

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

**Final Amended Minutes  
Oversight Committee Public Meeting**

January 14, 2015

12:00 noon

**Kathleen C. Wright Administration Center, School Board Meeting Room**

**1. Call to Order**

Chair Tingom called the January 14, 2015 Oversight Committee meeting to order at 12:15 p. m.

**2. Roll Call**

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

- Eichner, Shelley
- Eisinger, Debby
- Freedman, Abby M.
- Good, Patricia
- Hunschofsky, Christine
- Krishnaiyer, Latha
- Naylor, Lew
- Rich Levinson, Laurie
- Rogers, Roy
- Stermer, Daniel J.
- Tingom, Peter
- Wexler, Lois

Chair Tingom advised that he received written notices from Committee Members Resnick and Soltanipour requesting excused absences. It was determined that there was a quorum.

**3. Approval of Minutes – October 8, 2014 Meeting**

Committee Member Eisinger advised that her name was misspelled in the October 8, 2014 minutes. The correction noted and made, Committee Member Naylor made a motion to approve the minutes as amended. Committee Member Wexler seconded the motion, and the amended minutes were approved unanimously.

**4. Additions to the January 14, 2015 Meeting Agenda**

There were no additions to the January 14, 2015 meeting agenda.

**5. Approval of the Final Agenda for the January 14, 2015 Meeting**

Committee Member Stermer made a motion to approve the final agenda for the January 14, 2015 meeting. Committee Member Wexler seconded the motion, and the motion passed unanimously.

## **6. Election of Officers**

Chair Tingom advised that he was term-limited, and asked for motions from the floor for Chair, Vice Chair and Secretary. Committee Member Naylor made a motion to nominate Committee Member Stermer as Chair of the Oversight Committee. Committee Member Wexler seconded the motion. There were no other nominations, and Committee Member Stermer was appointed Chair by affirmation. At that point, Chair Stermer took over the meeting, and thanked the Committee for their vote of confidence. He asked for nominations for Vice Chair. Committee Member Naylor made a motion to nominate Committee Member Eisinger as Vice Chair, but withdrew his nomination after learning that both Chair Stermer and Committee Member Eisinger were appointed by the Broward League of Cities. Per the Committee By-Laws, no more than one (1) officer shall be appointed from each of the appointing bodies. Committee Member Wexler made a motion that Committee Member Soltanipour continue as Secretary. Committee Member Tingom seconded the motion, and the motion passed unanimously. Chair Stermer advised that the Vice Chair must be a School Board appointee. Committee Member Freedman nominated Committee Member Rich-Levinson as Vice Chair of the Committee. Committee Member Hunschofsky seconded the motion, and the motion passed unanimously.

## **7. PUBLIC INPUT**

There was no public input.

## **8. SUBCOMMITTEE REPORTS**

There were no Subcommittee Reports.

## **9. OLD BUSINESS**

### **9.1 Status Regarding Student Generation Rate/School Impact Fee Study Update**

Ms. Brown thanked the Committee for the work done regarding the Student Generation Rate/School Impact Fee Study (SGR/SIF) update and said that the Study update had been a shared community effort. She particularly thanked Committee Member Wexler for her support during the process. Mr. Akagbosu stated that the Broward County Commission had approved the SGR/SIF with a two-year phase in of the SIF's. He said that the SIF's would become effective on January 26, 2015. Ms. Brown thanked District staff for their hard work in making sure that the process moved forward efficiently.

### **9.2 Status Regarding Hardship School Concept and Amendment to the Second Amended Interlocal Agreement for Public School Facility Planning**

Ms. Brown said that staff had worked in collaboration with the School Board regarding the Hardship School Concept (HSC) and amendment of the Second Amended Interlocal Agreement for Public School Facility Planning (SILA). Mr. Akagbosu advised that the HSC would be implemented via the Interpretation Document starting in the 2019/20 school year. He stated that the process to initiate amendment of the SILA was scheduled for Board approval on January 21, 2015, along with revisions to School Board Growth Management Policy 1161. Ms. Brown thanked the Committee for their continued work regarding excess capacity and relocatables. She said that

in the last two months, the District had eliminated numerous relocatables which meant that those relocatables would no longer count toward capacity.

Committee Member Naylor asked if there was a list showing where the relocatables had been removed. Ms. Brown said that the process starts with the building inspector who alerts the state who has the authority to remove the physical space. She said that there is communication with the principals and the Physical Plant Operations Department (PPO), and PPO structures the demolition in the most cost efficient way. Chair Stermer requested that at the appropriate time, the list should be shared with the Oversight Committee.

Chair Stermer asked Mr. Gabriel to help the Committee understand the HSC and its implementation in Policy and the SILA regarding the sunset provision. He asked Mr. Gabriel if the Interpretation Document would control at the appropriate time even though the SILA says something different in regard to school capacity. Mr. Gabriel talked about the process that had been followed when establishing the Interpretation Document, and he advised that the Interpretation Document was consistent with what the SILA provides. Chair Stermer said that the Interpretation Document had been used to provide clarity when terms may not have been defined somewhere else. He said that there was no ambiguity in what the SILA says regarding the sunset and use of portables, and he wanted to make sure that the Committee is in a defensible position by using the Interpretation Document. Mr. Gabriel advised that he sits at the Oversight Committee meeting as an attorney representing the School District. He said that there have been no issues or ambiguities regarding the Interpretation Document. He said there were no statements in the Interpretation Document that were inconsistent with the SILA. Chair Stermer advised that his concern is that the SILA is clear regarding a specific date when school capacity will be defined, but through the HSC, that application would change to something different, overriding the clear language that was voted upon by the signatories to the SILA. He said he wanted to ensure that the Committee was on firm legal footing.

Lengthy discussions continued regarding the HSC, continued use of relocatables, the Interpretation Document and amendment of the SILA. Mr. Gabriel advised that the Interpretation Document was a way to address questions being raised, and said he believed it to be a fair and appropriate process, and that the relocatable issue was moving in an appropriate and proper direction. Committee Member Wexler asked that research be done and a clear answer on this issue be provided at the next meeting. Ms. Brown advised that there is a timeline for amendment of the SILA, that the municipalities have been contacted, and that the Third Amendment language will deal with the issues discussed. More discussions followed regarding getting clarification regarding enforcement of the Interpretation Document if the Third Amendment to the SILA does not get approved, and whether the Interpretation document is an appropriate place for the HSC. Committee Member Wexler advised that Commissioner Bean Furr was appointed to the Oversight Committee at the January 13, 2015 County Commission meeting. She asked Ms. Azcoitia, Assistant County Attorney, to review the language in the SILA that differs from the Interpretation Document, and advise how to deal with the issue.

Mr. Akagbosu advised that correspondence was sent to all the SILA signatories regarding the HSC to advise on what had been done and the intent of that approach. He stated that the HSC would be implemented via the District Five Year Educational Facilities Plan which each municipality adopts every year in their Comprehensive Plan. He said that the mechanism for the HSC is that the Level of Service Standard (LOS) will be 110% of permanent Florida Inventory of School Houses (FISH) capacity starting in the 2019/2020 school year, however, if the school is a hardship school, then the capacity can be increased to 100% of gross FISH capacity to include portables. Ms. Brown stated

that she was well aware and understands the importance of the 2019/20 SILA deadline, and said that she would continue to update the Committee on where the District is with relocatables and also regarding what was happening with the bond. Ms. Brown said that the bond would be helping with permanent capacity. She said that she appreciated the Oversight Committee's work.

Chair Stermer asked Mr. Gabriel if he was comfortable, as the School District cadre attorney, giving an opinion on whether the Interpretation Document controls over what the SILA says until the SILA is amended. Mr. Gabriel stated that the Interpretation Document is consistent with the SILA and that he had no issues with it. Further discussions followed on some confusion regarding the Interpretation Document and amendment of the SILA. Mr. Gabriel stated that the Interpretation Document was intended to allow the District the opportunity to avoid having to prepare for the requirements of the 2019/20 school year LOS change, but said that the SILA needed to be amended to be compliant with what the District wants the LOS to be. Committee Member Wexler said that the HSC was not just Policy, but also narrowly applied.

Mr. Akagbosu advised that the SILA amendment process would begin on January 21, 2015 when the School Board approves initiation of the amendment process. He said it would then move forward to the Staff Working Group (SWG) meeting in March 2015 who will make their recommendation to the Oversight Committee in April 2015, and if there is a consensus, the School Board will take formal action to approve the amendment in June 2015. Thereafter, the amendment process will begin with the Municipalities, concluding in approximately February 2016. Further discussions continued regarding amendment of the SILA and the HSC. Mr. Gabriel said that the HSC would still apply even if the SILA did not get amended, and the Interpretation Document would still control to the point of the school concurrency process and how the District applies it. Mr. Gabriel reiterated that the process is defensible.

Ms. Brown said that she recalled when the Committee was struggling with whether to try and amend the SILA or use the HSC, Superintendent Runcie had said why not do both the HSC to cover a span of time while proceeding to try and amend the SILA. She said that at that time, the relocatable work was being done, the District was hoping that the bond would be passed, and that it was all a progression of processes. After further discussions, Committee Member Rogers said that the issue was important and to make sure the record was correct; thus, the Committee needed to take what was said, cut out the repetition, get to the heart of the issue and properly memorialize it. In response, Chair Stermer asked Ms. Brown and/or Mr. Gabriel to tell the Committee where they are today with regard to the Interpretation Document and the HSC and its applicability through the expiration of the sunset provision in the current SILA, what staff's position was in regard to its applicability today and through the sunset, and its applicability should the Third Amended ILA not succeed. Ms. Brown said that staff would give a prepared legal response at the next meeting, and Chair Stermer requested that the response be circulated before the April 2015 meeting. He asked that the item be continued as the first order of business under "Old Business" on the April 8, 2015 agenda.

## **10. NEW BUSINESS**

### **10.1 Draft 2014 Annual Status Report on Implementation of the Interlocal Agreement for Public School Facility Planning**

Mr. Akagbosu reminded the Committee that lunch was available, and Ms. Brown thanked Committee Member Tingom and his wife for providing lunch for the past year. She advised that

Mr. Akagbosu and she have taken over that responsibility and said that District funds would not be used to provide lunch.

Mr. Akagbosu advised that the 2014 Annual Status Report on Implementation of the ILA was a draft and that the final document would come before the Committee for approval at the April 2015 meeting. He stated that the Annual Status Report in terms of implementation continued to be successful with only one item, amendment of the SILA, not fully implemented by all of the Municipalities. He said that Exhibit D of the Report showed those municipalities which have not implemented the provisions of the SILA. Mr. Akagbosu said the District, the County and the Municipalities continue to work together for the benefit of the Broward County students. Chair Stermer asked about the voluntary mitigation process for land use plan amendments. Mr. Akagbosu said that school concurrency became effective in 2008, but prior to that time, the land use process was an advisory process and developers could voluntarily provide mitigation, but were not obligated to do so. Ms. Brown asked if there was anything that the Committee wanted staff to do regarding those Municipalities that had not amended their Comprehensive Plans. Ms. Eichner advised that at the last SWG meeting seven Municipalities who had not sent a representative of the SWG to any meetings in 2014 were identified. The SWG sent a letter to the City Managers and Planning Directors of those seven Municipalities asking them to review the contact list and also encouraged them to get involved and attend the SWG meetings. Ms. Eichner said she had already received telephone calls from two of those Municipalities who said they were going to start attending the meetings. Brief discussions followed.

## 11. INFORMATIONAL ITEMS

### 11.1 December 4, 2014 Staff Working Group (SWG) Draft Not Approved Minutes

There was no discussion on this item.

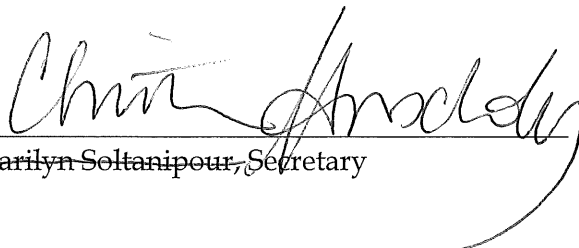
### 11.2 Next Scheduled Meeting - April 8, 2015

There was no discussion on this item.

## 12. ADJOURN

Committee Member Tingom made a motion to adjourn the meeting. Committee Member Eisinger seconded the motion, and the meeting was adjourned at 1:30 p.m.

Respectfully submitted by:

  
Marilyn Soltanipour, Secretary

4/8/15  
Date