

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

**Final Minutes
Oversight Committee Public Meeting
October 14, 2015**

12:00 noon

Kathleen C. Wright Administration Center, School Board Meeting Room

1. Call to Order

Chair Stermer called the October 14, 2015 Oversight Committee meeting to order at 12:10 p.m.

2. Roll Call

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

- Eisinger, Debby
- Freedman, Abby M.
- Furr, Beam
- Graziose, Gerald
- Hunschofsky, Christine
- Naylor, Lew
- Rich Levinson, Laurie
- Rogers, Roy
- Stermer, Daniel J.
- Tingom, Peter
- Wexler, Lois

Chair Stermer advised that Committee Members Cooper, Good, Resnick, Soltanipour and Ms. Eichner had requested excused absences for the meeting due to conflicts, and he asked for a motion to accept the Committee Members' requests. Committee Member Rogers made a motion to accept the above absences as excused. Committee Member Furr seconded the motion, and the motion passed unanimously.

3. Approval of Minutes – April 8, 2015 Meeting

Committee Member Rogers made a motion to approve the minutes of the April 8, 2015 meeting. Committee Member Wexler seconded the motion, and the minutes were approved unanimously.

4. Additions to the October 14, 2015 Meeting Agenda

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

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

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

6. Election of Officers

Chair Stermer opened the floor for the nomination of officers. Chair Wexler made a motion to reappoint Committee Member Stermer as Chair, Committee Member Rich Levinson as Vice Chair, and Committee Member Soltanipour as Secretary. Committee Member Eisinger seconded the motion. There were no additional nominations. Committee Member Rogers made a motion to close nominations, and Committee Member Tingom seconded the motion. A vote was taken, and the motions passed unanimously.

7. PUBLIC INPUT

There was no public input.

8. SUBCOMMITTEE REPORTS

None

9. OLD BUSINESS

9.1 Status of Portable Disposition Plan

Ms. Leslie Brown stated that there had been great discussion and approval of the Portable Transition Plan and that the Plan had been included in the District Educational Facilities Plan (DEFP). She said that a list of the portables that have been suggested for transition and disposition had been included in the Oversight Committee back-up materials. She advised that the School Board had requested that staff take an additional look at several portables in the District's inventory that did not house students. Ms. Brown said the initial intent of the Plan was to look at every portable that housed students and make a determination as to whether they were satisfactory or unsatisfactory, and that had been done, had been brought forward to the School Board for disposition, surplus to the state, and provided as back-up at the last Oversight Committee meeting. Ms. Brown added that staff is working closely with the schools to make sure that any of the unoccupied portables are inspected by the Building Inspector and after the Inspector designates them as unsatisfactory, staff will go back to the Board to have them surplus and included in the cycle of demolition.

Ms. Brown advised that part of the Portable Transition Plan involved making sure that progress had been made regarding covered walkways. She stated that investigation was done last year to determine where covered walkways were needed and whether the portables had the infrastructure for technology. Ms. Brown said that three schools which were included in the Portable Transition Plan would be getting covered walkways. She said staff appreciated the Board's support in removal of the unsatisfactory portables from the school campuses.

Committee Member Rogers talked about innovative ways of using portables other than for housing students. Ms. Brown advised that some of the other uses of portables that are in the District's inventory are for cafeterias, bathrooms and administrative spaces. Committee Member Rogers said that the Oversight Committee should discuss partnership opportunities between the District and the communities regarding better opportunities for students such as community schools and ESOL programs. Ms. Brown advised that some of the District portables may not be using capacity for a traditional day school setting, but for community school purposes, for adult classes, and for specialized programs that would not work in a traditional building. Brief discussions followed.

9.2 Status Update – Hardship School Concept and Draft Third Amended and Restated Interlocal Agreement for Public School Facility Planning

Ms. Brown said that significant work had been done on the Hardship School Concept (HSC), and that implementation of the HSC across the District had begun. She talked about the timeline of events for the HSC. Ms. Brown said that at the last Oversight Committee meeting there had been conversations regarding whether or not gross capacity could be utilized to meet the Level of Service Standard (LOS) beyond the sunset date for the 2018/19 school year without meeting any of the conditions contained in Section 8.10 of the Second Amended Interlocal Agreement (SILA). She said that due to the planned permanent classroom additions now included in the DEFP with funding from the General Obligation Bond, Falcon Cove Middle, Flanagan High and Cypress Bay High Schools meet the conditions under Section 8.10 of the SILA and will receive replacement capacity.

Ms. Brown gave a status update on the draft Third Amended ILA, and said that the Staff Working Group (SWG) had met and recommended moving forward to approve the draft Third Amended ILA. She stated that the Oversight Committee needed to decide whether they would move forward to continue use of the 100% gross capacity LOS after the 2018/19 school year.

Committee Member Rich Levinson said that some of the District schools do not have portables, and she asked the Committee to look at the possibility of having the option for schools that have less than 10% in portable capacity to be able to count towards their LOS at 110% of permanent capacity, and schools with more than 10% in portable capacity to count towards their capacity at 100% of gross capacity. Committee Member Rich Levinson advised that staff had contacted the State and they had no objections to the proposed approach. She said that in the past, the Oversight Committee had been focused on moving towards reverting back to 110% of permanent capacity, but stated that her concept would be based on whether the schools have portables at their location. She stated that a school without portables would be able to use 110% of permanent capacity. Committee Member Rich Levinson said she believed the goal of the Oversight Committee could be achieved by her concept.

Ms. Brown said that State Statute requires school districts to apply the LOS in a uniform way to schools of the same type, and the State had advised that the District could locally define conditions. She said that the State also said that a district can have a different LOS for specialized schools as long as it is applied consistently.

Ms. Brown said that when staff looked at schools with portables and schools without portables, a standard would be set that would also be applied when mitigation and impact fees are reviewed for proposed development. She said that when the concept was applied to all District schools using the threshold of taking the entire capacity of the school, at least 10% or more must be in portable capacity in order to qualify to use the 100% of gross capacity, and if there are no portables, the school would apply 110% of permanent capacity. Ms. Brown stated that the District's traditional schools are built at a utilization factor which is calculated into the Florida Inventory of School Houses (FISH) capacity, and that there is actually more room at the schools than what shows up in the FISH. She said that the 10% in the 110% of permanent capacity would actually allow schools without portables to have the opportunity to shift students using that additional 10%. Ms. Brown reiterated that the above concept had two factors; a) when a school has more than 10% of its total capacity in portables, the 100% of gross capacity would be applied to that school to meet LOS, and b) when a school does not have portables, the 110% of permanent capacity would be utilized for

that school. She said that this would be the same standard that would be applied to proposed development impacting an area.

Committee Member Wexler stated that she felt that Committee Member Rich Levinson's concept would be very difficult to explain to City elected officials and the community, and she said that the School Oversight Committee should identify a standard, move forward and deliver that standard.

Discussions followed regarding creating a standard that would work for all municipalities and for the School District, and setting priorities for each community. Committee Member Hunschofsky asked if certain areas would be addressed by both Committee Member Rich Levinson's concept and the HSC, and staff said that there could be an overlap of the two concepts in certain areas. Committee Member Eisinger said that she felt the concept was a very good possible solution but may be challenging to sell to the communities. She stated that the ultimate goal was to look at the School District globally and see what was best for every community. She said that the Committee needed to become creative, look for solutions, and determine how to preserve the Broward County Public Schools and provide the best education without upsetting the communities. Committee Member Rogers asked staff to simplify the concept thereby solving the communication problem. Committee Member Rich Levinson said that it would be very simple to show her concept graphically. Committee Member Tingom asked staff to prepare demographics so that each municipality would be able to see how the concept would affect them.

Chair Stermer talked about the school bond money and his frustration that it had been one year since the bond issue passed and that no work had been done at any of the schools to date. Chair Stermer asked if school concurrency was required to be a component of the ILA. Mr. Gabriel, the School District cadre attorney, said that based on pertinent current statutes, school concurrency was not required. Chair Stermer said he felt it would be simpler to put only what was required in the SILA and remove what is not required.

Mr. Gabriel said that if school concurrency was removed from the SILA, there would be no more mitigation money, and the school impact fees paid by developers was not sufficient for the School District to address proposed residential development impact. He said that it was the right of Broward County, the School District and the Municipalities to make that determination. Mr. Gabriel said that he believed the School District and the Municipalities are better because of the monies being paid by the developers through school concurrency. Committee Member Rich Levinson said she would like to see how school concurrency has affected the monies collected by the District.

Committee Member Rich Levinson commented that the concept she brought up previously had nothing to do with the school bond money, but has to do with the communities who would be able to use their schools up to 110% of their capacity. She also stated that the portables at Cypress Bay High School would be replaced with a larger building which would contain more than 36 classrooms.

Committee Member Wexler said that the communities have distrust, are angry and disappointed with the School District. She said that honesty is imperative, and the message must be consistent throughout all the communities. Discussions followed regarding school boundaries, whether school concurrency should remain in the ILA, and looking at Broward County as a whole. Committee Member Eisinger stated that the Committee needed to provide a solution that would insure the success of the public schools, sell to the communities and tell them that they do not have to fear a boundary change disruption.

Ms. Brown stated that staff would prepare the data and graphic representations for the new concept with a flowchart showing the overlap with an if/then scenario and bring the information back to the Committee. She also said that staff would collect all the mitigation data prior to the next meeting. Chair Stermer requested that in addition to the above, specific ILA language be presented to the SWG before coming back to the Oversight Committee.

Committee Member Graziose stated that he had been to every school in the District including charter schools, and that there are restrictions put on the schools by other agencies. He said that public schools were designed for 30 students per classrooms, but that the schools were later restricted to 18 students per classroom by State Statute. He said that the capacity of the schools could be increased without the use of portables by increasing the ancillary facilities. Committee Member Graziose said that he had been to schools where classrooms were being used for other functions, and capacity could be increased inside the building by knocking out walls and making three classrooms where there are currently two. He said that District schools have wasted spaces because of the restrictions that have been put on them.

Committee Member Rogers commented that there cannot be strong communities without strong schools. He said that the Committee needed to know what the intended result was before making any fundamental changes. Committee Member Rogers asked the Chair how simplifying the current SILA would get the Committee to where he thought they should be. Chair Stermer said the Committee knows what is required by State Statute, but also needs to know the pros and cons of keeping school concurrency in the SILA. He said that the environment has changed dramatically in the last 35 years and that there is no more available land to build horizontally, so developers must build vertically. Chair Stermer said there is less student impact by building vertically. He said the concept of school concurrency and educational impact fees was meant to build capacity, and asked if the environment has changed enough that it is not needed the way it was previously. He said that going to each community to amend the SILA, is difficult to sell, and wanted to know what would happen if the third amendment did not pass. Chair Stermer said the direction for staff was to gather the information, prepare the charts, gather the data and present it to the SWG at their next meeting and have the SWG provide the Oversight Committee with their recommendations. Committee Member Rogers requested that Chair Stermer's suggestion of taking out all items in the ILA not required by State Statute be placed on the next Oversight Committee meeting agenda.

Committee Member Naylor talked about the east side communities concerns regarding school consolidations and their need to be reassured that some of the eastern schools will not be closed as part of the District's plan to eliminate excess capacity and that any school concurrency changes will not impact the eastern schools. Committee Member Naylor said that there was significant excess capacity on the east side, and he asked if the District had any plans for consolidation of those schools. Discussions followed regarding empty classrooms and using that excess capacity for quality preschools, and the financial impact of removal of optional regulations in the SILA. Committee Member Tingom asked staff to provide data on the financial impact to the District if these unnecessary regulations were removed. Discussions continued regarding redevelopment on the east side of the county, mitigation fees, quality of life and property values.

Ms. Brown asked if the Committee wanted staff to bring back two versions of the SILA, one with the two-tier school concurrency plan and one removing school concurrency. Chair Stermer advised that he would like the SWG's feedback on both concepts. He said that he would suggest tabling item 9.3 and requested that everything be sent back to the SWG for another recommendation. Committee Member Wexler asked for a comprehensive review of both concepts and the

recommendation from the SWG. Chair Stermer requested that Ms. Houchins send the agenda and back-up for the next SWG meeting to the Oversight Committee members when it becomes available.

Discussions followed regarding the lack of programs provided at the eastern schools, and the proliferation of charter schools. Committee Member Graziose talked about a bill in the State Legislature (the Charter School Package) which requires that Municipalities not stand in the way of charter schools except for reasons of zoning. He said that the Charter School Statute says that charter schools are not exempt from safety rules, but are violating all the safety codes that the Department of Education have set up for schools. Committee Member Graziose stated that 95 of the 100 charter schools do not have school zones. Discussions continued regarding how to avoid school boundary changes at any cost and how to strengthen our communities. Ms. Brown advised that one of her roles in the District relates to school boundaries, and said she would be able to provide updates on school boundary issues. She stated that the District is working to align leasing space for early childhood learning purposes with the District's Plan for educating children early and that the concept would be brought to a School Board Workshop scheduled for November 10, 2015.

10. NEW BUSINESS

10.1 Staff Working Group (SWG) Recommendation Regarding the Draft Third Amended and Restated Interlocal Agreement for Public School Facility Planning

Committee Member Eisinger made a motion to defer Item 9.3 until the January 13, 2015 meeting. Committee Member Wexler seconded the motion, and the motion passed unanimously.

11. INFORMATIONAL ITEMS

11.1 May 7, 2015 SWG Approved Minutes

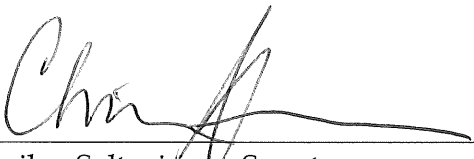
11.2 September 3, 2015 SWG Draft (Not Approved) Minutes

11.3 Next Scheduled Meeting - January 13, 2016

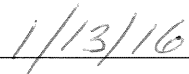
12. ADJOURN

Chair Stermer adjourned the meeting at 1:50 p.m.

Respectfully submitted by:



Marilyn Soltanipour, Secretary



Date