

Facilities Operations, Maintenance and Planning
Ana Rijo-Conde, Interim Assistant Superintendent

SUBJECT: AUTHORIZATION TO EXECUTE A SECOND SUPPLEMENTAL AGREEMENT TO THE INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING WITH THE TOWN OF BAY HARBOR ISLANDS, AND TO OFFER THE SAME TERMS AND CONDITIONS TO ALL OTHER PARTIES TO THE INTERLOCAL AGREEMENT

COMMITTEE: FACILITIES MANAGEMENT

At the Board meeting of May 14, 2003, staff advised that in compliance with newly implemented Growth Management Legislation, the District had entered into an Interlocal Agreement for School Facility Planning (Interlocal Agreement), with Miami-Dade County (County) and twenty-three non-exempt local governments. At that time, the only entity with unresolved issues was the Town of Bay Harbor Islands (Town).

Since then, District staff has been working closely with the Town, the State of Florida, Department of Community Affairs (DCA) and the Board Attorney's Office, to resolve this matter. The parties have now negotiated a Second Supplemental Agreement, as authorized under the Interlocal Agreement. If adopted by the Board, the Second Supplemental Agreement will also be offered to all other parties to the Interlocal Agreement. The Second Supplemental Agreement adds the following terms and conditions to the Interlocal Agreement:

- collocation and shared use as provided for in the Interlocal Agreement may include the sharing of County and municipal facilities for student use, such as use of a park for school purposes by students from a neighboring public school, and similarly may include the use of public school facilities by the community;
- in cases where a municipality or other unit of local government (that is not a party to the Interlocal Agreement by virtue of statutory exemption or waiver), whose decisions and/or actions with respect to development within the municipality's or local government's jurisdiction may impact on municipalities or units of local government which are parties to the Interlocal Agreement, the School Board agrees to contact, through its representatives or appropriate designees, these non-parties and invite them to become signatories to the Interlocal Agreement. Failure to secure a response or to have non-signatories to the Interlocal Agreement shall neither constitute, nor be considered, a breach of the Interlocal Agreement; and

- this section shall not be interpreted to prevent exempt or waived municipalities from participating in the processes under the Interlocal Agreement and the First Supplemental Agreement as they may relate to any public school facilities located in unincorporated Miami-Dade County.

The Second Supplemental Agreement will be reviewed by the School Board Attorney's Office and the Office of Risk and Benefits Management prior to its execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent or his designee to execute the Second Supplemental Agreement to the Interlocal Agreement For Public School Facility Planning with the Town of Bay Harbor Islands, in conformance with the terms and conditions set forth above, and to offer these terms to all other parties to the Interlocal Agreement, in compliance therewith.

VGV:scj