

THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

Staff Working Group Meeting

Approved Minutes

May 23, 2008

9:30 a.m. - 12 Noon

Broward County Governmental Center - Room 329F

1. Call to Order and Roll Call

Mr. Akagbosu called the meeting to order at 9:40 a.m. He advised that the Staff Working Group (SWG) meeting was rescheduled from the originally scheduled June 6, 2008 date because of the rescheduling of the Oversight Committee meeting from the July 9, 2008 date to June 4, 2008, and that some of the issues depicted in the meeting agenda relate to feedback from the last Oversight Committee meeting. As such, this meeting would be considered the regularly scheduled SWG meeting. Roll call was taken by Linda Houchins, and the following members were in attendance:

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|---------------------------------------|---------------------------------|
| • Akagbosu, Chris | School Board of Broward County |
| • Cross, Renee | City of Fort Lauderdale |
| • Cunniff Cunniff, Heather | City of Lauderhill |
| • Eichner, Shelley | City of Weston |
| • Ferguson, Gerald | City of Deerfield Beach |
| • Fink, Charles F. | Town of Pembroke Park |
| • Lajoie, Corinne | City of Dania Beach |
| • Mertens-Black, Lorie | City of Hollywood |
| • Quigley, David | Town of Davie |
| • Ross, Peter | Broward County |
| • Schuster, Larry | City of Pompano Beach |
| • Stoudemire, Scott | City of Coconut Creek |
| • Swing, Brad | City of Sunrise |
| • Teetsel, Dawn | Town of Southwest Ranches |
| • Von Stetina, Deanne | Broward County Planning Council |
| • Williams, Sharon | City of Pembroke Pines |
| • Yarbrough, Reagan | City of Oakland Park |
| • Zelch, Lisa | City of Plantation |

Others in attendance at the meeting were as follows:

- | | |
|---------------------|--------------------------------|
| • Amoruso, Glenn | Broward County |
| • Azcoitia, Maite | Broward County |
| • Claxton, Jason | School Board of Broward County |
| • Dokuchitz, Peter | City of Wilton Manors |
| • Gabriel, Alan | School Board of Broward County |
| • Gull, Patti | Broward County |
| • Ivy, Tekisha | City of Miramar |
| • Trevarthen, Susan | Weiss, Serota |
| • Wight, Lisa | School Board of Broward County |

2. Addition(s) to the May 23, 2008 Agenda

There were no additions to the agenda.

3. Approval of Minutes – March 7, 2008

Larry Schuster asked that his name be spelled correctly in the minutes. He also stated that on page 6 in the fifth paragraph, the word “cohort” should be changed to “consult”. Brad Swing said that statute was misspelled on page 6 in the fourth paragraph. Mr. Akagbosu read an email written by Sarah Suarez from the City of Hallandale Beach advising that she had voted in favor of the motion by Mr. Danovitz regarding the exempt and vested issue on page 6. Larry Schuster made a motion to approve the minutes with the corrections. Sharon Williams seconded the motion, and the motion passed unanimously.

4. Subcommittee Reports (None)

5. Old Business

5.1 Feedback from the April 16, 2008 Oversight Committee Meeting

5.1.1 Effective Date of Public School Concurrency and Status of Municipal Public School Facilities Elements

Mr. Akagbosu gave feedback from the April 16, 2008 Oversight Committee meeting regarding the subject agenda item. He said that a copy of the updated anticipated effective date of public school concurrency for each Municipality was sent to each Member, and requested corrections or changes to the matrix depicting the anticipated effective public school concurrency (PSC) date in each local government jurisdiction. Lisa Zelch advised that the City of Plantation’s anticipated effective date is July 10, 2008. David Quigley said that the effective date reflected on the matrix for the Town of Davie was wrong, but that he did not know the anticipated effective date because they have not received notice back from the Department of Community Affairs (DCA). In response, Mr. Akagbosu said that the slot for the Town of Davie’s date would be left blank. Shelley Eichner advised that the anticipated effective date of PSC for the City of Weston would be August 18, 2008, and the anticipated effective date for the City of West Park would be August 20, 2008. Larry Schuster advised that the anticipated effective date for Pompano Beach is July 1, 2008. Mr. Akagbosu said that a corrected list would be emailed to the SWG Members.

5.1.2 Exempt and Vested Residential Developments

5.1.2.1 Exempt Residential Developments

Mr. Akagbosu talked about the vote taken at the last SWG meeting whereby the majority of the Members voted that Municipalities or local government would make the determination of whether an application is exempt or vested from PSC requirements, and subsequently that the information may not be provided to the School District. He stated that he felt that the motion that passed was contrary to the provisions of the Amended Interlocal Agreement (ILA). He talked about the practical way exempt and vested issues should work. He advised that the Oversight Committee had directed School District and County staff to work together to ensure that consensus is reached on the issues, and convene the SWG to discuss the issues and have the Municipalities on board. Mr. Akagbosu said that since that time two other issues arose between District

and County staff. He said that the Amended ILA requires the applicant to submit their applications to local governments. In turn, the local government will determine if the application is complete and then send the application to the School District for processing. He talked about the County's decision to adopt in their Land Development Code (LDC) that the applicant should go to the School District first for processing and submit with their application the PSC Report from the District. He said that the inference in the Amended ILA is that the School District should make the final determination as to whether an application is exempt or vested and as determined, subsequently reserve seats needed by the development. He talked about the four exempt criteria, the processes between the County and the School District and the fact that the ultimate determination of the generation of students is the core function of the School District. Mr. Akagbosu talked about the rounding up process, and said that various entities use the rounding up process including the U.S. Census Bureau, the County demographer, School District demographers, the Palm Beach County demographer, and ESRI. Mr. Akagbosu then suggested that regarding Section 8.11.a. 1 and 2 of the Amended ILA, the School District should make the determination regarding whether an application is exempt.

Mr. Ross said that his understanding from the Oversight Committee meeting was that the School District and the County were asked to reach agreement regarding the vested rights issue. He said that his understanding of the agreement that was reached with the School District was that development orders that were vested whether they were plats, site plans or a functional equivalent based on a previously approved plat, would be made by the local governments. He said that it was also his understanding that for other vesting issues relating to agreements with the School District, the County would require the applicant to go back to the School District to verify that the project was consistent with the proposal.

Lengthy discussions followed regarding the following two rounding issues:

- Rounding up for under one student
- Rounding up for one student or more

Mr. Akagbosu said that the School District is the ultimate body that makes the determination of whether a student is generated by proposed development, and took a strong position that if the determination is .5 or more, it should be rounded to one student. Lengthy discussions followed regarding the issue. Peter Ross talked about the implications regarding defending rounding .5 to be one student, and that they are not comfortable making that analysis. He said that his position is that if .5 is rounded up to one student, then the agreement should be amended to state that. Mr. Akagbosu stated that the School District utilizes the standard mathematical rounding formula. The concurrency system for water, traffic, population and density were also discussed.

Shelley Eichner made a motion that the language that exists in the current Amended ILA regarding plats, site plans, or functional equivalents that generates less than 1 student should stay as is (.99999999 is less than 1) and that rounding is a non issue. Reagan Yarbrough seconded the motion. Lengthy discussions followed. Peter Ross added an amendment to the motion that it was the understanding of the Committee when the agreement was put together that there would be no rounding. Mr. Akagbosu stated that the School District did not agree with that statement. A roll call vote was taken, and the motion passed with 16 yes votes and 1 no vote from Mr. Akagbosu.

5.1.2.2 Vested Residential Developments

Mr. Akagbosu talked about the voluntary mitigation process and referred to Section 8.11.b.1 and 2 of the Amended ILA for guidance. He advised that the School District would typically not review site plans that were approved prior to the effective date of school concurrency unless there was a change in the residential unit mix. He said that the initial language with the County was that a project is vested if an agreement has been made prior to the effective date of school concurrency. However, if the development is vested, School District staff must be advised so that seats can be reserved. He talked about the process that is in place to make sure that the system works properly. Mr. Akagbosu explained the process regarding the reservation of seats and discussions followed on the vesting process and the voluntary mitigation process. Peter Ross said that he felt the language was clear in the Amended ILA, Section 8.11 (b)(3), and stated that the County and local governments will transmit the vested residential site plan or functional equivalent applications to the School District including providing written information from the County indicating that the units are vested. Discussions followed on the data base issues and vesting determinations. Mr. Gabriel talked about the conflict between the School District and the County and said that they both need to work through the issues. Mr. Ross said that he believes the issues remaining are legal issues, which have reached a dead end. Lengthy discussions followed regarding vested development issues and who should make the determinations regarding the plat and site plan process, the process of the reservation of seats and the School District's application fee process. Mr. Akagbosu talked about the vesting criteria and stated that site plans which are components of plats approved prior to the effective date of PSC in the County and which have satisfied their school impacts should go through the District's review process, and subsequently summarized the issues.

Mr. Ross made a motion recommending that residential site plans, functional equivalents or plats which are vested because they were approved prior to the effective date of school concurrency will be provided by the County to the School Board regarding their vesting determination, and projects which are vested because they are part of an ILA or Declaration of Restrictive Covenant (DRC) to which the School Board is a party, those applicants will be required to obtain a determination from the School Board as to the projects vested status. Heather Cunniff seconded the motion. Lengthy discussions followed. Mr. Akagbosu asked for an amendment to the motion, none was made. A roll call vote was taken, and the motion passed with fifteen yes votes and one no vote by Mr. Akagbosu.

5.1.2.3 Amended ILA Subsection 8.11(c)

Mr. Akagbosu asked that this item be skipped since it was provided to clarify the language in the Amended ILA.

5.1.2.4 Review of County Plat Applications

Mr. Akagbosu talked about the section of the Amended ILA which calls for plat applications to first be submitted to local governments and then to the School District. He advised that the County does not want to collect School District application fees and is requiring the applicants to first go to the School District, obtain and submit the District

Report and the application to the County and that the District has agreed to accept and process such applications. Patti Gull advised that the last sentence of Section 5.1.3.4. (b) is not what the County code says. She said that the County code says that the applicant is required to submit a PSIA to the District, pay the fee, but no District report is necessary at that point in their submittal to the County. Mr. Akagbosu pointed out that is contrary to Section 8.13 a, b, and c of the Amended ILA on page 24. Discussions followed on the review process.

Mr. Akagbosu clarified that the School District reviews only County plats, and he talked about requiring applicants to provide a letter from the Municipality stating that the plat has been accepted. Mr. Akagbosu stated that the School District wants to be sure they are reviewing the same thing that the Municipality is reviewing, but when the applicant comes to the School District first, there are no Municipal project or County plat numbers on the applications. Discussions followed on the Municipal and County plat and site plan review process. Lisa Zelch made a motion that any applicant, Municipality, or County should submit the project name and project number to the School District for tracking plat and site plan applications. Larry Schuster seconded the motion, and the motion passed unanimously.

5.1.3 2007 Annual Report on the Implementation of the Interlocal Agreement (ILA)

Mr. Akagbosu advised that the Oversight Committee issued the Annual Report on the Implementation of the Interlocal Agreement on April 16, 2008.

5.2 Preparation of the 2008 Annual Report on the Implementation of the Amended ILA

Mr. Akagbosu stated that the SWG By-Laws require that efforts regarding the next annual report should commence in June of each year. He said that the Annual Report Subcommittee Members currently consist of himself, Peter Ross and David Frank. He asked for volunteers to increase the number of members on the Subcommittee. The following additional members volunteered to be on the 2008 Annual Report Subcommittee:

- Shelley Eichner
- Dawn Teetsel
- Lisa Zelch

5.3 Compliance with Subsection 8.13(b) and (c) - List of Residential Plat, Site Plan (or Functional Equivalent) Applications Processed by the County and Municipalities for their Governing Bodies Consideration

Mr. Akagbosu talked about the list that was provided in the back-up and said that the list depicts information that is needed to comply with Subsection 8.13(b) and (c) of the Amended ILA. He asked that this material be provided to the Subcommittee by August 15 of each year, and that subsequent materials should be provided to the Subcommittee at the last SWG meeting in December. Additionally, he said that the information provided needs to be as current as possible. Larry Schuster made a motion that the needed information listed in the back-up material regarding compliance with Subsection 8.13 (b) and (c) and regarding a list of residential plat, site plan or functional equivalent applications processed by the County and Municipalities should be provided to the Subcommittee by August 15 of each year, and that the supplemental list of projects considered after August 15 should be provided at the regularly scheduled annual December SWG meeting. The motion was seconded by Sharon Williams, and the motion passed unanimously.

5.4 Subsection 9.2 - List of Potential Collocated Public Facilities

Mr. Akagbosu stated that to enable collocation as called for in the Amended ILA, information regarding planned School District and local public facilities that could be collocated should be disseminated at all SWG meetings.

6. New Business

6.1 By-Laws and Annual Schedule

Mr. Akagbosu stated that the following corrections need to be made to the current SWG By-Laws:

- The word Amended should be added to the Amended ILA throughout the document
- The City of West Park should be added to Article 1
- Article 1, Subsection 2 should be changed to read "pursuant to Article 11"
- Article 3, Subsection 2, states that a summary of the SWG meetings be given to the Oversight Committee. Mr. Akagbosu stated that a summary has never been given to the Oversight Committee and suggested either striking out that sentence or providing the Oversight Committee with a summary or minutes from the SWG meetings.

Larry Schuster made a motion that the SWG will provide the minutes from the SWG meetings to the Oversight Committee and to add the above-referenced corrections to the By-Laws. Sharon Williams seconded the motion, and the motion passed unanimously.

6.2 Clean Copy of the Amended Interlocal Agreement

Sharon Williams asked for a clean copy of the District Educational Facilities Plan (DEFP). Glenn Amoruso said he would provide a clean DEFP to those interested. Mr. Akagbosu advised that he would not be responsible in providing a clean copy of the Amended ILA because the page numbers would change, but stated that he would provide the Amended ILA to anyone who would like to take the responsibility of removing the strike through and underlines from the document.

6.3 2008 Legislative Session - Senate Bill 474

Mr. Akagbosu stated that Senate Bill 474 died at the 2008 legislative session. Susan Trevarthen added that none of the Growth Management Bills passed.

7. Next Staff Working Group Meeting

7.1 September 5, 2008 (Regularly Scheduled Quarterly Meeting)


Mr. Akagbosu stated that the next SWG meeting is scheduled for September 5, 2008, and that the draft 2008 Annual Report would be coming forward at that time.

8. **Adjourn**

Larry Schuster made a motion to adjourn the meeting. Sharon Williams seconded the motion, and the meeting was adjourned at 12:05 p.m.

Respectfully submitted by:


Linda Houchins, Recording Secretary


Christopher O. Akagbosu, Chair