and employ, pay and provide benefits for personnel as well as establish personnel policies. All personnel shall be at will employees with no property rights whatsoever in their employment with the Board whether employed by contract or otherwise. The Board shall have no authority whatsoever to grant any property rights in employment to any person employed by the Authority and any attempt to do so shall be null and void. Authority employees are not employees of the City of Cape Coral, but they are public employees. Authority employees are subject only to the rules, regulations, policies and authority of the Cape Coral Charter School Authority;

(2) Fix and prescribe bonds, and pay the premium on all those bonds, of all school employees who are responsible for school funds in order to provide reasonable safeguards for all the funds or property;

(3) Reimburse for all travel expenses incurred while on business for the Authority, any member, officer, the Superintendent or any employee of the Authority traveling under the direction of the Board or Superintendent or their designee in accordance with regulations, resolutions or rules adopted by the Authority;

(4) Sue and be sued. However, the Authority shall obtain the approval of the Cape Coral City Council prior to filing suit;

(5) Adopt, use and alter a corporate seal;

(6) Negotiate and enter into contracts, agreements, exclusive or limited agreements, and cooperation agreements of any kind necessary for the Authority to fulfill the purposes of this chapter including, but not limited to, contracts with technical or professional experts necessary to assist the Authority in carrying out or exercising any powers granted to it by the charter or this chapter, provided that all the contracts and agreements are in accordance with procedures established by the city, with state law, and with the Charter, and further provided that any contract entered into between the Authority and a third-party shall provide that the third party is not entering into a contract with the Lee County School District, and, when the third party is not an employee of the Authority and no employment relationship is intended, shall provide that the third-party is not a public employee;

(7) Determine, prescribe, and adopt rules, policies, standards, and programs that are consistent with state law and rule and that are deemed necessary and/or desirable by it for the efficient operation and general improvement of the charter school system;

(8) Appoint advisory committees, whose members may include parents of charter school students and/or other persons, to provide advice and input to the Board regarding specialized matters or issues. Members of advisory committees need not be residents of the City of Cape Coral;

(9) Adopt rules to implement provisions of state law;

(10) Assign students to schools;

(11) Adopt a school program for all charter schools under the control of the Authority;

(12) Adopt and provide for the execution of plans for the establishment, organization and operation of charter schools under the Authority's control;

(13) Establish schools and adopt enrollment plans that may include school attendance areas and open enrollment provisions;

(14) Provide adequate educational facilities for the student community without payment of tuition;

(15) Cooperate with the sponsoring school district as well as adjoining school districts, other agencies or entities, in joint projects or where otherwise applicable;

(16) Provide for the classification and standardization of schools;

(17) Adopt policies for the opening and closing of schools, fix uniform dates and designate the observance of school holidays and vacation periods;

(18) Provide for the establishment and maintenance of public evening schools, career and technical schools, departments or classes, in accordance with charter(s) approved by the Lee County School District;

(19) Cooperate with other agencies or entities in joint projects;

(20) Adopt rules for planning time for teachers;

(21) Provide for an appropriate program of special instruction, facilities and services for exceptional students. In addition, the Board shall coordinate with the Lee County School District for the provision of services to charter school students who require the services of a visiting teacher (due to illness or incapacitation), who reside in residential care facilities, and/or who are in detention facilities;

(22) Provide for the proper accounting for all school age children in the school community, for the attendance and control of students at school, and for proper attention to health, safety and other matters relating to the welfare of children;

(23) Provide adequate instructional materials for all charter school students in accordance with Florida Statutes and the charter(s) between the city and the Lee County School District;

(24) Make provision, in accordance with the Charter, for the transportation of students to the charter school or to school activities they are required or expected to attend; ensure that transportation routes are arranged efficiently and economically; provide necessary transportation facilities; and adopt the necessary rules and regulations to ensure safety, economy and efficiency in the operation of all buses or other vehicles used to transport students;

(25) Provide for adequate educational facilities and the proper maintenance and upkeep of school plants, so that students may attend school without sanitary or physical hazards, and provide for the necessary heating, cooling, lights, water, power and other supplies and utilities necessary for the operation of the schools;

(26) Provide for the operation of all charter schools as free public schools for a term in accordance with Florida Statutes and State Board of Education rules;

(27) Cause to be prepared, adopt and have submitted to the appropriate agencies or authorities, as may be required, an annual charter school budget, with the budget designed to promote the improvement of the charter school system. After approval by the Board, the budget shall be submitted to City Council which shall have the power to add, delete, amend or modify the Authority's charter school budget. The budget, as approved by City Council, shall be the budget that is implemented for the fiscal year;

(28) Provide for keeping accurate records of all financial transactions, and implement a system of accounting and budgetary control to ensure that payments do not exceed amounts budgeted, as required by law;

make available all records for proper audit by state officials or independent certified public accountants; and have prepared required periodic statements to be filed with the Lee County School District or Department of Education as provided by law;

(29) Provide for the keeping of all necessary records and the making of all needed or required reports and require at periodic intervals reports by assistant principals and teachers of the charter school(s) to parents apprising them of the progress being made by students in their studies and other useful information;

(30) Establish and participate in educational consortia with school districts and other charter schools as may be allowed by law;

(31) Enforce all laws and rules of the State Board of Education that are applicable to charter school(s);

(32) Adopt programs and policies to ensure the safety and welfare of individuals, the student body and school personnel, which programs and policies without limitation may include:

a. Prohibit the possession of weapons and drugs on campus, student hazing and other activities that could threaten the operation of a school or schools or the safety and welfare of the student body or school personnel;

b. Require uniforms to be worn by the student body and/or by school personnel, or impose other dress-related requirements, if the Board finds that those requirements are in the best interests of the student body or school personnel;

c. Provide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent or for public appearances of school groups;

d. Provide procedures for managing protests, demonstrations, sit-ins, walk-outs or other acts of civil disobedience;

e. Provide procedures for detaining students and for readmission of students after expulsion; and

f. Regulate student automobile use and parking.

(33) In accordance with policies and procedures established by the city and in accordance with the Florida Statutes, adopt policies providing for fiscal management of charter schools with respect to purchasing, facilities, non-state revenue sources, budgeting, fundraising and other activities relating to fiscal management of Authority resources, including but not limited to the policies governing:

a. Sales calls and demonstrations by agents, solicitors, salespersons and vendors on campus; local preference criteria for vendors, if any; specifications for quantity purchasing; prioritization of awards for bids; declining bid awards; and purchase requisitions, approvals and routing;

b. Sales by booster clubs; marathon fundraisers; and student sales of candy, paper products or other goods authorized by the Charter Authority;

c. Inventory and disposal of Authority property as may be otherwise provided for herein and/or by state law; use of safe-deposit boxes; and selection of real estate appraisers;

d. Payment of contractors and other service providers;

e. Accounting systems; petty cash accounts procedures and reporting; school activities funds procedures and reporting; management and reporting of grants from private sources; and management of funds; and

f. Budgeting system, including setting budget deadlines and schedules, budget planning, and implementation and determination of budget priorities.

(34) The Authority may adopt policies providing for innovative teaching techniques, teaching programs and methods, instructional aids and objectives, extracurricular and interscholastic activities and supplemental

programs including, but not limited to, policies providing for:

a. Use of technology, including appropriate use of the Internet as a tool for learning;

b. Instructional priorities and objectives, pilot projects and evaluations, curriculum adoption and design, and lesson planning;

c. Extracurricular and inter scholastic activities, including field trips, publishing a student newspaper and other publications, and special programs relating to the arts, music or other topics of current interest; and

d. Participation in physical education programs, including appropriate physical education attire and protective gear; programs for exceptional students; summer school; and the Title I program, including comparability procedure

(35) The Authority may adopt policies providing for management of the physical campus and its environs, including but not limited to, energy conservation measures; building and ground maintenance; fencing, landscaping and other property improvements; site acquisition; new construction and renovation; dedication and rededication of charter school buildings and other charter school facilities; and development of facilities management planning and priorities;

(36) The Authority may adopt policies governing public gifts and donations to schools; input from the community concerning instruction resources; advertising in schools; participation in community affairs, including coordination with local governments and planning authorities; protocols for interagency agreements with local governments and planning authorities; protocols for interagency agreements; business community partnerships; community use of school facilities; public solicitations in schools, including the distribution and posting of promotional materials and literature; visitors to school campus; school advisory councils; and parent volunteers and chaperones;

(37) The Authority may adopt policies and procedures necessary to implement federal mandates and programs, court orders and other legal requirements of the state;

(38) The Authority may adopt programs and policies to ensure appropriate response in emergency situations; the provision of first aid to individuals, the student body and school personnel; and the effective management of student illness, which programs and policies may include, but are not limited to:

a. The provision of first aid and emergency medical care and the provision of school health care facilities and services;

b. The provision of school safety patrol;

c. Procedures for reporting hazards, including threats of nature, bomb threats, threatening messages and similar occurrences, and the provision of warning systems including alarm systems and other technical devices;

d. Procedures for evacuating the classrooms, playground or any other charter school facility;

e. Procedures for reporting accidents, including traffic accidents and traffic violations involving Authority-owned vehicles;

f. Student insurance programs; and

g. Procedures for administering medications to students when prescribed by a health care provider authorized by Florida law to prescribe medications and/or when authorized by a parent.

(39) The Authority may adopt policies and procedures governing attendance monitoring and checks; truancy; graduation requirements and graduation exercises; fees, fines and charges imposed on students; evaluation of student records and transcripts; transfer of student records; grading and academic

evaluation of students; tests and examinations, including early examinations; guidance and counseling; and student participation in competitions, student performances and exhibitions, contests for students and social events;

(40) The Authority may adopt policies and procedures governing transportation of students for extracurricular activities and special events, including transportation of students in privately owned vehicles; transportation of Authority and other personnel, including personal use of Authority owned vehicles; computer security and computer room access and computer database resources; mail and delivery services, including use of couriers; copyright compliance; and computerized data systems, including computer use, transmission of data, access to the Internet and other technology based services;

(41) The Authority may adopt policies and procedures necessary for the daily business operation of the Authority Board, including but not limited to, conducting an Authority legislative program; Authority Board member participation at conferences, conventions and workshops, including reimbursement for Board member expenses; Authority policy development, adoption and repeal; Authority Board meeting procedures, including participation via telecommunications networks, use of technology at meetings, and presentations by non-Authority personnel; citizen communications with the Authority Board and with individual Board members; collaboration with local government and other entities as may be required by law; and organization of the Board, including special committees and advisory committees;

(42) The Authority may adopt policies and procedures necessary for the management of all personnel under the control of the Authority;

(43) Appoint an individual who shall be known as the Superintendent of Charter Schools (Superintendent) who shall be the Secretary and executive officer of the Authority Board. The Superintendent shall serve at the pleasure of the Board and be appointed by a vote of four voting members of the Board and may only be removed by a vote of at least four voting members. The Board shall establish a salary and benefit package for the Superintendent from budgeted funds appropriated therefor. The Superintendent shall be in charge of the day to day operations of the charter schools with powers as may be otherwise established herein. The Superintendent shall be hired by contract prescribing the Superintendent's compensation, benefits and other appropriate matters. By regulation, resolution or rule the Authority may authorize the Superintendent to perform any of the powers of the Authority in whole or in part and with whatever other limitations it may find appropriate, provided that the authorization does not result in an invalid exercise of delegated legislative authority or is otherwise prohibited by law;

(44) Perform duties and exercise those responsibilities that are assigned to it by law or by rules of the State Board of Education, the Commissioner of Education, the school district sponsor, and the City of Cape Coral, and in addition thereto, those that the Board may find to be necessary for the improvement of the charter school system; and

(45) Lease real and/or personal property for the use of charter school(s) and charter school facilities, if the lease is first approved by the city.

(b) *Powers and duties of Superintendent*. The following list of powers and/or duties contained herein is not meant to be exclusive, but only illustrative of the powers that may be exercised by the Superintendent. In addition to other duties as may, from time to time, be assigned to the Superintendent by the Board or by statute, the Superintendent shall have the right and responsibility to exercise the following powers and/or duties:

(1) The Superintendent shall exercise all powers and perform all duties listed in this chapter and otherwise required by charter, law or rule, provided that, in so doing, he or she shall advise and counsel with the Board. The Superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals and reports required by law to be acted upon by the Authority. All those

recommendations, nominations, proposals and reports by the Superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes and filed in the public records of the Authority. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations and proposals required of the Superintendent were not contrary to the action taken by the Board in those matters;

(2) The Superintendent shall have the right to participate in all discussions of the Board, but shall have no right to vote on any matter;

(3) The Superintendent, or his or her designee, shall serve as Secretary to the Board and keep, as a public record in a permanent location, minutes and records of all Board proceedings as well as transmit proceedings of the Board meetings and any other additional information required by law or charter to the appropriate agency or organization. The Superintendent may designate a member or members of staff and delegate to them the actual taking of minutes, record retention and storage, custodian of property and other related duties. However, the ultimate responsibility of properly carrying out these duties in accordance with state statutes and the provisions of this chapter cannot be delegated and always resides with the Superintendent;

(4) The Superintendent shall attend all regular meetings of the Board, and advise on questions under consideration;

(5) Keep records, including, but not limited to, records of property held or disposed of by the Authority, as may be necessary to provide complete information regarding the charter school system;

(6) Exercise general oversight over the charter school system in order to determine problems and needs, and recommend improvements;

(7) Advise and counsel with the Board on all educational matters and recommend to the Board for action matters that should be acted upon;

(8) Recommend to the Board for adoption policies pertaining to the charter schools as the Superintendent may consider necessary for its more efficient operation;

(9) Prepare and organize by subjects and submit to the Board for adoption rules as in the Superintendent's opinion will contribute to the efficient operation of any aspect of education in the charter schools. When rules have been adopted by the Board, the Superintendent shall see that they are enforced;

(10) From time to time prepare, organize by subject, and submit to the Board for adoption minimum standards relating to the operation of any phase of the charter school system as will contribute to the efficient operation of any aspect of education in the charter schools and ensure that the standards required by law and those adopted by the Board are observed;

(11) Perform duties and exercise responsibilities as are assigned to the Superintendent by law or the Board;

(12) Act for the Authority as custodian of Authority property;

(13) Supervise the assembling of data and sponsor studies and surveys essential to the development of a planned school program for all charter schools and prepare and recommend such a program to the Board as the basis for operating the charter school program;

(14) Recommend the establishment, organization and operation of the schools, classes and services as are needed to provide adequate educational opportunities for all children in the charter schools;

(15) Be responsible, as required herein, for directing the work of the personnel of the Cape Coral Charter Schools, subject to the requirements of Florida statutes;

(16) Provide for student transportation as required by contract, the Charter and direction of the Board;

(17) Recommend plans and execute the plans as are approved, regarding all phases of the charter school plant program;

(18) Determine and recommend funding necessary, including state and any other sources of available funding, t charter school term as specified by statute or rule, and recommend plans for ensuring the operation of all C Schools for the term authorized by the Board;

(19) Prepare an annual budget to be submitted to the Board for adoption according to law and, when adopted by the Board, submit the budget, by the required dates, to the appropriate agencies or authorities, when required by statute, this chapter or rule;

(20) Recommend, when necessary, the borrowing of money;

(21) Keep or have kept accurate records of all financial transactions;

(22) Maintain accurate and current statements of accounts due to be paid by the Authority; certify these statements as correct; liquidate Authority obligations in accordance with the adopted budget; and prepare periodic reports showing receipts, balances and disbursements to date and file with the appropriate authorities as may be required by law;

(23) Where necessary, recommend the bonds of all employees who should be bonded in order to provide reasonable safeguards for all school funds or property;

(24) Recommend to the Board the desirable terms, conditions and specifications for contracts for supplies, materials or services to be rendered and see that materials, supplies or services are provided according to contract;

(25) Recommend programs and procedures to the Board necessary to protect the Authority adequately against loss or damage to school property or against loss resulting from any liability for which the Authority or its officers, agents or employees may be responsible under law;

(26) Prepare, after consulting with the principals, assistant principals or persons in charge of the various charter schools, tentative annual budgets for the expenditure of Authority funds for the benefit of the charter school students;

(27) Recommend the amounts of bonds, if any, to be issued by the city in regard to charter school(s) and assist in the necessary papers for the sale of the bonds and for the proper expenditure of the funds derived therefrom;

(28) Recommend the records that should be kept in addition to those required by law; prepare forms for keeping the records as are approved by the Board; ensure that the records are properly kept; and make all reports that are needed or required, as follows:

a. Require that all employees accurately keep all records and promptly make in proper form all reports required by the education code or the State Board of Education; recommend the keeping of additional records and the making of additional reports as may be deemed necessary to provide data essential for the operation of the charter school system; and prepare the forms and blanks that may be required and ensure that these records and reports were properly prepared.

b. Prepare for the approval of the Board all reports that may be required by law or rules to be made and transmit promptly all like reports and approvals when approved to the appropriate authority required by law. If any like reports are not transmitted at the time or in the manner prescribed by law or rule, the salary of the Superintendent, notwithstanding any contractual provision to the contrary, shall be withheld until the reports required by law or rule have been properly submitted.

(29) Recommend plans for cooperating with, and, on the basis of approved plans, cooperate with federal, state, county and municipal agencies in the enforcement of laws and rules pertaining to all matters relating to education and child welfare;

(30) Recommend plans for identifying and reporting to the Department of Education the name of each child attending a charter school who qualifies according to the definition of a migratory child, based on Pub.

Law 95-561, and for reporting other information as may be prescribed by the Department of Education;

(31) Require that all laws and rules applicable to the charter schools are properly observed and take steps to correct any violations of such rules or laws;

(32) Visit the Cape Coral Charter Schools; observe the management and instruction taking place; provide suggestions for improvement; and advise supervisors, principals, teachers, parents and other citizens with the view of promoting interest in education and improving the conditions of the Cape Coral Charter Schools;

(33) Recommend in writing to the Department of Education the revoking of any certificate for good cause, including a full statement of the reasons for the recommendation;

(34) Leave with the Board and make available to his or her successor, upon leaving or retiring from office, a complete inventory of school equipment and other property, together with all official records and other records as may be needed in supervising instruction and in administering the charter school system;

(35) Recommend to the Board procedures whereby the general public can be adequately informed of the educational programs, needs and objectives of the charter school system;

(36) Recommend procedures for implementing and maintaining a system of charter school improvement and education accountability to the Board; and

(37) The Superintendent shall have the power to hire, promote, discipline and terminate personnel, provided, however, that the Superintendent shall exercise this power in accordance with the personnel rules and policies adopted by the Authority.

(c) *Powers and duties of city*. The following list of powers and/or duties contained herein is not meant to be exclusive, but only illustrative of the powers that may be exercised by the city in regard to charter schools. The following powers, duties and responsibilities shall be exercised by the City of Cape Coral:

(1) The city, on behalf of the Authority, may enter into agreements for accepting credit card, charge card and debit card payments as compensation for goods, services and fees, as authorized by law;

(2) The city, on behalf of the Authority, may accept donations of real, tangible and intangible personal property, goods, services or money for use for charter school purposes. The City Council shall adopt policies, rules and regulations for the disposal of surplus real, tangible and intangible personal property using the statutes for the disposal of the property by municipalities and school boards as a guide;

(3) The power to approve plans for locating, planning, constructing and condemning property for school uses shall be reserved exclusively to the City of Cape Coral. The Board shall have the right to provide recommendations to the City Council regarding the aforementioned matters;

(4) The city shall select and purchase school sites, playgrounds and recreational areas where schools are to be constructed, of adequate size to meet projected student enrollment. Leases or lease purchase agreements for real or tangible personal property may be entered into by the city on behalf of the Authority from funds made available for that purpose. In that event, the Board shall provide input and make recommendations to the city regarding these matters;

(5) The city shall supervise the construction; the making or contracting for additions, alterations and repairs on buildings and other school properties, with recommendations from the Board. Any plans and specifications for buildings shall provide for the safety and well-being of students, as well as for economy of construction;

(6) The city shall have the authority to contract for materials, supplies and services needed for the charter school system or may delegate this function in whole or in part, with or without limitations, to the Board, except that the Authority shall use no public funds received from or through the Lee County School District to purchase or lease property, goods or services from any Superintendent, officer or employee of

the Authority or the spouse, parent, child, stepchild or sibling of any Superintendent, officer or employee, or from any business in which any officers or employee has an interest, nor shall the Authority use any property, goods or services purchased or leased by public funds for the private benefit of any person or entity;

(7) The city shall provide for adequate protection against any loss or damage to school property or loss resulting from any liability for which the Authority, city or their officers, agents or employees may be responsible under law. The city may fulfill this responsibility on behalf of the Authority, charging a fee for providing the services. This responsibility may be fulfilled by purchasing insurance, being self-insured, entering into risk management programs managed by district school boards, charter school associations, school-related associations or any other risk management program capable of providing adequate risk management services or any combination thereof. Any risk management program entered into pursuant to this subsection shall provide for strict accountability of all funds and an annual audit by an independent certified public accountant of all receipts and disbursements;

(8) The city may employ an internal auditor with charter school funds or may use the services of the City Auditor to perform ongoing financial verification of the financial records of the Authority. The internal auditor shall report directly to City Council, and shall also provide copies of any reports to the Authority Board. This section shall not be construed to prohibit the Authority from employing and/or contracting with an auditor to perform auditing services on behalf of the Authority;

(9) In addition to any audits required by law or statute, city may contract with an independent certified public accountant to conduct a financial or performance audit of the accounts and records retained by the Authority; and

(10) The city shall provide for the investment or deposit of funds not needed for immediate expenditures which shall earn the maximum possible yield under the circumstances on the investments or deposits. The city shall cause to be invested at all times all school moneys not immediately needed for expenditures pursuant to the policies of the Board and city.

(Ord. 41-04, 4-12-2004; Ord. 2-15, 1-26-2015)

§ 26-16 - Indebtedness.

In addition to the powers and/or duties enumerated in § 26-15 above, the city shall have the authority to issue bonds, securities or other forms of indebtedness allowed by law to finance the construction, renovation, remodeling or operation of charter schools, providing that no indebtedness will ever be a general obligation of the city and no city ad valorem tax revenue shall ever be pledged for any indebtedness incurred on behalf of charter schools unless approved by a vote of the city electorate.

(Ord. 41-04, 4-12-2004)

§ 26-17 - Administrative services.

The city shall have the right to require the Authority to use city departments and personnel for services including, but not limited to, human resources, purchasing, administrative, accounting, financial, engineering, risk management, construction, repair and maintenance, insurance and other related services from the city. The city shall charge a fee or fees for those services; the fee or fees shall be equal to the cost of providing those services.

(Ord. 41-04, 4-12-2004)

§ 26-18 - Consistency.

Neither City Council nor the Authority Board shall take any action that is inconsistent with any state law, administrative or Department of Education rule or the charter school contract with the Lee County School District.

(Ord. 41-04, 4-12-2004)

Item Number:	**6.A.**
Meeting Date:	**2/28/2018**
Item Type:	**Date and Time of Next Meeting:**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
A Special Governing Board Meeting to Review the Superintendent Evaluation, Modifications, and Adoption will be held on Tuesday, March 06, 2018 at 12:00p.m. at Oasis High School - Conference Room, 3519 Oasis Boulevard, Cape Coral, FL 33914

SUMMARY:

ADDITIONAL INFORMATION:

Item Number:	**6.B.**
Meeting Date:	**2/28/2018**
Item Type:	**Date and Time of Next Meeting:**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
The Regular Governing Board Meeting will be held on Tuesday, March 13, 2018 at 9:00a.m. at City of Cape Coral Council Chambers.

SUMMARY:

ADDITIONAL INFORMATION:

Item Number:	**6.C.**
Meeting Date:	**2/28/2018**
Item Type:	**Date and Time of Next Meeting:**

AGENDA REQUEST FORM
CITY OF CAPE CORAL

TITLE:
The Budget Workshop #1 will be held on Tuesday, March 27, 2018 at 9:00a.m. at City of Cape Coral Nicholas Annex, Room A200-Green Room, 815 Nicholas Parkway, Cape Coral, FL 33990

SUMMARY:

ADDITIONAL INFORMATION: