

Business Operations
J.E. Surash, P.E., Chief Business Officer

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULES:
 INITIAL READING**

**6Gx13- 2C-1.083, EDUCATIONAL FACILITIES PLANNING, SITE
SELECTION AND ACQUISITION, AND CONSTRUCTION**

6Gx13-7A-1.011, HISTORICAL PRESERVATION OF FACILITIES

**COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND
 PERSONNEL SERVICES**

At its meeting of March 17, 2004, the School Board directed the Superintendent to initiate rulemaking proceedings by amending School Board Rule 6Gx13- 2C-1.083, Educational Facilities Planning, Site Selection and Acquisition, and Construction, as proposed by Mr. Frank J. Cobo, Board Member, to clarify and improve the process to be used by the School Site Planning and Construction (SSPC) Committee in recommending sites to the School Board and the Superintendent of Schools for use as public educational facilities. This proposed modification of the rule had been recommended by staff and members of the SSPC Committee at a meeting held March 3, 2004. The amendments reflect, but are not limited to, the following:

1. The Real Estate experts appointed to the SSPC Committee currently consist, alternatively, of one member from the Realtor Association of Greater Miami and the Beaches, Commercial Section, and one member from the Realtor Association of Miami-Dade County. In order to broaden expertise on the SSPC Committee in both residential and commercial real estate, henceforth, two real Estate experts shall serve concurrently, with one representing the Commercial Real Estate market and one appointee representing the Residential Real Estate market;
2. In addition to the current member of the residential construction industry appointed by the Builders Association of South Florida to the SSPC Committee, an additional appointee shall be provided by the Latin Builders Association; and
3. The terms of the various members of the SSPC Committee shall be staggered, to assure continuity of membership from year to year.

At its meeting of February 12, 2003, The School Board directed the Superintendent to create a committee to identify Miami-Dade County Public Schools' historically significant buildings; to make recommendations concerning their preservation, maintenance and rehabilitation; and to explore grant funding for same, as proposed by Mr. Augustin J. Barrera, Board Member. The current Historical Preservation of Facilities Board Rule charges the Capital Improvement Committee (CIC) with the administration of preservation activities, although to a lesser extent than envisioned in the proposed amended version. It should be noted that the CIC's responsibilities were transferred to the Technical Review Committee when the Educational Facilities Planning, Site Selection and Acquisition, and Construction Board Rule was adopted. The proposed amendment would keep the historic preservation activities under the SSPC Committee's auspices, but further enhance them by creating a working group of experts to provide a bridge between the County's preservation board and/or local preservation boards and the School District. The necessary School Board rule amendments reflect, but are not limited to, the creation of a committee of professionals to work with staff to:

1. determine the criteria and process for identifying School Board owned historically significant buildings;
2. identify their preservation and/or maintenance needs;
3. identify federal and state grant opportunities for funding those needs; and
4. recommend submitting appropriate grant applications.

As a means of achieving these objectives, it is recommended that this agenda item be considered by the Board, to amend both School Board rules 6Gx13- 2C-1.083, Educational Facilities Planning, Site Selection and Acquisition, and Construction and 6Gx13- 7A-1.011, Historical Preservation of Facilities.

Attached are the Notices of Intended Action for the proposed amended rules. Changes from the current rules are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act for the amendment of School Board Rule 6Gx13- 2C-1.083, Educational Facilities Planning, Site Selection and Acquisition, and Construction; and School Board Rule 6Gx13- 7A-1.011, Historical Preservation of Facilities.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend School Board Rule 6Gx13- 2C-1.083, Educational Facilities Planning, Site Selection and Acquisition, and Construction; and School Board Rule 6Gx13- 7A-1.011, Historical Preservation of Facilities.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA announced on May 19, 2004, its intention to amend Board Rule 6Gx13- 2C-1.083, Educational Facilities Planning, Site Selection and Acquisition, and Construction, at its meeting of July 14, 2004.

PURPOSE AND EFFECT: The purpose of the proposed amendments is to broaden expertise on the School Site Planning and Construction Committee by providing concurrent representation from both the residential and commercial real estate markets, adding an additional appointee from the Latin Builders Association and assuring continuity of membership by staggering the terms of the various members; and provide for one member of the School Site Planning and Construction Committee to serve on the Historic Schools Subcommittee, to provide a communications link between both committees.

SUMMARY: The intent of the proposed amendments is to clarify and improve the process to be used by the School Site Planning and Construction Committee in recommending sites to the School Board and the Superintendent of Schools for use as public educational facilities, and to provide for one member of the School Site Planning and Construction Committee to serve on the Historic Schools Committee.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 73.015; 73.091; 73.092; 112.313(1); 112.3143; 253.025(6)(b); 286.011; 1013.24; 1013.31; 1013.33; 1013.35; 1013.36; 1013.61

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF July 14, 2004, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 15, 2004, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO WISHES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based (Section 286.0105, F.S.).

A COPY OF THE PROPOSED AMENDED RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Ana Rijo-Conde
Supervisor: Mr. John E. Surash
Date: May 5, 2004

Administrative Operations**EDUCATIONAL FACILITIES PLANNING, SITE SELECTION AND ACQUISITION, AND CONSTRUCTION**

- I. Intent --The intent of the School Board is:
 - A. To establish a broad-based, external educational facilities committee, to be called School Site Planning and Construction (SSPC) Committee, to advise the School Board on the implementation of the District's adopted five-year work program, and to make independent recommendations to the School Board and the Superintendent of Schools, which promote internal accountability and facilitate efficient and effective delivery of public educational facilities throughout Miami-Dade County.
 - B. To establish an internal, interdisciplinary staff committee, to be called Technical Review (TR) Committee to provide staff coordination, accountability and oversight of the formulation and implementation of the District's adopted educational facilities plan.
 - C. To establish policies, procedures and assign responsibilities for the planning, site selection and acquisition and construction of educational facilities that will provide for public educational plant needs throughout Miami-Dade County in accordance with School Board policy and State law as set forth in Chapter 1013, Florida Statutes (F.S.).
 - D. To ensure that all priority educational facility projects are included in the District's adopted educational facilities plan as provided in Section 1013.35, F.S. and that any changes to the adopted educational facilities plan are supported by identified needs and priorities and approved by the School Board.
 - E. To integrate the District's planning, site selection and acquisition and construction functions so that educational facilities are available on a timely and cost-effective basis in accordance with the District's adopted educational facilities plan.

- F. To establish policies and procedures for land acquisition in accordance with Chapter 1013, Florida Statutes.
- G. To establish effective procedures for obtaining appraisals pursuant to Section 253.025, Florida Statutes, and for reviewing said appraisals.
- H. To establish procedures and assign responsibilities to provide full information to the School Board on all recommended land purchases including the estimated cost of any work that must be performed on an unimproved site to make it usable for the desired purpose, appraisals of market value obtained in connection with the proposed acquisition, and any other material information.

II. School Site Planning and Construction Committee

- A. Establishment -- The School Board shall establish as a standing, external committee, an educational facilities committee, to be called the School Site Planning and Construction (SSPC) Committee, which shall include parents, business community representatives, construction, appraisal and real estate professionals and other community stakeholders, which shall serve in an advisory capacity and report directly to the School Board.
- B. Purpose -- The purpose of the SSPC Committee shall be as follows:
 - 1. To advise the School Board on the formulation, priorities and implementation of the District's adopted five-year work program for educational plants and other related matters;
 - 2. To make recommendations to the School Board on site acquisitions, including alternatives, if any; and,
 - 3. To make independent recommendations to the School Board and to the Superintendent of Schools which promote internal accountability and facilitate more efficient and effective

delivery by the District of public educational facilities throughout Miami-Dade County.

- C. Responsibilities -- The responsibilities of the SSPC Committee shall be as follows:
1. Provide input, priorities and monitor the formulation, amendment and implementation of the District's educational facilities plan and other long-range plans as prescribed by Section 1013.35, F.S.;
 2. Provide input and monitor the District's educational plant survey as prescribed by Section 1013.31, F.S.;
 3. Provide input, monitor and make recommendations including priorities, to the School Board on the District's annual capital outlay budget, as prescribed by Section 1013.61, F.S.;
 4. Provide input, monitor and make recommendations to the School Board on the District's site facilities planning, site selection and acquisition, and construction programs and alternatives, to ensure they are cost-effective and timely;
 5. Review and transmit reports to the School Board, which provide recommendation(s) on site acquisitions, and contain all relevant site analysis and supporting documentation for the School Board's review and final action;
 6. Review quarterly and forward to the School Board, status reports on site selection and acquisition activities;
 7. Evaluate annually and provide to the School Board a year-end report on the progress of site acquisition activities and facility planning and construction programs, and where appropriate provide recommendations for improved accountability, efficiency and cost-effectiveness;

8. Provide such other advice or input as may become necessary to ensure compliance with applicable state statutes and the adopted educational facilities plan, and respond in writing to requests from the School Board or the Superintendent of Schools.
9. Review potential sites for new schools, as well as proposals for significant renovation, location of relocatables or additions to existing buildings, and potential closure of existing schools, and make recommendations on these and all other issues within its purview under this Rule for consideration by School Board staff. As part of its deliberations, the SSPC Committee shall ensure that the affected local governments, as defined under the Interlocal Agreement for Public School Facility Planning in Miami-Dade County, and any Supplemental Agreements hereto, are afforded an opportunity to provide comments and shall consider those comments in its deliberations.
10. Host a planning forum on an annual basis or more often as may be needed, to review the School Board's acquisition schedule and all other relevant issues stipulated under that certain Interlocal Agreement that was entered into by the School Board, Miami-Dade County, and all non-exempt local governments, in accordance with Section 1013.33, Florida Statutes. The SSPC Committee shall invite a representative from each of the impacted units of government to participate in the proceedings and to provide input and comments for consideration by the SSPC Committee in its deliberations. The forum will review the School Board's acquisition schedule and all other relevant issues required by statute, and will include appropriate staff members of the School Board, at least one staff member of the County, and a representative from each of the affected non-exempt local governments. Based on information gathered during the review, the

SSPC Committee will submit recommendations to the Superintendent or designee.

11. Assign one member to the Historic Schools Working Group (Working Group) to provide a communications link between the Working Group and the Committee. The SSPC will review planning strategies and funding initiatives of the Working Group for coordination with other district planning and budget documents as provided, and will receive an annual planning and progress report from the Working Group for transmittal to the School Board.

D. Membership -- The SSPC Committee shall be composed of the following voting members:

A business community representative appointed by the Board of Trustees of the Greater Miami Chamber of Commerce;

The president of the Dade County PTA/PTSA, or designee;

The chair of the Diversity, Equity and Excellence Advisory Committee (DEEAC) ~~Bi-Racial, Tri-Ethnic Advisory Committee~~ or designee;

The chair of the Attendance Boundary Committee, or designee;

A real estate appraiser appointed by the Florida Real Estate Appraisal Board and practicing in Miami-Dade County;

A Two real estate experts, one of whom is appointed alternatively every two years by the Realtor Association of Greater Miami and the Beaches, Commercial Section, and one appointed by the Realtor Association of Miami-Dade County. One appointee shall represent the commercial real estate market and one appointee shall represent the residential real estate market;

A registered surveyor, architect or engineer appointed by the Chair of the School Board;

A School Board Member appointed on an annual basis by the Chair of the School Board;

A Miami-Dade County representative selected by the County Manager or designee;

A representative selected by the Miami-Dade County League of Cities;

A floating member designated by the City Manager of the most impacted municipality to which an SSPC agenda item relates, or if it concerns an unincorporated area of Miami-Dade County, this floating member shall be from the geographically nearest municipality most impacted by the agenda item;

A member of the residential construction industry appointed by the Builders Association of South Florida.

A member of the residential construction industry appointed by the Latin Builders Association.

E. Operation --The SSPC Committee shall operate as follows:

- a. Term of appointments and special conditions: The term for each appointee shall be two years. Effective April 7, 2004, the term for fifty percent (50%) of the appointees of the SSPC Committee shall be three (3) years, and fifty percent (50%) of the appointees of the SSPC Committee shall be two (2) years; Effective April 7, 2004 the Chair shall delegate which appointees shall serve two (2) year terms and three (3) year terms. Effective April 7, 2006, and thereafter, the term for all appointments and reappointments shall be two (2) years. Prior to the expiration of each appointment, the

respective appointing entity shall be requested to make an appointment or reappointment;

- b. Quorum and Committee Chair: A quorum shall consist of a majority of the membership. The SSPC Committee shall elect a Chair and Vice-Chair every year;
- c. Meetings: Meetings shall be held regularly on a monthly basis, unless there is no business to be conducted. Meetings shall be conducted as prescribed in Section 286.011, F.S., and shall be advertised at least five working days prior to the regularly scheduled meeting date. A notice of the meeting shall be posted at the Citizen Information Center. The meetings shall be recorded and summary minutes distributed with the subsequent meeting's agenda packet;
- d. Staff Support: The Administrative Director, Facilities Planning, and the Executive Director, Facilities Planning, shall provide primary staff support to the SSPC Committee, including preparation of agenda packets and meeting minutes, analytical reports and supporting documentation. The Office of the School Board Attorney shall provide legal support to the SSPC Committee. The SSPC Committee may from time to time, as required, request support from other District personnel;
- e. Code of Ethics: The SSPC Committee is an advisory body to the School Board. As such, as provided by F.S. 112.313(1), the members of the SSPC Committee are subject to the provisions of the Code of Ethics for Public Officers and Employees, set forth in Chapter 112, Part III of the Florida Statutes.
- f. Lobbyists: Any and all lobbyists, as defined in School Board Rule 6Gx13- 8C-1.21, present at an SSPC Committee meeting, who wish to speak on an item being considered by the SSPC Committee, shall first execute and file the required form with the School Board Clerk's Office. A copy of the executed form shall be

made part of the official record for the SSPC Committee meeting at which the lobbyists are present, and shall be attached to the minutes of the meeting.

- g. Lobbying: In the event that a SSPC Committee member is contacted directly by a lobbyist in connection with any matter that may foreseeably come before the Committee for action, the Committee member shall orally disclose such contact at the meeting in which the matter is up for consideration, and file a memorandum of voting conflict, if applicable, as may be required by in the State Code of Ethics for Public Officers and Employees.

III. Technical Review Committee

- A. Establishment -- The School Board shall establish the Technical Review (TR) Committee, which shall be comprised of District staff members and which shall serve in an advisory capacity and report directly to the Superintendent of Schools.
- B. Purpose -- The purpose of the TR Committee shall be to provide staff coordination, accountability and oversight of the formulation and implementation of the District's adopted educational facilities plan.
- C. Responsibilities -- The responsibilities of the TR Committee shall be as follows:
1. To formulate and recommend to the Superintendent of Schools and to the SSPC Committee a tentative District facilities educational facilities plan, as provided in Section 1013.35, F.S.;
 2. To review and provide oversight of the annual capital outlay budget report, to include: expenditures, encumbrances and balances by fund, and a mid-year budget evaluation of project status of all funded and unfunded projects, against the approved budget and the undistributed capital contingency, for possible

recommendation for Board action to amend the budget and educational facilities plan;

3. To review the District's educational plant survey prepared and submitted by Facilities Planning and Construction, as prescribed in Section 1013.31, F.S., and transmit same to the SSPC Committee for review and a recommendation to the School Board;
4. To submit annually to the SSPC Committee a progress report on the District's facilities planning and construction programs;
5. To expeditiously review and recommend to the Superintendent of Schools and the SSPC Committee on any construction change orders, which exceed the total appropriation for the particular project;
6. To expeditiously review and recommend to the Superintendent of Schools and to the School Board on construction change orders if funds are available in project contingency, except that change orders of less than \$50,000 may be approved administratively by the Superintendent or his designee and subsequently confirmed by the TR Committee;
7. To review and recommend to the Superintendent of Schools the award or rejection of construction bids, which exceed the project budget by 5%;
8. To review and recommend to the Superintendent of Schools, based upon recommended awards of construction bids, amendments to the affected project budget. Project budgets should be reduced when construction awards are less than the amount budgeted or increased when the construction award is more than the amount budgeted. The source or destination of such budget amendments should be undistributed contingency in each affected fund;

9. To review administrative procedures and perform other functions as assigned by the Superintendent of Schools.

D. Membership -- The TR Committee shall be comprised of the following voting members, or their designees:

Chief Business Officer - Chair;

Administrative Director, Facilities Planning;

Administrative Director, Facilities Operations and Legislative Support;

Chief Financial Officer;

Administrative Director - Maintenance;

Associate Superintendent of School Operations;

Associate Superintendent - Education.

E. Operation -- A quorum of the TR Committee shall consist of a majority. Meetings shall be held as called by the Chair. Minutes shall be kept of all meetings and upon approval by the TR Committee a copy shall be distributed to the Superintendent of Schools and to the School Board.

IV. Site Selection

A. Use of District's Adopted Educational Facilities Plan -- Only those sites for projects included within the District's adopted educational facilities plan shall be investigated and evaluated for potential purchase by the School Board.

B. Criteria -- Criteria for evaluating and selecting sites for locating educational facilities shall include or address the following elements:

1. Size and shape of site;
2. Expansion capacity of site;

3. Whether the site is adequate to relieve overcrowding in existing schools;
4. Whether there are pending or approved charter school applications which would impact the proposed educational facility or the site search;
5. Whether the site is reserved in a recorded subdivision, or set aside for donation or purchase by the School Board as a result of Developmental Impact Committee (DIC) or Development of Regional Impact (DRI) approvals;
6. Location of site in relation to both the intended service area, as well as major traffic arteries and accessibility to school buses and private vehicles for student drop-off and pickup;
7. Site location should seek to the extent practicable to promote diverse school enrollments, reflecting the broad mix of cultures, experiences and ideas to be found in the community, through the consideration of various factors, including but not limited to the socioeconomic circumstances, unique language needs and abilities, race and ethnicity of the students to be served;
8. Location of site and potential impact on the attendance boundaries of surrounding schools;
9. Occupancy of the site, specifically whether any residents will require relocation;
10. Location of site in relation to existing or planned public recreation sites, which might make possible the joint use of facilities;
11. Whether there are any existing or anticipated land uses in the area, which could adversely affect the site due to traffic generation, noise, odor, safety or other factors;
12. Whether there are any major street improvements or expressways planned in the

vicinity, which could affect the site or the intended service area;

13. Whether there are adequate traffic control devices and sufficient road capacity for the intended use of the site;
14. Whether site access requires crossing a canal, railroad, major street or other physical barrier or hazard;
15. Whether there are any archeological or historical designations or any biological, zoning or environmental problems (e.g., incinerators, active or inactive dump sites, toxic soil, underground storage tanks) on the property that could adversely impact the timely use of the property for the intended purpose;
16. The extent of site development work that must be done on an unimproved site in order to make it usable for the intended purpose;
17. The condition of title to the site or any known title defects;
18. The compatibility or incompatibility of present and projected uses of adjacent properties with the intended use.

C. Site Selection Procedures -- The Chief Business Officer or his/her designee shall ensure that thorough site selection procedures are followed, including the following seven-step due process, as described below. The Chief Business Officer shall have the option to secure the services of a third party or parties, under contract with the District, to identify sites and/or negotiate conditional agreements for purchase and sale of real property on behalf of the School Board, as may be deemed appropriate.

1. Identify through the appropriate school district regions, the general search boundaries for the proposed educational facility, any relevant educational, recreational, and community requirements that may be applicable, minimum

required site size, and the educational facilities to be relieved;

2. Inventory available sites that meet the search parameters, including School Board-owned sites, properties designated for donation to the School Board, properties set aside by developers or property owners for purchase, as approved by the School Board, and properties owned by public entities which may be available under cooperative partnerships;
3. Conduct preliminary due diligence and with input from School Operations and Transportation staff, identify the sites most suitable for the intended purpose;
4. Submit to the SSPC Committee the record of all suitable sites for direction. Pursuant to this direction, authorize the Superintendent, his designee, or the third party, to execute conditional purchase and sale agreements based on a not to exceed purchase price, to be determined by the SSPC Committee based on a restricted use appraisal report generated by District authorized licensed appraiser. This shall be subject to additional due diligence, to include environmental assessments, site preparation and development costs, appraisals and any other reviews deemed necessary. As part of the conditional agreements, a fully refundable deposit not to exceed 10% of the purchase price, may be deposited in escrow with the School Board Attorney, as earnest money;
5. Present the results of negotiations for the selected sites to the SSPC Committee for final ranking if necessary, including any adjustments of the not to exceed price and a recommendation to the School Board for approval of the negotiated agreements. The SSPC Committee shall also consider the need for eminent domain where negotiations prove unsuccessful;

6. Submit recommendation to the School Board for approval of a purchase and sale agreement, or upon a recommendation by the SSPC Committee to authorize eminent domain proceedings;
7. Upon review of the sites and recommended ranking, the School Board shall accept the sites as ranked or re-rank them and authorize acquisition. If none of the sites are acceptable, the School Board shall reject them.

V. Site Acquisition

A. Criteria for Acquisition of Sites for School Facilities

1. Overall suitability of a site for the intended purpose;
2. Total estimated costs to place a site in use for the intended purpose, including acquisition cost and cost of necessary site improvements; and
3. The reasonableness of the total cost to acquire and place a site into use, as compared to other sites or options.

B. Criteria for Determining "Reasonableness" of Costs of Site Acquisition and Improvements

1. The foundation, or starting point, for determining what is a reasonable price for the School Board to pay for the acquisition of land is an appraisal(s) of market value of sites as provided in Section 253.025, F.S.;
2. Adjustment downward or upward of the appraised market value of a site based upon the following:
 - a. Total costs, other than the cost of acquisition, to place the site in use;
 - b. Availability of alternative, suitable sites for the project;

- c. Both the general real estate market conditions and the specific real estate market conditions in the geographic area of the project; and
- d. Any other identified factors which may impact the reasonableness of site acquisition costs, including but not limited to the total estimated costs of the eminent domain process to acquire the site as provided by Sections 73.091 and 73.092, F.S., and for the District's costs for attorneys' fees and other expenses of the eminent domain.

C. Appraisal Procurement and Review Process -- The Chief Business Officer or his/her designee shall ensure the following is provided:

- 1. Initiating, overseeing and documenting the procurement of professional appraisals of market value of the sites determined by the School Site Planning and Construction Committee to be suitable for projects in the District's adopted educational facilities plan or long-range plan, as required by Section 1013.35, F.S.;
- 2. Where two appraisals are required under state law, request in writing a formal professional review appraisal from an appraiser selected in accordance with Section 253.025(6)(b), F.S. The reviewing appraiser's certification of the recommended or approved value of the property shall be set forth in a signed statement which identifies the specific appraisal reports reviewed and explains the basis for such recommendation or approval.

D. Negotiations and Authorization for the Voluntary Purchase and Sale of Sites -- The Chief Business Officer or his/her designee shall ensure of the following:

1. Conducting negotiations within the authorization granted by the SSPC Committee for the voluntary purchase and sale of sites suitable for projects included within the District's adopted educational facilities plan or long-range plan and maintaining a written record of all such negotiations;
2. Reporting to the SSPC Committee the results of such negotiations for further input as may be needed;
3. Preparing for presentation to the School Board an item with full information for the voluntary purchase and sale of a school site as contained in the site list as ranked by the SSPC Committee, suitable for the projects included within the District's adopted educational facilities plan or long-range plan within the price parameters established by the SSPC Committee, based upon the criteria for "reasonableness" of cost of site acquisition and improvements established herein;
4. Ensuring that where the agreed to purchase price exceeds the appraised value where only one appraisal is required by state law, or the reviewed appraised value in all other instances, and the School Board finds that the agreed price is reasonable under the criteria established herein, said purchase is approved by an extraordinary vote. Extraordinary vote, for purposes of this section, means a majority vote plus one additional vote of the members of the School Board present at the meeting where such action is taken.

E. Acquisition by Eminent Domain

1. In the event that negotiations for voluntary sale of a site for a reasonable price are unsuccessful, then the SSPC Committee shall formulate and forward to the School Board an item recommending the commencement of eminent domain proceedings as authorized by Section 1013.24, F.S.

2. The item recommending the commencement of eminent domain proceedings shall include the full record of the site selection and investigation process;
3. Upon School Board approval, eminent domain proceedings shall be initiated as provided for in Section 73.015, F.S.

Specific Authority: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.
Law Implemented, Interpreted, or Made Specific: 73.015; 73.091; 73.092;
112.313(1); 112.3143; 253.025(6)(b); 286.011; 1013.24; 1013.31; 1013.33;
1013.35; 1013.36; 1013.61, F.S.

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
New: 12-12-01
Amended: 4-17-02; 6-19-02; 9-12-02; 5-14-03

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA announced on May 19, 2004, its intention to amend Board Rule 6Gx13- 7A-1.011, Historical Preservation of Facilities, at its meeting of July 14, 2004.

PURPOSE AND EFFECT: The purpose of the proposed amendments are to create a working group reporting to the School Site Planning and Construction (SSPC) Committee to identify Miami-Dade County Public Schools' historically significant buildings; to make recommendations concerning their preservation, maintenance and rehabilitation; and to explore grant funding for same.

SUMMARY: The intent of the proposed amendments is to develop a formal process to determine whether District structures meet State and/or Federal historical guidelines and whether it is cost effective and feasible to preserve them.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1)(2); 1001.42(22); 1001.43(10) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 73.015; 73.091; 73.092; 112.313(1); 112.3143; 253.025(6)(b); 286.011; 1001.43(4)(10); 1013.24; 1013.31; 1013.33; 1013.35; 1013.36; 1013.61; 1013.64(1)(g); Chapter 6-2 FAC, 1999 SREF, Section 1.5

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF July 14, 2004, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 15, 2004, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO WISHES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based (Section 286.0105, F.S.).

A COPY OF THE PROPOSED AMENDED RULE is available to the public for inspection and copying at cost in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Ana Rijo-Conde
Supervisor: Mr. John E. Surash
Date: May 5, 2004

Planning**HISTORICAL PRESERVATION OF FACILITIES**

The Board recognizes that many of its facilities have historical and/or architectural significance to the public and that these facilities should be maintained in their original condition to the extent feasible.

I. Coordination

The Board also recognizes:

- A. That Miami-Dade County and various municipalities within the County have ordinances governing the designation of historical sites and subsequent restrictions pertaining to architectural changes to designated facilities and have established preservation boards to oversee these matters.
- B. That the Miami-Dade County Historic Preservation Board (Preservation Board) is the umbrella organization representing these various preservation boards, through which the School Board may coordinate its various general efforts in the area of historical/architectural preservation.
- C. That the individual local preservation boards are most knowledgeable of specific facilities within their area and therefore, are the agencies ~~which~~ that should be involved in review of plans involving specific facilities having historical/architectural significance.
- D. That there are also individuals in each community whose insight into the cultural significance of a structure is important for a successful project.

II. Procedures

Under State Statutes, the Board is exempted from, and does not elect to be bound by the aforementioned various preservation ordinances. Therefore, the Board will not accept or agree to formal designation of any facilities, nor will it agree to be bound by any ordinance or specific provision of an ordinance pertaining to historical designation/preservation.

The Board will, however, make every effort to coordinate with the Miami-Dade County Historic Preservation Board and the various local boards to identify facilities having historical/architectural significance and interested members of the public; to review plans for addition, alteration, or disposition of said facilities; and wherever feasible, preserve or maintain such historical/ architectural significance, as follows:

- A. Communications will be established between a Working Group of the School Site Planning and Construction Committee, as further defined herein in Section II.B., Facilities Planning and Construction and the Miami-Dade - County Historic Preservation Board as representative of the various agencies and groups having historical preservation interest, to ensure timely and accurate interchange of concerns, planned activities, problems, etc., which are of mutual concern. The contact agency for the Preservation Board is the Miami-Dade County Office of Community and Economic Development Historic Preservation Division. Additionally, public notice will be provided in an attempt to reach individuals in each community to provide insight into the value of the structure to that neighborhood.
- B. The Preservation Board, through its member agencies and groups, will identify and submit to the Board a countywide listing of Board owned facilities which the Council Preservation Board has determined to have historical and/or architectural significance. The Superintendent will appoint a Historic Schools Working Group (Working Group) which will report through the School Site Planning and Construction (SSPC) Committee.
1. Members of the Working Group will be appointed by the Superintendent for two years, and include the following:
 - A private architect or engineer with historical preservation and grant award experience;
 - A Planner with historical preservation experience, or a preservation officer from a local government;
 - A citizen with historical preservation and grants award experience;

A member of the SSPC Committee;

A staff member from the planning, construction or maintenance department.

2. The Working Group may periodically request technical assistance from staff from the Florida Division of Historical Resources or local preservation experts on an as needed basis.
3. Operating Procedures – In collaboration with the Preservation Board, as may be appropriate, the Working Group shall report its findings to the SSPC Committee annually, or more frequently if appropriate.
4. The Working Group will:
 - a. Recommend criteria and process to confirm the District's historically significant buildings; and estimate and recommend priorities for identified preservation and/or maintenance needs.
 - b. Develop and recommend to the SSPC Committee standards for maintenance, repair, remodeling, renovation, additions, replacement, or demolition projects for the District's historically significant buildings.
 - c. Help identify and assist in obtaining State, Federal or other grants for projects, and review documentation for grant applications.
 - d. Recommend long-range and annual planning and finance strategies, including community and business partnerships for the District's historically significant buildings. The Working Group will present recommended initiatives to the SSPC Committee to coordinate with the annual capital plan, the five-year work program and the long-range plan.

- e. Provide general planning recommendations to the SSPC Committee for schools that are 45 or more years of age using information provided by the District concerning safety, educational programs, facility needs, and other relevant information as requested by the Working Group.
 - f. Recommend Community Outreach strategies to the SSPC Committee to keep the public informed of District costs to provide planning, maintenance, construction, and other management activities for historically significant buildings.
5. Project Compliance Reporting – District staff involved in planning, maintenance or construction projects for historically significant buildings, will provide the Working Group and the SSPC Committee as appropriate, with quarterly reports on compliance with standards established by the Working Group.
6. Annual Report – On each anniversary date of its first meeting, the Working Group will provide a report to the SSPC Committee for review and submittal to the School Board, that will contain the recommended work plan for the coming year, priority tasks, milestones, timelines, and past year accomplishments.
- C. The Board through staff, ~~utilizing the list of schools,~~ will notify the Preservation Board and any other the applicable local preservation board regarding any plans to significantly alter, renovate, or add to any of the facilities identified as historically or architecturally significant, and also indicate any current or future plans for disposal or demolition. Public notification of the proposed project will be provided in the newspapers announcing a public meeting to be held at the building site at a time conducive to public participation, to solicit community comment and input regarding significance of the building to the community, and to discuss the educational outcomes proposed by the Board.

- D. Any building carried on the Florida Inventory of School Houses (FISH) inventory with a construction date of over 50 years, and where the Board plans to significantly alter, renovate, add to or demolish the structure, the Board shall provide public notification of the proposed project in the newspapers, announcing a public meeting to be held at the building site, at a time conducive to public participation, to solicit community comment regarding the significance of the building to the community and to discuss the educational outcomes proposed by the Board.
- E. Preliminary and final plans for any significant alterations or additions to the above facilities will be made available to the applicable local preservation board for review and comment as to historical/architectural preservation details.
- F. Where a building is scheduled for demolition, a second advertisement and public meeting shall be held at the building site at a time conducive to public participation, three months prior to scheduled demolition.
- G. Where public notice is required to be provided, it shall include at least the following: "Miami-Dade County Public Schools will hold a public meeting on (date) at the (school site name and address) at (time) to provide information and to receive community comment on its plans to (significantly alter/renovate/remodel/demolish) the (building name) at (school name).
- H. The applicable local preservation board will, if applicable, provide to the ~~Board's~~ CIG Working Group and the SSPC Committee a written review of the plans, including any comments or concerns for the preservation of specific details, materials to be used, and any other observations regarding the architectural details of the design.
- I. The Working Group shall provide to the SSPC Committee and to the Preservation Board and/or local preservation board, ~~Board's Capital Improvement Committee~~ will the following items:
1. ~~Analyze~~Analysis of any requested changes or concerns transmitted by the local preservation board;

2. ~~Determine Determination of the cost and other impact of the recommendations on the project;~~
 3. ~~Include Recommendations of the local preservation board for inclusion in the plans, to the extent architecturally, economically, and programmatically feasible, the recommendations of the local preservation board;~~
 4. ~~Recommendations on Advise the Preservation Board and the local preservation board of the disposition, if applicable of the recommendations.~~
 5. ~~Invite members of the Preservation Board to attend those CIC meetings at which decisions regarding historical preservation matters are to be made. Presentations may be made to the CIC by representatives of the Council.~~
- J. ~~If substantial concerns or disagreements exist with recommendations of the Working Group to the SSPC Committee, and any resulting recommendations from the SSPC Committee to the Board, after the CIC's action, the Preservation Board or local preservation board will have the option of appealing said the CIC's decisions recommendations to the School Board. A report shall be submitted to the School Board by the SSPC Committee. Staff will provide the necessary documentation and the basis of the CIC's decisions to the Board for review. The Board's decision in these issues will then be final.~~
- K. ~~Requests or concerns pertaining to historical/architectural preservation of specific facilities, originating from individuals or agencies not represented by the Preservation Board or other local preservation board, will be referred to the Council State of Florida Division of Historical Resources for its professional review, to be processed in accordance with the established procedures, if applicable.~~

Specific Authority: ~~230.22~~ 1001.41(2); ~~230.23~~ 1001.42(22) F.S.
Law Implemented, Interpreted, or Made Specific: ~~230.23005~~ 1001.43(4)(10); ~~235.193~~
1013.33; ~~235.435~~ 1013.64(1)(g) F.S.; and ~~FDOE Administrative Rule, Section 1.4~~
Chapter 6-2 FAC, 1999 SREF, Section 1.5

History THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

New: 6-20-84

Technical Change: 5-1-98

Amended: 4-19-89; 6-20-01