

**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  
April 12, 2017  
12:00 noon**

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

**1. Call to Order**

Chair Stermer called the April 12, 2017 Oversight Committee meeting to order at 12:08 p.m.

**2. Roll Call**

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

- Eichner, Shelley
- Eisinger, Debby
- Good, Patricia
- Hunschofsky, Christine
- Naylor, Lew
- Rich Levinson, Laurie
- Rogers, Roy
- Schwartz, Jonathan
- Sharief, Barbara
- Stermer, Daniel J.
- Tingom, Peter

**3. Approval of Minutes – January 11, 2017 Meeting**

Committee Member Eisinger made a motion to approve the minutes of the January 11, 2017 meeting. Committee Member Good seconded the motion, and the minutes were approved unanimously.

**4. Additions to the April 12, 2017 Meeting Agenda**

Mr. Akagbosu pointed out that Item No. 9.2 was an action item and should have had an asterisk next to it.

**5. Approval of the Final Agenda for the April 12, 2017 Meeting**

Committee Member Eisinger made a motion to approve the final agenda as corrected. Committee Member Rogers seconded the motion, and the final agenda as corrected was approved unanimously.

**6. Excused Absences for April 12, 2017 Meeting**

Chair Stermer advised that Committee Members Cooper, Freedman and Olbel had requested excused absences from the April 12, 2017 meeting. There was no objection, and the Committee Members were given excused absences.

**7. PUBLIC INPUT**

There was no public input.

## **8. SUBCOMMITTEE REPORTS**

There were no Subcommittee Reports

## **9. OLD BUSINESS**

### **9.1 Approval and Issuance of the 2016 Annual Status Report on Implementation of the Second Amended Interlocal Agreement for Public School Facility Planning**

Mr. Akagbosu said that Ms. Brown had taken a well-deserved vacation. He introduced Nilgun Kamp of Tindale-Oliver & Associates and advised that they are the consultants the School Board retained to update the Student Generation Rate and School Impact Fee Study.

Mr. Akagbosu advised that the 2016 Annual Status Report on Implementation of the Second Amended Interlocal Agreement for Public School Facility Planning (ILA) had been successfully implemented in 2016 with only three areas of the Agreement needing resolution which are as follows:

- 1) Staff Working Group (SWG) meeting attendance
- 2) Development Trends Reports not provided by certain municipalities to the School District prior to the finalization of the student enrollment projections
- 3) Certain municipalities have not taken action to amend their Comprehensive Plans and Land Development Regulations

Chair Stermer stated that based on discussions at the last Oversight Committee meeting, letters had been sent out to City Managers and municipal staff regarding the first two items needing resolution. He said that in regard to the third item, municipalities would have to take action to amend their Comprehensive Plans and Land Development Regulations after the Third Amended ILA has been approved. Committee Member Rogers said that in the future, staff from the City of Pompano Beach would be participating in the first two areas that need resolution. After brief discussions, Committee Member Rogers made a motion to approve and issue the 2016 Annual Status Report on Implementation of the Second Amended ILA. Committee Member Naylor seconded the motion, and the motion passed unanimously.

### **9.2 Staff Working Group Recommendation Regarding Third Amended and Restated Interlocal Agreement for Public School Facility Planning**

Mr. Akagbosu advised that Item 9.2 required action by the Committee. He stated that the SWG had recommended approval of the Third Amended and Restated ILA as proposed. Mr. Akagbosu said that the draft Third Amended and Restated ILA was included in the back-up materials along with two presentations, one which would be an online presentation for municipal planners and staff, and the other presentation would be given to the municipal elected officials. He said that staff would appreciate feedback from the Committee. Chair Stermer asked that the record show that Committee Member Tingom was in attendance at the meeting.

Committee Member Good suggested simplifying the language on page 5, paragraph 3 of the draft Agreement. She said the paragraph should be more straightforward and similar to the letter written by Ms. Eichner dated March 27, 2017. Committee Member Good said the paragraph should also speak to the various grade configurations in the District schools.

Chair Stermer welcomed and thanked Committee Member Sharief for accepting the appointment to the Committee and asked that the record show that she was present at the meeting.

Mr. Gabriel suggested changing the paragraph to state “to define the school types in the manner that reflects local conditions for the purpose of establishing the uniform Districtwide Level of Services Standard (LOS). He said that the whereas clause is a general statement and is not intended to be specific. Mr. Gabriel said that he would welcome any changes the Committee would like to make. Committee Member Rich Levinson suggested that the exact language in Ms. Eichner’s letter be put in the fourth whereas clause. Discussions followed regarding the language for the fourth whereas clause. Ms. Eichner suggested that the language in the third line of the fourth paragraph read.....”amended, and to define LOS at the higher of 100% gross capacity including relocatables or 110% permanent capacity for the purpose of establishing a uniform Districtwide LOS”. Lisa Wight said that there must be a uniform LOS and the reason that “reflects local conditions” language was added was to reflect the statutory provision that allows a school type to be defined to reflect the local conditions. Chair Stermer said that the language in the Agreement under 8.10(a) still retains that language.

Committee Member Schwartz advised that he had attended the last SWG meeting and commended Ms. Wight on her good explanation of the alternate LOS. He said he was surprised that there was no discussion from any of the municipalities on the Third Amended Agreement. He asked if there was data showing the benefit or detriment for each individual city as a result of implementing the Agreement. Chair Stermer advised that the maps in the back-up materials showed the current LOS and the alternate LOS and schools that would be affected. Ms. Eichner advised that the SWG had major discussions regarding the Third Amended and Restated ILA during the past year.

There were brief discussions regarding relocatables, and Ms. Wight stated that a LOS based on permanent capacity normally would not acknowledge relocatables; however, that specific Statute states that if there are relocatables purchased after 1998 and which meet the standards for long term use, such relocatables must be included in LOS capacity calculations. Ms. Wight said that even when the LOS capacity is based on 110% permanent capacity, some of the calculations may not add up to 110% because those “qualified” relocatables must be counted. She stated that the District Educational Facilities Plan (DEFP) and the LOS Plan, identify the location of all “qualified” relocatables at each school and notate that on the LOS matrix. Brief discussions continued regarding relocatables.

Committee Member Good said that the presentation to the city officials does not mention that school boundary changes may have to take place if the alternate LOS is not approved. Ms. Eichner said that school boundary changes made by the School Board because of capacity and operational problems, and the Third Amended and Restated ILA which deals with LOS as it relates to public school concurrency, are two separate issues. She said that public school concurrency deals with approvals of developments, proportionate share mitigation, developers paying dollars for additional classroom space for the need for seats they are creating, or the need for boundary changes as a result of over-capacity at a school. Ms. Eichner said that the maps show that there are only a handful of schools countywide that would still have a LOS concurrency problem. Discussions continued regarding the alternate LOS and school boundary changes. Chair Stermer stated that if the Third Amended ILA did not get approved, school boundary changes may be an issue. Committee Member Good said that it should be clear that the District is trying to minimize the potential for boundary changes, and said she thought it would be clearer if that statement was added to Slide 10 of the presentation. Committee Member Rich Levinson stated that school boundaries are based on class size and LOS, and LOS directly impacts school boundaries and that needs to be made clear to the municipalities. Committee Member Eisinger said that the cities want to hear how the Third Amended ILA will impact their children, and how it will affect where their children go to school. Committee Member Hunschofsky said that the cities need to understand that the Third Amended ILA will provide flexibility for every area individually. Chair Stermer requested that staff add a note to the presentation on Slide 4, third arrow, after the second bullet to state that if the Agreement is not approved, school boundaries changes may be coming. He said the cities need to know that there is a significant issue that will impact the schools if the Third Amended ILA is not approved. Additionally, Committee Member Good said that there should be a bullet that advises the cities of how the School District utilizes the figures for boundary changes in the

future. Chair Stermer requested that after the presentation is updated, that it be emailed to the Members before it is disseminated. Committee Member Tingom said that it was important to emphasize in the presentation the fact that the State Legislature is passing significant legislation opening up school choice. He said the majority of school choice is taking place with respect to the LOS and tying that cause and effect may be helpful for public understanding. Committee Member Eisinger said that staff needs to be prepared to discuss the fact that excess seats are available throughout the County and answer questions about why the District will not be building new classrooms.

Chair Stermer asked for a motion to move Item 9.2 as amended by Ms. Eichner. Mr. Gabriel asked for clarification on the amendment. He stated the third whereas clause in the proposed Third Amended and Restated ILA would be changed to state .....“as amended, to define school type as the higher of 100% gross capacity including relocatables or 110% permanent capacity for the purpose of establishing a uniform districtwide LOS”. Mr. Gabriel said the Oversight Committee was making a suggested change to what was presented to the School Board, and stated that he believed that the draft Agreement would need to go back to the School Board for adoption of the amendment made to the third whereas clause. Chair Stermer agreed and said that the Oversight Committee’s recommendation to amend the third whereas clause in the Third Amended and Restated ILA as initiated by the School Board, would not change the substance of the body of the Agreement. Brief discussions ensued regarding adding combination schools to the elementary, middle and high school types, and it was later agreed that such addition was not necessary.

Committee Member Rogers made a motion to accept the recommendation provided by Ms. Eichner to change the language in the third whereas clause of the Third Amended and Restated ILA as stated above. Committee Member Sharief seconded the motion, and the motion passed unanimously. Mr. Akagbosu said he appreciated all of the comments made.

Chair Stermer said that anyone who was interested in participating in the municipal meeting presentations should speak with Committee Member Eisinger about her experiences when the Second Amended ILA went through the approval process. Committee Member Eisinger commented that her experience going to the different municipal presentations for the Second Amended ILA was very helpful to her in better understanding the municipal concerns and better assisted her in representing Broward County. She said it was time consuming, but that she had enjoyed the experience. Chair Stermer said he hoped to get no less than three volunteers from the Committee, and that he would be sending out an email asking for volunteers.

Mr. Akagbosu said that a special meeting had tentatively been scheduled for June 14, 2017 to bring the final draft of the Student Generation Rate/School Impact Fee Study Update to the Oversight Committee. Brief discussions followed regarding the meeting dates. Chair Stermer summarized that a formal final draft of the Student Generation Rate/School Impact Fee Study Update would be presented at the June 14, 2017 special Oversight Committee meeting. Ms. Eichner advised that the SWG was disappointed that they were not part of the process and did not have any input in the updated Study. Mr. Akagbosu stated that there was a Standing Committee which met and gave input and that a member of the SWG was on that Standing Committee. Chair Stermer requested that staff schedule a full and complete presentation of the Updated Study before the SWG. He added that the presentation should be as close to the Study’s conclusion as possible so that the SWG would have a full understanding of the Study.

## **10. NEW BUSINESS**

### **10.1 Student Generation Rate/School Impact Fee Study 2016/17 Update Presentation**

Mr. Akagbosu introduced Ms. Nilgun Kamp, consultant with Tindale Oliver & Associates. Ms. Kamp advised that the last Technical Study was updated in 2014. She said she would be using the

consumption based methodology and that the Study fulfilled the legal requirements and reflected the most current and localized data. Ms. Kamp stated that impact fees are a one-time capital charge to new development, they cover the cost of new capital facility capacity and are only collected from residential land uses. She talked about the basic school impact fee formula and emphasized that schools and transportation are the two most expensive infrastructures local governments must provide. Ms. Kamp talked about the timeline for the meetings scheduled regarding update of the Study.

Ms. Kamp advised that update of the Study was being done two different ways; 1) adopted methodology based on new development over the past five years and 2) looking at the generation rates of all homes in Broward County. She stated that looking at the average of all homes throughout their lifetime may better reflect the student generation rate through the life of those structures. Ms. Kamp stated that the other impact fee variables are the cost and credit components. Committee Member Eisinger suggested using all "residential units" instead of "homes" on Slide Number 9.

Ms. Kamp talked about the building permit activity in Broward County over the past fifteen (15) years. She said that there have been less single family units and more multi-family units built in the past five (5) years as compared to when the last Study was done using years 2006 through 2013. She explained the student generation rate trends, the age trends, the vacancy rate trends, and the seasonal home trends in Broward County versus the other counties in the State of Florida. Ms. Kamp also talked about Broward County's ranking statewide regarding population, population growth, absolute growth and in student generate rates. Additionally, she talked about enrollment trends for traditional students and the enrollment trends ratio of charter students to traditional students. She said that in terms of the cost component, she looked at statewide construction costs, recent local construction, insurance values and land purchases/appraisals. Ms. Kamp talked about land value of existing parcels, recent dedications, vacant land sales, vacant land values, and land values used in recent school impact fee studies in different counties.

Committee Member Good suggested that "recent purchases" be changed to "recent dedications". She also suggested that the per acre estimate for Broward County be placed before the land value per acre table listed for other counties in the State of Florida. Ms. Kamp stated that the Study is a tool to set the rate for development, and the fee is a county-wide average. Discussions followed regarding school impact fees, costs per student station, and county land values. Committee Member Rogers commented that the Study must track back to the rational nexus to be legally defensible.

Ms. Kamp said that since no new schools have been built in Broward County over the past few years, she relied on insurance values as an indicator of the building values. She also showed data from other jurisdictions as a comparison. Chair Stermer asked if there were any projections on a cost per square foot basis for the proposed bond projects that require new facilities. Mr. Akagbosu said that data had been provided to the consultants. Discussions followed regarding construction costs and the use of insurance values. Committee Member Rogers said to keep the presentation simple and to not lose sight of what is trying to be done.

Lorraine Tappen, with the City of Fort Lauderdale, said that the City of Fort Lauderdale had been in close communication with School District staff and are interested in looking at the student generation data in the downtown Fort Lauderdale area. She said that they are seeing more and more families moving into that area and would like to see a school in the future that fits the urban fabric that is occurring in the downtown Fort Lauderdale area. Ms. Tappen said the City was looking forward to continuing to coordinate with the Oversight Committee and District staff.

Committee Member Good said that it was important that the basics of how impact fees have been used in the past, what they are allowed to be used for, where the fees have been collected, and what they have been used for be explained. Committee Member Rogers said that a real look at what is happening with development should be created. He said that the pace of sales increases dramatically when there

are good schools, and that the development community should be encouraged to understand the benefit of going beyond what is required. Brief discussions followed regarding the timeline for the Study, and Mr. Akagbosu said that the timeline could be redone and made more flexible. Chair Stermer suggested that staff schedule individual meetings with Mr. Schwartz and Ms. Eichner to get ahead of some of the things presented on the current charts.

## **10.2 Legislative Update**

There was no discussion on Item 10.2.

## **10.3 New Oversight Committee Members and Term Related Issues**

There was no discussion on Item 10.3.

## **11. INFORMATIONAL ITEMS**

### **11.1 March 2, 2017 SWG Draft (Not Approved) Minutes**

There was no discussion on Item 11.1.

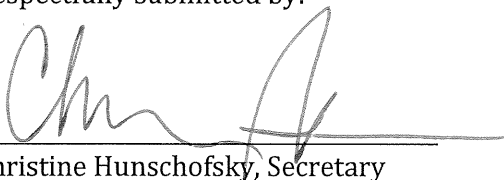
### **11.2 Next Scheduled Meeting – July 12, 2017**

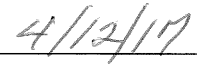
Chair Stermer advised that the next meeting would be scheduled for June 14, 2017 which would be confirmed by email.

## **12. ADJOURN**

Chair Stermer said he appreciated each member making themselves available on June 14, 2017, and he adjourned the meeting at 2.10 p.m.

Respectfully submitted by:

  
Christine Hunschofsky, Secretary

  
Date