



# CITY OF BELLE ISLE, FL

1600 NELA AVENUE, BELLE ISLE, FL 32809 \* TEL 407-851-7730

## MEMORANDUM

From the Desk of Bob Francis, City Manager

**To:** Mayor and Council  
**Date:** February 27, 2020  
**Re:** Workshop 2 for Refinancing Cornerstone Debt

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As a result of the Council Workshop on February 26, 2020, the Council discussed and provided the following conditions for the refinancing of the Cornerstone Debt and issuance of new debt for expansion of the school. These changes are requested to establish more effective communication between the CCA Board of Directors and the City Council, not only as a tenant- landlord relationship, but the City having a major interest in the well-being of the students. The City Council does not want to be involved in the operations of the Academy; however, the Council does want to be informed of significant issues.

1. Bylaw changes to include:
  - a. Term Limits: Board member terms will be for a maximum of 2 consecutive 3-year terms (not to exceed 6 years). At the end of the second term, there will be a 3-year wait period before the member can apply again for a seat on the board.
  - b. Current Board members, including the Board Officers, will complete their current term and then they must leave the Board for the required waiting interval of 3 years. After 3 years, current Board members may reapply. To ensure continuity, if more than 3 Board members have served for greater than six years, 3 will leave the Board now and the remaining Board members will leave the Board the following year.
  - c. The City will have 3 voting seats on the Board. The City's 3 voting seats can be any candidate who applies to the City Council, including elected officials. At least one of the seats must be the Mayor or a City Commissioner. The Mayor will have the discretion to fill one of the voting seats, but it is not mandatory for the Mayor to be one of the Board members. The 3 voting seats will be appointed by the City Council and no CCA Board confirmation is required.
  - d. Expansion of the Board pursuant to the terms of Bylaws must include additional seats selected by the City to retain no less than 33% of the of Board seats appointed by the City.
  - e. No Bylaw change that modifies, deletes, or adds provisions that in any way interfere with the effect of Bylaw provisions benefiting the City are permitted and effective without the prior written consent of the Belle Isle City Council.

- f. It is suggested that the Board consider where the concentrations of student populations are located and reach out to those areas so the Board can reflect the areas where the students are from. This will add diversity to the Board.
2. CCA Board will form a Master Planning Committee which will include 2 representatives from the City of Belle Isle. These 2 representatives will be appointed by the Belle Isle City Council.
3. The City shall have access, within two (2) Business Days of advanced written notification to CCA, to all books, records, data and documents that are relevant or related to the bond issue and the Master Plan Expansion project for inspection and audit. All records, plans, contracts, books, and all other documents pertaining to the bond issue and Master Plan Expansion project shall be kept at the physical location of Belle Isle Charter School Inc., which is listed in the Corporation's Bylaws as 5903 Randolph Avenue, Belle Isle, Florida 32809 for at least 5 years after the completion of the project.
4. CCA will be responsible for maintenance, operations, repair and replacement of all facilities and property and ensuring compliance with all regulatory bodies. (Triple net lease).
5. The City will negotiate a fair and reasonable rent rate structure for the property and any other city owned property used by CCA.
6. Inspections of all properties will be performed on a periodic basis by the city to ensure that property belonging to the public is being adequately maintained. CCA will provide periodic reports to the City on Capital Projects and preventive maintenance performed on major building systems. As its own expense, the City may contract with an independent engineering firm or request OCPS Facility Maintenance Division to conduct periodic inspections. The City and CCA will negotiate the frequency of the inspections.
7. The City requests a pro-forma for CCA operations for at least a five year period after the issuance of the new bonds. Include the most recent actual (audited results) and the current budget and then at least five years of projects. .
8. The City requests that CCA revise the process for adding students to the student waiting list so that all prospective students residing in Belle Isle are at the top of the list regardless of the other criteria for placement on the list.
9. The City will request OCPS or an independent marketing firm conduct a survey with the focus on why Belle Isle parents do not send their children to CCA and to conduct a customer service satisfaction survey on the CCA Board, Administration, and Faculty to inform the Board of any issues regarding the services provided by CCA.
10. CCA will commit to the City in writing to use fair and formal competitive solicitation processes for the selection of architects, engineers and contractors pertaining to capital improvement projects upon the City's property leased to CCA. The City shall be entitled to select one or more representatives (at least 33% of the committee members) to serve on CCA's procurement selection committees pertaining to the award of contracts involving capital improvement projects upon the City's property.

11. All contractors performing construction upon the City's property leased to CCA shall be required to secure and post payment and performance bonds consistent with Section 255.05, Fla. Stat. in a form and with terms acceptable to the City. Such bonds shall name both the City and CCA as beneficiaries. In no event shall liens be placed against City property, including concerning contractor's failure to pay its subcontractors, vendors, materialmen and laborers.
12. The final design of capital improvement projects upon the City's property leased to CCA shall be subject to review and approval by the City Council prior to obtaining building permits and commencing construction. Such approval requirement is based on the City's ownership of the property and is separate and apart from the City's zoning and permitting authority.
13. A joint workshop between the CCA and the City should be set up as soon as possible to discuss these items in detail.