



## Duval County Public Schools

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May 12, 2009, Special Board Meeting

Ms. Betty Burney  
Mr. Tommy Hazouri, Chairman  
Mr. Stan Jordan  
Mr. W. C. Gentry  
Ms. Nancy Broner  
Ms. Vicki Drake  
Ms. Brenda Priestly Jackson, Vice Chairman  
Mr. Ed Pratt-Dannals, Superintendent

ATTENDANCE AT THIS SPECIAL MEETING OF THE DUVAL COUNTY SCHOOL BOARD with Mr. Ed Pratt-Dannals, Superintendent of Schools, Ms. Karen Chastain, Office of General Counsel, Ms. Cindy Laquidara, Chief Deputy General Counsel, Mr. Tommy Hazouri, Board Chairman, Ms. Brenda Priestly Jackson, Vice Chairman and Board Members: Ms. Nancy Broner, Ms. Vicki Drake, Mr. W. C. Gentry and Mr. Stan Jordan, present. Ms. Betty Burney participated telephonically.

Call Meeting to Order

[CALL MEETING TO ORDER](#)

Minutes:

The Chairman called the Special meeting to order at 1:50 p.m.

Comments From Audience

Reports

Approval of Agenda

Approval of Minutes

Approval of Consent Agenda

Consent Agenda

Operations - Purchasing and Logistics

1. FOOD SERVICE DEPARTMENT MANAGEMENT AND OPERATION

Attachment: [FOOD SERVICE COST EVALUATION POINTS.pdf](#)

Attachment: [XX-REV-031709COMPANY-COMPARISON-BD-COPY2.XLS.pdf](#)

Attachment: [FOOD SERVICES EVALUATION FINAL.pdf](#)

Minutes:

The Superintendent said based on some conversations we've had over the last couple of weeks, the original language that was moved and seconded at the last meeting would have authorized the General Counsel to review, but for the Superintendent and Board Chair to sign off once the negotiations are completed which is a stair step kind of thing. The vendor who received the highest points would be starting negotiations and if for some reason that didn't work, we'd go to the second and then to the third. The original language would have been once that process was completed, it would have authorized us to sign and move forward. I'm recommending and have asked Ms. Chastain to do some language and you have a copy of that in front of you and I would certainly entertain a motion to amend this and the amendment within would require the negotiated document and then come back before the Board for final review and approval. My only hesitation is the timing of this. I don't know how long it would take to go through this process, but it may require a special meeting to do so, but I think given the concerns of the Board in terms of seeing that things are included in this process and being able to do a final review, I think it's prudent to do this in this way. I'm asking the Board's indulgence to be available on a fairly short notice to come together once that process has completed to do a final approval.

The Chairman asked Ms. Chastain to read the official motion or what will be the new recommendation.

Ms. Chastain said, "Now, that we're convened, I wanted to outline the status. You had a special meeting last Monday on this agenda item which lasted just over five hours. You're reconvening from the recessed. The Superintendent has already discussed that the published agenda item is in front of you and that if this moves forward, that he would entertain or accept a Board member making an amendment to the motion should that be the direction that the Board wants to proceed in, but if I could first, we have a Board member who is on the phone right now. Ms. Burney is not physically present and I'd like to take care of the housekeeping matter. If the Board can make the findings so that Ms. Burney can then participate

telephonically. We have published the notice of the special meeting and indicated that Ms. Burney would be participating by telephone. We're in a public place, your typical Board meeting place, there is a quorum present and so what I need is a motion by a Board member and a second finding that there is good cause for Ms. Burney's absence. Good cause could be found in the fact that this is a special meeting, the precise schedule of which was undetermined as to when it would be set and that she was already scheduled to be out of town, hence, her absence from the meeting."

Ms. Broner moved that we vote to allow Ms. Burney to participate by phone for reasons already given. Ms. Drake seconded the motion.

Ms. Chastain read the proposed amendment:

"That the Duval County School Board authorize the Office of General Counsel and staff to begin negotiations for the Food Service Department Management and Operations contract with Compass Group USA, Inc., by and through its Chartwell's Division and bring the proposed contract to the Board for approval."

Speakers:

Mr. Stan Jordan, Board Member  
Mr. Tommy Hazouri, Board Chairman  
Ms. Karen Chastain, Office of General Counsel

The above language is a *substitute motion*.

Ms. Broner moved the substitute motion and Ms. Drake seconded

Speakers:

Mr. W. C. Gentry, Board Member  
Mr. Tommy Hazouri, Board Chairman  
Ms. Nancy Broner, Board Member  
Mr. Stan Jordan, Board Member

Ms. Cindy Laquidara said this is a procedural matter; a substitution to the earlier recommendation.

Speakers:

Mr. Stan Jordan  
Ms. Cindy Laquidara, Chief Deputy General Counsel  
Mr. Tommy Hazouri, Board Chairman  
Ms. Betty Burney, Board Member  
Mr. W. C. Gentry, Board Member  
Ms. Brenda Priestly Jackson, Board Member  
Ms. Karen Chastain, Office of General Counsel  
Ms. Nancy Broner, Board Member  
Ms. Vicki Drake, Board Member  
Ms. Michelle Begley, Internal Board Auditor

Mr. Ed Pratt-Dannals, Superintendent of Schools  
Mr. Doug Ayars, Chief Operating Officer

Mr. Jordan stated that he'd like to hear from Linda Champion, Deputy Commissioner, Florida Department of Education, before voting. Mr. Jordan said, "I want them on the record...there's a different issue here. I'm going down the road. We've got a food service contract for a quarter million dollar issue before us right now. We've been...actually, they put mud in our face by not responding to us...that's in your face. I'd like to get her on the phone...I'd like to hear that even if we don't learn anything which wouldn't surprise me, but I'd like for the public record, when they know they're on the public record, you're going to see olympic style shuck-an-jive going on and I'd like to see that happen. If I'm the only one and if you'll break for five minutes, I'll go call her."

Speakers:

Ms. Nancy Broner, Board Member  
Mr. W. C. Gentry, Board Member

Ms. Laquidara spoke with Mr. Steven Ferst, Deputy General Counsel, Florida Department of Education, on the cell phone and asked for information in writing.

Mr. Hazouri stated to the audience that Ms.. Chastain, Ms. Laquidara and Mr. Jordan were speaking with Mr. Ferst.

The Chairman *recessed* the Special meeting and opened discussion on stimulus money.

Mr. Gentry asked, "In making recommendations for the use of the stimulus money, have we looked to any additional programs or uses of the money other than existing programs? My question being, are we just basically taking what we have and expanding it out or are we going in and being strategic and suggesting other things than what we may presently be doing?"

The Superintendent said, "Some of both."

Speaker:

Mr. Tommy Hazouri, Board Chairman

The Chairman closed the discussion and *reconvened* the Special meeting.

Ms. Laquidara said, "With Board member Jordan and Ms. Chastain, we spoke to Mr. Steven Ferst and he had with him Mr. Jason Hand, Assistant General Counsel, Florida Department of Education, it was an unsatisfying conversation although not with any fault to Mr. Ferst or Mr. Hand. It's difficult for attorneys to be called into the middle of something that complex. So, I didn't take away an ultimate resolution, but Member Jordan was present."

Mr. Jordan said he like to say what he got out of that conversation, "There are some misconceptions taking place. One thing that came out is Chapter 120. He's of the opinion that we fall under it and our counsel very effectively informed him that we do not. Now, what the impact of that has on the process, I don't know. But, he kept saying, 'your Board has to make that decision', and I said, 'well, we're trying to make a decision, but this thing is so convoluted now, it's got us in a box.' I guess basically, from a layman's term, what I asked him, was "(1) Why didn't you respond to us in writing?" and he said they don't respond in writing, and I said, "Have you talked to the USDA?"; he had not and, of course, he's the attorney and it wouldn't be his role. He wasn't sure of what they were doing. I don't know how much of the information that we sent forward that has been reviewed by the FDA; he didn't either. Of course, again, he's the attorney, but basically, he said that we could if we wanted to, to reject the bids and go with the existing vendor. That was an option, however, it would probably trigger another protest which our counsel has already told us and probably delay the process and get even more complicated. Ms. Laquidara and Ms. Chastain very quickly informed him that Chapter 120 does not apply to the consolidated form of government and Ms. Laquidara, what 120 does for us, you'll have to explain that."

Ms. Laquidara said, "Yes, briefly, because this really would be subject of the outcoming workshop. 120, if I want to follow 120 when you have a disputed issue which was the evaluation of the proposals, there is a formal process for the protest. It was timely filed by Aramark; they'd have to jump the #2 and the #1 to get in that. They would hold under 120, a mini trial in front of a hearing officer, you then submit the proposed recommended orders, exceptions to those orders and this all takes time; it's 30 days after the transcript is received by the hearing officer to reach the initial decision, the final order, then the exceptions, then the appeal. The appeal is from that hearing officer directly to the First District Court of Appeals. That's where you see the difference here. You have an abbreviated form which is (inaudible) for most vendors because Section 120 can really drag on when there's a disputed issue of fact. Wave me off if I'm getting too detailed. It has to do with Board power and discretion and your point of entry into the process."

Mr. Jordan said, "Mr. Chairman, I regret that Ms. Champion was not available. They were trying to run her down; she was out of the building. Nancy Reed, is that the one? I mentioned her name and they were trying to find her and for us to talk to the attorney...I mean, it was probably unfair to them because it would be like someone talking to our attorney about the administration or the district or the actions of the Board. So, I regret that we didn't get...but the mystery still remains...where are we in the review process with the USDA? That is a major mystery."

The Chairman called for a vote.

Speakers:

Mr. Stan Jordan, Board Member  
Mr. Tommy Hazouri, Board Chairman  
Mr. Ed Pratt-Dannals, Superintendent of Schools  
Ms. Nancy Broner, Board Member  
Mr. W. C. Gentry, Board Member  
Mr. Doug Ayars, Chief Operating Officer

Motions:

Motion to allow Board Member Betty Burney to participate in the Special Board Meeting via telephone, due to the fact she is out of town. - PASS

Vote Results

Motion: Nancy Broner

Second: Victoria Drake

Nancy Broner - Aye

Betty Burney - Aye

Victoria Drake - Aye

William Gentry - Aye

Thomas Hazouri - Aye

Stan Jordan - Aye

Brenda Priestly jackson - Aye

Motions:

Substitute Motion: That the Duval County School Board authorize the Office of General Counsel and staff to begin negotiations for the Food Service Department Management and Operations contract with Compass Group, USA, Inc., by and through its Chartwell's Division, and bring the proposed contract to the Board for approval. - PASS

Vote Results

Motion: Nancy Broner  
Second: Victoria Drake  
Nancy Broner - Aye  
Betty Burney - Nay  
Victoria Drake - Aye  
William Gentry - Aye  
Thomas Hazouri - Aye  
Stan Jordan - Aye  
Brenda Priestly Jackson - Nay

Discussion

For The Record

Adjournment

ADJOURNMENT

Minutes:

The Special meeting adjourned at 4:09 p.m.

Isd

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Superintendent

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Chairman