

BROWARD COUNTY ENVIRONMENTAL PROTECTION & GROWTH MANAGEMENT DEPARTMENT

PUBLIC SCHOOL FACILITY PLANNING

Staff Working Group Minutes

December 17, 2009

9:30 a.m. – 12 Noon

Broward County Governmental Center - **Room A337**

1. Call to Order and Roll Call

Chair Eichner called the Staff Working Group (SWG) meeting to order at 9:40 a.m. Linda Houchins took roll call, and the following Members were in attendance:

- Akagbosu, Chris Broward County School Board
- Amoruso, Glenn Broward County
- Archer, Brian City of Parkland
- Bowman, Jeff Town of Lauderdale-By-The-Sea
- Buckeye, Rick City of Oakland Park
- Ciesielski, Michael City of Fort Lauderdale
- Davis-Hernandez, Tanya City of North Lauderdale
- Dokuchitz, Peter City of Wilton Manors
- Eichner, Shelley Cities of West Park and Weston
- Ferguson, Gerald City of Deerfield Beach
- Fink, Chuck Town of Pembroke Park
- Gancoli, Don City of Lauderhill
- Hall, Lorri City of Miramar
- Hickey, Jim City of Coral Springs
- Lajoie, Corinne City of Dania Beach
- Loftus, Heather Town of Southwest Ranches and City of Tamarac
- Pinney, Andrew City of Margate
- Schuster, Larry City of Pompano Beach
- Sesodia, Josie City of Sunrise
- Stoudemire, Scott City of Coconut Creek
- Suarez, Sarah City of Hallandale Beach
- Von Stetina, Deanne Broward County Planning Council
- Williams, Sharon City of Pembroke Pines
- Wood, Matthew City of Cooper City
- Zelch, Lisa City of Plantation

Others in attendance at the meeting were as follows:

- Coates, Thomas Broward County School Board
- Gabriel, Alan Broward County School Board Cadre Attorney
- Hamilton, Leander City of Hollywood
- Kale, James Broward County School Board

- Peservich, Jonathan Broward County School Board
- Trevarthen, Susan Weiss Serota
- Wight, Lisa Broward County School Board
- Young, Jill Broward County School Board

2. Addition(s) to the December 17, 2009 Agenda

Mr. Akagbosu announced that a Public Workshop regarding proposed amendments to the Amended Interlocal Agreement for Public School Facility Planning (ILA) has been scheduled for January 8, 2010 at 2:00 p.m. He said that the Workshop is open to the public and the development community and will be held in Room 430 of the Governmental Center. He said that notices will be sent out to SWG Members and interested parties.

3. Approval of Minutes - October 29, 2009

Matt Wood made a motion to approve the minutes of the October 29, 2009 meeting. Sharon Williams seconded the motion, and the motion passed unanimously.

4. Subcommittee Reports

There were no Subcommittee Reports.

5. Old Business

5.1 School Board Workshop Recommendations

Mr. Akagbosu said that the School Board Workshop recommendation to use 8 Concurrency Service Areas (CSA's) was mute because of what took place at the Oversight Committee meeting. He gave feedback of the December 9, 2009 Oversight Committee meeting as indicated below.

5.2 Feedback from the December 9, 2009 Oversight Committee Meeting

Mr. Akagbosu talked about the Oversight Committee meeting of December 9, 2009, and said that the Committee had considered the School Board recommendation to use 8 CSA's, but voted to keep their initial recommendation to use 100% gross capacity. However, the termination date for the use of relocables was moved from 2015 to 2018. He said he would talk about implications of using gross capacity under New Business, Item 6.1.

5.3 2009 Annual Report on the Implementation of the Amended ILA

Mr. Akagbosu advised that the fourth quarter meeting is when the Annual Report is approved and formally transmitted to the Oversight Committee. Chair Eichner asked if there were any questions or comments regarding the Annual Report. Discussions followed regarding the language in Section 7.3 on page 12, and there was consensus to change the language in Section 7.3 to indicate that "as of this date, some land use applications may be pending and not yet approved".

Discussions also followed regarding Attachment "F" and the forms used for the Quarterly Reports. Mr. Akagbosu clarified that as agreed to at the last SWG meeting, the two Quarterly Report forms were combined into one form. He talked about vested site plans that are part of a plat whose school impacts have been satisfied or received final approval prior to school concurrency becoming effective in each municipality. Specifically, that District staff does not review such site plans, but needs the information

to include students generated by the site plans in the District's database. He also talked about vesting regarding land use plan amendment developments with binding agreements that are being processed as a plat or site plan.

Andrew Pinney, City of Margate, requested that the record in Attachment "A" be changed to reflect that he was in attendance at the June 4, 2009 SWG meeting. He explained that at that time he was not the designated alternate, but has since been appointed to represent the City. Mr. Akagbosu brought the Group's attention to the requirements of the By-Laws which mandates that only attendance by the primary or alternate appointed member would count towards SWG meeting attendance. Thus, changing Attachment "A" to simply indicate Mr. Pinney's attendance as the City's representative at the meeting would violate provisions of the By-Laws. Chuck Fink made a motion to change the record to reflect Mr. Pinney's attendance at the June 4, 2009 SWG meeting. Lorrie Hall seconded the motion, and it was unanimously passed. Discussions followed, and Mr. Fink amended the motion to add an asterisk on the attendance sheet to reflect Mr. Pinney's presence at the meeting and that an acknowledgment letter was provided thereafter. Lorrie Hall seconded the motion, and the motion as amended was passed unanimously.

Lorrie Hall made a motion to accept the 2009 Annual Status Report on the Implementation of the Amended ILA for Public School Facility Planning with the changes stated above. Glenn Amoruso seconded the motion, and the motion passed unanimously.

5.4 Mid-Year Report

Mr. Akagbosu talked about the Mid-Year Report and said that the Oversight Committee had requested that the Mid-Year Report should be generated yearly to address areas indicated as needing resolution in the prior issued Annual Report. He advised that the SWG has until June 2010 to complete the Mid-Year Report for the 2009 Annual Status Report.

5.5 New Collocation Facilities

SWG Members had no proposed new collocation facilities to report.

6. New Business

6.1 Proposed Amendments to the Amended Interlocal Agreement for Public School Facility Planning

Chair Eichner talked about the proposed amendments to the Amended ILA, and advised that the back-up was provided late because it is the latest proposed amendments which are based on the School Board's action at the December 15, 2009 School Board meeting. She said that the 8 Concurrency Service Areas (CSA's) were problematic to the Oversight Committee and some of the Municipalities. She talked about the Resolution that was drafted by the Broward League of Cities and which encouraged the Municipalities to approve the 8 CSA's. She advised that amendment of the Agreement must be approved by the School Board, the County and 75% of the Municipalities which constitutes 50% or more of the population of the County. She talked about the maps that were provided as back-up and said she found them to be very valuable because they show the short and long term future trends in terms of future capacity and requested that the maps show how the areas would look using gross capacity. Chair Eichner said that the proposed amendment is to use 100% gross capacity and stretch the date regarding the use of portables out from 2015 to 2018 which would give the School Board the opportunity to start a phase-in boundary process. Mr. Akagbosu talked about the Exhibit 4 maps which show percentages of over and under-enrolled schools.

Discussions followed regarding the provided maps, modifying the maps to add actual enrollment numbers, level of service standard (LOS) due dates, and the new Wedge area which is located in the Northwest part of the County. It was requested that the actual number of students above or below LOS be added to the gross capacity maps.

Discussions followed regarding taking information back to the elected City Officials, providing maps for each Municipality showing the information discussed, and adding a layer to the maps to show streets and municipal boundaries. Suggestions also included making three maps which depict only the school boundaries and the municipal boundaries at each school level, another map depicting the new LOS that is being proposed, and a third map showing the current situation. Discussions continued regarding the maps, boundary changes, moving ~~relocables~~ relocatables from under-enrolled schools to over-enrolled schools and the costs involved. Mr. Akagbosu said that the goal is to amend the ILA to 100% gross LOS capacity, and that once that is accomplished, the School District will do whatever is necessary to ensure that portables are utilized and distributed appropriately based on the projected enrollment. Ms. Trevarthen talked about the Statute requirements regarding the use of portables that are 20 years and older, and the language in Senate Bill 360.

Mr. Akagbosu talked about the motion that passed at the December 9, 2009 Oversight Committee meeting regarding an opinion from the Attorney General regarding the use of portables to meet LOS, and stated that the goal is to move the Second Amendment to the Amended ILA forward. Ms. Trevarthen advised that the Miami/Dade County model was found to be in compliance with State law. Mr. Fink added that he attends many Miami/Dade County SWG meetings, and said that 20-year old portables have never been an issue at any of the meetings.

Mr. Akagbosu stated that it has been a very cooperative effort to meet the goal of amending the ILA, and talked about the timeline involved in meeting that goal. He recapped that staff would be preparing maps which reflect the current situation based on 110% permanent capacity, another version showing 100% gross capacity with the number of students above or below LOS, and a third map showing school boundaries and municipal boundaries. Discussions followed regarding Comprehensive Plan Amendments and annual updates, and it was suggested that a note should be added at the bottom of the timeline stating that Broward County and the Municipalities will amend their Comprehensive Plans concurrent with the annual update of their Capital Improvement Element and Public School Facilities Support Documents.

Ms. Trevarthen suggested that on page 9, Section 8.10(a), of the Second Amendment, the third sentence which begins "subject to the assessment" be changed to read "if reverting to the prior LOS standard is not found to be a practicable option" for clarification. Discussions followed on the language in Section 8.10(a). She also had a question regarding the end of that same sentence where it reads "if the parties do not object", and suggested that the language should specify how that happens by stating "it shall be evidenced by a letter from the Manager or a resolution", or that a cross reference be added to Section 10.1. Discussions continued on the language, and it was decided to add "object in writing" to Section 10.1 and add a cross reference in Section 8.10(a). Ms. Sesodia said that Page 13, Section 10.1(d) states that "unless the County and the School Board and at least 51% of the Municipalities object" should read, "unless the County or the School Board or at least 51% of the Municipalities object", and the suggested change was made. Discussions followed regarding the prior focus on the 8 CSA's that were promoted to the Municipalities and their elected officials, and the goal of presenting the proposed gross capacity to elected local government officials and educating them about the proposed change. Mr. Hickey felt that it would be a daunting task presenting the gross capacity LOS to elected officials since staff had initially presented the 8 CSA's to them. He stated that the City of Coral Springs was concerned that the proposal in front of the Board was quite different

than that presented to each City Commission and that the new proposal changes the original focus of the ILA to eliminate the use of portable classrooms by 2014.

Sharon Williams made a motion to approve the Second Amended Interlocal Agreement for Public School Facility Planning dated December 2009 as amended. Matt Wood seconded the motion. A roll call vote was taken with 23 Cities voting for the amendment and two Cities (Coral Springs and Miramar) voting against the motion. Mr. Akagbosu advised that per the requirements of Section 14.1(d) of the Agreement, the SWG shall provide written recommendations to the Oversight Committee.

7. Next Staff Working Group Meeting

7.1 March 4, 2009 (Regularly Scheduled Quarterly Meeting)

Chair Eichner advised that the next SWG meeting is scheduled for March 4, 2010. She said that it is important for SWG Members to attend the January 8, 2010 Public Workshop and to bring along municipal staff and elected municipal officials. Mr. Akagbosu said that the SWG would receive notice of the Workshop, and that Glenn Amoruso will be forwarding the E-mail notice to interested parties. Mr. Akagbosu said that staff will make all the changes to the 2009 Annual Status Report and the timeline as discussed.

Mrs. Wight asked if the County Evaluation and Appraisal (EAR) process should be added to the SWG process as stated in Section 8.1(e) of the Amended ILA. Glenn Amoruso said that discussions on all major issues will be held at a scoping meeting in February 2010. Chair Eichner suggested that the item be added to the scheduled March 2010 SWG agenda.

8. Adjourn

Mr. Akagbosu made a motion to adjourn the meeting. Rick Buckeye seconded the motion and the motion passed unanimously. The meeting was adjourned at 11.35 a.m.

Respectfully submitted by:


Shelley Eichner, Chair


Linda Houchins, Recording Secretary