

Business Operations
Facilities Planning
Ana Rijo-Conde, AICP, Administrative Director

SUBJECT: AUTHORIZATION TO EXECUTE A STATE-FUNDED SUBGRANT AGREEMENT WITH THE STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, TO PROVIDE FINANCIAL ASSISTANCE TO THE SCHOOL DISTRICT TO ACHIEVE COMPLIANCE WITH NEWLY IMPLEMENTED GROWTH MANAGEMENT LEGISLATION

COMMITTEE: FACILITIES PLANNING AND CONSTRUCTION

At its 2002 session, the Florida Legislature passed Growth Management Senate Bill 1906, which became effective May 2002 under Chapter 2002-296, Laws of Florida. The law requires a comprehensive focus on school planning and mandates coordination of information among local governments concerning growth and development trends in order to forecast future enrollment, the need for new schools, and a strategy for providing adequate infrastructure to support new schools. The mechanism for coordinating information shall be via an interlocal agreement (agreement) between the School Board and the local governments, under the regulations of Chapter 163, Part II, and Chapter 1013, Florida Statutes.

At a minimum, the agreement must include the following:

- A process by which the School Board and local governments agree on projections of population and student enrollment;
- A process to ensure that plans for residential development are coordinated in time and place with plans for public schools, much in the same way that other infrastructure (such as water, sewer and traffic) is now coordinated;
- A more comprehensive focus on school planning and establishment of uniform level of service standards for new public schools, as it relates to the Five-Year Work Program;
- A process to coordinate and share information regarding existing and planned school facilities, including school renovations and closures, and local government plans for development;
- A process for greater participation and input by the School Board in the local land use amendment and rezoning process through inclusion of a School Board representative in the Local Planning Agency (LPA) as a non-voting member. It

should be noted that at the LPA's discretion, the School Board representative could become a voting member;

- A process for participation of local governments in decisions, within their jurisdiction, for evaluating school closures, significant renovations to existing schools and new sites prior to acquisition;
- A process for determining the need for and timing of onsite and offsite improvements to support new construction, proposed expansion, or redevelopment of existing schools;
- A process for the School Board to inform the local governments regarding school capacity. The report must include information on how the School Board will meet the demand for public schools based on its Five-Year Work Program;
- A process for participation of the local governments in the development of the School Board's annual Five-Year Work Program and the educational plant survey;
- A process for determining when and how joint use of School Board or local government facilities will be shared;
- A procedure for the resolution of disputes; and
- An oversight process that includes the opportunity for public participation for implementation of the agreement.

Pursuant to the schedule imposed by Statute the School Board must enter into an agreement with all nonexempt municipalities in Miami-Dade County by March 1, 2003. It is anticipated that a follow-up item will be presented to the School Board at its December 11, 2002 meeting seeking authorization to enter into the agreement (s).

Additionally, funds have been appropriated by the Legislature to financially assist the entity spearheading the development and execution of the agreement within its respective county. The School Board has been identified as the most appropriate candidate to facilitate the process for Miami-Dade County and as such would be eligible to receive a grant award in the amount of \$22,280. In anticipation of School Board approval, District staff has met with the Miami-Dade County Planners Technical Committee, a council of professional planners representing local governments in Miami-Dade County, to initiate the development of the agreement. In addition staff has written to all 32 local governments to establish which entities would qualify for an exemption or waiver of the statutory requirements.

The State of Florida, Department of Community Affairs (DCA), has submitted a State-Funded Subgrant Agreement for execution under the following terms and conditions:

- The Agreement shall begin upon execution by both parties and shall end November 30, 2003;
- The School Board shall retain sufficient records demonstrating its compliance with the terms of the Agreement for a period of five years from the date the audit report is issued, and shall allow the DCA access to such records upon request;
- The School Board shall constantly monitor its performance under the agreement to ensure that time schedules are being met;
- The School Board shall not be held responsible if, despite its best efforts, one or more municipalities refuses to participate in developing the Agreement, chooses not to execute the Agreement or is late in executing the Agreement;
- The Agreement may be terminated by the written mutual consent of the parties;

The proposed Agreement will be reviewed by the School Board Attorney's Office, the Office of Risk and Benefits Management and the Office of Management and Compliance Audits.

A copy of the proposed Agreement will be placed on file in the Citizen Information Center and the Recording Secretary's Office.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Chair and the Secretary to execute a State-Funded Subgrant Agreement with the State of Florida, Department of Community Affairs, under the terms and conditions set forth above.

VGv:lh