

**THE OVERSIGHT COMMITTEE FOR
THE IMPLEMENTATION OF THE AMENDED INTERLOCAL AGREEMENT FOR PUBLIC
SCHOOL FACILITY PLANNING, BROWARD COUNTY, FLORIDA**

**Agenda
Oversight Committee Public Meeting**

October 12, 2011

12:00 noon

Kathleen C. Wright Administrative Building, School Board Meeting Room

1. Call to Order
2. Roll Call
3. *Approval of Minutes – June 15, 2011 Meeting (**Back-Up Item**)
4. Additions to the October 12, 2011 Meeting Agenda
5. *Approval of the Final Agenda for the October 12, 2011 Meeting
6. *Election of Officers

7. **PUBLIC INPUT**

8. **SUBCOMMITTEE REPORTS** (None)

9. **OLD BUSINESS**
 - 9.1 School Board General Counsel’s Legal Opinion Regarding Continual Implementation of Public School Concurrency in Broward County (**Back-Up Item**)
 - 9.2 Staff Working Group Subcommittee Report on Growth Management Legislative Changes (**Back-Up Item**)
 - 9.3 School Impact Fee Revenue Received by the School District in the Last Five Years (**Back-Up Item**)

10. **NEW BUSINESS**
 - 10.1 School Board Run Charter Schools

11. **INFORMATIONAL ITEMS**
 - 11.1 June 9, 2011 Staff Working Group Minutes (**Back-Up Item**)
 - 11.2 September 1, 2011 Draft (Not Approved) Staff Working Group Minutes (**Back-Up Item**)
 - 11.3 Next Scheduled Meeting – January 11, 2012

12. ***ADJOURN**

* Denotes Items Requiring Oversight Committee Formal Action

**THE OVERSIGHT COMMITTEE FOR
THE IMPLEMENTATION OF THE AMENDED INTERLOCAL AGREEMENT FOR PUBLIC
SCHOOL FACILITY PLANNING, BROWARD COUNTY, FLORIDA**

**Draft Minutes
Oversight Committee Public Meeting**

June 15, 2011

1:00 p.m.

Kathleen C. Wright Administrative Building, School Board Meeting Room

1. Call to Order

Chair Tingom called the June 15, 2011 Oversight Committee meeting to order at 1:10 p.m.

2. Roll Call

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

- Bartleman, Robin
- Cooper, Joy
- Eisinger, Debby
- Good, Patricia
- Klopp, Keven
- Krishnaiyer, Latha
- Levinson, Laurie Rich
- Resnick, Gary
- Rogers, Roy
- Soltanipour, Marilyn
- Tingom, Peter
- Wexler, Lois

3. Approval of Minutes – April 13, 2011 Meeting

Committee Member Resnick made a motion to approve the minutes of the April 13, 2011 meeting. Committee Member Soltanipour seconded the motion. Committee Member Rogers talked about the minutes, and specifically that he felt a conclusion should have been added to Item No. 8.3, Student Generation Rate/School Impact Fee (SGR/SIF) Study Update. Additionally, during that meeting there had been discussions regarding whether spending additional monies for the consultant to change the methodology may not be the most productive path to take, and that the Committee had agreed that they should be cautious in recommending additional costs on the Study Update. Discussions followed regarding that section of the minutes and whether a correction needed to be made. It was concluded that the minutes summarized what was discussed at the meeting. A vote was taken and the minutes were unanimously approved.

4. Additions to the June 15, 2011 Meeting Agenda

Committee Member Resnick requested that “legal opinion with respect to opting out of public school concurrency (PSC)” be added to the June 15, 2011 meeting agenda. Chair Tingom added the item under Item No. 9.2.

5. Approval of the Final Agenda for the June 15, 2011 Meeting

Committee Member Eisinger made a motion to approve the final agenda for the June 15, 2011 meeting with Committee Member Resnick's addition. Committee Member Krishnaiyer seconded the motion, and the motion passed unanimously.

Mr. Akagbosu advised that Committee Members LaMarca and Naylor had requested excused absences, and Chair Tingom granted the excused absences. Mr. Akagbosu advised that Committee Member Stermer had requested to call in to the Committee meeting, but had not done so. Chair Tingom listed his absence as unexcused. (Please note that Committee Member Stermer had requested an excused absence in an E-mail sent to Linda Houchins on June 13, 2011, prior to the meeting in the event that he was unable to call in).

6. PUBLIC INPUT

There was no public input.

7. SUBCOMMITTEE REPORTS (None)

There were no Subcommittee Reports.

8. OLD BUSINESS

8.1 Status - Student Generation Rate/School Impact Fee Study Update

Mr. Akagbosu advised that Committee Member Good had requested that spot surveys be done on various mid and high-rise developments to determine the number of students coming from those developments. He said that staff had followed up on that directive and prepared a matrix which was provided to the Committee in the back-up package. He reviewed the matrix and said that the exercise was done to get an idea of how many students the mid-rise and high-rise units were generating. Discussions followed regarding school impact fees for the samples, county-wide generation rates and methodology.

Mr. Akagbosu talked about moving forward with the County Commission's request to redo the Study using one methodology. He said that based on the directive from the Oversight Committee, the SWG had held a meeting, and the consensus was to redo the Study using the address matching methodology. Additionally, there will be some extrapolation to correct flaws with the database regarding the address matching methodology. Mr. Akagbosu said that the next step would be to amend the consultant's Agreement and schedule it for a School Board meeting for consideration and approval. He advised that the Consultant said it would take approximately six weeks to complete the Update and would cost an additional \$45,000. He stated that the original cost for the current Study Update was \$97,200 and with the additional \$45,000 cost to change to one methodology, the cost will be approximately the same as the previous 2007 Study. Mr. Akagbosu explained how the initial Study Update moved forward and that the consultant had to make sure the Study was legally defensible. Committee Member Wexler suggested that the Committee Members talk to County staff to get the County's point of view as to why they thought the methodology was flawed and why the County Commission rejected it. Mr. Akagbosu pointed out that when the 2007 Study was done the major challenge against the Study methodology which was based on address matching came from the Builder's

Association of South Florida (BASF). Also, the BASF hired a consultant who said that the methodology should have been based on census data. He said that the methodology that was utilized in the current Study and transmitted to the County was based on data (local census and 2007 address matching data for mid and high-rise units) that was legally defensible. Also, the County's database which aspects of the address matching approach relied upon, had flaws and that what was done was done to ensure that the School Board was protected.

Discussions followed regarding the SWG minutes which stated that the consultant had responded to each letter of objection, had presented the information to the County and the Broward County Planning Council (BCPC) and there were no additional written objections from staff. Discussions continued regarding whether PSC would be in effect in light of the recent growth management legislation. At this point, Chair Tingom tabled Item Nos. 8.1 and 8.2 and requested that the Committee proceed with Item No. 9.1, and the Committee Members agreed.

After discussing Item No. 9.1, discussions reverted back to the SGR/SIF Study Update. Mr. Akagbosu said that staff would do its due diligence to determine if the Study Update needed to move forward. Additionally, the School Board met its three-year timeline obligation per the Amended ILA, and if the decision is made not to move forward, the Study will be redone in three years. Committee Member Rogers said that no action is not a misaction and clarified that he did not want staff to pay additional money for an additional Study, and that staff has an obligation to do the right thing. He reiterated that going forward with additional funding for a further Study is not what he wants staff to have in their mind.

Committee Member Wexler made a motion to recommend to the School Board that no action be taken to update the SGR/SIF Study for the next 24 months. Committee Member Cooper seconded the motion. Committee Member Good asked staff if there were any complications with the motion. Mr. Akagbosu responded that if an update is not done, the fees will stay flat and may affect revenue to the School District. Committee Member Rogers commented that impact fees do not have that much of an impact on school revenue, and the right thing to do is the no action approach. Chair Tingom restated the motion as the Committee is making the recommendation to reject spending additional dollars to update the Study and to leave the Study that is already in place for the next 24 months. Committee Member Eisinger suggested rephrasing the motion as a positive by stating to "reaffirm the previous Study to remain in place for the next 24 months". Committee Member Levinson stated that she appreciated the discussions, but prior to voting on the issue she needs to look at the data before proceeding to make sure she is doing the right thing for the School District. Committee Member Wexler said she had already looked at the data and would not have made the motion if she did not believe it was the right thing to do. She commented that there is significant under-enrollment, the School District does not have extra money, and that for the good of the whole county, the impact fees should remain as they are. She additionally stated that as far as the data is concerned, the Study Update proposes to significantly increase the impact fees in a number of areas, which the Municipalities, the building industry and the County are not in favor of doing.

Following further brief discussions, a vote was taken on the motion, and there were 10 yes votes and 2 no votes from Committee Member Krishnaiyer and Committee Member Levinson. Committee Member Levinson added for the record that her no vote does not mean that she is in favor of the Study Update moving forward. Committee Member Resnick requested that staff provide data on the revenue the School District has received from school impact fees over the past five years for the next Oversight Committee meeting.

8.2 Status - 2010 Annual Report on Implementation of the Amended Interlocal Agreement for Public School Facility Planning

Mr. Akagbosu advised that the 2010 Annual Status Report on Implementation of the Amended ILA had been provided to the ILA signatories, the Report and a press release have been completed and both are available on the School District's Web site. A brief discussion ensued regarding the Village of Lazy Lake who did not apply for an exemption from the Amended ILA.

Mr. Akagbosu advised that the SWG at their last meeting requested that the Mid-Year Report for 2010 be waived because only one area of the 2010 Annual Status Report on the Implementation of the ILA was non-compliant. After brief discussions, Committee Member Wexler made a motion to waive the Mid-Year Report requirement for 2011. Committee Member Rogers seconded the motion, and the motion passed unanimously.

9. NEW BUSINESS

9.1 2011 Florida Legislative Update

Committee Member Good asked whether an interpretation or opinion had been made as to the legality of the changes in the 2011 legislature. Barbara Blake Boy, BCPC staff, said that at the last Planning Council meeting, the County Attorney had provided a summary of the legislative changes and the BCPC will be initiating pertinent changes, but those changes do not pertain to PSC because what is in the Broward County Land Use Plan does not pertain to PSC. Discussions followed regarding whether the wording of the legislative changes leaves the option for Counties to opt out of PSC and the need for an independent legal opinion on the impact of state legislature and PSC.

Mr. Akagbosu advised that the Governor had signed House Bill 1707 into law and that PSC is no longer mandated but is optional, but that if PSC is already effective in a County, the Bill does not eliminate it. Alan Gabriel, School District Cadre Attorney, said that the Statute gives the ability to a party to say that PSC is an option, but that Broward County has moved beyond that, has already accepted and adopted rules in the ILA which provides for the process to proceed through for PSC. He said that it would be very difficult for someone to unravel what has already been created unless there is agreement amongst the parties of the Agreement to achieve that. Additionally, the ILA allows for the County and the School District to veto a change in the regulations, and the Municipalities would have to secure the necessary votes to accomplish opting out. Mr. Gabriel said there is no case law on this issue. Discussions followed regarding PSC being legally challenged on a case-by-case basis. Committee Member Klopp said the Committee should concentrate on what the body as a Committee has to do to adjust to the statutory mandated changes. Mr. Gabriel said that when the Statute changes, you amend the process to accomplish the changes. Mr. Akagbosu stated that when the SWG met on June 9, 2011, a subcommittee was created to review the Second Amended Interlocal Agreement (SILA) to see if any adjustments need to be made to be in compliance with the law. He said the consensus of the SWG was to implement PSC as it is presently. Additionally, the subcommittee will report their findings to the Oversight Committee. At this point, the Committee continued to discuss Item No. 8.1.

9.2 Legal Opinion With Respect to Opting Out of Public School Concurrency

Committee Member Resnick said that with all due respect to Mr. Gabriel and the Committee, everyone has a vested interest in PSC, and he suggested either getting an independent opinion from the County Attorney or that the Committee recommend to the School Board that they get an outside opinion from someone who does not represent a Municipality, the School District or the County. Brief discussions followed regarding vested interests, ethical obligations and getting an honest opinion regarding opting out of PSC.

Committee Member Klopp advised that the Committee's mission is to implement the ILA, and asked what action needs to be taken by the Oversight Committee to continue to implement the Agreement now that the legislation has changed. Mr. Akagbosu said that at the June 9, 2011 SWG meeting, a subcommittee was formed to review the ILA to make sure that nothing in it conflicts with the new legislature and advise the Oversight Committee. Chair Tingom requested that when the SWG findings become available they should be E-mailed to the Committee, and should be listed as an agenda item for the next Oversight Committee meeting.

Committee Member Wexler made a motion to request a written legal opinion from the County attorney. Committee Member Eisinger seconded the motion. Committee Member Good advised that she would contact the School Board attorney for an opinion. A vote was taken and there were 10 yes votes and 2 no votes from Committee Member Klopp and Committee Member Levinson.

10. INFORMATIONAL ITEMS

10.1 April 26, 2011 Draft (Not Approved) Staff Working Group Minutes

The April 26, 2011 draft SWG minutes were provided for informational purposes only.

10.2 Next Scheduled Meeting - October 12, 2011

Chair Tingom advised that the next scheduled Oversight Committee meeting is October 12, 2011.

11. ADJOURN

Chair Tingom adjourned the meeting at 2:40 p.m.

Respectfully submitted by:

Lois Wexler, Secretary


Date

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE GENERAL COUNSEL

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J. PAUL CARLAND, II
GENERAL COUNSEL

MEMORANDUM

TO: Patricia Good, School Board Member
FROM: J. Paul Carland, II, General Counsel 
DATE: August 18, 2011
SUBJECT: Effect of HB 7207 on School Concurrency

In response to your request, enclosed please find Alan L. Gabriel's memorandum discussing the impact of House Bill 7207 on school concurrency. In sum, House Bill 7207 does not have an effect on the School Board's Second Amended Interlocal Agreement for Public School Facility Planning because the Agreement constitutes a legal and binding contract between the School Board, the County, and 27 Municipalities in Broward County. The Agreement remains a legal and binding contract until it expires, terminates, or is amended pursuant to its specific terms and conditions. As a result, House Bill 7207 does not automatically negate the school concurrency requirements currently in effect pursuant to the Agreement.

If you have any questions, please do not hesitate to contact me.

JPC/MBM

Enclosure

C: All School Board Members
Donnie Carter, Interim Superintendent of Schools
Chris Akagbosu, Director - Growth Management

batista/allwork/memoranda 2011/HB7207/transmittal

Memorandum

TO: J. Paul Carland, General Counsel,
The School Board of Broward County, Florida

FROM: Alan L. Gabriel, Cadre Attorney,
Broward County Schools

RE: HB 7207 Affect on School Concurrency

DATE: August 17, 2011

School Board Member Patricia Good requested a legal opinion as to the impact of House Bill 7207 resulting from discussions at the June 15, 2011, Oversight Committee meeting. House Bill 7207 amends the State's Growth Management regulations and in particular the Public School Concurrency legislation. The concern is whether this legislation affects the status of the Second Amended Interlocal Agreement for Public School Facility Planning.

HISTORY

The Florida Legislature adopted Senate Bill 360 in 2009 which established a three part process for implementing school concurrency in each school district throughout the State.

First, the school board, county commission and all of the participating municipalities were required to adopt an amended Interlocal Agreement. The amended Interlocal Agreement detailed how the school board, the county and municipalities would apply school concurrency to allow new residential development.

Second, the county and each municipality were required to amend its respective comprehensive plan to add a new element called the Public School Facilities Element. Each governmental entity was required to update its Capital Improvement Element to include the School Districts Financially Feasible Capital Work Plan and the Intergovernmental Coordination Element of each Plan must be revised to assure proper notification of any pending new residential development.

Third, each governmental entity enacted the provisions of the Public School Facilities element into its land development regulations. These regulations are intended to provide the enforcement of school concurrency.

Florida's School Concurrency laws and regulations mandated a comprehensive focus on school planning by requiring local governments and school boards to adopt a school concurrency system. School concurrency ensures the coordination between local governments and school boards in planning and permitting residential developments that affect school capacity. Failure to enter into the required Interlocal Agreement or to implement the provisions relating to public school concurrency including adopting the Public School Facilities Element may have resulted in penalties for local governments and school boards as determined by the Florida Department of Community Affairs ("DCA"). Chapter 163, Part II, Growth Policy; County and Municipal Planning; Land Development Regulations (ss. 163-2511 --- 163.3247), Florida Statutes, contains the regulations which apply to School Concurrency and the County and Municipal comprehensive plans.

Through Senate Bill 360, the Florida Legislature mandated that all nonexempt local governments adopt a public school concurrency system into their comprehensive plans. As a part of this mandate, Broward County and each local government adopted a Level of Service standard for public schools, and adopted the Broward School Districts' Facilities Work Program into the Capital Improvements Element by reference. As required by these regulations, these comprehensive plan references to the School District's Facilities Work Program must be updated annually, in order to ensure that the adopted Level of Service standard continues to be achieved and maintained.

In compliance with Florida Statutes, the Interlocal Agreement for Public School Facility Planning between The School Board of Broward County, Florida ("SBBC"), Broward County and 27 Municipalities in Broward County was amended (the "Amended ILA") to incorporate public school concurrency provisions, and subsequently was adopted by the School Board (January 15, 2008), the Broward County Commission and the 27 Broward Municipalities in the late spring of 2008. The Interlocal Agreement is effectively a contract between the signatories thereto, entered between the parties with all the legal formalities of a contract.

Consistent with provisions of the Amended ILA, the School Board amended School Board Policy 1161 to incorporate public school concurrency provisions, establish the SBBC's public school concurrency management system and other processes to address related growth management issues, and the amended Policy became effective on January 15, 2008. On February 1, 2008, the District commenced the review of proposed residential plat, site plan (or functional equivalent) applications to determine if they meet public school concurrency requirements, countywide.

HOUSE BILL 7207 – GROWTH MANAGEMENT LEGISLATION

House Bill 7207 was adopted by the 2011 Florida Legislature, is currently effective, and applies to a variety of growth management issues including substantial changes to provisions of school concurrency and intergovernmental coordination of school planning.

This analysis is only intended to apply to the legislative changes affecting school concurrency and intergovernmental coordination.

House Bill 7207 purportedly does away with the state mandated requirement of school concurrency and eliminates the public schools facilities element which was required in the County and municipal comprehensive plans. Pursuant to this Bill, the local governments now have the “option” of continuing to apply school concurrency by proceeding on the course previously applied, or the local government(s) may elect to abandon school concurrency by adopting applicable comprehensive plan amendments (which are no longer subject to state agency, DCA, review) which contend to effect this change.

Notwithstanding the “option” to abandon school concurrency, the signatories to the School Interlocal Agreement are legally bound to the covenants and conditions contained within the Interlocal Agreement. For all that House Bill 7207 asserts to change the Bill retains many of the regulations relating to the Interlocal Agreement provisions upon which school concurrency is based, i.e., the school concurrency standards contained within Sections 163.3177(6)(h)3, 163.31777, and 163.3180(6)(a) and (j), Florida Statutes (F.S.). The original Interlocal Agreement regulations initially set forth the state requirements for coordinating land use planning and school facility planning and subsequently outlined the process and procedures for how school concurrency was and is actually applied. House Bill 7207 allows for the continued implementation and application of public school concurrency by local governments where it is required pursuant to their effective interlocal agreements and comprehensive plans; however, state oversight and review of the School Interlocal Agreement has been removed.

BROWARD COUNTY LAND USE PREEMPTION

Broward County is a Charter County. On November 5, 1974, the voters of Broward County approved the Broward County Charter. Charter Government went into effect in Broward County on January 1, 1975. The Charter brought home rule to Broward County, which had become a County by an act of the State Legislature in 1915.

Article VIII, Section 1 of the Florida Constitution provides as follows:

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. **The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances. (Emphasis added).**

Section 163.3171, Fla. Stat. provides:

(2) A county shall exercise authority under this act for the total unincorporated area under its jurisdiction or in such unincorporated areas as are not included in any joint agreement with municipalities established under the provisions of subsection (1). In the case of chartered counties, the county may exercise such authority over municipalities or districts within its boundaries as is provided for in its charter. (Emphasis added).

Section 11.01 of the Broward County Charter states regarding conflicts between city and county laws states, in pertinent part:

“A County Ordinance shall prevail over Municipal ordinances whenever the County acts with respect to the following:

B. Land use planning

The most significant feature of charter counties is the direct constitutional grant of broad powers of self-government, which include local citizens' power to enable their charter county to enact regulations of county-wide effect which preempt conflicting municipal ordinances. See *Seminole County v. City of Winter Springs* 935 So.2d 521 (Fla. 5thDCA 2006). The 4th DCA reviewed Broward County's land use preemption charter provision in *City of Coconut Creek v. Broward County* 430 So.2d 959 (Fla. 4th DCA 1983) and upheld the validity of provisions of the county land development code which vest final authority for plat approval of development projects, within and outside municipalities, in the County. The court held that Broward County, as a charter county, had final authority for plat approval, both within and outside municipalities, and that Broward County

“could, without improperly usurping municipalities' home rule powers, impose both procedural and substantive requirements for final plat approval, in furtherance of overall scheme set out in county's land use plan; section of county land development code delineating those substantive requirements is supplemental to municipal land use ordinances, and hence, both code section and ordinances are effective, but in any event, conflict would be resolved in favor of county in area of land use planning.”

Among the development review factors considered by the County for plat/development approval for development within Broward County, and the municipalities located therein, is the adequacy of school sites and school buildings.

Section 5-182(m)(1)(a) of the Broward County Land Development Code provides as follows:

(a) Applications Subject to a Public School Concurrency Determination. Broward County shall not approve an application for a residential plat, replat, plat note amendment, findings of adequacy, or any unincorporated area site plan (application) that generates one (1) or more students or is not exempt or vested

from the requirements of public school concurrency, until the School Board has reported that the school concurrency requirement has been satisfied.

Accordingly, for municipalities located in Broward County, their land use regulations, which would include any school concurrency regulations, must comply with the County's land use plan and regulations. If they do not, the municipal regulation in conflict with the County land use regulations would be held ineffective due to the County's expressed preemption of land use regulation.

SUMMARY

The Interlocal Agreement for Public School Facility Planning, as amended, is a legal and binding contract between the School Board, the County and the 27 Municipalities which continue as such until such time as the Agreement expires, terminates or is amended pursuant to its specific terms and conditions.

Since public school concurrency has already been implemented in Broward County, House Bill 7207 does not automatically negate the school concurrency requirements currently in effect pursuant to the Second Amended ILA and the various adopted comprehensive plans of Broward County and the Municipalities who are signatories to the Second Amended ILA. The Second Amended ILA contains specific procedures as to how it may be cancelled (by mutual agreement of the School Board, the County and the respective Municipalities) or amended (by the consent of the Staff Working Group, the final recommendation of the Oversight Committee and agreement by the County and the School Board and at least 75% of the Municipalities which includes at least 50% of the population within Broward County. Further, Broward County is a charter county which requires that the comprehensive and land use plans of each municipality within the County comply and be consistent with Broward County's Comprehensive Plan. Therefore it will be extremely difficult for a local government to separate from the school concurrency scheme that has been established within Broward County.

The distinction is that school concurrency as a concept will continue in Broward County; however, the District and the local governments, not the state, will determine how and when to apply school concurrency.

SWG Subcommittee on Growth Management Legislative Changes Final Report

The Subcommittee reviewed the impact of House Bill 7207 on the following three items and has the following recommendations:

1. Second Amended Interlocal Agreement to Public School Facility Planning

Nine legislative changes were identified as impacting the Second Amended Interlocal Agreement for Public School Facility Planning (SILA). The legislation was written so that those local governments which have adopted public school concurrency can continue to do so without requiring additional action.

The only major conflict identified was the requirement to include relocatable capacity (purchased after 1998 and which meet the standards for long-term use pursuant to 1013.20, Florida Statutes) into the Level of Service Standard (LOS). The current LOS in the SILA is 100% gross capacity, which includes all relocatable capacity so there is no current inconsistency. Also, the School Board is in the process of implementing a Portable Reduction Plan to eliminate relocations from the District's student inventory. However, when the LOS reverts to 110% permanent capacity (which excludes relocations) in the 2019/2020 school year, it may be appropriate to then undertake a formal amendment if there are still qualifying relocations remaining in the District's inventory at that time.

There are other minor items that may warrant incorporation into the SILA the next time a formal amendment is undertaken. However, given the complexity of processing a formal amendment, the Subcommittee recommends that upon approval by counsel, incorporating any necessary provisions into the Oversight Committee's "Interpretation Document" until a formal amendment is initiated. The attachment summarizes the nine identified items.

2. Public School Facilities Element

Broward County staff has reviewed language contained in their public school facilities element (PSFE) and has prepared a working document to capture any potential changes as a result of the new legislation. In general, the County's PSFE is the template that is used in the comprehensive plans of the other Municipal Signatories to the SILA. Prior to adopting any revisions, the recommended changes will be shared via the Staff Working Group.

3. Data and Support Document

A significant number of requirements for the data and support document have been eliminated along with the termination of Rule 9J-5. The Subcommittee recommends that County and District staff work together to streamline the public school facilities data and analysis section of the comprehensive plan.


Summary of HB 7207 Key Changes and Impact on the Second Amended Interlocal Agreement for Public School Facilities Planning

Issue #	Legislative Change	Second Amended Interlocal Agreement for Public School Facility Planning (SILA) Provision	SILA Sections Effected	Proposed SILA Changes
1	Public school concurrency (PSC) is optional rather than mandatory	SILA contains several references to Statutes that no longer exist and to a mandatory requirement for psc.	Recitals, 2, 8	Maintain existing requirements; delete references to nonexistant statutes next time the SILA is amended.
2	Financial feasiblity definition deleted as well as the requirement for a financially feasible Capital Improvement Plan	SILA requires a financially feasible District Educational Facilities Plan (DEFP)and includes the previous statutory definition as a defined term.	Recitals, 4, 8	Section 1013.35, F.S. still requires a financially feasible DEFP that exceeds the standards in the previous statutory definition, therefore maintain existing requirements.
3	Public School Facilities Element no longer required element of the comprehensive plan, even for psc to be implemented in a local government	SILA requires that the County and the Cities adopt a public school facilities Element to implement psc.	8	Maintain existing requirements.
4	Psc can be applied in a district once the county and 1 or more Municipalities that equate to 80% or more of population have adopted psc in the ILA and their comprehensive plans	Original Amended ILA that established psc in Broward was signed by 27 municipalities, the School Board and Broward County. This represents more than the required minimum of 80%.	N/A	Maintain existing psc requirements.
5	School Districts that include relocatable facilities in its inventroy of student stations shall include the capacity of such facilities...provided they were purchased after 1998 and meet the standards for long-term use pursuant to 1013.20, F.S.	The Level of Service (LOS) in the SILA is based on 100% gross capacity (which includes all relocatable capacity) until 2018/19, after which it reverts to 110% of permanent capacity (which excludes relocatable capacity).	8	Maintain existing requirements. When the LOS reverts to 110% permanent capacity, the SILA may need to be amended if relocatables that meet the criteria still remain in student inventory.

Summary of HB 7207 Key Changes and Impact on the Second Amended Interlocal Agreement for Public School Facilities Planning

6	Landowner may be permitted to proceed without a psc determination if certain contingencies are met (i.e. consistent land use designation, adequate facilities are in place to serve development or prop share option has been provided).	If these contingencies are met, the project would satisfy the psc provisions contained in the SILA.	8	Maintain existing requirements.
7	Requirements of ILA that have been deleted: School siting requirements, collocation, process to prepare and amend a financially feasible DEFP, process for mandatory psc requirements, process to ensure achievement and maintenance of LOS over period covered by DEFP.	SILA contains provisions for all of these requirements as previously mandated.	Recitals, 4, 8, 9	Maintain existing requirements, though optional, not inconsistent with current law.
8	Reviewing agencies must transmit their comments to the affected local governments no later than 30 days from the date they received a comprehensive plan amendment or amendments.	SILA establishes a 45-day review period for plan amendments.	7	District staff should abide by the 30-Day review period. Incorporate this change into the "Interpretation Document" until the next formal SILA amendment, then incorporate the 30-Day review period into the document.
9	Accelerating a school facility listed in years 4 or 5 of the District Educational Facilities Plan is removed as one of the listed proportionate share mitigation options.	SILA contains this provision as a proportionate share mitigation option.	8	Maintain existing requirements, though optional, not inconsistent with current law.

From:  "Alan L. Gabriel" <AGabriel@wsh-law.com>

Tue, Aug 16, 2011 11:53:38 AM 

Subject: SWG Subcommittee Meeting Issues

To:  **Lisa Wight**

Attachments:  Attach0.html

60K

Lisa,

I have reviewed the questions posed by the Staff Working Group Subcommittee and for your convenience the questions are provided below in bold type and my responses are found below in blue type.

Of course if you have any questions, please do not hesitate to contact me.

Sincerely,

Alan L. Gabriel



<http://www.wsh-law.com/Includes/Tem>

Alan L. Gabriel, Esq.
Partner

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{Reply Separator}

From: Lisa Wight [<mailto:lisa.wight@browardschools.com>]
Sent: Monday, July 18, 2011 9:12 AM
To: Alan L. Gabriel
Cc: RickB@oaklandparkfl.org; jsesodia@sfrpc.com; MWood@coopercityfl.org; gamoruso@broward.org; swilliams@ppines.com; Chris Akagbosu; eichners@calvin-giordano.com
Subject: Re: SWG Subcommittee Meeting

Hi Alan:

I know you are currently working on the legal opinion for the Oversight Committee (OC). There were a couple of items that the SWG Subcommittee identified that need some clarification before we can make a recommendation on what to do with the SILA.

1) Is there a way to get around a full amendment process to correct minor issues such as scrivener's errors or references to now-outdated statutes?

In 2008-2009, the Oversight Committee established a formal procedure whereby anomalies and/or interpretations of the Interlocal Agreement for Public School Facility Planning, as amended, (the "Agreement") would be possessed and documented for consistency. This procedure applies to those matters that are brought before the Oversight Committee which do not change, contradict or modify any terms of Agreement but help to provide direction to the signatories of the Agreement. An example of those matters which may be appropriately brought to the Oversight Committee and formally documented are such items as a scrivener's error or subsequent changes in the law which may apply to or contradict a specific non-substantive term(s) of the Agreement. An example of a change to a specific non-substantive term would be where the local government is required by statute to respond to an applicant within 60 days and that time period is subsequently modified by statute amendment. Since the matters referenced above do not substantively change the terms of the Agreement, no formal amendment is required.

2) There is a provision in the statutes that basically says that psc can be implemented in a district where the County and one or more municipalities have adopted psc representing at least 80% of the population of that county. How does this statutory provision relate to the SILA's own amendment requirements (i.e. 75% consent) if a Municipality or Municipalities wanted to opt out of psc?

The Interlocal Agreement is effectively a contract between the signatories thereto, entered between the parties with all the legal formalities of a contract. The signatories to the School Interlocal Agreement are legally bound to the covenants and conditions contained within the Interlocal Agreement. House Bill 7207 allows for the continued implementation and application of public school concurrency by the local governments where it is required pursuant to their effective Interlocal agreements. Since public school concurrency has already been implemented in Broward County, House Bill 7207 does not automatically negate the school concurrency requirements currently in effect in Broward County. The Interlocal Agreement for Public School Facility Planning, as amended, is a legal and binding contract between the School Board, the County and the 27 Municipalities which will continue as such until the Agreement expires, terminates or is amended pursuant to its specific terms and conditions.

3) Statutes allow for a landowner to proceed without a psc determination if certain conditions are met. The Subcommittee wanted this issue to be brought to your attention to see if we should list it as a concern. My own interpretation of it was that a project with those conditions would already get a determination that PSC had been met under our SILA as it is now written.

I agree, the Interlocal Agreement already acknowledges that a property and/or project may be vested from public school concurrency if certain conditions can be demonstrated and thus it is not inconsistent with this new statutory provision.

4) What is the best way to deal with the requirement to shorten the review cycle for LUPA's to 30 days from the 45 days now written in the SILA? Again, trying to avoid the full amendment process.

I suggest that the SWG initiate a request to the Oversight Committee for an acknowledgment of the statutory change that formally modifies the currently specified 45 day SILA review period to be 30 days as mandated by current statutes.

Your input is greatly appreciated and will help us finalize our report back to the OC.

Lisa Wight
Planner, Growth Management Division
School Board of Broward County
754-321-2172 (w)
754-321-2179 (f)
600 SE 3rd Ave, 8th Floor
Fort Lauderdale, FL 33301

"Sesodia, Josie" <JSesodia@sunrisefl.gov> on Monday, June 27, 2011 at 10:22 AM -0400 wrote:

I have reserved the Osprey Conference Room from 2:30PM on 7/14/11.

We are located at **1601 NW 136 Ave. Building A** located at the southwest corner of Sunrise Blvd & NW 136 Ave. See # 5 on this map: <http://www.sunrisefl.gov/modules/showdocument.aspx?documentid=1072>. There is a sign for "City Hall Annex" on each street and parking in front of the building.

Look forward to seeing you then.

Jo

Jo Sesodia, AICP
Assistant Director / City Planner
Community Development Dept.
City of Sunrise
1601 NW 136th Avenue, Building A, Sunrise, FL 33323
Phone: (954) 746-3279 - FAX (954) 746-3287
e-mail: jsesodia@sunrisefl.gov

SCHOOL IMPACT FEES COLLECTED FOR FISCAL YEARS 2007 - 2011

Impact Fee Zone	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
North	\$1,923,982.82	\$660,374.76	\$41,212.52	\$145,314.16	\$832,315.44
North-Central	\$658,293.70	\$811,012.70	\$354,039.76	\$483,027.00	\$1,330,339.75
South Central	\$807,671.21	\$833,795.55	\$57,647.20	\$57,949.42	\$384,147.58
South	\$3,410,929.70	\$357,609.58	\$44,825.10	\$1,553,321.00	\$2,306,660.24
TOTAL	\$6,800,877.43	\$2,662,792.59	\$497,724.58	\$2,239,611.58	\$4,853,463.01
GRAND TOTAL					\$17,054,469.19

Source: Capital Budget Department, The School Board of Broward County, Florida

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

Minutes

June 9, 2011

10:30 a.m. - 12:00 p.m.

Broward County Governmental Center - Room 430

1. Call to Order and Roll Call

Chair Eichner called the Staff Working Group (SWG) meeting to order at 10:40 a.m. Linda Houchins took roll call, and the following members were in attendance:

- Akagbosu, Chris Broward County School Board
- Allen, Ingrid Town of Davie
- Amoruso, Glenn Broward County
- Buckeye, Rick City of Oakland Park
- Chang, Elizabeth City of Hollywood
- Davis-Hernandez, Tanya City of North Lauderdale
- Dokuchitz, Peter City of Wilton Manors
- Dolan, Jean City of Pompano Beach
- Eichner, Shelley Cities of Weston and West Park
- Ferguson, Gerald City of Deerfield Beach
- Fink, Charles F. Town of Pembroke Park
- Hickey, Jim City of Coral Springs
- Lajoie, Corinne City of Dania Beach
- Loftus, Heather Town of Southwest Ranches and City of Tamarac
- Moore, Roberta City of Parkland
- Pinney, Andrew City of Margate
- Sesodia, Josie City of Sunrise
- Suarez, Sarah City of Hallandale Beach
- Von Stetina, Deanne Broward County Planning Council
- Wight, Lisa Broward County School Board
- Williams, Sharon City of Pembroke Pines
- Wood, Matthew City of Cooper City
- Zelch, Lisa City of Plantation

Others in attendance at the meeting were as follows:

- Coyle, Matt Broward County
- Smith, Micah Broward County
- Trevarthen, Susan Weiss, Serota, Helfman, Pastoriza, Cole & Boniske, P.A.

2. Addition(s) to the June 9, 2011 Agenda

There were no additions to the June 9, 2011 agenda. Chair Eichner announced that Debby Ross, a former member of the SWG had passed away after a three and a half year battle with cancer and that her memorial service would be held on Saturday, June 18, 2011 at 4:00 p.m. at River of Grass Unitarian

Universalist Congregation in Davie, Florida. She advised that if anyone wanted a copy of the flyer, she would E-mail it to them.

3. Approval of the Final Agenda for the June 9, 2011 meeting

The final agenda for the June 9, 2011 meeting was approved.

4. Approval of Minutes - March 3, 2011

Sharon Williams made a motion to approve the minutes of the March 3, 2011 meeting. Matt Wood seconded the motion, and the motion passed unanimously.

5. Approval of Minutes - April 26, 2011

Ingrid Allen made a motion to approve the minutes of the April 26, 2011 meeting. Sharon Williams seconded the motion, and the motion passed unanimously.

6. Subcommittee Reports (NONE)

There were no Subcommittee Reports.

7. Old Business

7.1 New Collocation Facilities

The Municipalities had no new collocation facilities to report.

7.2 Status - Student Generation Rate/School Impact Fee Study Update

Mr. Akagbosu gave the status of the Student Generation Rate/School Impact Fee (SGR/SIF) Study Update and said that School District staff is working with the Consultants regarding revisions to the Study Update and using the address matching methodology. He said that the Oversight Committee had requested that a sample of mid-rise and high-rise units be taken and the student generation rates determined from those samples. Additionally, results of the samples will be presented at the June 15, 2011 Oversight Committee meeting. Mr. Akagbosu said that the Consultants advised that the Study Update would take approximately six weeks to complete. He said that the same process would be followed regarding the results of the Study Update and the process should be concluded by the end of the year.

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

Chair Eichner suggested that School District staff should E-mail the Approval/Effective Dates Matrix to the SWG members for updating. Discussions followed regarding District reviews and Municipal adoption dates for Comprehensive Plans and Land Development Regulations (LDR). Mr. Akagbosu committed to E-mail the Matrix to the SWG members for updating.

7.4 Update on Broward County and Municipalities Evaluation and Appraisal Report

Mr. Amoruso advised that Broward County adopted the Evaluation and Appraisal Report (EAR) in February, 2011 and that on April 29, 2011 the County received the final sufficiency review from the

Department of Community Affairs (DCA). Additionally, no comments were received, and the County is moving forward to adopt the EAR based amendments. Brief discussions followed on the one-year time frame to respond to the EAR. Ms. Trevarthen advised that DCA has placed guidelines on their Web site, and advised the members to utilize the site. She also announced that the South Florida and Treasure Coast Regional Planning Councils are hosting a DCA Growth Management Implementation Regional Workshop on June 30, 2011 in Boca Raton, Florida.

8. New Business

8.1 Annual Interlocal Agreement Report Committee

After brief discussions regarding the Mid-Year Report, the SWG concurred that the Chair should request that the Oversight Committee waive the Mid-Year Report due in July 2011 because the 2010 Annual Status Report on the Implementation of the ILA only had one outstanding issue, and the SWG is working to address the issue.

Mr. Akagbosu advised that the 2011 Annual Status Report Committee needs to be formed, and the following SWG members volunteered to be on the committee: Glenn Amoruso, Chris Akagbosu, Sharon Williams and Jim Hickey.

8.2 2011 Florida Legislative Session Update

Chair Eichner advised that she invited Ms. Trevarthen to attend the SWG meeting to share her insight, knowledge and input on the 2011 Florida Legislative Session with the SWG members to help the Municipalities and elected officials understand what transpired legislatively. Ms. Wight said that aspects of the legislation regarding public school concurrency (PSC) have been misinterpreted and asked Ms. Trevarthen to speak on the subject.

Ms. Trevarthen said that the new state statute is now effective which makes PSC optional. She talked about the controversy that had erupted when Senate Bill 360 was first enacted regarding whether PSC would be self-implementing or whether Local Governments would have to take local action in order for PSC to be enacted, and whether existing Comprehensive Plans and LDR's were legally effective documents. Additionally, the statute removed the state mandate for PSC but recognized that there is still the need for individual jurisdictions to deal with the fact that the Local Governments have legally effective Comprehensive Plans, Regulations, and Interlocal Agreements, and until anything is done with those, there is no impact. She said that the statute is intended to leave things as they are until action is taken from the local governing bodies. Ms. Trevarthen said that PSC must be implemented countywide, and now that the statute has mandated that PSC is optional, it clearly lays the way for a particular county and all government entities to work together to make changes that are mandated by the new law. She said that from her perspective, every city in Broward County has a legally effective Comprehensive Plan that says there shall be PSC, the requisite number of cities have signed the Second Amended Interlocal Agreement (SILA), and by the terms of the SILA, all Local Governments are legally obligated to follow its provisions and implement its changes.

Discussions followed regarding the impact of the Broward County Charter on Comprehensive Plan Amendments, the issue of collocation in the ILA, state law changes to the EAR, and Rule 9J-5 getting moved into the state statute. Ms. Trevarthen suggested that each section of the Amended ILA should be examined to make sure it is in compliance with state law. Mr. Akagbosu suggested creating a subcommittee to review the ILA for compliance with state law. After brief discussions, Chair Eichner asked for volunteers, and the following members volunteered to be on the subcommittee: Lisa Wight, Glenn Amoruso, Josie Sesodia, Sharon Williams, Matt Wood and Rick Buckeye. Ms. Wight volunteered to chair the subcommittee. Chair Eichner suggested that the meeting be set up as soon as

possible and requested that after the meeting an E-mail should be sent to the SWG members advising of the subcommittee findings.

9. Next Staff Working Group Meeting


9.1 September 1, 2011 (Regularly Scheduled Quarterly Meeting)

Chair Eichner advised that the next SWG meeting is scheduled for September 1, 2011.


10. Adjourn

Chair Eichner adjourned the meeting at 11:25 a.m.

Respectfully submitted by:



Shelley Eichner, Chair



Linda Houchins, Recording Secretary

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

Draft (Not Approved) Minutes

September 1, 2011

9:30 a.m. – 11:00 a.m.

Kathleen C. Wright (KCW) Administration Building
600 SE 3rd Avenue, School Board Meeting Room
Fort Lauderdale, Florida 33301

1. Call to Order and Roll Call

Chair Eichner called the Staff Working Group (SWG) meeting to order at 9:40 a.m. and thanked Mr. Akagbosu for providing a room for the SWG to meet. Linda Houchins took roll call, and the following members were in attendance:

- Akagbosu, Chris
- Allen, Ingrid
- Amoruso, Glenn
- Bowman, Jeff
- Buckeye, Rick
- Carpenter, Paul
- Ciesielski, Michael
- Dolan, Jean
- Eichner, Shelley
- Fink, Chuck
- Hall, Lorri
- Lajoie, Corinne
- Loggins, Heather
- Matthews, Melinda
- Pinney, Andrew
- Sesodia, Josie
- Stoudenmire, Scott
- Suarez, Sarah
- Van Stetina, Deanne
- Williams, Sharon
- Wood, Matthew
- Zelch, Lisa
- Broward County School Board
- Town of Davie
- Broward County
- City of Lauderdale-By-The-Sea
- City of Oakland Park
- City of Coral Springs
- City of Fort Lauderdale
- City of Pompano Beach
- Cities of West Park and Weston
- Town of Pembroke Park
- City of Miramar
- City of Dania Beach
- Cities of Parkland and Tamarac and Town of Southwest Ranches
- City of Lauderhill
- City of Margate
- City of Sunrise
- City of Coconut Creek
- City of Hallandale Beach
- Broward County Planning Council
- City of Pembroke Pines
- City of Cooper City
- City of Plantation

Others in attendance at the meeting were as follows:

- Garzon, Sandra
- Wight, Lisa
- Lodge, Thomas
- Broward County School Board
- Broward County School Board
- City of Fort Lauderdale

2. Addition(s) to the September 1, 2011 Agenda

There were no additions to the September 1, 2011 agenda.

3. Approval of the Final Agenda for the September 1, 2011 meeting

The final agenda for the September 1, 2011 meeting was approved.

4. Approval of Minutes - June 9, 2011

Sharon Williams made a motion to approve the minutes of the June 9, 2011 SWG meeting. Matt Wood seconded the motion, and the motion passed unanimously.

5. Subcommittee Reports

5.1 Growth Management Legislative Changes Subcommittee

Chair Eichner thanked the members who volunteered their time and effort to work on the Growth Management Legislative Changes Subcommittee. Lisa Wight advised that the Subcommittee's final report was provided in the back-up materials. She said that the Subcommittee reviewed the Amended Interlocal Agreement for Public School Facility Planning (ILA) for potential questions and conflicts regarding legislation that was passed which might affect the ILA and identified only one issue that might be significant enough to warrant a change to the ILA. That issue was the requirement to include portables that were purchased after 1998 and meet the level of service standards (LOS) for long term use. She advised that the current LOS is based on gross capacity and includes all portables, and it is not a conflict now, but may be in the future when the LOS reverts back to permanent capacity. She said that revision to the ILA may be necessary at that time. Additionally, the Subcommittee felt that the ILA is consistent at this time. She advised that the Subcommittee felt that the other minor issues which are listed in the back-up matrix could be addressed through the Interpretation Document. Ms. Wight said that the Subcommittee members had questions for legal counsel, and those questions and subsequent answers are provided in the backup.

Glenn Amoruso said that meetings were held to discuss the Public School Facilities Element (PSFE) and the support document. He talked about the handouts that were provided which show the changes to the PSFE and the support document. He talked about the three minor revisions to the PSFE which were as follows:

- 1) Revisions to accurately reflect Statute requirements.
- 2) Revision included stating that Public School Concurrency (PSC) can be adopted into the Comprehensive Plan without a PSFE and still be consistent with Statute.
- 3) Revisions to include maps into the support document. The County is also deleting 6 maps and moving the remaining maps to the support document.

Mr. Amoruso advised that the revisions are available on Broward County's Web site. Ms. Wight commented that the Subcommittee had requested that the documents be streamlined and made simpler, and the Department of Education (DOE) agreed that it was a good idea to try and eliminate some items to make the documents simpler for everyone. Mr. Amoruso briefly talked about the support document revisions, and said that he anticipated everything being completed by the end of the year. Brief discussions followed.

Mr. Akagbosu stated that the Oversight Committee members had requested feedback on the legislative changes. After brief discussions, it was the consensus of the SWG that a recommendation be made to

the Oversight Committee that the Interpretation Document be updated to include the legislative changes.

5.2 2011 Annual Status Report Subcommittee

Chair Eichner thanked the members who volunteered their time and effort to work on the 2011 Annual Status Report Subcommittee. Mr. Akagbosu advised that he had a conflict with the Subcommittee meeting date and had sent Ms. Wight to the Subcommittee meeting as his designee. Ms. Wight talked about the Subcommittee meeting and stated that the color blue indicated that the numbers will change and be updated throughout the year and that yellow indicates a violation. Ms. Wight went over the draft Report as follows:

- Section 3.1 - This section requires the County to provide the population projections. Discussions followed regarding the fact that the County does not have a demographer to calculate the population projections and talked about other methods of receiving qualified projections. Mr. Akagbosu advised that the requirement still needs to be met and questioned how it should be addressed. Chair Eichner suggested that it be pointed out to the Oversight Committee that this section may be an issue of non-compliance which would put pressure on the County to fill the void. Further discussions followed regarding Broward County projections and the Bureau of Economic and Business Research (BEBR). Josie Sesodia made a motion requesting that Broward County continue to run the Broward County population forecasting model through the next projection cycle using the 2010 census data. Lorri Hall seconded the motion. Mr. Fink suggested that the motion be broader by asking Broward County to continue doing the population figures and not limiting the period to 2010. Ms. Sesodia accepted the suggestion as a friendly amendment. A vote was taken and the motion passed with one abstaining vote from Glenn Amoruso. The SWG members decided to wait until the next meeting to discuss the language for the County portion of the Section and they determined that the Municipality language was satisfactory as stated.
- Section 4.4 - Language in this section will be updated when all of the Municipalities have provided the information.
- Section 8.1(b) - Language in this section was written in anticipation of what is expected when the DEFP is adopted on September 8, 2011.
- Section 8.1(c) - The date in this section will be changed after the date for the November 2011 Local Planning Agency (LPA) meeting has been scheduled. The Municipality Section will change as the Municipalities' Comprehensive Plans change.
- Section 8.1(e) - Language was added in this section to include a statement regarding the Growth Management Legislative Subcommittee which was an opportunity to address school related amendments.
- Section 8.2(a) - This section requires that the Land Development Code (LDC) and Comprehensive Plan be consistent with the requirements of the ILA. Some Municipalities have not amended their Comprehensive Plan or LDC, therefore, this section is not in compliance.
- Section 8.2(c)3 - This section will change as the numbers change.
- Section 8.11(b) - This section will change as the numbers change.
- Section 8.11(b)3 - Language in this section was changed to show that there have been no vested applications instead of it appearing as if the County and Municipalities have not reported the information.
- Section 8.13(e) - The language in this section addresses that the Student Generation Rate Study was updated in the last cycle. Mr. Akagbosu advised that the status of the Student Generation Rate Study Update is listed on the agenda under Item No. 6.2 "Old Business". Chair Eichner suggested that it would be beneficial to discuss the item at this point in the meeting. Mr. Akagbosu advised that the Student Generation Rate/School Impact Fee Study Update was

rejected by the County Commission because of the methodology. Additionally, the Oversight Committee voted to recommend to the School Board that they not take action to update the Study for the next 24 months. Subsequently, staff sent a memorandum to the School Board to advise them of the Oversight Committee's position, and staff has received no feedback from the School Board members. Brief discussions followed regarding school impact fees, the Land Development Code and the next three-year cycle for the Study Update. Further discussions followed regarding language for Section 8.13(e), and it was the consensus of the members that

this section not be highlighted, and that the following language be added: "The Oversight Committee voted not to accept or update the Report for another 24 months".

- Attachment "A", the Town of Lauderdale-By-The-Sea will not be highlighted because of the Town's attendance at today's meeting.

6. Old Business

6.1 New Collocation Facilities

The Municipalities had no new collocation facilities to report.

6.2 Status - Student Generation Rate/School Impact Fee Study Update

The status of the Student Generation Rate/School Impact Fee Study Update was discussed under Item No. 5.2 - Annual Status Report Subcommittee.

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

Chair Eichner advised that Attachment "D" lists the status of Broward County and Municipal Comprehensive Plans and Land Development Codes and said that there are still several Municipalities that have not given their updates. Discussions followed regarding Municipal dates, and Chair Eichner requested that Linda Houchins E-mail Attachment "D" to each Municipality for their review and update so that the Attachment will reflect the current information for the December 2011 SWG meeting.

6.4 Update on Broward County and Municipalities Evaluation and Appraisal Report

Glenn Amoruso advised that Broward County had received their sufficiency review in April 2011, and said that the County is in compliance.

7. New Business

There was no new business.

8. Next Staff Working Group Meeting

8.1 December 1, 2011 (Regularly Scheduled Quarterly Meeting)

Chair Eichner advised that the next SWG meeting is scheduled for December 1, 2011. Mr. Akagbosu introduced a new School District staff member, Sandra Garzon, Coordinator, Educational Programs. Ms. Wight said that on the School District Web site, listed on the School Boundaries Department, the planning tool is available which contains data that can be used to process land use plan amendments, the

portable reduction plan, projected additions, 20th day enrollment counts and other important school data information. Mr. Akagbosu talked about the portable reduction plan. Brief discussions followed.

9. Adjourn

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

Shelley Eichner, Chair

Linda Houchins, Recording Secretary