

**CHARTER OF THE
BREVARD COUNTY PUBLIC SCHOOLS
INDEPENDENT CITIZEN OVERSIGHT COMMITTEE**

WHEREAS, The School Board of Brevard County, Florida, a corporate body existing under the laws of the State of Florida (the "School Board") has, pursuant to Florida law, the power and authority to determine policies and programs deemed necessary by it for the efficient operation and general improvement of the district school system; and

WHEREAS, The School Board recognized the need for an independent committee to provide general oversight to the School Board's capital expenditures regarding *Facility Renewal*, *Education Technology* and *School Security* improvements funded by the one-half cent surtax on sales for school facilities; and

WHEREAS, The School Board wishes to confirm and clarify the powers, duties, responsibilities and procedures of this committee;

NOW THEREFORE, the School Board formally acknowledges the following Charter:

ARTICLE I: NAME

The committee shall be officially known as the INDEPENDENT CITIZEN OVERSIGHT COMMITTEE (ICOC).

ARTICLE II: PURPOSE

ICOC shall provide general oversight of the expenditures made through funds generated by the one-half cent surtax on sales for school facilities approved by the citizens of Brevard County on November 4, 2014 and renewed on November 3, 2020. The key focus of ICOC is to assure that School Board's capital expenditures for mission critical *Facility Renewal*, *Educational Technology* and *School Security* items are made in accordance with the School Board's published site-based priority lists (~~"Half-cent Sales Surtax Capital Project Plan by School"~~), sequenced by highest severity of need and category ranking priority to best maintain a safe and appropriate educational environment. Additionally, ICOC will evaluate the appropriateness of capital expenditures that are substituted for previously published items due to newly recognized needs deemed to be at a higher severity of need and category ranking priority than the previously published item or items replaced.

ARTICLE III: TERM OF EXISTENCE

1. ICOC shall exist to support the School Board, and shall not be terminated until all funds collected during the ~~twelvesix~~-year period the one-half cent surtax on sales for schools have been expended.

2. After all such funds have been expended, the School Board may, at its sole discretion, terminate and dissolve ICOC upon the School Board's approval of a resolution authorizing such dissolution.
3. In the event of renewal of a surtax on sales, this charter shall remain in effect, as modified and approved by the School Board.

ARTICLE IV: POWERS, DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the ICOC to provide the School Board and the community with information related to the utilization of capital revenue generated by the one-half cent surtax on sales. Specifically, ICOC members are charged with reporting the alignment of funded projects with those identified in the School District Capital Project Plan as well as the timeliness of expenditures based on the schedule of available funds. The ICOC shall be guided by the following as they engage in this oversight responsibility:

1. ICOC is authorized to research, interview, and investigate as necessary to fulfill its duties and responsibilities as stated herein.
2. ICOC shall oversee the progress of the projects funded by the proceeds of the one-half cent surtax on sales.
3. ICOC shall research, interview, and investigate to ensure that capital outlay expenditures funded by the proceeds of the one-half cent surtax on sales are in compliance with applicable policies and procedures.
4. ICOC shall work cooperatively with the School Board, the Superintendent of Schools (the "Superintendent") and its respective employees to accomplish its goals and objectives.
5. ICOC shall not have the authority to make any decisions on behalf of the School Board, nor shall it make or implement policy.
6. ICOC shall comply with the School Board's policies regarding non-discrimination.
7. ICOC shall advise and make recommendations to the School Board and the Superintendent.
8. ICOC shall provide written reports and verbal presentations regarding the relevant findings of ICOC on a frequency to be determined by a majority of the ICOC members, but not less than once each year. Such reports and presentations shall be provided publicly at a regular or special School Board meeting.
9. ICOC may request to present findings at a School Board workshop.
10. ICOC shall establish a method to collect public feedback regarding the oversight process.
11. ICOC recommendations shall be without bias.
12. ICOC may request an independent audit as required.

ARTICLE V: RESPONSIBILITIES OF THE SCHOOL BOARD

1. For the purposes of this Charter, the term “School Board” shall include the elected members of the School Board, the Superintendent and/or the staff employed by the School District, as appropriate.
2. The School Board shall provide ICOC with all relevant information pertaining to the use of the proceeds from the one-half cent surtax on sales and the capital Facility Renewal, Education Technology and School Security projects funded by the proceeds on a quarterly basis. The School Board shall provide such information at least quarterly to ICOC as data in electronic format and as reports in hard copy and electronic formats. Such information shall include cumulative revenue, allocation of revenue to Educational Technology, Facility Renewal and School Security groups, encumbrances and expenditures of funds by school and project, status of progress on projects, audit reports, modifications to the plan, use of unallocated funds and any other information relevant for thorough review of the sales surtax program. ~~use the data of the published Campus Capital Needs Sales Surtax Funded Detail Report (Attachment “F”) as the basis of the quarterly report and shall include, at a minimum, the following information: Facility Name, Group, Category, Category Priority Ranking, Component, Component Condition Code and Component Cost Estimate. Every Component shall be assigned a unique identifier for tracking purposes. The report shall, at a minimum, identify each Project (a Component or group of Components) planned for execution during the fiscal year and, for every such Project, a schedule with progress status and a cost estimate with funds encumbered and expended to date. Additions, deletions, substitutions or modifications to Components, Component Condition Codes or Component Cost Estimates shall be clearly identified in each report.~~
3. The School Board shall provide ICOC with work and meeting space, supplies, and assistance for ICOC to fulfill its duties and responsibilities.

ARTICLE VI: MEMBERSHIP

1. ICOC shall be comprised of no less than seven (7) and no more than eleven (11) members.
2. ICOC Members shall be residents of Brevard County who have expertise in the fields such as planning, education, business, finance, law, architecture/engineering construction, technology, or security. At least two (2) members shall be the parent/guardian of a Brevard Public Schools student. School Board members or current employees of the School Board shall not be members of ICOC. No member with a conflict of interest as defined in Section 112.33 F.S. shall be approved as a member of ICOC or continue to serve on ICOC.
3. Prospective members shall be solicited through a public announcement and forum and shall be required to submit an application for consideration and submit to authorization for

undergoing a background check. ~~A Selection Committee, independent of School Board, shall review the applications and recommend members of the initial ICOC to the School Board for approval at a regular or special School Board meeting.—~~

- ~~4.—~~Members shall serve terms of two (2) years. A member may serve for more than one consecutive term or for multiple terms, if approved by the School Board. ~~In order to promote continuity of service and institutional memory, the initial terms shall be staggered, with three (3) members serving for one (1) year, three (3) members serving for two (2) years, and the remaining members serving for three (3) years.~~
5. Replacement ICOC members shall be selected, consistent with this Charter, by the existing members and recommended to the School Board for approval.
6. Members shall volunteer their services and shall not be compensated for their services in any manner. The School Board may, at its sole discretion, reimburse a member's out of pocket expenses reasonably incurred in the performance of their duties as an ICOC member, in accordance with the then normal reimbursement policies and procedures of the School Board.
7. Members shall endeavor to avoid any situation that might give rise to a conflict of interest with respect to their participation on ICOC and shall promptly notify the Superintendent upon becoming aware of any such conflict or potential conflict. Members shall contact the School Board if, during their service as a member of ICOC, a prerequisite for ICOC service is no longer met by the member. A member may be removed by a majority vote of the School Board.

ARTICLE VII: OFFICERS

1. The officers of ICOC shall consist of a Chairman, Vice Chairman, Secretary and Treasurer. The officers shall be members of ICOC and shall be elected for a one (1) year term by a majority of the then current ICOC members at the first regular meeting of each calendar year. Officers may serve consecutive terms with no limit to the number of terms.
2. Chairman: The Chairman shall preside over the meetings of ICOC and may establish sub-committees to undertake activities on behalf of ICOC. The Chairman shall have the power to call regular and special meetings of ICOC. The Chairman, or designee, shall be the official spokesman for ICOC.
3. Vice Chairman: In the absence of the Chairman, or in the event of the Chairman's inability or refusal to act as determined by a majority vote of ICOC, the Vice Chairman shall perform the duties of the Chairman, and when so acting shall have all the duties of, and be subject to all the restrictions upon, the Chairman. The Vice Chairman shall perform such other duties as may be assigned by the Chairman.

4. Treasurer: The Treasurer shall ensure that ICOC prepares annual financial reports for the School Board pertaining to capital expenditures regarding Facility Renewal, Educational Technology and School Security funded by the proceeds of the one-half cent surtax on sales.
5. Secretary: The Secretary shall be responsible for maintaining minutes and records of ICOC. The Secretary shall have such additional powers and duties as may be assigned by the Chairman.

ARTICLE VIII: MEETINGS

1. ICOC shall hold regular meetings at least four (4) times each year at quarterly intervals. Special additional meetings may be called by the ICOC Chairman or the School Board Chairman. All meetings shall be held at such time, date and place as determined by the ICOC Chairman, or by the School Board Chairman for the meetings called by the School Board Chairman.
2. Any ICOC meeting shall be publicly noticed according to Chapter 286, F.S. (Florida's Sunshine Law). All meetings shall be open to the public.
3. Meetings shall be conducted under Robert's Rules of Order. Procedures and policies of internal governance not specifically stated herein shall be established by the members.
4. The presence of a majority of the then current members, in person or by telephone or Internet, shall constitute a quorum. There shall be no voting by proxy.
5. Members shall recuse themselves from a vote on any matter where conflict of interest may exist which might affect their impartial evaluation of the matter under consideration.
6. Minutes shall be taken at each meeting. All meeting minutes shall be reviewed and approved by a majority of the members prior to being submitted to the School Board. The School Board shall archive and publish the meeting minutes as required by law and School Board policy.
7. ICOC, its sub-committees and the members of ICOC shall comply with Chapter 286, F.S. (Florida's Sunshine Law) and Chapter 119, F.S. (Florida's Public Records Act). Meetings may be audio and/or video recorded.

ARTICLE IX: AMENDMENT

The School Board shall have the power to amend this Charter, from time to time.

ARTICLE IX: ACKNOWLEDGEMENT

IN WITNESS WHEREOF, the School Board, by and through the undersigned, acknowledges its approval of this Charter on the 15th day of ~~October, 2014~~December, 2020.

THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA

~~Karen Henderson, School Board Chairman~~Misty Belford, Chairperson

~~Brian T. Binggeli~~Mark W. Mullins, Ed.D. , Superintendent