

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

**Minutes  
December 3, 2015  
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**

Chair Eichner called the December 3, 2015 Staff Working Group (SWG) meeting to order at 9:40 a.m. Linda Houchins took roll call, and the following members were in attendance:

- |                          |                                 |
|--------------------------|---------------------------------|
| • Akagbosu Chris         | School Board of Broward County  |
| • Barszewski, Maggie     | City of Pompano Beach           |
| • Buckeye, Rick          | City of Oakland Park            |
| • Carpenter, Paul        | City of Coral Springs           |
| • Davis-Hernandez, Tanya | City of North Lauderdale        |
| • Dokuchitz, Peter       | City of Plantation              |
| • Eichner, Shelley       | City of West Park               |
| • Eichner, Shelley       | City of Weston                  |
| • Forelle, Sara          | Broward County                  |
| • Johnson, Ann           | City of Tamarac                 |
| • Kalus, Evy             | Broward County                  |
| • Marks, Scott           | Town of Pembroke Park           |
| • Pinney, Andrew         | City of Margate                 |
| • Smith, Garrett         | City of Deerfield Beach         |
| • Stoudenmire, Scott     | City of Coconut Creek           |
| • Swanson, Eric          | City of Lauderdale Lakes        |
| • Swanson, Eric          | City of Parkland                |
| • Swanson, Eric          | Town of Southwest Ranches       |
| • Swing, Brad            | City of Sunrise                 |
| • Teetsel, Dawn          | Broward County Planning Council |
| • Wight, Lisa            | School Board of Broward County  |
| • Williams, Sharon       | City of Pembroke Pines          |

Others in attendance at the meeting were as follows:

- |                |                                |
|----------------|--------------------------------|
| • Beck, Joseph | School Board of Broward County |
|----------------|--------------------------------|

**2. Addition(s) to the December 3, 2015 Agenda**

There were no additions to the December 3, 2015 agenda.



### **3. Approval of the Final Agenda for the December 3, 2015 Meeting**

Brad Swing made a motion to approve the final agenda for the December 3, 2015 meeting. Sharon Williams seconded the motion, and the motion passed unanimously.

### **4. Approval of Minutes from the September 3, 2015 Meeting**

Sharon Williams made a motion to approve the minutes from the September 3, 2015 meeting. Eric Swanson seconded the motion, and the motion passed unanimously.

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

### **6. Old Business**

#### **6.1 Adoption and Formal Transmittal of the 2015 Annual Status Report on the Implementation of the Second Amended Interlocal Agreement for Public School Facility Planning**

Chair Eichner advised that the SWG needed to vote on the adoption of the 2015 Annual Status Report on the Implementation of the Second Amended Interlocal Agreement for Public School Facility Planning (SILA) which would be transmitted to the Oversight Committee at their meeting scheduled for January 13, 2016. She thanked the Subcommittee Members (Lisa Wight, Sharon Williams, Evy Kalus, and Tanya Davis-Hernandez) who had worked on the 2015 Annual Status Report. Lisa Wight said the Report includes a summary which addresses various elements of the Agreement. She stated that the one provision that continues to not be met was that some of the Municipal Land Development Regulations (LDRs) and Comprehensive Plans had not been amended to be consistent with the new Level of Service (LOS) standard. Paul Carpenter made a motion to adopt and formally transmit the 2015 Annual Status Report to the Oversight Committee. Rick Buckeye seconded the motion. Brief discussions followed regarding reasons why some Municipalities may not have amended their Comprehensive Plans and LDRs. Ms. Wight advised that the 2015 Annual Status Report covers the entire year, and there are some Exhibits which will change. She said that the Fourth Quarter Reports are not due until January 2016, so there is still time to get the Quarterly Reports in before the April 2016 Oversight Committee adoption date. A vote was taken on the motion, and the motion passed unanimously.

#### **6.2 New Collocation Facilities**

The Municipalities had no new collocation facilities to report.

#### **6.3 Status - Broward County and Municipal Comprehensive Plans and Land Development Codes/Regulations**

Eric Swanson advised that the City of Parkland was in the process of updating its Comprehensive Plan and that the Town of Southwest Ranches would be updating their Comprehensive Plan in the first quarter of 2016. Ms. Wight said that the City of North Lauderdale would be amending their LDRs. Sara Forelle stated that Broward County is in the process of updating, but are not planning to adopt until 2017.



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

There were no updates to the Broward County and Municipalities Evaluation and Appraisal Reports.

#### **6.5 Status - Third Amendment of the Amended Interlocal Agreement for Public School Facility Planning and Oversight Committee Directions to Staff Working Group**

Chair Eichner stated that at the October 2015 Oversight Committee meeting, the members said that they were appreciative of the work done by the SWG. She said that the SWG had recommended that the Oversight Committee adopt the 100% gross capacity Level of Service Standard (LOS). Chair Eichner said that at the meeting, School Board Member Rich-Levinson had suggested an alternative LOS of 110% permanent capacity for those schools with less than 10% of its permanent capacity available in relocatables, and an LOS of 100% of gross capacity for those schools with more than 10% of its permanent capacity available in relocatables. She said that the directive from the Oversight Committee to the SWG was to recommend one of the following three options: A) 100% LOS of gross capacity (which was the recommendation of the SWG at the last meeting); B) School Board Member Rich-Levinson's alternative option of 100% of gross or 110% of permanent capacity; and C) remove LOS requirements from the Second Amended Interlocal Agreement (SILA) because school concurrency is no longer a requirement of State law.

Ms. Wight presented a PowerPoint Presentation on the Oversight Committee directives to the SWG as follows:

##### **Part 1 – Does Broward County still need Public School Concurrency (PSC)?**

Ms. Wight stated that there are areas of the county that do not have excess school capacity and where PSC still has relevance. She said that although no proportionate share mitigation has been exacted from developers, that two denials were issued and projects had to wait until the data showed the availability of capacity, and that the mitigation program continues to produce revenue for the District. Ms. Wight also stated that PSC provisions enable the proportionate share mitigation provisions in light of adoption of House Bill 383, Private Property Rights. She also said that the School District provides a safety net of available capacity to accommodate students from closed charter schools, and that more people are choosing housing in higher densities which may revise the historical negligible impact of these units and lead to higher student generation rates.

##### **Part 2 – Re-evaluate LOS options for the SILA Amendment.**

Option 1 - Ms. Wight gave an overview of Option 1, the new proposal by the Oversight Committee. She stated that Option 1 would implement the LOS at the higher of 100% gross capacity including relocatables or 110% permanent capacity. She explained that each bounded school would be classified as either School Type A (school that has the equivalent of at least 10% of permanent capacity available onsite in relocatables), or School Type B (school that has less than the equivalent of 10% of its permanent capacity available onsite in relocatables). She stated that the LOS for School Type A would be 100% gross capacity (including relocatables) and the LOS for School Type B would be 110% permanent Florida Inventory of School Houses (FISH) capacity. Ms. Wight went over the pros and cons and showed the geographic/demographic data for the alternate LOS option.



Option 2 – Ms. Wight gave an overview of Option 2 which is the current SWG recommendation. She said that the option eliminates the sunset provision regarding the use of relocatables for PSC purposes in the SILA, and that the LOS would be 100% gross capacity including relocatables at every school countywide. Ms. Wight gave the pros and cons and showed the countywide geographic/demographic data for Option 2.

Option 3 – Ms. Wight gave an overview of reducing the SILA to minimum statutory requirements. She stated that Option 3 would remove the current LOS standard, would reduce the SILA to minimum requirements under Florida Statutes, and would require a comprehensive plan amendment to remove the optional provisions. Ms. Wight said the option would still require the SILA to establish specific ways that plans and processes of the District and local governments would be coordinated relating to addressing the impact of proposed residential development demand on public schools. She talked about the minimum statutory SILA requirements and the pros and cons of Option 3.

### **Part 3 – What happens to the Hardship School Concept (HSC) under the different options?**

Ms. Wight advised that under all three options, the HSC would not be necessary.

### **Part 4 – Are there plans for under-enrolled schools on the east side of the County?**

Ms. Wight advised that there is School Board direction to create a K-8 school in the City of Hallandale at the current Hallandale Elementary School and Hallandale Adult & Community Center site. She said that staff has proposed moving all of under-enrolled Gulfstream Middle School to the new K-8, to move the Adult Center from Hallandale to the under-enrolled H.D. Perry site, and to move the current H.D. Perry Middle School students to either McNicol Middle School, New Renaissance Middle School or both. Ms. Wight said that the Gulfstream Middle School site is proposed to be repurposed for a future early learning center.

### **Part 5 – Provide available data regarding mitigation fees**

Ms. Wight showed the summary of all mitigation fees promised and collected under the voluntary mitigation program. After a brief discussion regarding mitigation fees, Chair Eichner asked how much capacity the School District had built with the school impact fees and mitigation dollars collected. Mr. Akagbosu advised that of the \$28,334,652 mitigation amount received, \$9,481,957 was the amount above the school impact fee amount due for the projects. He said that the voluntary mitigation program was set up to address the impact developments have on public schools, and that the Capital Budget Department must fulfill the obligation in those areas. Chair Eichner asked for data showing where capacity had been built with the \$9,481,957 collected by the District in mitigation fees. Mr. Akagbosu said he would pursue getting that data. He advised that the School District had built many schools in anticipation of future developments and based on borrowed money. Mr. Akagbosu said that when developments come forward, the District guarantees a seat for the students from those developments. He stated that school impact fee dollars can legally be used to pay down the debt on monies borrowed to build schools and capacity in anticipation of development coming forward. Chair Eichner stated that where the money was spent is a very important issue. She said that if the District has determined that it is important to keep PSC in the ILA so that it can continue to collect mitigation dollars over and above school impact fees, then the Municipalities need to know how and where the mitigation monies have been spent. Ms. Wight advised that there is a prescribed formula for implementing



PSC. She said State law requires that if a District takes mitigation money under PSC, it must translate into a project in the District Educational Facilities Plan. Discussions continued regarding mitigation fees, PSC, school capacity and amendment of the SILA.

Chair Eichner advised that the directive of the Oversight Committee was for the SWG to make a recommendation regarding one of the options listed above. She mentioned that there was a fourth option which would be to do nothing in which case the LOS would revert back to 110% of permanent capacity in school year 2019/20. After lengthy discussions regarding the options available, Rick Buckeye made a motion to recommend Option 1 which was to implement the LOS at the higher of 100% gross capacity including relocatables or 110% permanent capacity. Sharon Williams seconded the motion. Discussions followed regarding the comfort level of the SWG members to recommend any of the options without having the opportunity to speak with their city leadership. At this point, Rick Buckeye and Sharon Williams withdrew their motions.

Chair Eichner advised that the next Oversight Committee meeting was scheduled for January 13, 2016, and she suggested scheduling a SWG meeting on January 7, 2016 to give the SWG members approximately one month to meet with their municipal leadership. Chair Eichner also requested that District staff provide the data regarding where the mitigation monies have been collected and spent to the SWG for discussion at the January 7, 2016 SWG meeting.

## **7. New Business**

### **7.1 Student Enrollment Projections**

Joseph Beck from the District's Demographics and Student Assignments Department, advised that the District student enrollment projections are published on the District's website at [www.browardschools.com/dsa](http://www.browardschools.com/dsa). He said that during the past five years the overall enrollment in Broward County traditional schools has declined by approximately 4,000 students, and charter school enrollment has increased by approximately 13,000 students. Mr. Beck said that this year has been a turning point in the trend of both traditional and charter school enrollment. He said that traditional school enrollment has increased for the second year in a row and is expected to continue that trend for the next five years. He stated that charter school enrollment has begun to decline, and said that only seven new charter schools have submitted applications for next year. Mr. Beck said that there was a smaller increase in charter school enrollments this year. He said that if anyone had questions regarding individual school enrollment projections within a municipality, they can go to the web page under the maps and data tab.

## **8. Next Staff Working Group Meeting**

### **8.1 March 3, 2016 (Regularly Scheduled Quarterly Meeting)**

Chair Eichner advised that the next SWG meeting would be January 7, 2016 at 9:30 a.m. at the City of Plantation, Development Services Building.



## 9. Adjourn

Chair Eichner wished everyone a happy holiday and new year. Eric Swanson made a motion to adjourn the meeting. Rick Buckeye seconded the motion, and the meeting was adjourned at 11:00 a.m.

Respectfully submitted by:

  
Shelley Eichner, Chair

  
Linda Houchins, Recording Secretary