

Business, Operations, Finance and Construction  
Ofelia San Pedro, Deputy Superintendent

**SUBJECT: AUTHORIZATION TO EXECUTE A JOINT OPERATING AGREEMENT FOR MIAMI-METROZOO WITH MIAMI-DADE COUNTY FOR THE SCIENCE/ZOO MAGNET PROGRAM AT RICHMOND HEIGHTS MIDDLE SCHOOL**

**COMMITTEE: FACILITIES MANAGEMENT**

**Introduction**

At its meeting of May 15, 2002, the Board authorized the Superintendent to execute a lease amendment and renew the Joint Operating Agreement with Miami-Dade County (County) for the use of Miami MetroZoo (Zoo) for the Science/Zoo Magnet Program at Richmond Heights Middle School; and to execute a new Joint Use Agreement with the County at Royal Green Elementary School (see Attachment I). Terms of the proposed lease amendment provided for the County to reduce District rent at the Zoo from \$14,400 per year to \$1, and utility costs from \$7,200 per year to a rate representing actual utility usage.

**Background**

Subsequent to Board action, the County indicated an inability to modify the existing Zoo agreement rental rate to \$1, due to concerns over the actual Zoo expenditures incurred as a result of school use of the premises. District and County staff have been involved in protracted negotiations for some time, in an attempt to reach consensus on this matter. At issue, is the County's assertion that the Zoo must cover those costs related to the school's programmatic access to the Zoo grounds and exhibits, which are directly related to school use of the facilities.

After numerous discussions involving staff from Richmond Heights Middle School, ACCESS Center 6 and School Choice and Parental Options, a proposed agreement has now been reached, with the District to pay \$14,000 for programmatic access to the Zoo for the first year of the agreement (2004-05). Thereafter, this rate will increase on a biennial basis, based on the Consumer Price Index (CPI), not to exceed 5% in any adjustment period.

**Proposed agreement terms**

Proposed terms and conditions of the Joint Use Agreement are, substantially, as follows:

- the rental rate for placement of the four Board-owned portable classrooms on Zoo grounds will be reduced from \$14,400 per year to \$1;

- electrical costs for the portable classrooms will be reimbursed to the County based on actual District usage, as verified by an existing electrical sub-meter;
- water and sewer costs for the portable classrooms will be reimbursed to the County at \$204 per portable per year (total annual cost of \$816). This amount has been established by the District's Energy Management Department as representing actual cost, and may be modified from time to time at the request of either party;
- the District will provide funds to the Zoo to cover access to the grounds and exhibits by Magnet Program students, in the amount of \$14,000 for the first year of the agreement (June 1, 2004 through May 31, 2005). Funding for this cost will be available through the school's Magnet Program (Location 6781, Program 9632);
- thereafter, the annual fee shall be adjusted biennially, in accordance with the June CPI, but in no adjustment period may be raised more than 5%. However, at no time may the annual fee exceed an amount representing one-half of the total standard student admission charge that would have been assessed for each of the students in the Magnet Program that school year. This Magnet Program student rate is currently established \$2 per student admission;
- the October 2003 FTE of 303 students shall be established as the base-line student enrollment in the Magnet Program. Should any future October FTE count increase or decrease by more than 10%, the annual fee shall be increased or decreased proportionately for that particular year;
- this agreement shall have a five year term, effective June 1, 2004, and may be extended for two five-year option periods at the option of the County;
- the agreement may be cancelled by either party, with 180 days prior written notice;
- the District shall pay all unpaid rental and utility costs that have accrued for the period of June 1, 2002 through May 31, 2004, at the former rental and utility rate. This amounts to \$28,800 for rent (two years at \$14,400) and \$1,200 for utilities (utility payments continued during negotiations and are current through March 31, 2004). Funding is available in the 2004-05 District Lease Budget and General Fund Utility Reapportionment Account to cover these costs; and
- the Superintendent of Schools shall be the party designated by the Board to grant or deny all approvals required by this agreement, or to cancel this agreement.

Should the Board authorize the proposed agreement for the Zoo, the District will enter into a new Joint Use Agreement with the County for use of Royal Green Elementary School, under the terms and conditions approved by the Board at its meeting of May 15, 2002. These include allowing the County to construct, at its sole cost and expense, two soccer fields for use by the community after school hours. The area would be re-sodded, a new irrigation system installed and the existing irrigation pump replaced. The County will retain all responsibility for maintaining these improvements.

The Associate Superintendent Management Operations, principal of Richmond Heights Middle School, Assistant Superintendent School Choice and Parental Options and

ACCESS Center 6 Assistant Superintendent recommend entering into the proposed Joint Operating Agreement for the Zoo. The proposed Joint Operating Agreement for the Zoo, and proposed Joint Use Agreement for Royal Green Elementary School will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management, prior to execution.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute a Joint Operating Agreement for Miami MetroZoo with Miami-Dade County for the Science/Zoo Magnet Program at Richmond Heights Middle School, substantially in conformance with the terms and conditions set forth above.

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