

**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 10, 2018**

12:00 noon

Kathleen C. Wright Administration Center, School Board Meeting Room

1. Call to Order

Chair Stermer called the January 10, 2018 Oversight Committee meeting to order at 12:20 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.
- Hunschofsky, Christine
- Naylor, Lew
- Rogers, Roy
- Stermer, Daniel J.
- Wexler, Lois

It was determined that there was not a quorum at the time of roll call.

3. Approval of Minutes - October 11, 2017 Meeting

Chair Stermer stated that Committee Member Rogers had advised Ms. Houchins of a scrivener's error on page 5 of the October 11, 2017 Oversight Committee meeting minutes. This item was deferred until a quorum was reached, at which time Committee Member Wexler made a motion to approve the minutes as amended. Committee Member Hunschofsky seconded the motion, and the amended minutes were approved unanimously.

4. Additions to the January 10, 2018 Meeting Agenda

There were no additions to the January 10, 2018 meeting agenda.

5. Approval of the Final Agenda for the January 10, 2018 Meeting

Chair Stermer advised that the Agenda was set based on how it was published by Ms. Houchins.

6. Excused Absences for January 10, 2018 Meeting

Chair Stermer advised that he had received communications stating that Committee Members Laurie Rich Levinson, Patricia Good, and Gary Resnick would not attend the Oversight Committee meeting, and Committee Member Peter Tingom advised that he would be late. This item was deferred until a quorum was reached, at which time Committee Member Hunschofsky made a motion to accept the excused absences. Committee Member Naylor seconded the motion, and the motion passed unanimously.

7. PUBLIC INPUT

There was no public input for any item that was not on the January 10, 2018 agenda.

8. SUBCOMMITTEE REPORTS

None

9. OLD BUSINESS

9.1 Status - Student Generation Rate and School Impact Fee Study - Feedback From November 28, 2017 School Board Workshops

Ms. Leslie Brown said that she appreciated the continued support of the Oversight Committee. She said the Student Generation Rate and School Impact Fee Study was presented and discussed at the November 28, 2017 School Board Workshop. Ms. Brown further elaborated about the discussion the School Board had on the Study, and the outcome from the Workshop was that the School Board would wait for the District's cadre counsel to provide a legal opinion regarding the utilization of school impact fees to pay debt service. Additionally, she stated the School Board did not make any changes to the Study.

Committee Member Wexler asked about the Study timeframe, and Ms. Brown said District staff anticipates the response back from the cadre counsel within the next week. She said when staff received that feedback, it would be emailed to the Oversight Committee. Committee Member Wexler asked about the School Impact Fee Waiver Program. Ms. Brown stated that the School Board highly supported the Program. She advised that the School Board recommended that the yearly allocation remain at \$375,000, which allocation may be increased depending upon the state capital funding for schools. Ms. Brown said the School Board agreed to change the per project maximum allocation from \$25,000 to \$50,000, and they also agreed to expand the waivers to include low-income projects along with very-low income projects. She said the time frame was also extended from thirty (30) to sixty (60) days to give the developers more time to complete the application process. Ms. Brown advised that staff has been working on a Resolution for approval by the School Board, and updates will be made to School Board Policy 1161. She said the Oversight Committee would be notified of all developments.

Committee Member Rogers talked about school concurrency and school impact fees and said there must be a quid pro quo rational nexus regarding impact fees and what they are used for. He said that he was in support of looking at school impact fee waivers for affordable housing.

Chair Stermer asked that the record reflect Committee Member Mikelange Obel's attendance at the meeting and stated that there was now a quorum. He commented that the Student Generation Rate and School Impact Fee Study was an important issue, that he wanted to get the issue right, and apologized for sometimes being aggressive. Chair Stermer asked if there was any public input regarding the Student Generation Rate and School Impact Fee Study.

Mr. Skeet Jernigan said he represented the Community and Economic Development Council (C&EDC) which has been active in Broward County since 1979. He stated that he has been involved with impact fees for many years, and said he feels the Consultant who prepared the Study Update is leading the School District down a path that is completely wrong. Mr. Jernigan said the

consultant stated that an impact fee was a one-time capital charge levied against new development to fund infrastructure capacity consumed by new growth. He said that statement was the opposite of what an impact fee is. Mr. Jernigan said the Courts have stated that the local government must demonstrate a reasonable connection or rational nexus between the need for additional capital facilities and the growth in population generated by the subdivision. He said if capacity does not exist in the system, then an impact fee can be imposed if the fee is used to build the capacity for which it was charged and needed and has nothing to do with consumption. Mr. Jernigan talked about already existing capacity in Broward County Public Schools and the use of impact fees to pay for currently existing debt service on certificates of participation (COPS). He stated that the District must be cautious when seeking advice from their bond counsel, because the bond counsel's primary function is to 1) make sure the School Board can pay back the money and 2) make sure the bond holders get their payments. He said there are two Seminole Court cases that outline what impact fees are.

Committee Member Wexler commented that she was very concerned; however, she said the Study must go through a multi-step process and the Board of County Commissioners will make the final decision. She said that it is very important that whatever the bond counsel finds be distributed to the Oversight Committee and Broward County's legal counsel. Committee Member Wexler asked when the debt service started and whether after continued refinancing, the debt service would ever be paid off. She said she hoped the School Board could defend the allegation that the consultant's premise is flawed.

9.2 Status - Third Amended and Restated Interlocal Agreement for Public School Facility Planning

Ms. Brown advised that a Tentative Schedule for the Third Amended and Restated ILA (TRILA) was provided in the back-up materials. She said that staff has gone to every Commission meeting and has been capturing questions the Municipalities had and provided written feedback on all questions. Ms. Brown stated that thus far, the TRILA has been approved by fifteen (15) Government and Municipal bodies (School Board, Broward County and thirteen (13) Municipalities). She said that the approval dates and staff follow up are also listed on the Schedule.

10. NEW BUSINESS

10.1 Draft 2017 Annual Status Report on Implementation of the Second Amended Interlocal Agreement for Public School Facility Planning

Ms. Brown stated the 2017 Annual Status Report is a requirement of the ILA. She said the draft is an update of all the articles in the Agreement and shows how the School Board, Broward County and Municipalities have responded to the requirements. Ms. Brown asked that the Committee review the Report and advise of any updates.

Chair Stermer acknowledged that Committee Member Peter Tingom just joined the meeting. He requested that each Member talk with their local government to get input and participation regarding whether the Report is accurate and whether any information needs to be added.

Ms. Eicher said that the SWG had concerns regarding the non-compliance issue in reporting on the growth and development trends within each jurisdiction. She advised that there were six (6) Municipalities that did not respond in a timely manner. Ms. Eichner said the data collected from each Municipality goes into the District's enrollment projections, and at the SWG meeting there was

concern regarding the School District getting accurate data. She said that she and School District staff reached out to planners from unresponsive Municipalities. Chair Stermer advised that he would reach out to Mayor Levy from the City of Hollywood. Ms. Brown thanked Ms. Eichner for sharing the information and recognizing the work staff has done to reach out and mend relationships with the Municipalities. Committee Member Rogers acknowledged the great job that staff has been doing.

11. INFORMATIONAL ITEMS

11.1 October 5, 2017 SWG Approved Final Minutes

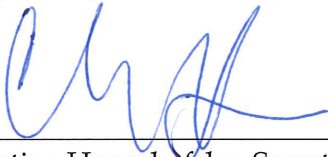
11.2 December 7, 2017 SWG Draft (Not Approved) Minutes

11.3 Next Scheduled Meeting - April 11, 2018

12. ADJOURN

Chair Stermer adjourned the meeting at 12:52 p.m.

Respectfully submitted by:



Christine Hunschofsky, Secretary



Date