

Office of School Board Attorney  
Walter J. Harvey, Board Attorney

**SUBJECT: APPROVAL OF INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA AND THE CITY OF CORAL GABLES TO RESOLVE PENDING CONFLICTS IN ACCORDANCE WITH CHAPTER 164, FLORIDA STATUTES, "FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT"**

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On August 29, 2017, the City of Coral Gables ("City") adopted Resolution No. 2017-215 initiating governmental dispute resolution proceedings under Chapter 164, Florida Statutes (Florida's Governmental Conflict Resolution Act). The City's Resolution sought to address disputed matters involving the applicability of the City's zoning and historic preservation ordinances to Henry West Laboratory School and Coral Gables Preparatory Academy, two public schools under the jurisdiction of the School Board and located within the City's municipal boundaries.

Prior to the initiation of the Chapter 164 proceedings, the City had objected to the school district's replacement of the windows at Coral Gables Preparatory Academy, a school which the City had designated as a historic landmark. The original wood windows were replaced with code approved metal windows because the school's old windows were deteriorating and could not be repaired or properly maintained. The City later objected to the planned expansion of West Laboratory School because it had not gone through its zoning approval process. The School Board has consistently maintained that it is exempt from the City's Zoning approval process.

After several meetings between District administrative and legal staffs, an agreement was reached that the City would be given the option to replace and install the windows to those deemed more historically appropriate, at the City's own cost and expense. In addition, after the District provided presentations to the City's Design Review Committee the City ceased its objections to the expansion of West Laboratory School and the new addition opened in 2018. As a result, on May 28, 2019, the City approved Resolution No. 2019-165 seeking to end the Chapter 164 proceedings and amicably resolving the aforementioned prior disputes by entering into an Interlocal Agreement ("ILA") with the School Board. A copy of the ILA will be transmitted to the Board under separate cover.

The ILA memorializes and ratifies prior existing agreements and understandings between the parties. In accordance with the proposed ILA, prior to altering any historic

structure located within the City, the District will voluntarily consult with the City's Historical Resources and Cultural Arts Director. Prior to any future expansions of the West Laboratory School, the District will provide its proposed expansion plans to City staff for the City's input in compliance with the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County, executed by the parties in 2007.

The District will in the future also participate in a voluntary administrative zoning review process, without waiving the School Board's asserted exemption from this process. Any determinations by the City derived through this process will solely constitute recommendations for the Board's consideration.

The School Board Attorney recommends acceptance by the Board of the ILA as being in the Board's best interests and as an appropriate resolution of the Chapter 164 process. Administration is in agreement with this recommendation. Upon approval of the ILA, a fully executed version will be submitted to the City of Coral Gables, concluding the Chapter 164 process.

**RECOMMENDED:**

That The School Board of Miami-Dade County, Florida, approve the Interlocal Agreement with the City of Coral Gables, in compliance with and concluding the Chapter 164 proceedings, and authorizing the Superintendent to execute the Interlocal Agreement on behalf of the School Board.