

KATZ, BARRON, SQUITERO, FAUST & BOYD, P.A.

ATTORNEYS AT LAW
FIRST FT. LAUDERDALE PLACE
100 N.E. THIRD AVENUE, SUITE 280
FT. LAUDERDALE, FLORIDA 33301

BROWARD: (954) 522-3636 • (954) 781-4720
MIAMI-DADE (305) 856-2444
TELECOPIER: (954) 522-5119
www.katzbarron.com

RONALD M. BARRON
(1945 - 1994)

OF COUNSEL
ROXANNE K. BEILLY
ROGER S. GOLDMAN
RICHARD MORTON
LAWRENCE N. ROSEN, P.A.
WILLIAM A. ZEIHNER, P.A.

MIAMI OFFICE:
2699 SOUTH BAYSHORE DRIVE
SEVENTH FLOOR
MIAMI, FLORIDA 33133-5408
TELEPHONE: (305) 856-2444
TELECOPIER: (305) 285-9227

FRANK T. ADAMS
BERNARD ALLEN
MARK S. AUERBACHER
ROBERT H. BLANK
W. TODD BOYD
CHARLES D. BRECKER
MELISSA S. CHANNING
JORGE I.G. DEL VALLE
ERICA L. ENGLISH
MARC L. FAUST
HOWARD L. FRIEDBERG
ALAN L. GABRIEL
ROBERT C. GRADY
ANA C. HARRIS
ELIZABETH A. HEISE
MATHAI JACOB
MICHAEL D. KATZ
NICOLE T. KOPELOWITZ
ANNA A. KRIMSHEIN
ROBERT B. MCCAUSLAND
MARIA C. MONTENEGRO
ALICIA MORALES-FERNANDEZ
RICHARD A. MORGAN
CARLOS E. MUSTELIER JR.
JOSE R. RIGUERA
WILLIAM D. ROHRER
JONATHAN C. SHAMRES
STEPHEN A. SMITH
JOHN R. SQUITERO
MICHELE L. STOCKER
DENNIS M. STOTTS
JAMES SUAREZ

July 1, 2003

Edward Marko, Esq.
General Counsel
The School Board of Broward County
600 SE 3rd Avenue
Fort Lauderdale, Florida 33301

Re: Summary of Discussion at Implementation Workshop Meeting (5/29/03)

Dear Mr. Marko:

As you know, on May 29, 2003, an Implementation Workshop Meeting was held to discuss potential revisions to the previously adopted Interlocal Agreement for Public School Facility Planning. This meeting was attended by representatives of the School Board (Staff and myself), Broward County and the various municipalities. Primary discussion focused on which of the revisions previously suggested by one or more of the municipal participants would be brought before the School Board for consideration. A Matrix was provided to the participants (copy attached) which summarizes the various proposed revisions which were discussed.

The following proposed revisions were each recommended by a majority of the participants for consideration by the School Board:

1. Amend Section 5.2 of the Agreement to provide that floating members of the Site Review Committee may be selected from and include affected and adjacent municipalities in regard to the site selection process for new schools, or those affected by significant renovations or school closure.
2. Add a new Section 7.11 requiring the School Board to comply with perimeter landscaping and perimeter buffering requirements of the local jurisdiction (but not with local design guidelines).

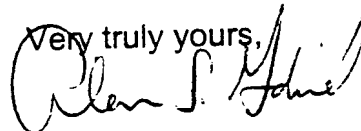
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3. Amend Section 8.2 (collocation and shared use) to include language reimbursing the entity that paid costs arising from collocation/shared use in the event of removal, repositioning or altering.
4. Amend Article X to provide for inclusion of a representative of each municipality on the Oversight Committee, in lieu of the five municipal members presently provided for.

For your convenience, I have enclosed a copy of the four sections of the Agreement discussed above with the proposed changes added in "red line" form. My editorial comment regarding each section is also included. All other proposed revisions reflected in the Matrix were not supported by a majority of the participants who were present at this workshop meeting.

Please advise if you have questions or wish to discuss this matter further.

Very truly yours,

ALAN L. GABRIEL

Enclosures

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cc: Chris Akagbosu, Facility Management, Planning
and Site Acquisition Dept.

1. Proposed Amendment----Amend Section 5.2 as follows:

ARTICLE V

**SCHOOL SITE SELECTION, SIGNIFICANT RENOVATIONS,
AND POTENTIAL SCHOOL CLOSURES**

- 5.2 When the need for a new school is identified in the District Educational Facilities Plan, the Superintendent's Site Review Committee (hereinafter referred to as the "Site Review Committee") will consider a list of potential sites in the area of need. The list of potential sites for new schools and the list of schools identified in the District Educational Facilities Plan for significant renovation and potential closure will be submitted to the local government with jurisdiction for an informal assessment regarding consistency with the local government comprehensive plan, including, as applicable: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, land use compatibility and other relevant issues. Based on the information gathered during this review for new schools the Site Review Committee will make a recommendation to the Superintendent of one or more sites in order of preference. For those purposes specified in this Article V, the School Board shall amend School Board Policy 7000 to provide for the membership of the Site Review Committee referenced therein. It shall identify the members and how they shall be appointed. In addition to the current representatives from the South Florida Regional Planning Council and Broward County, the Site Review Committee shall include at least one (1) member who shall be appointed by the Municipalities (additional members may be appointed at the Superintendent's discretion) and at least one (1) "floating member" designated by the city manager or administrator of the affected local governments ~~in which the new school facility may be located~~. For the purposes of this subsection, a floating member from the affected local governments shall be defined as the local government jurisdiction in which the proposed school facility will be located, or significant renovations or school closures may occur, and all adjacent local governments.

COMMENT: THE PROPOSED NEW LANGUAGE COULD BE INTERPRETED TO INCLUDE ANY CITY OR JURISDICTION WHICH BORDERS THE AFFECTED LOCAL GOVERNMENT WHERE A SCHOOL MAY BE LOCATED.

IF THIS AMENDMENT IS DEEMED ACCEPTABLE, IT IS SUGGESTED THAT "ADJACENT LOCAL GOVERNMENTS" BE LIMITED, FOR EXAMPLE, TO A PREDETERMINED GEOGRAPHIC AREA OF 2 MILES FROM THE PROPOSED SCHOOL SITE.

2. Proposed Amendment---Add a new Section 7.11 as follows:

ARTICLE VII

**LOCAL PLANNING AGENCY, COMPREHENSIVE PLAN AMENDMENTS,
REZONINGS, AND DEVELOPMENT APPROVALS**

7.11 That to assure compatibility with adjacent land uses, the School Board will comply with local government perimeter landscape and perimeter buffer requirements. In no event, however, shall building setback regulations and restrictions apply to the School Board.

COMMENT: THIS PROVISION WOULD REQUIRE THE SCHOOL BOARD TO COMPLY WITH A CITY'S EXISTING LANDSCAPE AND BUFFER REQUIREMENTS. THIS REQUIREMENT COULD IMPACT THE SITING AND USE OF A PARTICULAR PARCEL AND SUBSTANTIALLY INCREASE THE COSTS OF DEVELOPING THE SITE.

THIS PROPOSED AMENDMENT WAS PREVIOUSLY CONSIDERED BY THE SCHOOL BOARD AND VOTED DOWN. SECTION 5.3 OF THE AGREEMENT CURRENTLY REQUIRES THE SITE REVIEW COMMITTEE TOGETHER WITH THE SUPERINTENDENT TO COORDINATE SITE PLAN REVIEW WITH AN AFFECTED LOCAL GOVERNMENT IN ACCORDANCE WITH STATE LAW.

IF THIS CONCEPT IS DEEMED ACCEPTABLE, IT IS SUGGESTED THAT ADDITIONAL LANGUAGE BE ADDED THAT WOULD ALLOW THE SCHOOL BOARD TO ELECT NOT TO INCLUDE THESE REQUIREMENTS IF THEY ARE NOT REASONABLY FEASIBLE.

3. Proposed Amendment ---Amend Section 8.2 as follows:

ARTICLE VIII

COLLOCATION AND SHARED USE

- 8.2 A separate agreement will be developed for each instance of collocation and shared use which addresses, but is not limited to, legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation and shared use once constructed. including reimbursement to the entity that paid for same in the event either party requires any such facilities to be removed, repositioned, or altered.

COMMENT: THIS PROPOSED AMENDMENT WAS PREVIOUSLY CONSIDERED BY THE SCHOOL BOARD AND VOTED DOWN.

THE CURRENT PROVISION WOULD PERMIT, AMONG OTHER MATTERS, REIMBURSEMENT TERMS TO BE INCLUDED WITHIN THE CONTEMPLATED SEPARATE AGREEMENT.

4. Proposed Amendment ---Amend Article X as follows:

**ARTICLE X
OVERSIGHT PROCESS**

10.1 The School Board, and the County shall each appoint up to five members and ~~each the Municipalityies shall each appoint up to five a~~ members to serve on an oversight fifteen (15) member committee to monitor the implementation of this Agreement. Committee members shall be notified in writing and advised of the meetings referenced in Article II and shall receive copies of all pertinent reports and documents produced pursuant to this Agreement. The Superintendent shall organize and staff the meetings of this Committee, utilizing the Staff Working Group for assistance as needed. The Committee shall appoint a chairperson, meet at least annually and report to participating local governments, the School Board, the County and the general public on the effectiveness with which this Agreement is being implemented. The Chairperson of the Committee shall preside over the meeting and within 30 days generate a report regarding successes and failures regarding implementation of the interlocal agreement during the preceding calendar year. The Committee meeting regarding review of the interlocal agreement shall be conducted as a public meeting advertised to provide opportunity for public participation.

~~10.2 For purposes of selecting the five appointed Municipal members, the Municipalities will appoint the five representatives through a process deemed mutually agreeable and appropriate by those Municipalities who are a party to this Agreement.~~

COMMENT: THIS PROPOSED AMENDMENT WOULD CREATE AN OVERSIGHT COMMITTEE CONSISTING OF THIRTY SIX (36) MEMBERS. (FIVE (5) SCHOOL BOARD REPRESENTATIVES; FIVE (5) BROWARD COUNTY REPRESENTATIVES AND TWENTY SIX (26) MUNICIPAL REPRESENTATIVES) IT HAS BECOME APPARENT THAT CERTAIN LOCAL GOVERNMENTS BELIEVE THAT THEY HAVE UNIQUE ISSUES THAT ONLY IT CAN ADEQUATELY REPRESENT.

THOUGH THE NUMBER OF COMMITTEE MEMBERS WILL BE BURDENSOME, THE COMMITTEE WILL NOT BE ABLE TO MODIFY THE INTERLOCAL AGREEMENT OR TAKE ANY INDEPENDENT ACTION OTHER THAN ISSUE AN ANNUAL REPORT. SPECIFICALLY THE REPORT WILL COMMENT ON THE SUCCESS OR FAILURE OF THE IMPLEMENTATION OF THIS AGREEMENT, AND PRESUMABLY MAKE RECOMMENDATIONS ON HOW TO CORRECT SPECIFIED FAILURES.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
 Interlocal Agreement for Public School Facility Planning
 Revisions/Amendments Requested by Participants

Participants	5.2a	5.2b	7.2	7.6	7.7	7.11	8.1	8.2	10.1a	10.1b	10.2	Misc
School Board												
Broward County	x											
Coconut Creek		x				x		x		x		
Cooper City						x				x		
Coral Springs						x						
Dania Beach		x	x	x	x	x	x					
Davie											x	
Deerfield												
Fort Lauderdale											x	
Hallandale									x			
Hollywood												
Lauderdale Lakes												x
Lauderhill												
Lazy Lake												
Margate												
Miramar		x	x	x	x	x	x			x		
North Lauderdale												x
Oakland Park												
Parkland												
Pembroke Park												
Pembroke Pines											x	
Plantation												
Pompano												
Southwest Ranches									x	x		
Sunrise												
Tamarac												
Weston											x	
Wilton Manors												

- 5.2a Provide municipalities earlier input in new school site selection process and coordination of site selection
- 5.2b Floating member to be selected from and include affected and adjacent municipalities during site selection process for new schools
- 7.2 Exempt consideration of flex, reserve and regional activity center units from residential density review
- 7.6 Exempt consideration of flex, reserve and regional activity center units from residential density review
- 7.7 Delete reference to other residential or mixed use projects with a residential component
- 7.11 Require School Board to comply with municipalities' landscape and perimeter buffer requirements and/or land development regulations
- 8.1 Delete consideration of collocation and shared use of facilities for health care and social services
- 8.2 To include reimbursement to entity that paid for costs arising from collocation in event of removal, repositioning or altering
- 10.1a Municipal representatives to oversight committee should be elected officials
- 10.1b Consider a representative from each municipality to be a member of the oversight committee and delete 10.2
- 10.2 Deliniate a specific process for selection of municipal representatives to the oversight committee
- Misc. Lauderdale suggests a copy of school site plan(s) be provided to the municipality for emergency purposes
- Misc. North Lauderdale requests access to public schools to promote their charter school