

A-2 Amendment – June 24, 2014 Regular Meeting

Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Mrs. Bartleman and carried, to amend to include, as part of the resolution, that correspondence be sent to the Broward County Commission advising them the School board will be reviewing the establishment of a policy with regard to impact fee waivers for affordable housing.

An amendment to the motion: To schedule an August 12, 2014 Board Workshop item to review the potential policy concerning impact fee waivers for affordable housing.

Executive Summary

Resolution No. 14-90, Recommendation to Amend the Broward County Land Development Code to Include Recommendation No. 2 Contained in the Student Generation Rate/School Impact Fee Study, Countywide, Technical Report 1, Dated June 16, 2014

The Second Amended Interlocal Agreement for Public School Facility Planning (SILA) and School Board Policy 1161 require that an update to the Student Generation Rates (SGR) and School Impact Fees (SIF) shall be conducted by the School Board in coordination with Broward County and the Municipalities at least once every three years. In 2010, the Study was updated by a consultant retained by the School Board. Subsequently on November 9, 2010, the School Board, via Resolution No. 11-55, approved recommendations contained in the "School Impact Fee Study" dated October 2010 and recommended that the Broward County Board of County Commissioners (Broward County Commission) should amend the Broward County Land Development Code (BCLDC) to include recommendations contained in the Study.

The Broward County Commission did not accept the recommendations, and cited issues with methodology utilized in generating the Study as the reason for the rejection. Subsequently, at its June 15, 2011 meeting, the Oversight Committee for the implementation of the SILA concluded that the School Board satisfied its obligation to update the Study within the specified timeframe consistent with the SILA and School Board Policy 1161 requirements. As such, the BCLDC still contains the SGR and SIF that were adopted by Broward County in June 2008. It should be noted that in the interim years, fees were adjusted to account for inflation by Broward County.

As stated herein, the School Board on December 13, 2013 approved the selection of Walter H. Keller, Inc. to update the SGR and SIF. Subsequently, Walter H. Keller, Inc. commenced work on the Study, and several drafts of the Study updates were reviewed by District staff representing the Facility Planning & Real Estate, the Demographics and Student Assignments, Capital Budget Departments, and the Transportation Division. Drafts of the Study update were also reviewed by a standing committee on the Study which consists of District staff (the majority from the Departments cited herein), Broward County and municipal staffs. Upon each review, comments were provided to Walter H. Keller, Inc.

On June 6, 2014, at its special meeting, the Oversight Committee (OC) for the implementation of the SILA recommended that the School Board should accept and transmit countywide SGR to the Broward County Commission instead of SGR based on the District's seven planning areas. On June 9, 2014 at the public workshop, speakers (including staff from the Broward County Planning Council (BCPC) and the Development Management and Environmental Review Section) raised certain concerns in the Study. Responses were provided at the workshop by Walter H. Keller, Inc. to each stated concern. Additionally, concerns were raised regarding the sharp increase in certain school impact fees for multi-family residential units. The implication was that the fee increase would be construed as impediments to the affordable housing efforts currently being undertaken by the Broward County Commission. As such, the Development Management and Environmental Review Section staff recommended that the School Board should consider reinstating the waiver of school impact fees to mitigate the increase in school impact fees. Also, both the BCPC and Development Management and Environmental Review Section staffs requested that the School Board should accept and transmit the implementation of countywide SGR to the Broward County Commission.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
RESOLUTION NO. 14-90

Resolution No. 14-90, Recommendation to Amend the Broward County Land Development Code
To Include Recommendation No. 2 Contained in the Student Generation Rate/School Impact Fee Study, Countywide, Technical
Report 1, Dated June 16, 2014

WHEREAS, Broward County Code of Ordinances, Chapter 5, Article IX, Land Development Code, provides for land dedication and/or the payment of school impact fees from developers in the incorporated areas and unincorporated areas of Broward County for the provision of adequate school sites and school buildings; and

WHEREAS, both The School Board of Broward County, Florida (SBBC) and the Broward County Board of County Commissioners (Broward County Commission) recognize the impact of residential development on Broward County public schools; and

WHEREAS, both The SBBC and the Broward County Commission recognize that the provision of public schools is a vital public service, which should be available concurrent with the impact of residential development, and that good planning includes provision for public schools; and

WHEREAS, the Second Amended Interlocal Agreement for Public School Facility Planning (SILA) and School Board Policy 1161 require that an update to the student generation rates, which incorporates the school impact fees shall be conducted by the SBBC in coordination with Broward County and the Municipalities at least once every three years; and

WHEREAS, in December 2007, the "Student Generation Rate/School Impact Fee Study Phase II, Final Report, December 2007" (Phase II Study) was completed by the SBBC in coordination with Broward County and the Municipalities to update the prior Student Generation Rate/School Impact Fee Study; and

WHEREAS, on February 12, 2008, the SBBC approved the recommendations contained in the Phase II Study via Resolution No. 08-48, and recommended that the Broward County Commission amend the Broward County Land Development Code (BCLDC) to include recommendations contained in the Study. Subsequently, the Broward County Commission approved amendment of the BCLDC to include the recommendations, and in June 2008, the current student generation rates and school impact fees became effective; and

WHEREAS, in April 2011, the Broward County Commission did not amend the BCLDC to include the recommendations contained in the next update study titled "School Impact Fee Study" dated October 2010; and

WHEREAS, upon the action by the Broward County Commission, the Oversight Committee for the implementation of the SILA (Oversight Committee) concluded that the SBBC satisfied its obligation to update the Study; and

WHEREAS, to comply with the provisions of the SILA and School Board Policy 1161, the SBBC on December 13, 2013 approved the selection of Walter H. Keller, Inc. to conduct and update the SGR and SIF Study, and the School District ensured that the update was coordinated with Broward County and the Municipalities and presentations regarding the Study were made to various pertinent entities including the Oversight Committee, the general public at a workshop that included the development community, the Broward County Planning Council, and the Broward League of Cities; and

WHEREAS, concerns stated during these presentations were incorporated as applicable into the updated Study and the result is the "Student Generation Rate/School Impact Fee Study, Countywide, Technical Report 1" dated June 16, 2014.

NOW, THEREFORE, BE IT RESOLVED, that The School Board of Broward County, Florida recommends that the Broward County Board of County Commissioners should amend the Broward County Land Development Code to include Recommendation No. 2 contained in the Student Generation Rate/School Impact Fee Study, Countywide, Technical Report 1, dated June 16, 2014.

Given at Fort Lauderdale, Florida this 24th day of June, 2014.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

BY: 

Patricia Good, Chair

ATTEST: 

Robert W. Runcie, Superintendent of Schools