

**THE THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR
PUBLIC SCHOOL FACILITY PLANNING
STAFF WORKING GROUP MEETING**

Final Minutes

**December 6, 2018
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 December 6, 2018 Staff Working Group (SWG) meeting to order at 9:35 a.m. Linda Houchins took roll call, and the following members were in attendance:

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| • Buckeye, Rick | City of Oakland Park |
| • Carrano, Susanne | Broward County |
| • Coyle, Matt | Town of Davie |
| • David-Hernandez, Tanya | City of Lauderdale Lakes |
| • Disbury, Andrew | City of North Lauderdale |
| • Dokuchitz, Peter | City of Plantation |
| • Eichner, Shelley | City of Weston |
| • Jacobson, Bonnie | City of Deerfield Beach |
| • Jefferson, Althea | City of Parkland & Town of Southwest Ranches |
| • Kalus, Evy | City of Wilton Manors |
| • Keester-O'Mills, Daniel | City of Pompano Beach |
| • Lajoie, Corinne | City of Dania Beach |
| • Lebrun, Nixon | City of Miramar |
| • Leroy, Vanessa | City of Hallandale Beach |
| • Michael Miller | Town of Pembroke Park |
| • Pinney, Andrew | City of Margate |
| • Stoudenmire, Scott | City of Coconut Creek |
| • Swing, Bradley D. | City of Sunrise |
| • Tappen, Lorraine | City of Fort Lauderdale |
| • Wight, Lisa | School Board of Broward County, Florida |
| • Williams, Sharon | City of Pembroke Pines |
| • Wood, Matthew | City of Cooper City |

Others in attendance at the SWG meeting were as follow:

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| • Beck, Joseph | School Board of Broward County, Florida |
| • Morris, Carole | City of Parkland |
| • Young, Jill | School Board of Broward County, Florida |

2. Addition(s) to the December 6, 2018 Agenda

There were no additions to the December 6, 2018 agenda.

3. Approval of the Final Agenda for the December 6, 2018 Meeting

Sharon Williams made a motion to approve the final agenda for the December 6, 2018 meeting. Matt Wood seconded the motion and the motion passed unanimously.

4. Approval of Minutes from the June 7, 2018 Meeting

Sharon Williams made a motion to approve the minutes from the June 7, 2018 SWG meeting. Sue Carrano seconded the motion, and the minutes were approved unanimously.

5. Subcommittee Reports (None)

6. Old Business

6.1 Feedback from the October 10, 2018 Oversight Committee Meeting - Meeting Canceled

6.2 Feedback from the December 4, 2018 School Board Operational Meeting Regarding School Board Growth Management Policy 1161

Lisa Wight advised that School Board Growth Management Policy 1161 had been adopted at the December 4, 2018 School Board Operational Meeting, and she said that the new Level of Service Standard (LOS) was now being implemented by the School District. Ms. Wight also stated that changes to the affordable housing School Impact Fee Waiver process were also adopted at the December 4, 2018 meeting. She said that the impact fee waiver process now included low and very low-income housing. Ms. Wight said the maximum amount for any one project had been increased from \$25,000 to \$50,000 and the issuance period had been increased from thirty (30) to sixty (60) days.

Ms. Wight stated that the January 9, 2019 Oversight Committee meeting agenda included proposed revisions to the Interpretation Document to adjust to the revised LOS. She talked about the communication process between the School District and the Municipalities and asked for feedback from the Municipalities to determine if the cities are receiving the proper notices from the District. Carol Morris, City of Parkland, advised that it is important that any work being done on a school campus be emailed advising of a start date and a completion date. She said that currently there is little communication from the District unless she initiates contact with District staff. Ms. Wight said that she would bring that feedback back to Danny Jardine and give him the SWG contact information once updated. Ms. Wight advised that the SWG contact list needs to be updated. Chair Eichner requested that Ms. Houchins send the contact information list to the SWG members for update, and also asked who the School District should be notifying regarding projects within their Municipalities.

6.3 Adoption and Formal Transmittal of the 2018 Annual Status Report on the Implementation of the Second and Third Amended Interlocal Agreement for Public School Facility Planning

Chair Eichner thanked the Subcommittee members who worked on the 2018 Status Report. She asked the SWG members if there were any questions or concerns. Chair Eichner stated that because the Report was annual, quarterly reports due at the end of December and other updates would be made as appropriate. Ms. Wight said that the summary, as it relates to attendance or other relevant facts that impact report conclusions would be updated as necessary through the end of the year. She said District staff had reached out to all the Municipalities that had not attended any meetings in 2018, to give them an opportunity to attend today's meeting. Lorraine Tappen said that the City of Fort Lauderdale was still working on their projections, and they should be completed in the next two (2) weeks. Chair Eichner, seeing no comments, asked for a motion to adopt and transmit the 2018 Annual Status Report. Rick Buckeye made a motion to adopt and transmit the 2018 Annual Status Report on the Implementation of the Second and Third Amended Interlocal Agreement for Public School Facility Planning. Sharon Williams seconded the motion, and the motion passed unanimously.

6.4 New Collocation Facilities

The Municipalities had no new collocation facilities to report.

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

Ms. Wight said that each year the District updates its Public School Facilities Element support documents. She said that because of the new LOS changes, the District's Information & Technology Department had to make fundamental changes to the District's databases that affect the way the reports were generated and because of this, was a little late in providing this information to the County. Ms. Wight said the revised support documents were sent to Broward County on December 4, 2018. Sue Carrano stated that the Broward County adoption would be no later than March 2019. Ms. Wight said most of the Municipalities' Comprehensive Plans and Land Development Regulations would need to be updated with the new LOS. She said that this section of the Report was a continued violation, but she had tried to add favorable language to that section due to recent ILA amendments.

6.6 Update on Broward County and Municipalities Evaluation and Appraisal Report

The City of Margate said they had updated the Evaluation and Appraisal Report to match the LOS changes. The City of Fort Lauderdale advised that they had a draft of their updates. Ms. Wight stated that per the ILA, any changes made should be submitted to the School District for review.

7. New Business

7.1 School-By-School Five-Year Student Enrollment projections for the 2019/20 Through 2023/24

Joseph Beck, Demographics & Student Assignments (D&SA) Department, stated that student enrollment has decreased for the first time in four (4) years. He said that the drop in enrollment was not as significant as last year's increase. Mr. Beck said he did not know if this was part of a general downward trend, but the D&SA Department is in the process of looking at information to get a better picture of what is going on in Broward County. Mr. Beck said charter school enrollment increased by 800 students, while public school enrollment decreased by approximately 1,800 students. He stated that there are currently 88 charter schools in the County. Mr. Beck said the D&SA Department is projecting a very modest increase in student enrollment over the five (5) year period through the 2023/2024 school year. Brief discussions followed regarding enrollment trends.

7.2 2018/19 Benchmark Day Enrollment Report

Mr. Beck advised that the 2018/19 Benchmark Day Enrollment Reports is posted on the School District web page. Ms. Wight advised that the School choice application window is now open.

7.3 Student Generation Rate/School Impact Fee Study – Next Steps

Ms. Wight advised that the feedback from the Board members from the last School Board Workshop had been that it was not the time to implement new higher fees. She said that the Student Generation Rate/School Impact Fee Study (Study) would be on the January 2019 Oversight Committee meeting agenda, and the Oversight Committee members will be asked to make a recommendation as to what next steps should be. Ms. Wight said School Board members indicated they would like the Study to be updated every five (5) years instead of the required every (3) years which is the current language stated in the Third Amended and Restated Interlocal Agreement for Public School Facility Planning (TRILA) and asked if that would require amendment of the TRILA. She talked about the last three (3) Study updates that have been completed, advised that two (2) of those Studies were not adopted by Broward County and stated that a considerable amount of money had been spent by the School District on consultants to update those Studies. Ms. Wight said there has been much pushback from the development community which has led to an investigation into the validity of collecting school impact fees and using those funds toward debt service. Discussions followed regarding amendment of the TRILA. Chair Eichner stated that the two (2) outstanding issues regarding the Study Update are 1) whether school impact fees can be used to pay debt service, and 2) with excess capacity in the schools, should Broward County be collecting school impact fees at all. She said until those two issues are clearly resolved, it is hard to take the next step to amend the TRILA.

Ms. Wight asked whether the SWG members would be in support of extending the Study update period from three (3) years to five (5) years. Discussions followed regarding extending the period for updating the Study, having up to date and accurate data, how the Study was done and the methodology. Chair Eichner said that the Oversight Committee thought the methodology was flawed regarding how units were counted and how the costs of construction were counted. She said the methodology, a distrust in the consultants, and a lack of clear answers from the School Board attorney regarding the use of impact fees to pay debt service is what got the Study off track.

Discussions followed, and Ms. Wight made a motion for discussion that the SWG does not object to changing the Study update period from three (3) to five (5) years, however, they do not support another amendment process to the TRILA and would like closure on the issues around the legality of school impact fees in this time of declining enrollment and how the fees are used moving forward. Tanya Davis Hernandez seconded the motion for discussion. Discussions continued, and Chair Eichner said that whether the Study is updated every three (3), five (5) or ten (10) years, the issues still remain. She stated that it is the School District's responsibility to ensure that the consultant has a valid, legally defensible methodology in moving forward. Ms. Wight advised that the same methodology used by the current consultant held up in other school districts, thus seemingly legally satisfying the requirement to be legally defensible. Discussions continued regarding the use of school impact fees to pay debt service, and the need for a resolution regarding the issues. Ms. Wight said the School District would like to extend the timeframe of the update of the Study to five (5) years. Tanya Davis Hernandez asked if there were any consequences for not updating the Study every three (3) years. Carole Morris said that if the Study was not updated, the outdated student generation rates would be used, and it may not reflect accurate projections for areas that are growing and where students may be increasing. Chair Eichner said the only consequences of not updating the Study would be that the Annual Report would show that the issue is in need of resolution by the School District. The SWG agreed that there needs to be more time for all the issues to be resolved. Ms. Wight withdrew her motion. Tanya Davis Hernandez withdrew her second. Corinne Lajoie suggested starting a list of things the SWG would like to see changed in the TRILA. After continued discussions, Ms. Morris said she thought using school impact fees to pay debt service was the first big piece of the puzzle to be resolved. Ms. Wight advised that Chair Eichner is the Ex Officio for the Oversight Committee and could report to them the general consensus of the SWG on this issue. She repeated that the general consensus of the SWG was that they wished to avoid an ILA amendment but would like to buy more time before engaging in another Study update when there are other larger issues which need to be flushed out and resolved. Ms. Wight thanked the SWG for their feedback and input.

8. Next Staff Working Group Meeting

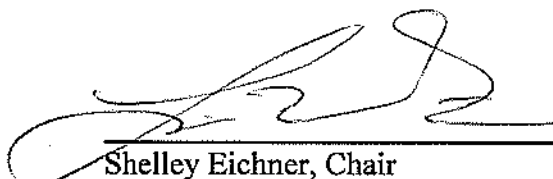
8.1 March 7, 2019 (Regularly Scheduled Quarterly Meeting)

Chair Eichner advised that the next SWG meeting was scheduled for March 7, 2019 and would be held at the Development Services Building in the City of Plantation.

8. Adjourn

Chair Eichner adjourned the meeting at 10:35 a.m.

Respectfully submitted by:



Shelley Eichner, Chair
LISA WIGHT, ON BEHALF OF
FORMER CHAIR



Linda Houchins, Recording Secretary