

**The Oversight Committee for The Implementation of The  
Third Amended and Restated Interlocal Agreement for Public School Facility Planning, Broward County, Florida**

**Agenda  
Oversight Committee Public Meeting  
October 9, 2024  
12:00 noon**

**Government Center West, 1st Floor Board Room  
1 North University Drive, Plantation FL 33324**

1. Call to Order
2. Roll Call
3. Election of Officers
4. \*Approval of Minutes – July 10, 2024, Meeting (**Back-Up Item**)
5. Additions to the October 9, 2024, Meeting Agenda
6. \*Approval of the Final Agenda for the October 9, 2024, Meeting
7. \*Excused Absences for October 9, 2024, Meeting
8. **OLD BUSINESS**
  - 8.1 Status – Student Generation Rate and School Impact Fee Study Update
  - 8.2 Status – Non-Residential Site Plan Review
  - 8.3 Status – Educational Mitigation Agreements (**Back-Up Item**)
9. **NEW BUSINESS**
  - 9.1 Presentation – The Interlocal Agreement, The Oversight Committee, Development Review, and Public-School Concurrency 101 (**Back-Up Item**)
  - 9.2 A Member’s Absence from Two Consecutive Meetings
10. **PUBLIC INPUT**
11. **INFORMATIONAL ITEMS**
  - 11.1 September 12, 2024, SWG Draft Minutes (**Back-Up Item**)
  - 11.2 Electronic New Member Binder on the Facility Planning & Real Estate Department Webpage
  - 11.3 Next Scheduled Meeting – January 8, 2024
12. **ADJOURN**

\* Denotes Items Requiring Oversight Committee Formal Action

**THE OVERSIGHT COMMITTEE FOR THE IMPLEMENTATION OF THE  
THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC  
SCHOOL FACILITY PLANNING, BROWARD COUNTY, FLORIDA**

**Minutes  
Oversight Committee Public  
Meeting July 10, 2024  
12:00 noon**

**Government Center West, 1st Floor Board Room  
1 North University Drive, Plantation, Florida 33324**

**1. Call to Order**

Chair Keven Klopp called the July 10, 2024, meeting to order at 12:30 pm.

**2. Roll Call**

Derek Tillman called the roll, and the Committee members present were as follows:

- |                   |                   |
|-------------------|-------------------|
| 1. Joy Carter     | 6. Hazelle Rogers |
| 2. Debby Eisinger | 7. Debra Hixon    |
| 3. Andrea McGee   | 8. Timothy Curtin |
| 4. Simeon Brier   | 9. Evy Kalus      |
| 5. Keven Klopp    | 10. Bob Mayersohn |

**3. \*Approval of Minutes – April 10, 2024, Meeting (Back-Up Item)**

Chair Klopp noted a missing word in the minutes, suggesting that the word "responsibility" was missing and should be added to clarify the Oversight Committee's (OC) role in overseeing the implementation of the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (TRILA). The correction was identified on Page 1, in the second paragraph.

<b>Motion</b>	Committee Member Debby Eisinger motioned to approve the April 10, 2024, meeting minutes with the noted amendment.
<b>Seconded</b>	Committee Member Andrea McGee seconded the motion.
<b>Approved</b>	The motion passed unanimously.

**4. Additions to the July 10, 2024, Meeting Agenda**

The meeting continued with Chair Klopp asking if any OC member desired to include any additional items on the meeting agenda. An addition was proposed and unanimously approved by the OC to include an item titled "Level of Service and Concurrency" under the New Business section of the meeting agenda. This item was designated as 8.2 on the agenda. The OC members acknowledged the importance of addressing this issue and agreed to include the added item without objection.

<b>Motion</b>	Committee Member Joy Carter motioned to add item 8.2, Level of Service and Concurrency, to the July 10, 2024, agenda.
<b>Seconded</b>	Committee Member Andrea McGee seconded the motion.
<b>Approved</b>	The motion passed unanimously.

## 5. \*Approval of the Final Agenda for the July 10, 2024, Meeting

Following the addition, the OC proceeded to approve the meeting's final agenda. However, it was noted that the initial count of attendees was insufficient to constitute a quorum for the meeting. Committee Member Rogers was reported as present,, and thereafter, it was confirmed that quorum was reached, with eight OC members counted as present. Subsequently, a motion to approve the meeting agenda was successfully passed with all members voting in favor.

<b>Motion</b>	Committee Member Bob Mayersohn motioned to approve the meeting agenda for the July 10, 2024, OC meeting.
<b>Seconded</b>	Committee Member Debby Eisinger seconded the motion.
<b>Approved</b>	The motion passed unanimously.

## 6. \*Excused Absences for July 10, 2024, Meeting

Committee members listed below requested excused absences from the July 10, 2024, OC meeting:

1. David Britton
2. Jeff Holness
3. Daniel Foganholi

<b>Motion</b>	Committee Member Joy Carter motioned to accept the excused absences for the July 10, 2024, OC meeting.
<b>Seconded</b>	Committee Member Debby Eisinger seconded the motion.
<b>Approved</b>	The motion passed unanimously.

## 7. OLD BUSINESS

### 7.1 Status – Student Generation Rate and School Impact Fee Study Update (Back-Up Item)

The OC commenced discussions on the recently completed Student Generation Rate and School Impact Fee Study (Final Study Update). The Final Study Update findings were presented by Chris Akagbosu, highlighting the student generation rate, a metric used to estimate the number of students expected to be generated from new housing units. The OC noted that, overall, the recommended student generation rate had decreased in most categories, with only one or two remaining stable.

Mr. Akagbosu, continued and talked about the detailed analysis of various scenarios and proposed multiple options for the school impact fee schedule, outlined in three separate Tables (Tables 11, 12, and 13). Each Table offered a distinct calculation method, resulting in Table 11 – Option 1, Maximum allowable school impact fees, phased in over a four (4) year period (2026 - 2029 ), and consistent with Florida Statute (FS) 163.31801; Table 12 - Option 2, which school impact fees are eighty percent (80%) of the maximum allowable fees depicted in Table 11, phased in over a four (4) year period (2026 - 2029 ), and consistent with Florida Statute (FS) 163.31801; Table 13 – Option 3, maintain the current school impact fee for single family three or less bedrooms category (\$8,800), divide the fee by the calculated impact fee for the category ( $\$8,800/\$14,719 = 0.597\%$ ), and apply the resultant percentage to remaining fee categories. The fees are phased in over a four (4) year period (2026 - 2029), and consistent with Florida Statute (FS) 163.31801 Table D-2 – Annual Impact Fee Revenue Increase Projections depicted the total amounts that would be realized from each cited Option for a five (5) year period, and Table D-2 depicted that the fee increases would have minimal impact costs to a typical priced at \$150,000, \$250,000, and \$350,000 house. This comprehensive approach aimed to ensure that the school impact fees are equitable and reasonable.

Additional discussions followed on the potential impact of the proposed school impact fees on affordable housing projects. The OC acknowledged the need to balance the financial burden on developers with the community's need for affordable housing. Mr. Akagbosu advised that to address this concern and comments from pertinent Broward County staffs', Broward County Public Schools (BCPS) administration intend to recommend to the School Board to increase its current budget allocation for impact fee waivers, specifically targeting very low to moderate-income housing projects, from \$450,000 to higher yet to be determined amount. This recommendation aimed to mitigate the financial impact on developers of affordable housing, thereby encouraging the development of such projects while still securing necessary funds for school infrastructure. The OC acknowledged the Final Study Update and efforts made in its generation.

## **7.2 Status – Educational Mitigation Tri-Party Agreements**

Mr. Akagbosu briefly explained the reason the Educational Mitigation Tri-Party Agreements was included as topic on the meeting agenda. The reason being to inform the OC of BCPS administration's decision to allow that school impact fees and not fees-based student station cost factors, could be due and paid for new residential units proposed for inclusion within the boundaries of the areas governed by Educational Mitigation Tri-Party Agreements, that are certified by Broward County as affordable housing units. The Educational Mitigation Tri-Party are collaborative efforts between the School Board, Broward County, and local government, whereby developers mitigate holistically, the anticipated student impact from their proposed residential developments on BCPS, with the primary

purpose of straining existing educational facilities beyond their established level of service standard. The OC acknowledged the information disclosed, and no specific updates or issues were highlighted, suggesting that the agreements were functioning as intended at the time of the meeting.

### **7.3 Status – Non-Residential Site Plan Review (Back-Up Item)**

The final topic in this section concerns the status of non-residential site plan applications and reviews. These reviews assess the potential impact of proposed non-residential developments, such as commercial and industrial projects, on BCPS.

Mr. Akagbosu presented background information on the status of the topic. As directed by the OC at the April 10, 2024, Non-Residential Site Plan Review was scheduled as a topic at the June 6, 2024, Staff Working Group (SWG) meeting. Specifically, with the directive from the OC for the SWG to craft language that would guide BCPS review of non-residential site plan applications, aligned with the requirement of the TRILA. After that, the SWG will transmit the guidelines to the OC for its discussions and consideration, vote, and subsequent inclusion in the OC's Interpretation Document regarding the TRILA. Mr. Akagbosu reported that the SWG discussed the topic and chose not to take formal action to craft and vote on interpretative language because it preferred reviewing the motion and vote taken by the OC on the subject at its April 10, 2024, meeting. Mr. Akagbosu said that given that the said motion and vote did not contain a specific radius (i.e., 500 feet), the request was for the OC to at the present July 10, 2024, meeting, to take another vote which delineates a specific radius containing non-residential site plan applications that BCPS would review. Upon additional discussions on the topic, the OC declined taking on another vote as requested, and directed that the SWG should proceed to discuss the matter and take the necessary steps to generate the desired interpretative language; and subsequently, present a recommendation to the OC.

## **8. NEW BUSINESS**

### **8.1 Redefining Our Schools/School Closures (Back-Up Item)**

The discussion opened with the introduction of Ms. Wanda Paul, who recently joined BCPS as the Chief Operations & Facilities Officer after a notable tenure in Palm Beach County Public Schools. Dr. Valerie S. Wanza, Chief Strategy & Innovation Officer, who has been closely involved with the initiative, provided a comprehensive overview of the School Board's Redefining Our Schools efforts. The initiative, characterized as a once-in-a-generation effort, aims to "right-size" the District's portfolio of schools and programs. This process involves a thorough District-wide evaluation of facility usage, program offerings, and the efficiency of existing structures.

A significant emphasis was placed on the importance of community involvement. Dr. Wanza acknowledged that previous attempts to close schools without adequate

community input led to feelings of being blindsided among stakeholders. This time, BCPS aims to foster a transparent and inclusive process. The reset button was hit on the previous approach to address these concerns. A critical element of this reset is the August 27, 2024, School Board Workshop, where formal discussions with the School Board and the public will be held, further solidifying BCPS's commitment to transparency.

School Board Member Debra Hixon and others stressed the need for a holistic approach. It was not just about identifying schools for closure but also about evaluating the entire spectrum of educational offerings. This includes considering the sunset of underperforming programs and introducing new, innovative offerings that cater to the diverse needs of students across BCPS.

A comprehensive discussion ensued regarding the BCPS's capacity challenges. Some schools are operating well below their designed capacity, which has prompted the consideration of consolidation or repurposing of facilities. The OC explored the potential of consolidating multiple under-enrolled schools into fewer facilities, thereby optimizing resources and improving program delivery. Dr. Wanza noted that while some properties may be sold, the BCPS must also consider future growth needs. Thus, not all facilities will necessarily be divested; some may be repurposed for other educational, or community uses.

A proposal included the possibility of subleasing or leasing parts of underutilized facilities for vocational training or other community services. This approach not only preserves valuable real estate for future educational use but also provides immediate benefits to the community, such as expanding vocational training opportunities.

One of the most critical aspects of the discussion was the absence of a specific School Board policy to guide the closure of schools. The existing School Board Policy 8010 (formerly **5000**) primarily addresses capacity management but lacks clear guidance on school closures. The OC recognized the need to develop a new policy that explicitly outlines the steps and criteria for closing schools. This policy would provide a clear framework, ensuring that all decisions are made transparently and consistently, with full compliance with state laws and regulations.

The legal obligations of BCPS, as outlined in state law and interlocal agreements were also discussed. These include requirements for municipal participation in the closure process and the need for comprehensive planning assessments. The OC acknowledged that while some aspects of the process might currently be ad hoc, there is a clear direction from the School Board to develop a comprehensive policy to guide future actions.

Several Committee members and public participants expressed concerns and asked questions. These ranged from the level of municipal involvement to the timing and format of public meetings. It was emphasized that any proposed changes must

consider the broader impact on the community, including potential increases in traffic and the need for additional crossing guards and law enforcement presence.

A recurring theme was the historical context of school closures and the rise of charter schools, particularly following the 2008 economic downturn. BCPS previous experiences with closing schools and the subsequent proliferation of charter schools served as a cautionary tale. The OC stressed the importance of making decisions that would not only address current challenges but also enhance the BCPS appeal and competitiveness in the face of growing alternatives like charter schools and private institutions.

Public input was a cornerstone of the conversation. The OC reiterated the importance of engaging with all stakeholders, including parents, students, teachers, and community leaders. This engagement is crucial to ensuring that the needs and preferences of the community are adequately represented and addressed. The upcoming community meetings were highlighted as key opportunities for gathering feedback and discussing potential school closures or consolidations.

The discussion also touched on the logistical aspects of stakeholder engagement, such as the format and accessibility of meetings. BCPS plans to hold multiple community meetings across different regions, ensuring that all communities have an opportunity to participate. These meetings will not only discuss potential closures but also explore what alternative uses for the facilities might look like, ensuring that the community's voice is central to the decision-making process.

The OC reached general consensus on the need for a well-structured communication plan. This plan would ensure that all stakeholders are informed and have a clear understanding of the rationale behind any decisions made. The OC acknowledged the complexity and sensitivity of the task at hand and emphasized the importance of a transparent and inclusive process.

## **8.2 Level of Service and Concurrency (Added Item)**

This item was added to the agenda at the request of Committee Member Joy Carter's request. She introduced the topic by questioning the role of concurrency and level of service in the new boundary policy, which the School Board will review on July 23, 2024. The discussion aimed to clarify the definition of "overcrowded" and how it aligns with these concepts.

The primary function of the boundary policy is to assign students to schools to ensure that such schools operate primarily at no more than the school's designed capacity. This can be done through boundary changes, the construction of new schools, or the closure and consolidation of existing ones. However, the policy does not consider concurrency or level of service when determining school boundaries. School concurrency on the other hand involves ensuring that adequate capacity

exists at schools impacted by proposed residential development to accommodate students anticipated from the proposed residential development.

There was a consensus that boundary changes are highly disruptive to communities and should be a last resort. A notable example was the boundary change at a middle school in 2000, which was driven by concerns about the level of service and resulted in significant community upheaval. The discussion highlighted that boundary changes should not be tied to school concurrency or level of service issues, as they are separate matters.

A significant part of the conversation revolved around the need to "detangle" school concurrency and level of service from boundary decisions. The OC discussed the confusion that arises when these concepts are conflated, particularly concerning the definition of "over-enrolled" schools.

The current definition of over-enrollment is based on 100% gross capacity, meaning a school is considered full when its enrollment reaches its designed capacity. Discussions continued on whether this threshold should align with the 110% level of service standard used for developers, which allows for a certain level of over-enrollment. It was noted that the level of service standard includes portables in its calculation, which can lead to discrepancies in capacity reporting.

The OC acknowledged that transparency in capacity calculations is crucial. There was concern that conflating school concurrency with boundary policies could lead to confusion and misinformation. For example, past issues arose from misunderstandings about the state's calculations of capacity, such as whether to include portables.

The discussions shifted to the OC's responsibilities, with some OC members, including some of the new members, seeking clarity about the OC's responsibilities; and after additional discussions on this point, it was suggested that a workshop or an orientation session should be held to educate the OC members about the OC's history, role, and the impact of their decisions on boundaries, level of service, and school concurrency.

Committee Member Rogers and other long-serving OC members emphasized the importance of institutional knowledge, especially as many elected officials face term limits. The point was made for the continuity and the retention of experienced OC members to guide new OC members.

The OC agreed on the need for a clearer distinction between the boundary process and school concurrency issues and requested that a refresher session on this distinction be presented at the next OC meeting to clarify these processes and their commonalities.



## 9. PUBLIC INPUT

Chair Keven Klopp opened the floor for public comments, with a limit on presentation time if necessary. Two speakers addressed the OC, providing their perspectives on the current and upcoming School Board decisions, particularly concerning the "Redefining Our Schools" initiative and related policy changes.

Dr. Natalie Lynch-Walsh from Plantation, Florida, began her remarks by noting the significance of her attendance at the OC meeting on her child's birthday, highlighting her deep commitment to the BCPS processes. She distributed hard copies of the presentation she generated and stated that she has been a member of the Facilities Task Force since 2011, holds positions, and serves respectively as the chair of the BCPS Audit Committee and District Advisory Council. Dr. Lynch-Walsh expressed strong concerns about BCPS's current approach, comparing it to past efforts that she felt were mishandled. She criticized the consistency in BCPS culture, regardless of personnel changes, and warned that BCPS might repeat past mistakes, such as those seen in the implementation of the SMART program, which she argued deprived a generation of students of improved facilities. Dr. Lynch-Walsh cited specific issues, such as the proposed implementation of a Montessori program at Bennett Elementary, despite significant concerns like outdated fire alarms and incomplete renovations. She emphasized the need for compliance with Florida Statute 163.31777, particularly regarding municipal participation in decisions involving significant renovations and potential school closures.

Dr. Lynch-Walsh urged the committee to ensure that staff complies with state law and to clarify policies, especially regarding the School Site Review Committee's role in reviewing significant renovations and school closures. She criticized the vague and poorly worded language in the policy and suggested that significant policy revisions, rather than mere updates, were necessary. Dr. Lynch-Walsh called for several actions, including convening the School Site Review Committee and the Long-Range Facility Master Plan Steering Committee to review data, share information, and clarify the processes. Additionally, she suggested that BCPS staff should be directed to loop the policy regarding the School Site Review Committee before the Facilities Task Force and the Staff Working Group. She emphasized the importance of avoiding "clandestine meetings" with select officials and called for transparent and inclusive decision-making.

## 10. INFORMATIONAL ITEMS

**10.1** June 6, 2024, SWG Draft Minutes (**Back-Up Item**)

**10.2** School Impact Fee Spending Data Reports (**Back-Up Item**)

**10.3** Electronic New Member Binder on the Facility Planning & Real Estate Department Webpage

**10.4** Next Scheduled Meeting – October 9, 2024

## 11. ADJOURN

The OC meeting was adjourned at 2:54 pm with no further business to discuss.

\* Denotes Items Requiring Oversight Committee Formal Action

## **EDUCATIONAL MITIGATION AGREEMENTS**

### **1. The Following Processes were Implemented Upon the Effectiveness of Public-School Concurrency (PSC) in 2008.**

- a. Prior developments subject to voluntary mitigation were grandfathered and vested for PSC purposes.
- b. Post PSC, new pools of proposed residential units were subject to PSC review at plat or site plan (or functional equivalent) of development review, whichever occurs first as required by applicable law.
- c. The applications were approved if capacity exist at the primarily impacted schools. Subsequently, developer pays school impact fees and development proceeds.
- d. If capacity does not exist, development could be denied, or developer could propose proportionate share mitigation listed in the Third Restated and Amended Interlocal Agreement for Public School Facility Planning and School Board Growth Management Policy 1161.

### **2. Current Protocol to Amend Educational Mitigation Agreements**

- a. Municipality proposes revisions to the approved residential unit and/or bedroom mix contained in its effective Educational Mitigation Agreement (Agreements). Thereafter, transmits the revised data to Broward County Public Schools (BCPS).
- b. Upon consensus on the data and the resultant student impact, BCPS issue a new School Capacity Availability Determination (SCAD) to reflect residential unit and/or bedroom mix.
- c. School Board Cadre attorney generates a revised Agreement (which contains the residential unit and/or bedroom mix and related data) and transmits the draft amended Agreement to the Broward County Deputy County Attorney for review.
- d. Upon consensus on the draft amended Agreement by BCPS administration, Broward County, and the City, School Board Cadre attorney transmits final version of the Agreement to the City for formal approval by the City Commission.
- e. Thereafter, the School Board and the Broward County Commission respectively approves the Agreement; and the Agreement is transmitted to the City for recordation.

### **3. New Approach to Minimize the Impact on Proposed Affordable Housing Units**

- a. Recent BCPS administrative position to alleviate impact on affordable housing is as follows:
  - (1) Include language in Agreement which allows units certified by Broward County as affordable housing units, will pay school impact fees rather than cost student station fees.
  - (2) Also, the certified units could qualify for the waiver for School Impact Fees due.
  - (3) The obligation for that payment of cost per student station would still be required for remaining residential units.



# THE INTERLOCAL AGREEMENT, THE OVERSIGHT COMMITTEE, DEVELOPMENT REVIEW, AND PUBLIC-SCHOOL CONCURRENCY 101

The Oversight Committee Meeting

October 9, 2024

Presented By:

Chris O. Akagbosu, Director, Facility Planning and Real Estate Department

# General Phases of Development Review Process and Pertinent Terminology

- ❖ **Comprehensive Plan**: Prescribes the principles, guidelines, and standards for the development of a jurisdiction (such as a county or municipality).
- ❖ **Land Use**: The type of development that is permitted on a site by local governmental law (Broward County and Municipalities) i.e. residential, commercial, office, etc.
- ❖ **Zoning**: Laws that govern specifically how an area can be used such as: single family, townhouse, garden apartment, office, commercial, industrial, etc. consistent with the underlying land use.
- ❖ **Plat**: A map depicting the division or subdivision of a tract or parcel of land(s) into lot(s), block(s), etc.
- ❖ **Site Plan**: A detailed plan which depicts the location of improvements (houses, offices, etc.) on a parcel of land which also contains all the information required by zoning ordinances.
- ❖ **Building Permit**: A permit granted by a government agency to construct a specific project on a specific site, under the terms of the permit and consistent with the permitted site plan.
- ❖ **Certificate of Occupancy**: Written authorization given by a local municipality or County that allows a newly completed or substantially completed structure to be inhabited.



## The Interlocal Agreement and the Oversight Committee

- ❖ **2002:** Florida Statutes was enacted, whereby Sections 163.31777 and 1013.33 Florida Statutes (FS) required each Florida school district to enter into an interlocal agreement with local county and municipalities.
- ❖ **2003:** The Interlocal Agreement (ILA) between the School Board of Broward County, Florida (SBBC), Broward County Commission, and initially, 26 municipalities becomes effective in April/May 2003. ILA primarily requires the following:
  - Intergovernmental coordination amongst the parties to address proposed (residential/non-residential) development and the availability of school capacity to accommodate students anticipated from proposed residential development and impact to school facility.
  - Broward County and municipalities to establish a Public-School Facilities Element as component of its comprehensive plan.
  - Establish an oversight committee to oversee the ILA.
  - ILA establishes a 15-member Oversight Committee (OC) consisting of 5 members appointed by SBBC, 5 members appointed by the Broward County Commission, and 5 members by the 26 municipal signatories via the Broward League of Cities.
  - Initial responsibilities of the OC comprised of the following:
    - ✓ Oversee the ILA to ensure each signatory complies with provisions of the ILA
    - ✓ Meet at least once a year (**Note**, via its By-Laws, the OC agrees to meet quarterly each year)
    - ✓ Issue an annual report on the implementation of the ILA in the preceding year and provide the report to each signatory to the ILA. Also, publish the report.



## The Interlocal Agreement and the Oversight Committee

- Jointly address on-site and offsite improvements.
- Jointly coordinate as feasible, the colocation of BCPS facilities with local government facilities.
- ❖ **2008:** Sections 163.3180(13), 163.31777, 1013.33 FS, requires amendment of each ILA to include and mandate implementation of Public School Concurrency (PSC), with the adoption of Concurrency Service Areas (CSA), and Level of Service Standard (LOS). Also, implement PSC as a component of the development review process.
  - Law required that the adopted LOS be maintained within the 5-year period of each capital plan to ensure the plan is financially feasible within the 5-year period.
  - Law required each local government to adopt amendments to their comprehensive plan and include PSC in its public-school facilities element which delineates PSC requirements.
  - **First Amendment to ILA** - SBBC initiated the amendment to the ILA to include PSC, with a proposed adoption of an LOS of 100% of permanent capacity.
  - Each elementary, middle, and high school boundary was adopted as the CSA to measure the adopted LOS.
  - First amended ILA became effective in January/February 2008.





## The Interlocal Agreement and the Oversight Committee

- The ILA recognized the SBBC 5-Year District Educational Facilities Plan (DEFP) as the 5-year capital plan, with each signatory adopting PSC provisions and the LOS in its 5-Year capital plan, or the LOS by reference as codified in the DEFP.
- SBBC amended its School Board Growth Management policy 1161 to include the adopted LOS of 100% permanent capacity, each school level as the CSA, and delineated its PSC requirements and processes in the Policy.
- **NOTE:** SBBC's approach was to utilize the following measures to ensure its 5-year DEFP was financially feasible within the 5-year period: 1. If feasible, new school construction and capacity additions; 2. Implementation of applicable provisions in School Board Policy 8010 (then Policy 5000), to include – 1. Capping enrollment at subject schools; 2. School boundary changes.
- **NOTE:** At that time, 110% -120% permanent capacity was the then measure in School Board Policy 5000 to determine if an elementary, middle, or high school was overcrowded; and greater than 120% permanent capacity was considered critically overcrowded.
- The OC's responsibilities were revised to include the following: 1. Receive information regarding collocation/shared use; 2. Cooperation from the County and Municipalities to further the OC's work; 3. Role in the ILA Appeal Process; 4. Role in the Process to amend the ILA.

- ❖ **2010: Second Amendment to ILA** - SBBC initiated a second amendment to the ILA to adopt a revised LOS of 100% gross capacity (permanent + portable capacity). Primary reasons were primarily due to the following:
  - ✓ SBBC could not maintain the adopted 100% permanent capacity LOS for the 5-year period as required by law
  - ✓ Also, SBBC was facing the prospects of using boundary changes to ensure that a myriad of schools in the western part of Broward County met the adopted 100% permanent LOS capacity





## Broward County Public Schools Participation in the Development Review Process

- ✓ But such an approach meant implementing boundary changes of many schools which would result in domino boundary changes from the west to the east of Broward County; which at that time, was a sensitive matter
- ✓ To avoid the potential domino boundary changes, SBBC preferred maximizing and utilizing the proliferation of existing available portables at many impacted school campuses to meet the preferred 100% LOS gross capacity
- The OC played a prominent role during these efforts and influenced the compromise which required that the adoption of 100% LOS gross capacity would ONLY be effective until school year 2018/2019 and revert back to 100% LOS permanent capacity by school year 2019/2020.
- The second amendment to ILA passed successfully, and last signatory to the Second Amended ILA signed the Agreement on September 2010. Thereafter, the SBBC avoided implementing domino boundary changes.
- ❖ **2018: Third Amendment to ILA (Third Restated and Amended ILA - TRILA)** – To comply with the 100% LOS gross capacity reverting 100% LOS permanent capacity. In 2017, the SBBC initiated a third amendment to the ILA for a new LOS of the higher of:
  - ✓ 110% LOS permanent capacity for schools with less than 10% of portables on their campuses; **OR**
  - ✓ 100% LOS gross capacity for schools with more than 10% of portables on their campuses
- The TRILA successfully passed, and the last signatory to the TRILA signed the TRILA in July 2018.



# Broward County Public Schools Participation in the Development Review Process

## ❖ Consistency Review

- Broward County Public Schools (BCPS) reviews proposed land use and zoning changes which increase residential density.
- BCPS provides an advisory report to Broward County and Municipalities. Report does not recommend approval or denial of proposed residential development, since report is for informational purposes only.
- Analysis based on impacts to the BCPS 7 Planning Area (Board Member Districts) rather than for impacts at individual school levels.
- Analysis based on long-term planning horizon (10 years) and considers consistency with local government comprehensive plan.
- BCPS reviews proposed non-residential applications (i.e., land use, zoning, plat, site plan, variances, special exemptions, etc.).

## ❖ Public School Concurrency Review

- BCPS reviews all proposed residential developments and implements PSC rules at plat or site plan phase (or functional equivalent) of development review, whichever occurs first, as required by law.
- BCPS analysis based on proposed residential development's impact to individual school levels.
- School capacity is reserved for proposed development for 180 days or the end of the current school year, whichever is greater.
- BCPS has authority to recommend denial of proposed residential development, if development fails to meet PSC requirements.



**NOTE: SCHOOL BOARD POLICY 1161 GOVERNS THE DEVELOPMENT REVIEW PROCESS FOR BCPS**

## What is Public School Concurrency?

- ❖ PSC is a growth management tool intended to ensure that necessary public-school facilities are available to serve new development at the time the impact of the development occurs.
- ❖ Same concept applies to other public facilities such as roads, water, sewer, etc.
- ❖ Temporarily prohibits (denies) development from moving forward if public school facilities are not available or planned to serve the development at time of plat or site plan review, whichever comes first.
- ❖ Developer can wait until school capacity becomes available in BCPS's 5 Year DEFP or developer can elect to propose proportionate share mitigation, and if accepted by the SBBC, proceed.



## Key Requirements of Public School Concurrency

- ❖ Incorporate PSC provisions into the TRILA and in the Public-School Facilities Element of each local government's comprehensive plan.
- ❖ Establish CSAs, which are the geographic areas established to assess the impact of proposed residential developments.
- ❖ To reiterate, in Broward County, the CSAs are the elementary, middle, and high school attendance boundaries.
- ❖ Adopt a Uniform District-wide Level-of Service Standard (LOS).
  - ✓ Currently established as 100% gross capacity or 110% permanent capacity, whichever is greater
  - ✓ BCPS **MUST** achieve and maintain the adopted LOS (school by school) within the 5-year period covered by the Adopted DEFP



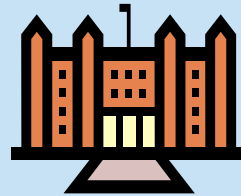
## What is the Level of Service Standard?

- ❖ Refers to the standard at which a public-school facility is expected to operate based upon the “capacity of the facility”.
- ❖ Expressed as the percentage or ratio of student enrollment to the student capacity of the school.
- ❖ Example of LOS represented below is at 110% permanent FISH capacity.



**Student  
Enrollment**  
2,000

**/**  
(divided by)



**Capacity**  
1,800

**=**

**111%**

**Meet LOS of 110%?**

**NO**



## Example of LOS Standard

**LOS**  
**100% gross**  
**capacity**



**Student  
Enrollment  
2,239**

-

**Gross Capacity 2,239**



**Permanent  
Capacity  
1,319**

+



**Relocatable  
Capacity  
920**

=



**Meets LOS**

**LOS**  
**110% permanent**  
**capacity**



**Student  
Enrollment  
2,239**

-

**Permanent Capacity 1,319**



+

**10% (132 student stations)**

**= 1,451**

=



**Does not meet LOS  
With a deficit of 788  
student stations**



**Example above illustrates that the same school (with portables) meets the LOS with the flexibility of “the higher of LOS” standard**

# Capacity Analysis for Proposed Residential Projects

- ❖ May not deny proposed residential development applications that fail to meet adopted LOS:
  - ✓ If adequate school facilities will be available or under construction within 3 years after development receives final approval.
  - ✓ If at the time of development review, sufficient capacity is available at a single adjacent CSA within the same Planning Area
- ❖ If insufficient capacity exists upon above analysis, BCPS may deny the development application; or developer can propose/pay any of the applicable proportionate share mitigation; proposals are subject to SBBC acceptance and approval:
- ❖ Proportionate Share Mitigation Options include:
  - ✓ Provide needed school site(s) - Land
  - ✓ Pay project cost for construction of school(s) contained in the adopted DEFP (+ land impact cost)
  - ✓ Pay to construct school(s) based on urban school concept (+ land impact cost)
  - ✓ Pay for additions to school(s) located in primary or adjacent CSA (+ land impact cost)
  - ✓ Pay for permanent capacity addition in primary or adjacent CSA i.e., classroom (+ land impact cost)
  - ✓ Utilize proportionate share funding at a charter school system or charter school, which meets the criteria contained in School Board Policy 1161
  - ✓ Propose an alternative mitigation option



**NOTE: SCHOOL BOARD POLICY 1161 GOVERNS THE DEVELOPMENT REVIEW PROCESS FOR BCPS**

# Requirements of School Board Policy 8010 and School Overcrowding

## School Board Policy Definition

Policy 5000: 2004 - 2010: Overcrowded = 110% - 120% Permanent Capacity; Critically Overcrowded > 120% Permanent Capacity

Policy 5000: 2010 - 2024: Overcrowded = Greater than 100% Gross Capacity

Policy 8010: 2024: “Over-enrolled” = Greater than 100% Gross Capacity

- ❖ Since 2010, School Board Policy has maintained a threshold of school overcrowding/ over-enrollment that is within the Level of Service standard established in the Interlocal Agreement.
- ❖ Exceeding the threshold of over-enrollment, however, does not automatically require a school boundary change.
- ❖ Policy 8010 lists options for strategies that may be used in lieu of boundary changes to manage over-enrollment. These include, but are not limited to, enrollment capping, flexible school day/week/month/year, dual enrollment programs with institutions of higher learning, school-within-a-school models, boundary choice areas, or grade reconfigurations.

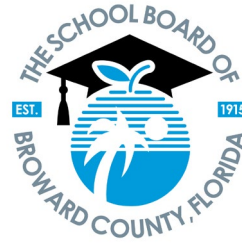




# Questions



**NOTE: SCHOOL BOARD POLICY 1161 GOVERNS THE DEVELOPMENT REVIEW PROCESS FOR BCPS**



Lori Alhadeff, Chair  
Debra Hixon, Vice Chair

Torey Alston  
Brenda Fam, Esq.  
Daniel Foganholi  
Dr. Jeff Holness  
Sarah Leonardi  
Nora Rupert  
Dr. Allen Zeman  
Dr. Howard Hepburn  
Superintendent of Schools

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Individuals with disabilities requesting accommodations under the Americans with Disabilities Act Amendments Act of 2008, (ADAAA) may call Equal Educational Opportunities/ADA Compliance Department at 754-321-2150 or Teletype Machine (TTY) 754-321-2158.



**THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR  
PUBLIC SCHOOL FACILITY PLANNING, BROWARD COUNTY, FLORIDA  
STAFF WORKING GROUP MEETING**

**Meeting Minutes**

**September 12, 2024  
9:30 a.m. – 11:00 a.m.**

**City of Plantation, Development Services Building  
401 NW 70th Terrace, 1<sup>st</sup> Floor Conference Room  
Plantation, Florida 33317**

**1. Call to Order and Roll Call**

The meeting was called to order by Chris Akagbosu at 9:40 a.m., and a roll call was conducted, confirming the attendance of the following Staff Working Group (SWG) members:

<b>Representative</b>	<b>City</b>
	Coconut Creek
Jason Chockley	Cooper City
Jenna Lane	Coral Springs
	Dania Beach
	Davie
	Deerfield Beach
Lorraine Tappen	Fort Lauderdale
Deandrea Moise	Hallandale Beach
Anand Balram	Hollywood
	Lauderdale By the Sea
	Lauderdale Lakes
	Lauderhill
Andrew Pinney	Margate
	Miramar
	North Lauderdale
Rick Buckeye	Oakland Park
	Parkland
Mike Vonder Meulen	Pembroke Park
Joe Yaciuk	Pembroke Pines
Shawn Lamey	Plantation
Maggie Barszewski	Pompano Beach
	Southwest Ranches
Sylvia Miller	Sunrise
	Tamarac
	West Park
Michael Miller	Weston
Evy Kalus	Wilton Manors
Heather Cunniff	Broward Municipal Services

Chris Akagbosu	School Board of Broward County
	School Board of Broward County
	South Florida Regional Planning Council
	Broward County

## **2. Addition(s) to the September 12, 2024, Agenda**

No additions to the agenda were proposed.

## **3. Approval of the Final Agenda for the September 12, 2024, Meeting**

The agenda for the September 12, 2024, meeting was reviewed and approved unanimously.

## **4. Approval of Minutes from the June 6, 2024, Meeting (Back-Up Item)**

The minutes from the June 6, 2024, meeting was presented. A motion to approve the minutes was made by Ms. Maggie Barszewski and seconded by Ms. Jenna Lane. The minutes were approved unanimously.

## **5. SUB-COMMITTEE REPORTS (None)**

### **5.1 Formation of the 2024 Annual Report Subcommittee**

Ms. Kalus requested volunteers to form the sub-committee. Mr. Akagbosu volunteered Ms. Gordon from Broward County Public Schools, Ms. Kalus nominated Ms. Tappen from the City of Fort Lauderdale, and Ms. Cunniff from Broward County also volunteered Ms. Sue Carrano.

## **6. OLD BUSINESS**

### **6.1 Feedback from the July 10, 2024, Oversight Committee Meeting**

Mr. Akagbosu reported that the Oversight Committee adopted the Redefining Schools initiative, following a special meeting where the public expressed their concerns. The Oversight Committee requested that the Staff Working Group develop language related to the initiative. However, Ms. Kalus expressed doubt about how the SWG could be involved in the process of redefining schools.

### **6.2 Status – Student Generation Rate/School Impact Fee Study**

During the July 23, 2024, meeting, the School Board adopted Resolution No. 25-02. The Board amended the Resolution to retain the existing School Impact Fee Schedule, rather than adopting the revised schedule while agreeing to the updated student generation rates. A study and formula were utilized to reach this conclusion. The Resolution has been transmitted to the County, and a public hearing is scheduled for Tuesday, September 17, 2024, for the County Commission to review it. The recommendation is to amend the Broward County Land Development regulations to revise the student generation rates and maintain the current school impact fees. Following the hearing, an adoption hearing is anticipated in December 2024 or January 2025.

### **6.3 Status– Review/Comments on Non-Residential Site Plans (Back-Up Item)**

Ms. Kalus asked about a previous subcommittee that had created standard language for the review of non-residential site plans. This sub-committee included Mr. Akagbosu, Ms. Lane, Justin, and Ms. Tappen. Ms. Tappen will organize a meeting with the sub-committee before the next Staff Working Group meeting so that the language can be presented for a vote at the upcoming meeting in December 2024. The next Oversight Committee meeting will be held in January 2025.

### **6.4 New Collocation Facilities**

According to Mr. Akagbosu, the Collocation Facilities initiative is progressing well, with a capital plan in place. He cited successful examples of parks, one at Westpine Middle School, adjacent to the City of Sunrise Sports Complex Park, via an agreement with the city. Also at Cross Creek High School, adjacent to McNair Park via an agreement with the City of Pompano Beach. Residents can access the amenities after school hours, on weekends, and during holidays, while the school has access during school hours.

### **6.5 Status – Broward County and Municipal Comprehensive Plans and Land Development Codes/Regulations**

Mr. Buckeye noted that the City of Oakland Park has developed a new plan to address non-compliance with State law and is currently seeking certification from the Broward County Planning Council. As a result, they will amend the city's Land Development Code, which is currently inconsistent. Mr. Balram from the City of Hollywood mentioned that the city's plans have not been updated since 2008, and they are undertaking a comprehensive rewrite to modernize their zoning and land development regulations and establish urban design guidelines. Mr. Miller from the City of Weston reported that they are in the process of approving new land development regulations, with the Commissioners currently reviewing them. Ms. Lane indicated that the City of Coral Springs is working on amendments to their Downtown Land Development plan.

Mr. Akagbosu encouraged cities to consider a mix of housing types, known as the missing middle, based on the site, as this can help support mixed-income communities. He noted that mixed-income development is beneficial, but land use and zoning issues have posed challenges to development nationwide for many years.

Ms. Kalus mentioned that the City of Oakland Park is actively promoting mixed-use development, with all mixed-use projects permitted. They have increased the density cap to 60 and are focusing on activity centers that encourage mixed-use, whether within the same city or on the same site. In the City of Wilton Manors, the maximum height for buildings is set at 8 stories, and several new projects have been approved under the mixed-use designation, including those in activity centers.

Mr. Akagbosu noted that, per Mayor Angelo Castillo of the City of Pembroke Pines, 96% of students do not use school buses due to the two-mile radius rule, resulting in empty buses. This situation has contributed to traffic congestion. He suggested considering a change to a ½ mile radius, as it could save money on transportation and help reduce climate change.

### **6.6 Update on Broward County and Municipalities Evaluation and Appraisal Report**

Ms. Kalus noted that the City of Wilton Manors is currently working on its Evaluation and Appraisal Report (EAR). Ms. Moise from the City of Hallandale Beach confirmed that they also need to complete their EAR. Additionally, someone mentioned that they are aware of developments in the City of Miramar.

#### **6.7 Safe Routes to Schools / Sidewalk Projects**

Mr. Akagbosu informed the group that the Facility Planning & Real Estate Department is available to assist with any data related to safe routes to school and sidewalk projects.

#### **7. NEXT STAFF WORKING GROUP MEETING**

Ms. Kalus announced that the next meeting is scheduled for December 5, 2024. It was noted that there have been some parking issues. Mr. Lamey mentioned that there is an adjacent lot across the street by a daycare that can provide additional parking. He also stated that while we can hold our next meeting at the Plantation location, the building will be closed for renovations starting in January 2025.

**Meeting adjourned at 10:24am**