

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

**Final Minutes**

**March 7, 2019  
9:30 a.m. – 11:00 a.m.**

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

**1. Call to Order and Roll Call**

Vice Chair Wight called the March 7, 2019 Staff Working Group (SWG) meeting to order at 9:35 a.m. Linda Houchins took roll call, and the following members were in attendance:

- Buckeye, Rick
- Carcamo, Alexandra
- Carpenter, Paul
- Carrano, Susanne
- Coyle, Matt
- Disbury, Andrew
- Dokuchitz, Peter
- Hickey, Jim
- Jacobson, Bonnie
- Johnson, Ann
- Kalargyros, Nick
- Kalus, Evy
- Lajoie, Corinne
- Leiva, Fernando
- Leroy, Vanessa
- Pinney, Andrew
- Morris, Carole
- Swing, Bradley
- Teetsel, Dawn
- Wight, Lisa
- Williams, Sharon
- Wood, Matthew
- City of Oakland Park
- City of Hollywood
- City of Coral Springs
- Broward County
- Town of Davie
- City of North Lauderdale
- City of Plantation
- City of Weston
- City of Deerfield Beach
- City of Tamarac
- City of Fort Lauderdale
- City of Wilton Manors
- City of Dania Beach
- City of Lauderdale Lakes
- City of Hallandale Beach
- City of Margate
- City of Parkland
- City of Sunrise
- Broward County Planning Council
- The School Board of Broward County
- City of Pembroke Pines
- City of Cooper City

Others in attendance at the SWG meeting were as follows:

- Huaman, Leny
- Jernigan, Skeet
- Broward County
- C & EDC

## **2. Election of Officers**

Vice Chair Wight opened the floor for nominations for the position of Chair of the SWG. Sharon Williams made a motion to nominate Lisa Wight as Chair of the SWG. Rick Buckeye seconded the motion. There were no other nominations for Chair, and nominations were closed. The motion passed unanimously. Chair Wight opened the floor for nominations for the position of Vice Chair of the SWG. Lisa Wight nominated Sharon Williams as Vice Chair of the Committee. Matt Wood seconded the motion. There were no other nominations, and nominations were closed. The motion passed unanimously.

## **3. Election of Staff Working Group Ex Officio on the Oversight Committee**

Chair Wight opened the floor for nominations for the SWG Ex-Officio member on the Oversight Committee. She explained that the Ex-Officio was a non-voting member of the Committee but would provide feedback from the Oversight Committee meetings to the SWG. Chair Wight said that the SWG often gives their expertise to the Oversight Committee, and that the Oversight Committee often asks for the SWG's opinion on various issues. She stated that the Oversight Committee meets quarterly, and it is important that the Ex-Officio member attend all meetings to represent the voice of the SWG. Sue Carrano nominated Evy Kalus, City of Wilton Manors, for the Ex-Official position on the Oversight Committee. Sharon Williams seconded the motion. There were no other nominations, and nominations were closed. The motion passed unanimously.

## **4. Addition(s) to the March 7, 2019 Agenda**

There were no additions to the March 7, 2019 agenda. Chair Wight stated that Mr. Skeet Jernigan was at the meeting to speak regarding the Draft Student Generation Rate/School Impact Fee Study and suggested that he be allowed to speak on that issue under Item No. 8.2.

## **5. Approval of the Final Agenda for the March 7, 2019 Meeting**

Peter Dokuchitz made a motion to approve the final agenda for the March 7, 2019 meeting. Sharon Williams seconded the motion, and the motion passed unanimously.

## **6. Approval of Minutes from the December 6, 2018 Meeting**

Sharon Williams made a motion to approve the minutes from the December 6, 2018 SWG meeting. Sue Carrano seconded the motion, and the minutes were approved unanimously.

## **7. Subcommittee Reports (None)**

## **8. Old Business**

### **8.1 Feedback from the January 9, 2019 Oversight Committee Meeting**

Chair Wight advised that the January 9, 2019 Oversight Committee meeting was predominantly regarding the Draft Student Generation Rate/School Impact Fee Study (Draft Study). She stated that Item No. 8.1 and 8.2 would be taken together. Chair Wight said the Draft Study went to the School Board for a Workshop, and feedback from the Board was that now was not the right time to

move the Draft Study forward. She said that the Draft Study was tabled for approximately six (6) months. Chair Wight said the next step in moving the Draft Study forward was to send it back to the Oversight Committee for their recommendations. She said there was much discussion regarding whether the Study should be done every three (3) years or every five (5) years and whether a new Study should be started, or whether they should revise the Draft Study and use for the next update. Chair Wight said there were many new members to the Oversight Committee, and the Committee recommended that a Workshop be held for those new members to provide them with education regarding the Draft Study and all of its issues.

Skeet Jernigan, President, Community & Economic Development, said that he has been involved in issues regarding impact fees for many years and is not opposed to the concept of impact fees if they are done legally and correctly. He said that he has serious concerns regarding the school impact fee increases proposed by the School District. Mr. Jernigan talked about the legal challenges involved when Broward County passed the school concurrency ordinance which resulted in the school concurrency proposal in Broward County being repealed because of legal mistakes made. He said the legal basis for an impact fee comes from several Court cases, and he talked about those cases. Mr. Jernigan said the Court's position was that it is proper for a municipality or county to impose an impact fee if they pass a two-prong dual rational nexus test which says that a fee may be imposed if it is demonstrated that a development impacted the system and that system did not have the capacity to accommodate that impact; but, he continued, if a fee is charged, a facility must be constructed that was necessitated by the growth from that development. Mr. Jernigan said the Draft Study shows that the Broward County School System currently has between 10 and 20 percent surplus capacity. Additionally, he said that between 2010 and 2017 the School District spent \$40,500,000 of school impact fee dollars to pay old debt service dating back to the 1990's, and no fees were spent to build new capacity. Mr. Jernigan said for the School District to ask for an increase in school impact fees that are not necessary and which have not previously been spent correctly, shows that the impact fees are improper and possibly illegal. He said that the District's bond attorney advised the District that impact fee dollars can be spent on debt service, but stated that the Auditor General for the State of Florida after auditing Miami/Dade, Lee and Lake Counties has stated that spending school impact fee dollars to pay debt service is an inappropriate use of the funds and that the expenditures should either be justified to the Department of Education or returned to the impact fee line item in the Districts' budgets. Mr. Jernigan said he believes the proposal to increase school impact fees is not proper or legally justified and that the current level of impact fee collections is also improper and not legally justified. He said that impact fees are not a funding source for the school system, are not intended to replace costs by the legislature, supplement the tax base and they must be done legally and properly, and he stated that what is being proposed by the School District is not legal or proper.

Discussions followed regarding Senate Bill 144, neighborhood schools, addressing county-wide capacity, domino boundary changes and funding to address the county-wide capacity issues.

Chair Wight talked about student generation rates and said there had been an eleven (11) year span without updating the school impact fees prior to school concurrency, so the numbers were antiquated. She said in response to those antiquated numbers, the Oversight Committee had requested to require in the ILA that the Study be done every three (3) years. Chair Wight said that currently the District is finding that every three (3) years may be too often. Ms. Wight stated that at the last SWG meeting, she had asked whether the Committee was opposed to doing the SGR/SIF Study every five (5) years. She said she had not heard any opposition to the five (5) year request but said the SWG wanted the remaining issues with the Draft Study to be resolved first. Discussions followed regarding the correlation between housing unit type, bedroom mix and

students generated. Chair Wight stated that the Draft Study looked at how many students are generated by unit type. She said that most counties in Florida determine the impact fees by square feet per unit or by single family versus multi-family, but Broward County determines the fees by bedroom mix and unit type. Discussions continued, and the question was asked whether Broward County could adopt just the student generation rates portion of the Study because the data of how development is generating students needs to be current. Mr. Jernigan said that the adoption of an impact fee is a legislative action by the local government. He said the Draft Study does two (2) things; it identifies how many students are coming from different housing types with different bedroom mixes, and it calculates what the cost would be to put that student in a school. Mr. Jernigan said that the County does not have to adopt both parts of the Draft Study. Chair Wight said there seemed to be consensus from the SWG that it is important to update the new student generation rates. Bonnie Jacobson, City of Deerfield Beach, made a motion that regardless of what the outcome is regarding the school impact fee portion of the Draft Study, that the Student Generation Rates portion of the Draft Study should be adopted and moved forward for planning purposes. Sharon Williams, City of Pembroke Pines, seconded the motion, and the motion passed unanimously. Evy Kalas agreed to bring that message to the Oversight Committee.

## **8.2 Status – Draft Student Generation Rate/School Impact Fee Study**

See Item No. 8.1 above.

## **8.3 New Collocation Facilities**

The Municipalities had no new collocation facilities to report. Chair Wight advised that at Olsen Middle School in the City of Dania Beach, the City is proposing to do improvements on the land through a Recreation Lease Agreement which proposes that during school hours the improvements will be part of the school, and after-school hours it will be a community park. The SWG asked that a Presentation on that subject be added to the next SWG meeting agenda.

## **8.4 Status – Broward County and Municipal Comprehensive Plans and Land Development Codes/Regulations**

Brad Swing stated that the City of Sunrise had completed their Comprehensive Plan. Evy Kalus said that the City of Wilton Manors Comprehensive Plan will go to the City Commission on March 12, 2019, and that they are in the process of updating the Evaluation and Appraisal Report and the Land Development Code. Chair Wight asked the SWG to provide approval dates to Linda Houchins.

## **8.5 Update on Broward County and Municipalities Evaluation and Appraisal Report**

Sue Carrano advised that March 28, 2019 at 10:00 a.m. is the adoption date for Broward County's Comprehensive Plan. She said the anticipated effective date will be early May 2019.

**9. New Business**

**9.1 Citizen's Advisory Committee Appointment for Broward Metropolitan Planning Organization (MPO)**

Chair Wight said that she sits on the Technical Advisory Committee for the Broward MPO. She said that the School Board has a position to fill on another MPO Committee, the Citizens Advisory Committee (CAC) and asked the SWG if they could recommend any active citizens who may be interested in sitting on the CAC who are Broward County residents. The following names were recommended:

John Perez, City of Plantation  
Justin Proffitt  
Lew Naylor

**10. Next Staff Working Group Meeting**

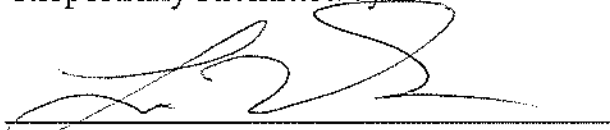
**10.1 June 6, 2019 (Regularly Scheduled Quarterly Meeting)**

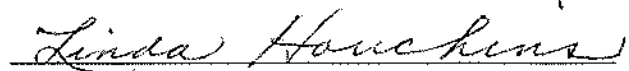
Chair Wight advised that the next SWG meeting was scheduled for June 6, 2019. Paul Carpenter said there is a blank signature page in the executed and approved Third Amended and Restated ILA (TRILA) and asked whether the document was considered a fully executed copy. Chair Wight advised that the City of Margate had denied approval of the TRILA but said even though the City did not approve the TRILA, the Agreement was still effective in that City. She said she would reach out to the City and make the request that they sign the signature page.

**11. Adjourn**

Chair Wight adjourned the meeting at 10:33 a.m.

Respectfully submitted by:

  
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Lisa Wight, Chair

  
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Linda Houchins, Recording Secretary