

THE AMENDED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING
STAFF WORKING GROUP MEETING

Minutes

December 2, 2010

10:30 a.m. – 12:00 p.m.

Bienes Ceremonial Room, 6th Floor Downtown Library

1. Call to Order and Roll Call

Chair Eichner called the Staff Working Group (SWG) meeting to order at 10:35 a.m. Linda Houchins took roll call, and the following members were in attendance:

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| • Akagbosu, Chris | Broward County School Board |
| • Allen, Ingrid | Town of Davie |
| • Amoruso, Glenn | Broward County |
| • Archer, Brian | City of Parkland |
| • Buckeye, Rick | City of Oakland Park |
| • Carpenter, Paul | City of Coral Springs |
| • Ciesielski, Michael | City of Fort Lauderdale |
| • Davis-Hernandez, Tanya | City of North Lauderdale |
| • Dokuchitz, Peter | City of Wilton Manors |
| • Dolan, Jean | City of Pompano Beach |
| • Eichner, Shelley | City of West Park and City of Weston |
| • Fink, Charles F. | City of Pembroke Park |
| • Hall, Lorri | City of Miramar |
| • Hamilton, Leander | City of Hollywood |
| • Lajoie, Corinne | City of Dania Beach |
| • Loftus, Heather | Town of Southwest Ranches and City of Tamarac |
| • Pinney, Andrew | City of Margate |
| • Stoudemire, Scott | City of Coconut Creek |
| • Swing, Brad | City of Sunrise |
| • 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:

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| • Gabriel, Alan | Broward County School Board Cadre Attorney |
| • Rasheduzzaman, Mohammed | Broward County School Board |
| • Roog, Christopher | Gold Coast Builders Association |
| • Smith, Micah | Broward County |

2. Addition(s) to the December 2, 2010 Agenda

There were no additions to the December 2, 2010 agenda.

3. Approval of the Final Agenda for the December 2, 2010

4. Approval of Minutes - September 2, 2010

Sharon Williams made a motion to approve the minutes from the September 2, 2010 meeting. Chris Akagbosu seconded the motion, and the motion passed unanimously.

5. Subcommittee Reports (NONE)

There were no Subcommittee Reports.

6. Old Business

6.1 Feedback from the October 13, 2010 Oversight Committee Meeting

Chair Eichner gave feedback from the October 13, 2010 Oversight Committee meeting and said that the main discussions focused on the Student Generation Rate/School Impact Fee Study Update. She said that the Committee Members had concerns regarding the data analysis and methodology which was used. Additionally, some of the data used was 2010 data and some data reverted back to the 2007 Report data, and the Committee Members had a problem with that methodology. Mr. Akagbosu explained that the Updated Study's data regarding impact fees was based on the U.S. Census which caused the mid-rise and high-rise unit category data to rise significantly. He said to resolve that issue, the census data which pertained to the single family and townhouse units category, and the previous 2007 Study which was based on address matching and related to the mid-rise and high-rise units category were utilized. Additionally, the consultants answered questions in writing regarding issues raised by the Broward County Planning Council and Broward County staff and the answers were E-mailed to the Oversight Committee Members.

6.2 New Collocation Facilities

The Municipalities had no new collocation facilities to report.

6.3 Status - Student Generation Rate/School Impact Fee Study Update

Mr. Akagbosu said that the Student Generation Rate/School Impact Fee Study Update was approved by the School Board on November 9, 2010 and the recommendations were formally transmitted to the Broward County Commission. He talked about school impact fees and student generation rates, and advised that for the first time in Broward County, the Study recommends that 6.7 percent of the total impact fees collected can be spent outside the benefit zones on ancillary facilities which is justifiable and is already being done in other counties. Additionally, the consultant is recommending that the next Study Update include address matching for mid-rise and high-rise units. Mr. Amoruso said that the Broward County Commission may take action on the Study Update in March 2011. Brief discussions followed regarding U.S. Census data and address matching.

6.4 Status - Broward County and Municipal Comprehensive Plans and Land Development Codes/Regulations and School Board Cadre Attorney Written Opinion

Chair Eichner said that at the last SWG meeting there were many questions regarding updating of Municipal Land Development Regulations (LDR) and Public School Facilities Elements (PSFE) and also regarding the interim period when the Level of Service Standards (LOS) for the School District is different from the LOS for Municipalities. At that meeting, a motion was adopted requesting the

School Board Cadre Attorney to prepare a legal opinion on the issue. Alan Gabriel, School Board Cadre Attorney said that he had been in touch with the Department of Community Affairs (DCA) and other regulatory agencies to ask how the interim period should be handled. He was advised that the State does not have an answer. Mr. Gabriel advised that he has completed his research and started writing a draft Memorandum. Additionally, when the draft is completed, he will meet with the County Attorney's office to make sure that collectively, the two agencies agree on the rendered opinion. He said a legal opinion would be forthcoming in the next two weeks.

Mr. Akagbosu said that the school concurrency reports issued by the School District have time frames which are through the end of each school year or 180 days whichever is greater. Also, the reports can be extended before they expire. Furthermore, that if the Municipal Comprehensive Plans are not effective, a conditional approval can be given based upon the report issued by the District and tied to when the Comprehensive Plans become effective. Discussions followed on amendment of Capital Improvement Elements (CIE), a Statute that provides flexibility as the comprehensive planning process moves forward, regulations relating to public school concurrency and the change in the LOS. Chair Eichner advised that on behalf of the Cities of Weston and West Park, the PSFE was updated to reflect the new LOS and the data analysis component, and that the cities attached what the School District submitted for the Amended ILA. She said that if found in compliance by the DCA, she would share the outcome with the Municipalities. Brief discussions followed regarding the LOS in the Amended ILA, and a different LOS in the Municipal LDR's.

Glenn Amoruso said that Broward County has everything ready to be adopted by December 14, 2010, and the draft CIE, the PSFE, the entire support document and maps, the revised Amended ILA, the DEFP, and the LOS is all available on the County's website.

7. New Business

7.1 Adoption and Formal Transmittal of the 2010 Annual Report on the Implementation of the Amended Interlocal Agreement for Public School Facility Planning

Sharon Williams made a motion to put the 2010 Annual Report on the floor for discussion, and Matt Wood seconded the motion. Chair Eichner asked if the Report was accurate and if there were any changes to be made. Mr. Akagbosu said that the Report will be transmitted to the Oversight Committee for their January 2011 meeting and will be formally adopted in April 2011 by the Committee. Additionally, all of the items that need resolution relate to the quarterly reports.

Brief discussions followed regarding Section 8.1 (c) and Attachment "H" and the timing issues. Chair Eichner suggested that the language be changed in Section 8.1 (c) to clarify that the Municipalities are in the process of doing their annual updates in 2011, and to un-highlight the section. Mr. Akagbosu made a motion to un-highlight Section 8.1 (c), to strike the last sentence under Municipalities which reads: "However, the two times per year restriction on land use plan amendments and the timing of available data have contributed to the number of violations", and add "In 2010, the amended ILA was approved by DCA... the cities are in the process of amending their Comprehensive Plans and Land Development Regulations....." Matt Wood seconded the motion, and the motion was approved unanimously. It was also decided that Attachment "H" would be taken out of the Report. Mr. Akagbosu said he would E-mail the new language to the SWG Members before finalizing the Report for the Oversight Committee meeting. Brief discussions followed regarding Municipal Comprehensive Plans and time frames. Mr. Akagbosu said that Municipalities that plan on adopting the County's Comprehensive Plan should E-mail School District staff to advise them of such intent.

Michael Ciesielski commented that the yellow color on Attachment "G" which shows exempt developments has a negative connotation and should be changed. After brief discussions, Tanya Davis-Hernandez made a motion to indicate a double asterick on exempt developments on Attachment "G-1" and "G-2" instead of a yellow color. The motion was seconded by Mr. Ciesielski, and the motion passed unanimously. Mr. Akagbosu suggested that the SWG Members attend the January 2011 Oversight Committee meeting.

Chair Eichner said that there was a motion and a second for approval of the 2010 Annual Status Report for Implementation of the Amended ILA for Public School Facility Planning. A vote was taken, and the motion as amended passed unanimously.

7.2 Staff Working Group By-Laws

Mr. Akagbosu advised that for clarification purposes, he drafted changes to the By-Laws as follows:

- Page 1, Article II, Section 1. Members - "Committee" changed to "SWG"
- Page 2, Article II, Section 1. Members - added "through their administrative representatives such as the City Manager/Town Administrator, School Superintendent, County Administrator or Executive Director. Changed the last sentence of the Section to read, "An alternate can be appointed by written notice for that particular meeting by the Municipal, School Board or County voting member."

Lisa Zelch made a motion to amend the above language to add "Mayor" on page 2. Glenn Amoruso seconded the motion, and the motion passed unanimously.

Glenn Amoruso made a motion to approve the By-Laws as amended. Matthew Wood seconded the motion, and the motion passed unanimously. After brief discussions, Tanya Davis-Hernandez made a motion to bring the previous motion back into action. It was seconded by Sharon Williams, and the motion passed unanimously. Tanya Davis-Hernandez made a motion to add "duly authorized official" to the sentence. Rick Buckeye seconded the motion. After brief discussions, it was suggested that "designee" be used instead of "duly authorized official" as a friendly amendment. A vote was taken, and the motion passed unanimously.

7.3 Status - School Board Policy 1161

Mr. Akagbosu advised that School Board Policy 1161 was approved by the School Board on November 9, 2010, and that the Policy was now in effect.

7.4 School District's Revised Process for School Impact Fee Waivers

Mr. Akagbosu requested that this item be deferred to the next SWG meeting. He said that the School Board will be having a workshop regarding the school impact fee waiver process, and he would report on the final outcome from the workshop at the next meeting.

8. Next Staff Working Group Meeting

8.1 March 3, 2011 (Regularly Scheduled Quarterly Meeting)


Chair Eichner advised that the next SWG meeting is scheduled for March 3, 2011, and the meeting will be held in the same room on the 6th Floor of the Downtown Library.

9. Adjourn

Chair Eichner adjourned the meeting at 11:55 a.m.

Respectfully submitted by:


Shelley Eichner, Chair


Linda Houchins, Recording Secretary