

**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
January 13, 2016**

12:00 noon

Kathleen C. Wright Administration Center, School Board Meeting Room

1. Call to Order

Chair Stermer called the January 13, 2016 Oversight Committee meeting to order at 12.06 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
- Graziose, Jerry
- Hunschofsky, Christine
- Naylor, Lew
- Resnick, Gary
- Rich Levinson, Laurie
- Rogers, Roy
- Soltanipour, Marilyn
- Stermer, Daniel J.
- Tingom, Peter
- Wexler, Lois

3. Approval of Minutes – October 14, 2015 Meeting

Committee Member Wexler made a motion to approve the minutes of the October 14, 2015 meeting. Committee Member Rogers seconded the motion, and the minutes were approved unanimously.

4. Additions to the January 13, 2016 Meeting Agenda

There were no additions to the January 13, 2016 meeting agenda.

5. Approval of the Final Agenda for the January 13, 2016 Meeting

Committee Member Soltanipour made a motion to approve the final agenda for the January 13, 2016 meeting. Committee Member Naylor seconded the motion, and the motion passed unanimously.

6. PUBLIC INPUT

There was no public input.

7. SUBCOMMITTEE REPORTS

None

8. OLD BUSINESS

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

Chair Stermer advised that Ms. Brown was called to Tallahassee and would not be in attendance at the meeting.

Mr. Akagbosu advised that Item Number 8.1 was a follow up to the directive that was given at the October 14, 2015 Oversight Committee meeting to present the three options regarding the Level of Service Standard (LOS) to the Staff Working Group (SWG) for their recommendation to the Oversight Committee. He stated that the SWG had met on December 3, 2015 and discussed the item at length; however, the SWG did not vote at that meeting because they wanted time to get feedback from their managers and elected officials. He said that the SWG scheduled a special meeting on January 7, 2016, and at that meeting the majority of the SWG voted and recommended Option 1, which was to implement the LOS at the higher of 100% gross capacity or 110% permanent capacity.

Ms. Wight advised that the presentation given to the SWG was the Oversight Committee's directive to the SWG. She gave a summary of the presentation regarding the following five questions:

- 1) Does Broward County still need public school concurrency (PSC)? Ms. Wight stated that PSC still has relevance. She said that there are areas of the County that do not have excess school capacity and those areas coincide with an increase in development. Ms. Wight stated that no proportionate share mitigation has been exacted from developers under PSC, but said that the District still continues to collect revenue from previous mitigation agreements. Additionally, she stated that two denials were issued and projects had to wait until the data showed the availability of capacity, which she said is what PSC is designed to do.
- 2) Ask the SWG to consider the various options for an amendment to the Second Amended Interlocal Agreement for Public School Facility Planning (SILA). Ms. Wight said that the options were discussed at length at the previous SWG meetings, and the SWG voted in support of the alternate LOS.
- 3) What happens to the Hardship School Concept (HSC) under the three options? Ms. Wight advised that the HSC would not be needed under any of the options because each option utilizes the relocatable capacity.
- 4) What are the plans for under-enrolled schools on the east side of the County? Ms. Wight talked about the Southeast Study which addresses under-enrollment. She said that there was also lengthy discussions at the SWG meeting about the Portable Disposition Plan.

- 5) Provide available data regarding mitigation fees. Ms. Wight stated that the SWG had requested additional information for the January 7, 2016 special meeting. She said that additional back-up was provided by the District's Capital Budget Department and that the SWG also asked for more specific data showing where the mitigation money was collected and spent, which was also provided to them at the January 7, 2016 meeting. Ms. Wight also talked about the approximate timeline of next steps for each option.

Chair Stermer asked Ms. Eichner to give a summary of what happened at the January 7, 2016 SWG meeting and to also give details regarding the vote taken. Ms. Eichner said that the SWG thought that Ms. Wight's presentation was outstanding on explaining the options available, but many of the SWG members wanted more information and more time to go back to their cities for direction. She stated that while additional information had been provided, there were still many questions regarding mitigation dollars collected and how and where those dollars were spent. Ms. Eichner said that the SWG also requested more information regarding the Portable Reduction Plan and the impact that the Plan would have on school capacity. She said that as the Amendment to the ILA moves forward and is presented to the various cities for approval or denial, the SWG wanted full and concise information.

Ms. Eichner said that a majority of the SWG members voted for Option 1, the alternate LOS, however, three entities, the Cities of Deerfield Beach and Weston and Broward County voted no, and the Cities of Fort Lauderdale, North Lauderdale and Tamarac chose not to vote and left the room.

Chair Stermer asked where that legally left the amendment process if Broward County voted no. Mr. Gabriel clarified that the representative from the SWG was not the County Commission or Broward County itself, but if the County Commission continued the position as voted on at the SWG, amendment of the ILA could not move forward. Chair Stermer asked Ms. Eichner if she felt the SWG needed more time to discuss the issues with their individual constituencies cities. Ms. Eichner responded that the members who did not want to vote wanted additional information pertaining to where the mitigation dollars had been collected and spent and also the impact of moving or demolishing portables from various school sites and how that would impact capacity and LOS. Ms. Wight clarified that in some cases there were new staff members at the meeting who did not feel they could render a vote. Ms. Eichner said that was only the case for the City of Fort Lauderdale.

Committee Member Tingom said that because the County and the School Board both have veto power, he recommended that the item be sent back to the SWG for a recommendation that Broward County could vote for. Chair Stermer asked that the motion be held in abeyance for further discussions. Committee Member Good asked whether the members that left the room stated that they wanted to abstain from the vote. Ms. Eichner advised that they publically stated that they were not ready to vote and wanted to abstain. Committee Member Wexler stated that the Oversight Committee directives presentation was very well done and had given a visual as well as verbal impact of the options. She asked whether the SWG had fully vetted all three options. She reminded the Committee that the SWG had previously voted and recommended the use of LOS at 100% gross capacity. Committee Member Wexler said that she wanted equity, fairness and even handedness across Broward County. Ms. Eichner said that the SWG felt that Option 1 was the best alternative and would best minimize PSC problems. Discussions followed regarding public school and charter school enrollments, tackling the issues of under enrollment and repurposing of schools.

Committee Member Wexler said that the original recommendation of the SWG to use 100% of gross capacity holds the District accountable for either putting in permanent capacity, moving in portables, making a boundary change or closing a school, where Option 1 holds no one accountable. She said she wanted the District to address permanent capacity for those schools that need the flexibility, but said that portables are not the answer forever. Discussions continued regarding Option 1 and Option 2, portables, under enrollment and over enrollment.

Committee Member Soltanipour asked what the threshold was for an under enrolled school when the school can no longer provide services and programs. Mr. Akagbosu said that the School District must comply with State Requirements for Educational Facilities (SREF). He stated that staff would provide that information to the Committee before the next meeting. Committee Member Soltanipour said that the Portable Transition Plan states that 72% of portables are designated for instructional use, 10% for administrative use and 12% are slated for disposition, and she asked where the additional 6% was designated. Mr. Akagbosu said staff would provide that information to the Committee. Additionally, he stated that the District has a comprehensive portable disposition process in place and that the current District Educational Facilities Plan (DEFP) has 195 portables slated for disposition this year and approximately 70 portables will be brought to the Board for approval for the next DEFP. He said that staff would provide detailed information regarding portables for the next Oversight Committee meeting.

Committee Member Rich Levinson commented that Option 1 was brought forward for the equality of each community. She said that the 110% of permanent capacity would benefit many eastern schools that do not have portables. Committee Member Wexler said that her statement about equity was not necessarily the statement about the recommendation of Option 1, but was about accountability and about the School Board making decisions and taking action. She said that Option 1 gives the opportunity for no action to be taken, and she is not convinced that portables would be moved in where needed, that permanent capacity would be built where needed, or that schools would be repurposed where needed. Committee Member Wexler stated that Option 1 gave a broad scope of choices which would constantly be moving, and she was looking for a target. Committee Member Rich Levinson respectfully disagreed, and said that there were targets with Option 1 and she felt that Option 2 provided less accountability. She said that when 100% of gross capacity is used, less would end up being done. Committee Member Rich Levinson said there needed to be discussions regarding where the Committee should go from here.

Chair Stermer said that he had asked Committee Member Tingom to hold his motion in abeyance so that discussions could take place. He said it was important for staff to hear the conversations so that when the discussion goes back to the SWG, staff will know how to evolve the conversation.

Committee Member Hunschofsky asked what the Committee was trying to do and what the end goal was. Chair Stermer said that the goal was to move forward to deal with the issue of what the LOS should be or alternatively to strip the ILA to what the State Statute requires which would remove PSC. Committee Member Hunschofsky commented that she did not think there was anything negative about having flexibility. She agreed that accountability is good but only if the entity has control of what happens, and added that if there is not that control, they cannot be fully accountable. Committee Member Freedman talked about the work that

had been done regarding under enrolled schools in the City of Hallandale Beach. She said that the School District in partnership with the City had worked together to solve problems. She also talked about the preschool component and adult education. Committee Member Freedman stated that flexibility was a necessity, and that the District and the Municipalities must work together to do what is needed for each City to make the entire County work. Committee Member Resnick said that he understood the need for the District to have flexibility. He stated that the District was beginning to turn around the public perspective with respect to schools. He said that there are a number of external factors that the District does not have control over and that cannot be predicted. Discussions continued regarding flexibility, accountability, and equity. Committee Member Eisinger said that the end result should be to make sure all of Broward County is happy with the Broward County Public School System. Committee Member Wexler stated that the ILA was amended because the Committee wanted the standard to be permanent capacity, and that now there has been a complete reversal of that standard. She requested that staff provide a chart of the current capacity usage for each school.

Chair Stermer said that if any Committee Members had items or questions that they would like staff to produce, they should email those requests to staff. He said that he wanted those requests to be part of the next SWG meeting. Chair Stermer summarized Committee Member Tingom's motion stating that all three options be sent back to the SWG for a full and complete discussion and that the SWG make a clear recommendation to the Oversight Committee regarding which option they would support. Committee Member Tingom asked that the SWG minutes from that meeting be available prior to the April 13, 2016 Oversight Committee meeting. Committee Member Rogers seconded the motion and said that the Committee should have a clean recommendation from the SWG. Committee Member Tingom accepted the second to his motion. Chair Stermer again stated that if the Members wanted any information provided to the SWG, they should email staff by January 15, 2016. He also requested that staff gather and produce the information and coordinate a SWG meeting as soon as practicable where a significant amount of the cities would be able to attend.

Ms. Eichner stated that things are different today than they were 8 to 10 years ago regarding the status of PSC, charter schools, school boundary decisions, and student enrollment. She said that the LOS as it relates to PSC and the ability of the District to collect mitigation dollars was what the SWG discussions were all about. Ms. Eichner said that the SWG members voted for Option 1 because of its flexibility. She said that Option 3 which would reduce the ILA to only what was required as a matter of State law, was never fully vetted. She said that it was explained at the SWG that in order for the School District to be able to collect mitigation dollars from developers, PSC and LOS needed to be in the ILA. Ms. Eichner said that was how the discussions began regarding how many mitigation dollars have been collected, where they have been collected and where they have been spent. She said that the issue is why PSC and the LOS should be mandated in the ILA and what purpose it serves.

Brief discussions continued regarding mitigation dollars, flexibility and being sensitive to the needs of each community. Committee Member Naylor requested a summary of what the State has done since the ILA was developed so that he can fully understand what the changes are and how they impact what is trying to be accomplished. Chair Stermer called the question, and the motion made by Committee Member Tingom passed unanimously.

9. NEW BUSINESS

9.1 Draft 2015 Annual Status Report on Implementation of the Second Amended Interlocal Agreement for Public School Facility Planning

Mr. Akagbosu advised that the 2015 Annual Status Report on Implementation of the SILA was a draft and that the official final Report would come before the Committee in April 2016 for approval. He stated that only Section 8.2(a) of the Report had not been met. Mr. Akagbosu stated that some of the Municipalities had not taken action to adopt the SILA, and said that the majority of those Municipalities were waiting to see if there would be another amendment to the SILA. He said that overall the Report indicated that the ILA had been very well implemented in 2015.

10. INFORMATIONAL ITEMS

10.1 December 3, 2015 SWG Draft (Not Approved) Minutes

10.2 Next Scheduled Meeting – April 13, 2016

10.ADJOURN

Chair Stermer adjourned the meeting at 1:40 p.m.

Respectfully submitted by:


Marilyn Soltanipour, Secretary

4/13/16
Date