

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

**Final Minutes
March 3, 2016
9:30 a.m. – 11:30 a.m.**

**City of Plantation, Development Services Building
401 NW 70th Terrace, 1st Floor Conference Room
Plantation, Florida 33317**

1. Call to Order and Roll Call

Chair Eichner called the March 3, 2016 Staff Working Group (SWG) meeting to order at 9:42 a.m. Linda Houchins took roll call, and the following members were in attendance:

- | | |
|-------------------------|---------------------------------|
| • Akagbosu, Chris | Broward County School District |
| • Barszewski, Maggie | City of Pompano Beach |
| • Buckeye, Rick | City of Oakland Park |
| • Carpenter, Paul | City of Coral Springs |
| • Dais-Hernandez, Tanya | City of North Lauderdale |
| • Dokuchitz, Peter | City of Plantation |
| • Eichner, Shelley | Cities of West Park and Weston |
| • Forelle, Sara | Broward County |
| • Goldstein, Matt | City of Miramar |
| • Jefferson, Althea | City of Hallandale Beach |
| • Johnson, Ann | City of Deerfield Beach |
| • Marks, Scott | Town of Pembroke Park |
| • Moore, Roberta | City of Wilton Manors |
| • Morris, Carole | City of Parkland |
| • Pinney, Andrew | City of Margate |
| • Stoudenmire, Scott | City of Coconut Creek |
| • Swing, Brad | City of Sunrise |
| • Tappen, Lorraine | City of Fort Lauderdale |
| • Teetsel, Dawn | Broward County Planning Council |
| • Wight, Lisa | Broward County School District |
| • Williams, Sharon | City of Pembroke Pines |
| • Wood, Matthew | City of Cooper City |

Others in attendance at the meeting were as follows:

- | | |
|-------------------|---------------------------------|
| • Modys, Robert | Broward County Planning Council |
| • Sipple, Patrick | Broward County School District |

2. Election of Officers

Chair Eichner opened the floor for nominations for the Chair position. Matt Wood nominated Shelley Eichner to remain chair of the SWG. Rick Buckeye seconded the motion. There were no other nominations for Chair. Chair Eichner closed nominations, and the motion passed unanimously. Chair Eichner opened the floor for nominations for the Vice Chair position. Sharon Williams nominated Lisa Wight to remain Vice Chair. Matt Wood seconded the motion, and nominations were closed. The motion passed unanimously.

3. Election of Staff Working Group (SWG) Ex Officio on the Oversight Committee

Chair Eichner opened the floor for nominations for the SWG Ex-Officio member on the Oversight Committee. Tanya Davis-Hernandez nominated Shelley Eichner to remain the SWG Ex-Officio member on the Oversight Committee. Sharon Williams seconded the motion. There were no other nominations, and Chair Eichner closed nominations. The motion passed unanimously.

4. Addition(s) to the March 3, 2016 Agenda

There were no additions to the March 3, 2016 agenda.

5. Approval of the Final Agenda for the March 3, 2016 Meeting

Sharon Williams made a motion to approve the final agenda for the March 3, 2016 meeting. Matt Wood seconded the motion, and the motion passed unanimously.

6. Approval of Minutes from the January 7, 2016 Meeting

Rick Buckeye made a motion to approve the minutes from the January 7, 2016 meeting. Sharon Williams seconded the motion, and the minutes were approved unanimously.

7. Subcommittee Reports (None)

8. Old Business

8.1 Feedback from the January 13, 2016 Oversight Committee Meeting

Chair Eichner advised that at the January 13, 2016 Oversight Committee meeting there had been much discussion regarding the Third Amendment to the Interlocal Agreement (ILA) as well as the December 2015 and January 2016 SWG meeting conversations. She said it had been clearly explained to the Oversight Committee members that some of the SWG members were not comfortable making a recommendation on any of the available options because of either a lack of information or a lack of ability to talk to their elected officials and managers. Chair Eichner stated that the Oversight Committee requested that the SWG have more discussion on all three options and then make a clear recommendation. Lisa Wight added that the Oversight Committee felt that a motion to recommend Option 1 had been made at the last SWG meeting before all three Options were fully discussed, and they asked that all three options be fully vetted before a motion is made.

8.2 Recommendation – Third Amendment of the Interlocal Agreement for Public School Facility Planning and Oversight Committee Directives to Staff Working Group

Chair Eichner advised that the three options before the SWG were; 1) the Level of Service Standard (LOS) to be the higher of 100% of gross capacity or 110% of permanent capacity, 2) eliminate the sunset date in 2019/20 and continue the LOS at 100% gross capacity and 3) reduce the ILA to the minimum requirements which would eliminate the option of Public School Concurrency (PSC). She stated that the SWG back-up materials had additional information that was requested by both the SWG and the Oversight Committee.

Sara Forelle suggested ranking the options by vote, and brief discussions followed. Paul Carpenter said that the Oversight Committee draft minutes stated that a majority of the SWG voted for Option 1, but did not state the actual number of municipalities that were in favor of the Option and thereby left a negative impression of Option 1 when in reality an overwhelming majority of the municipalities supported that Option. Mr. Carpenter stated that he felt that Option 1 gave the most flexibility and that the City of Coral Springs voted for Option 1 at the last meeting, and will continue to support Option 1.

Lorraine Tappen said that the City of Fort Lauderdale needed more information and asked that District staff give a presentation on Public School Concurrency (PSC) at the meeting before choosing an Option. She said that the City would also like information regarding the Student Success Opportunity Schools (SSOS). Chair Eichner said that a presentation and discussion regarding PSC had been discussed at both the December 3, 2015 and January 7, 2016 SWG meetings. She asked Maite Azcoitia, Deputy County Attorney, if she would be comfortable answering questions regarding the issues of PSC and State Law, but Ms. Azcoitia said she was not prepared for that discussion. Chris Akagbosu advised that District staff would be available to come to the City of Fort Lauderdale to give a presentation on both PSC and SSOS. Ms. Tappen said that the City was not comfortable voting for any Option until after hearing the presentation.

Chair Eichner advised that Option 1 sets the LOS standard at the higher of 100% of gross capacity or 110% of permanent capacity. She stated that the back-up materials provided maps with the different scenarios for each Option. Chair Eichner said that Option 1 was originally brought forth by School Board Member Rich-Levinson. She stated that this Option gave the greatest flexibility. She said that Option 1 would permit relocatables to count toward capacity giving the sense that relocatables would stay forever with no incentive to eliminate them. Chair Eichner said that there is excess capacity and even if there were no relocatables, there would still be Districtwide excess capacity with the issue being that the children are located in one place and the capacity is in another. She stated that the Oversight Committee was concerned that would lead to boundary changes.

Lisa Wight said that when PSC was initially implemented, enrollment was increasing and there was money to build capacity in the District Educational Facilities Plan (DEFP), but with the recession and declining enrollment, circumstances have changed. She stated that building permanent capacity is the optimal standard, but it is more preferable to keep the communities

intact even if that means keeping the relocatables in use rather than triggering disruptive boundary changes because the District is not able to use the satisfactory capacity already located on the school campuses. Ms. Wight said there has also been a proliferation of charter schools which has made it more difficult to effectively use boundary changes to control enrollment. Discussions continued regarding relocatables, and Mr. Akagbosu clarified that relocatables are temporary and that the District has a comprehensive, detailed portable reduction process already in place for their removal. Ms. Wight said that the first step in the Portable Reduction Plan (PRP) was determining whether the relocatables were needed. She stated that the District was working to remove as many relocatables as possible. She said that both the Oversight Committee and the SWG had been instrumental in the District's proactive approach to the removal of relocatables. Mr. Akagbosu stated that if the State deemed the relocatables to be unsatisfactory, capacity would then become zero. He said that the back-up maps reflect relocatables that carry capacity. Ms. Wight said to consider the fact that if a school which had satisfactory relocatables on the site but the capacity could not be used because of an LOS mandate, there may have to be a boundary change driven by the LOS even though capacity was available in relocatables. Patrick Sipple, Demographics & Student Assignments Department, said that the two main things staff looks at when determining school boundary changes are the state mandated class size and the LOS for school concurrency. He said school boundary changes are only done to fit within a school's permanent capacity per School Board Policy 5000. Mr. Sipple talked about the creation of a Kindergarten through 8 school in the City of Hallandale Beach and the SSOS process. He advised that a School Board Workshop is scheduled for May 24, 2016 regarding school boundaries and the deadline for SSOS proposals is October 1, 2016. She said that the District is addressing the issues of under enrollment and under performance through the SSOS process. Chair Eichner said she thought the discussions should focus on the meat of the issues as they relate to the ILA and PSC, and not what is not directly related to the three options. She said she wanted to be sure that when a recommendation was made, it was clear that the SWG focused on the issues at hand. Mr. Akagbosu stated that Option 1 gives the most flexibility for use of the relocatables on school campuses, however, if there are site constraints, the school would not be penalized.

Ms. Wight gave the following points in favor of Option 1:

- It provides as much stability in the school system as possible while keeping PSC intact.
- It is the most flexible LOS option that will require the fewest boundary changes without jeopardizing educational operations or programming at the school facilities.
- It keeps maximum capacity thresholds in place with a LOS for the continued accountability of the school system and also the developer.
- It preserves the legal authority to generate local money to fund capacity additions where school capacity may be a legitimate community problem and there are no State funds available for such purpose. School concurrency states that govern proportionate share mitigation resolve some of the flaws of the previous voluntary mitigation program by requiring the mitigation to fund a complete project that must be entered into the first 3 years of the DEFP immediately once accepted.
- It is the LOS with the greatest chance of garnering the requisite signatures needed for an amendment because through Option 1 schools only enhance their ability to meet LOS.

- It prevents a scenario where a school boundary change could be required to meet the LOS mandate when there are viable portables on a school campus. Ms. Wight said that since 2013, the District has initiated the PRP to remove the relocatable capacity each year moving towards a uniform LOS of 110% permanent capacity.
- The District has also established the SSOS process to address issues of under-performance and under-enrollment in conjunction with PSC, which addresses over-enrollment.

Ms. Wight said that the Third Amendment to the ILA using 100% of gross capacity was brought forward prior to the General Obligation Bond or any ability for the District to build permanent capacity at schools in the southwest part of the County which would have knocked several thousand students into a boundary process. She said that having the alternate LOS is the most desirable option for the District, and using that option reduces the number of LOS deficiencies by two thirds. She also stated that Option 1 meets the uniform legal standard as required by State law. Mr. Akagbosu added that Option 1 meets both the class-size mandate and LOS standards.

Mr. Carpenter asked why the City of Weston was not supporting Option 1. Chair Eichner stated that she had voted against Option 1 on behalf of the City of Weston because the City supports Option 3. She said that as a matter of State law, PSC is no longer required. She said mitigation dollars had not amounted to that much and PSC had not provided much additional capacity. Chair Eichner said that the City of Weston feels removing PSC from the ILA is the best option because if the municipalities do not agree to amend the ILA, then the Agreement will revert back to 110% of permanent capacity which could be problematic.

Ms. Forelle advised that Broward County supports PSC. She said that Option 1 and Option 2 both address the fact that the County will continue growing and needs to mitigate for that development. She said that Option 1 lets the District choose between 110% of permanent or 100% of gross capacity, whichever is convenient for the moment, but does not address the actual needs of that new growth. Mr. Akagbosu advised the SWG members to look at the pros and cons for all 3 options. He said that PSC holds both the developers and the District accountable. He stated that Broward County has had school impact fees since 1979. Mr. Akagbosu said that the District is responsible to look out for the students. Discussions followed regarding school impact fees, what they are being spent on and the State's cost per student stations. Ms. Wight advised that Option 1 would reduce the number of schools with the LOS deficiencies. She said that because the District is unable to build schools and there are regions of the county that are running out of capacity even at the more flexible LOS option, it is important to keep a maximum threshold that keeps as many students in the school system as possible. She said that the District would like as much flexibility as possible, without losing the students to charter schools due to boundary changes driven by PSC.

Chair Eichner asked for discussions and comments regarding Option 2. Ms. Wight advised that the LOS in the Second Amended ILA is currently 100% of gross capacity until school year 2019/20 when it reverts back to 110% of permanent capacity. She said that using 110% of permanent capacity is better for the District than using 100% of gross

because that extra 10% makes a big difference in the number of schools which meet the LOS. Mr. Carpenter asked why anyone would support Option 2 over Option 1. Chair Eichner said that the SWG had recommended Option 2 based on the options that were available at that time, but at the October 2015 Oversight Committee, School Board Member Rich-Levinson had introduced Option 1. She stated that at the December 2015 and January 2016 SWG meetings, the additional Option 1 had been discussed. Discussions continued regarding the back-up countywide geographic/demographic data maps, class-size reduction, PSC and boundary changes. Chair Eichner asked if the members were comfortable with the implications of Option 2.

Chair Eichner explained that Option 3 would reduce the Second Amended ILA to the minimum requirements under State law and eliminate the LOS as it relates to PSC. She said that the City of Weston's philosophy was to look at what was best for Broward County as a whole. She said to keep in mind what the implications might be if the existing Second Amended ILA does not get amended, and also whether the Agreement needed rules that are no longer required as a matter of State law. Mr. Carpenter said that if PSC were eliminated, the District would have no more ability to create revenue from development and asked how that would impact the District's ability to pay off the debt that has been incurred. Chair Eichner answered that school impact fees would still be collected by the District. However, she stated that the District would no longer be able to deny development because of PSC and developers would not be required to pay mitigation fees. Ms. Wight said that House Bill 383 states that you cannot assess developers or require them to pay anything beyond the minimum regulations unless it is truly voluntary. Discussions followed regarding developer funding of public schools, redevelopment and the huge impact it would have on smaller municipalities if developers are not held accountable. Mr. Akagbosu said that without PSC, there would be no way to hold the developer accountable for the impact it may have on a potentially over-crowded school. Chair Eichner said that in the case of the City of Weston, the original developers satisfied their school impacts when they dedicated all of the land sites. She said that even today, if there was a piece of land that was to be redeveloped or new development came into the City of Weston, they would not be subject to PSC because the developer satisfied their obligations back in the 1990's.

After further brief discussions, Ms. Houchins took a roll call vote as follows:

✓ City of Coconut Creek	Option 1
✓ City of Cooper City	Option 1
✓ City of Coral Springs	Option 1
✓ City of Dania Beach	Absent
✓ Town of Davie	Absent
✓ City of Deerfield Beach	*Not ready to vote
✓ City of Fort Lauderdale	Not ready to vote
✓ City of Hallandale Beach	Not ready to vote
✓ City of Hollywood	Absent
✓ Town of Lauderdale-By-The-Sea	Absent
✓ City of Lauderdale Lakes	Absent
✓ City of Lauderhill	Absent

✓ City of Margate	Option 1
✓ City of Miramar	Option 1
✓ City of North Lauderdale	Option 1
✓ City of Oakland Park	Option 1
✓ City of Parkland	*Not ready to vote
✓ Town of Pembroke Park	Option 1
✓ City of Pembroke Pines	Option 1
✓ City of Plantation	Option 1
✓ City of Pompano Beach	Option 1
✓ Town of Southwest Ranches	Absent
✓ City of Sunrise	Option 1
✓ City of Tamarac	Absent
✓ City of West Park	Option 1
✓ City of Weston	Option 3
✓ City of Wilton Manors	*Not ready to vote
✓ Broward County	Option 2
✓ School Board of Broward County	Option 1

The vote totals were as follows: 14 votes for Option 1, 1 vote for Option 2, 1 vote for Option 3 and 5 Municipalities were not ready to vote. (*members' first time at the SWG meeting) Also, the Cities of Fort Lauderdale and Hallandale Beach asked for the District to give a presentation on the 3 options.

8.3 New Collocation Facilities

The municipalities had no new collocation facilities to report.

8.4 Status - Broward County and Municipal Comprehensive Plans and Land Development Codes/Regulations

Ms. Forelle stated that Broward County had been working on updates to their Comprehensive Plan. She stated that the County's policy changes are on hold until the outcome of the ILA amendment process, but updates would be shared at the next scheduled SWG meeting. She said that the County's Zoning Code was also being updated, and they are drafting a major overhaul of their Regulations.

8.5 Update on Broward County and Municipalities Evaluation and Appraisal Report

Lorraine Tappen stated that the City of Fort Lauderdale adopted their Evaluation and Appraisal Report and will be fully updating their Comprehensive Plan and identified school quality as a major issue. Dawn Teetsel, Broward County Planning Council, announced that an Ad Hoc Steering Committee for the Broward Next process will be meeting on March 28, 2016 at 9:00 a.m. in Room 430. She also stated that revisions are open for comments and are due by March 11, 2016.

9. New Business

There was no new business.

10. Next Staff Working Group Meeting

10.1 June 2, 2016 (Regularly Scheduled Quarterly Meeting)

Chair Eichner advised that the next SWG meeting was scheduled for June 2, 2016, and she asked Peter Dokuchitz to advise if the City of Plantation's conference room was available.

11. Adjourn

Chair Eichner adjourned the meeting at 11:23 a.m.

Respectfully submitted by:


Shelley Eichner, Chair


Linda Houchins, Recording Secretary