

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

Minutes

Oversight Committee Public Meeting

April 9, 2014

12:00 noon

Kathleen C. Wright Administration Center, School Board Meeting Room

1. Call to Order

Chair Tingom called the April 9, 2014 Oversight Committee meeting to order at 12:05 p.m.

2. Roll Call

Linda Houchins took roll call, and the following Committee Members were in attendance:

- Cooper, Joy
- Eichner, Shelley
- Eisinger, Debby
- Freedman, Abby M.
- Good, Patricia
- Hunschofsky, Christine
- Klopp, Keven
- Krishnaiyer, Latha
- Naylor, Lew
- Resnick, Gary
- Rich Levinson, Laurie
- Rogers, Roy
- Soltanipour, Marilyn
- Stermer, Daniel J.
- Tingom, Peter S.
- Wexler, Lois

Chair Tingom said that he appreciated Committee Member Klopp's service on the Oversight Committee and attendance at this meeting. He stated that the letter Committee Member Klopp wrote was very heartfelt, and that he would be missed on the Committee. Chair Tingom also welcomed Vice Mayor Hunschofsky to the Oversight Committee.

3. Approval of Minutes – January 8, 2014 Meeting

Committee Member Eisinger made a motion to approve the minutes of the January 8, 2014 meeting. Committee Member Naylor seconded the motion, and the minutes were approved unanimously.

4. Additions to the April 9, 2014 Meeting Agenda

There were no additions to the April 9, 2014 meeting agenda.

5. Approval of the Final Agenda for the April 9, 2014 Meeting

Committee Member Naylor made a motion to approve the final agenda for the April 9, 2014 meeting. Committee Member Wexler seconded the motion, and the motion passed unanimously.

6. PUBLIC INPUT

Chair Tingom advised that there was an individual who had asked to speak to the Committee during the public input section of the meeting. Mr. Bob Marks introduced himself and said that he was the former Mayor of the City of Parkland, had spent 18 years working on education in the City, was on the Facilities Task Force for 12 years, and also served on the Broward League of Cities. Mr. Marks said he wanted to address Item No. 8.1, Level of Service Standards (LOS). He gave some background regarding what the City of Parkland was facing regarding public school education, and said that the City had established a policy to support public school education and was a strong advocate for Broward County Public Schools.

Mr. Marks said that the City worked with developers, and that all of the school sites in the City of Parkland were dedicated and donated to the School Board. He talked about Westglades Middle School and said that the City's issue was permanent capacity. Additionally, Mr. Marks said that the City was involved in the annexation of a portion of Palm Beach County into Broward County and then into the City of Parkland, and that tremendous growth was taking place in the City. He said that the City again compelled the developers to provide school sites which they had done for an elementary, middle, and high school. He stated that the developers are now building, that the school sites are in the City, but the schools have not been built. Mr. Parks said that the City had agreed to pay for seven modular classrooms to help alleviate the over-crowding problems. He said that the City of Parkland strongly believed in public education, that the City had been targeted by charter and private schools, but that the philosophy of the City and the parents was to keep Parkland children in Broward County Public Schools. He said that the City was looking for support from the School Board to make an exception for Westglades Middle School to obtain modulars until other schools could be built. Mr. Marks stated that the modulars would give the City the relief needed and the ability to assure parents that they were being provided for in their new communities, and that charter and private schools were not necessary.

7. SUBCOMMITTEE REPORTS

There were no subcommittee reports.

8. OLD BUSINESS

8.1 Options to Address the Level of Service Standard Requirements

Chair Tingom advised that Committee Members Good, Krishnaiyer, Resnick, and Stermer were present at the meeting. Ms. Leslie Brown, Chief Portfolio Services Officer, said she was honored to have Superintendent Runcie present at the meeting.

Mr. Runcie said it was a pleasure to be at the Oversight Committee meeting and that he appreciated the work done by the Committee. He said that he felt there were opportunities to rethink some of the concerns Mr. Mark's had raised, and that the District needed to be sensitive to the needs of all of the cities in Broward County to make sure that great options are provided for families. He stated that the District's philosophy was that they could change the world by giving every student an opportunity to achieve their potential, and that the District focuses on improving

the quality of instruction in the schools. Mr. Runcie said there were four things that the District must get right; 1) great leaders in the schools; 2) highly effective teachers in the classrooms; 3) meet the emotional and social needs of every child; and 4) provide options and choices. He said that the School District was an enormously diverse, quality District, there was much to be proud of, and that the District was trying to move from a good District to a great District and that with the help of the Oversight Committee, he was sure that would happen.

Ms. Brown said that the existing Second Amended Interlocal Agreement for Public School Facility Planning (SILA) stated that the Level of Service Standard (LOS) would be 100 percent of gross capacity (including relocatables) until the end of the 2018/19 school year, and that commencing in the 2019/20 school year, the LOS would return to 110 percent of the permanent Florida Inventory of School Houses (FISH) capacity. Additionally, she stated that the SILA stated that by January 2014 the Oversight Committee would assess the viability of reverting back to 110 percent permanent FISH capacity. Ms. Brown said that the relocatables in the District's inventory of student stations that were purchased after 1998 and meet the statutory standards for long-term use, must be included in the LOS capacity calculations, as required by state statutes even after the sunset date. She also talked about two of the challenges of meeting LOS; 1) proliferation of parent choice and charter schools have made it such that school boundary changes no longer work to shift enrollment, and 2) Florida Department of Education (FDOE) has consistently communicated that the existing excess capacity District-wide must first be utilized before state funds can be authorized to construct additional capacity. Ms. Brown talked about the maps showing the school boundary implications if the District reverted back to the 2019/20 sunset date.

Ms. Brown talked about the options available to address the LOS requirements as follows; 1) amend the SILA to implement the Hardship School Concept, 2) implement the Hardship School Concept via the Interpretation Document/District Educational Facilities Plan (DEFP) process in lieu of a formal amendment to the SILA, 3) amend the SILA to remove the sunset provision, and 4) amend the SILA to strip it to the minimum standards contained in Florida Statutes. Ms. Brown talked about the Hardship School Concept definition and how it would be implemented. She stated that the hardship status was temporary and must be demonstrated on an annual basis.

Committee Member Wexler asked how the process was measured, how long "on a temporary basis" was, and what the real root for the demonstration was. Mr. Akagbosu answered that the flow chart reflects the process and that the demonstration would be that in the fifth year of the DEFP, the District must demonstrate that every school meets the LOS. He said that the DEFP was an annual document which is provided to the local governments. Mr. Akagbosu said that the DEFP would show which schools were hardship schools, the local governments would be notified, and the District would indicate how it intended to alleviate the issue.

Discussions followed regarding LOS calculations, excess capacity, and school boundaries. Ms. Brown talked about the City of Parkland's funding of modular classrooms in that City. She stated that there would be a notation included in the DEFP, not as a funding line, but showing that those modulares would be included in the LOS section of the DEFP which would help the District meet the LOS for those schools. Committee Member Good stated that the District faces new challenges and mandates every year, and that the Committee must rethink situations every time it meets. She said that the District was willing to make hard decisions, that they had repurposed schools, closed schools, redesigned schools, and were looking at ways to bring the students back to the public schools with limited resources. Discussions continued regarding relocatables, modulares, and the importance of keeping communities together.

Chair Tingom requested that the four options to address the LOS requirements be reviewed.

Ms. Brown reviewed the benefits and constraints of the following four options: 1) amend the SILA to implement the Hardship School Concept, 2) implement the Hardship School Concept via the Interpretation document and the DEFP process, 3) amend the SILA to remove the sunset provision, and 4) amend the SILA to its minimum standards. Ms. Brown explained the Hardship School Concept maps and the basis for computing school capacity.

Chair Tingom questioned why the SWG had recommended option number 2. Ms. Eichner explained that two major things had happened since the SILA was last amended; 1) the state said that relocatables had to count towards capacity, and 2) the proliferation of charter schools. She mentioned that the children in the City of Oakland Park go to 157 different public, charter, and private schools. Ms. Eichner said that the situation was very different than it was several years ago when the ILA was amended. She said that when the SWG looked at all the numbers and listened to Ms. Brown's presentation, they agreed that in order to not lose more children to charter schools and after they recognized the constraints that exist, they concluded unanimously to recommend to the Oversight Committee that the Hardship School Concept be adopted under Option No. 2 through the Interpretation Document rather than amendment of the SILA.

Committee Member Hunschofsky commented that in the case of Westglades Middle School in the City of Parkland, there would be 300 students that would not fall under the Hardship School Concept. Ms. Wight added that if portables were purchased after 1998, are in the FISH inventory, and meet the standards for long term use, they must be counted. She said that all except three portables at Westglades Middle School met the criteria and would count towards LOS continuing beyond the sunset provision. Committee Member Freedman expressed concern regarding whether the numbers shared represented developments coming forward or whether they represented projects that already have their Certificate of Occupancies (CO's). Ms. Brown advised that the Student Generation Rate process was different from the projections process, and that the CO's are used for projection purposes.

Committee Member Cooper said that the map inaccurately showed Hallandale Elementary School as under-enrolled, but she noted that the only reason the school was under-enrolled was because to address the over-crowding, the school had gone to a year round calendar.

Discussions followed regarding the four options. Committee Member Eisinger advised that the Committee needed to look at the overall picture and that the end result should be that the children thrive in the Broward County Public School system while keeping communities' whole. Ms. Eichner advised that the SWG felt that Option 2 gave more flexibility by being able to use adjacent schools in terms of the Hardship School Concept, and that even though Option 3 gave that same flexibility, the SWG felt that amendment of the SILA may be difficult and challenging. Committee Member Good said that she felt Option 3 gave the District the most flexibility and believed that Option 3 was the best option. She said that the District had a great relationship with the Municipalities, and that they understood the difficulties the District is facing.

Superintendent Runcie suggested implementing Option 2 while pursuing Option 3 as a permanent solution. Committee Member Klopp asked that if the hybrid option was implemented, what immediate impact it would have if the capacity requirement did not sunset until 2019. Ms. Brown responded that the current boundary process would mean that two of the three schools that would be considered Hardship Schools would have to start boundary changes next year. Mr. Akagbosu added that if a school was not meeting its LOS in the fifth year, the burden would be on the District to ensure that the Five Year DEFP was financially feasible.

After lengthy discussions regarding all of the options including the new hybrid option suggested by Superintendent Runcie, Committee Member Rogers made a motion to adopt Option 5, the hybrid option, as articulated by the Superintendent. Committee Member Resnick seconded the motion. Chair Tingom restated the motion as being the immediate implementation of Option 2 with the Hardship School Concept and a requirement to move forward to implement Option 3. Committee Member Wexler made a substitute motion to implement Option 2. Committee Member Stermer seconded the substitute motion for discussion. Committee Member Wexler said that Option 2 was what the SWG, who are the city representatives, unanimously and vigorously discussed and approved, that it should not be ignored, and that it was important to recognize the long range plan of the School Board and its desire to generate the support of the public for additional funds for capital needs. She said that if Option 5, the hybrid plan, did not succeed, it would generate negativity. Committee Member Freedman said that in support of the Superintendent, she supported the hybrid model. She said that she had seen what the Superintendent had accomplished in a short amount of time within the District, and that with the belief the people have in him, it could be conveyed to the public that it is what the County needs. Committee Member Resnick said he appreciated what was said about how difficult it was to amend the ILA, but stated that he was swayed by the recommendations of the School Board Members because the Oversight Committee is an advisory committee to the School Board. He also recognized what Superintendent Runcie had been able to accomplish with the cities. Committee Member Cooper said the main goal is the students, addressing the classrooms internally, and being collaborative. She said that she was sitting on the Committee as a representative of the Broward League of Cities. Committee Member Good said that the Board had focused their efforts on under-enrolled schools, but that they did not have the dollars to do everything they wanted to do, but that the Board was trying to increase enrollment. She said she was supportive of the Superintendent's recommendation.

Discussions continued regarding Option 2 and the hybrid Option 5. Superintendent Runcie commented that implementing Option 2 and then implementing Option 3 as the long term piece would give the District an opportunity to have conversations regarding investing in the public school system and why that should occur. He said that if presented in that context, it would garner a different perspective and outcome as a result. Mr. Runcie said he looked at Option 3 as part of a conversation about how the District could give the communities real options by giving the District the greatest flexibility to meet the needs of the municipalities. He stated that the ability to work on Option 3 as the long term piece would get the District to the point where there could be real meaningful conversations about the future of education in Broward County and what that means for municipalities in Broward County.

Chair Tingom asked for a vote on the substitute motion, which was to implement Option 2 only. A vote was taken, and the motion failed with 2 yes votes from Committee Members Soltanipour and Wexler. Committee Member Klopp asked if the Committee was specifically saying only Option 3 as presented or any SILA amendment that could be worked out with all three parties. Attorney Alan Gabriel advised that the process would begin on Option 3 to implement what was directed at the meeting, but that the amendment may change depending upon circumstances and facts and how it moved forward through the amendment process. Additionally, he said that it may not be limited to just what was presented at the meeting. Committee Member Stermer said that with the hybrid Option 5 having no sunset provision, that technically there was no date that the sunset provision would ever have to happen. He asked if there was amendment of the SILA, would the amendment include everything that was in the Interpretation Document. Mr. Gabriel advised that

the District would move forward to implement Option 3 before the sunset date that was currently in the SILA.

Chair Tingom asked for a roll call vote on Committee Member Roger's motion to recommend the implementation of Option 2 immediately, and pursue Option 3 to secure the necessary votes from the School Board, Broward County, and the Municipalities to amend the SILA. The motion passed with two no votes from Committee Members Soltanipour and Wexler.

8.2 Status of Update of the Student Generation Rate/School Impact Fee Study

Walter H. Keller, consultant for the update of the Student Generation Rate/School Impact Fee (SGR/SIF) Study, advised that he was an engineer and planner and had been the consultant for the 2007 Broward County SGR/SIF Study. He said that the timeline on the Study Update had a six month deadline, and at the present time he was getting very close to completing the student generation rate portion of the Study. Mr. Keller advised that one of the key things done for the school impact fee part of the Study was to first establish the student generation rates, which were the rates of public school students that are generated by different types of dwelling units and different types of sizes of dwelling units as defined by the number of bedrooms. He said in order to do that, he collected information from the housing units constructed from January 2006 through December 2013 in Broward County. Mr. Keller advised that resources were used from Broward County, the Broward County Property Appraiser, and the School Board. He stated that he had to look at the unit types that are in the Broward County Land Development Code. He said that the unit types were defined as single family, townhouse, duplex/villa, garden apartment, mid rise and high rise units. He said that once the units were placed in the database, he had to match those units to the student records. Mr. Keller advised that the School District's Demographics and Student Assignments Department had provided him with the 2013/14 enrollment listing which had the addresses of the current students. He said that the majority of his work the past three months had been going through and matching all of the data received. He cautioned that the report that was distributed to the Committee was extremely preliminary and that the information was constantly being refined. He added that at the current time, he had identified approximately 25,000 housing units being constructed within the 2006-2013 timeframe, and of those units, approximately 13 percent were missing the bedroom mix. Mr. Keller said that the cities have been very helpful in providing the missing information. He said that he was confident from the methodology standpoint that the bedroom issues would be satisfactorily accommodated.

Ms. Eichner questioned why Mr. Keller was using only new construction as opposed to already existing units. Mr. Keller answered that when the methodology was developed jointly with Broward County and the School Board in early 2000, the belief was that if impact fees were being assessed, they should best approximate what was really going on in the District. He said that if the entire population was sampled, it would give a mixture of the whole population, but may not reflect the current building trends or the current household conditions. Mr. Keller advised that the 2010 Study which was not adopted by the County, used the census as its methodology. He said that he was using the approved methodology which was looking at the characteristics of recently constructed units in a seven year time period. Additionally, he said that he was also looking at the census information. He said the difficulty with the census information was that the census housing unit mix did not align with the Broward County Land Development Code. He stated that using the segment of the recently constructed housing units gave the School Board the best chance of understanding the demographics and was an improved sampling over the census methodology. Mr. Keller said that the problem with people moving into an existing house was that they did not

pay impact fees, so it would not help to have that characteristic because the people buying new houses are paying impact fees.

Ms. Brown advised that the purpose of the student generation rates was specifically for school impact fees and developers. She said that the Demographics and Student Assignments Department takes information, but not directly at the student generation rate, from a development because that body is not there, that calculation is used only to project and calculate how much a developer needs to pay for impact. She said that the bodies are counted in enrollment projections when they begin to show up at the school, not when developers go through the plat process or get Certificate of Occupancies.

Mr. Keller said that he was also calculating the student generation rates by areas that reflect the high school innovation zones in addition to the dwelling unit types and bedroom mix, and also countywide. Discussions followed regarding the impact of charter schools and multi-family rental markets on the SGR/SIF Study.

Ms. Brown asked that any questions that the members or the community had regarding the student generation rate calculation process, should be directed to Chris Akagbosu so that the consultant could answer the questions. She said that the Study was an iterative process, and that staff needed the Committee's input. She said that Mr. Keller had shared the methodology and not the final data.

Chair Tingom tabled the discussions regarding the SGR/SIF Study Update and moved to Item No. 8.3.

Committee Member Freedman said that it was important that there had been an attempt on the consultant's part, and hopefully, a response from the cities to get accurate information from all of the cities. For the record, Mr. Keller advised that every city where there was missing bedroom information had been contacted. He also stated that the only information that was in his Study was units that were completed so that the students would be in the class count. He advised that the units being built are not included in his data. Discussions followed regarding the data being as up to date and as thorough as possible. Mr. Keller said that a student generation rate cannot be done on developments that are under construction, but only on occupied units, and that the Study would report developments through the end of 2013 and based on the student enrollment list of September 9, 2013. Committee Member Rogers said that the schools are the heart blood of a community's success, and advised that the Study must be legally defensible, and bound by a legal nexus. He said that communities need to look for ways to convince the developer to become engaged in the community.

Mr. Akagbosu asked if the Committee wanted to call a special meeting in June 2014 to review the completed draft Study. Chair Tingom suggested that the draft Study be emailed to the Oversight Committee and the Staff Working Group (SWG). Ms. Eichner advised that the SWG meeting had been moved up to May 1, 2014 to review the draft Study. After discussion on an Oversight Committee meeting date, it was decided that an email would be sent out to poll the members on a potential meeting date in the first week of June 2014.

8.3 Approval and Issuance of the 2013 Annual Status Report on Implementation of the Second Amended Interlocal Agreement for Public School Facility Planning (ILA)

Committee Member Eisinger made a motion to accept the 2013 Annual Status Report on Implementation of the SILA. Committee Member Klopp seconded the motion, and commented

that the main purpose of the Committee was to approve and issue the Annual Status Report on Implementation of the SILA. A vote was taken, and the motion passed unanimously.

9. NEW BUSINESS

9.1 Legislative Update

Chair Tingom advised that the legislative update had been provided in the back-up, and he requested that the members review it.

9.2 Article 3, Section 3 of the Oversight Committee By-Laws - Attendance

Chair Tingom requested that Item No. 9.2 be moved to the next scheduled Oversight Committee meeting.

10. INFORMATIONAL ITEMS

10.1 March 6, 2014 Staff Working Group (SWG) Draft Not Approved Minutes

There was no discussion on the SWG draft minutes.

10.2 Next Scheduled Meeting – July 9, 2014


Chair Tingom advised that the next scheduled meeting would be the first week of June 2014 which would replace the July 9, 2014 meeting.

11. ADJOURN

Committee Member Eisinger thanked the Chair for sending out the letter regarding attendance. Chair Tingom adjourned the meeting at 2:45 p.m.

Respectfully submitted by:


Marilyn Soltanipour, Secretary


Date