

Date Critical

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20020555

1. **REQUESTED MOTION:**

ACTION REQUESTED: Enter into an interlocal agreement between the County, the Lee District School Board and the five Lee County municipalities, and approve a budget amendment resolution in the amount of \$20,000 from the Department of Community Affairs. *J&R*

WHY ACTION IS NECESSARY: Recent legislation, Senate Bill 1906, calls for the establishment of public schools interlocal agreements. The attached agreement complies with the new requirements and establishes a more formalized system for the exchange of information and ideas.

WHAT ACTION ACCOMPLISHES: Establishes a framework for the cooperative exchange of information between the County, Lee County School District and the five municipalities, identifies issues associated with the selection of future school sites, and promotes opportunities for the collocation of schools and civic facilities.

2. **DEPARTMENTAL CATEGORY:**

COMMISSION DISTRICT #

A4A

3. **MEETING DATE:**

05-28-2002

4. **AGENDA:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. **REQUIREMENT/PURPOSE:**
(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER *SB 1906*

6. **REQUESTOR OF INFORMATION:**

- A. COMMISSIONER
- B. DEPARTMENT *Community Development*
- C. DIVISION *Planning*
- BY: *Paul O'Connor, AICP*
POC 5/19/02

7. **BACKGROUND:**

The Governor's office has been promoting a stronger tie between local governments and their local school district. To further that end, the Department of Community Affairs (DCA) was charged with developing a Model Interlocal Agreement between a County, its Municipalities and the School District. Lee County Planning Staff was contacted by the DCA and asked to participate in a Pilot Program to help develop such an agreement. County, municipal, School District, Department of Education and DCA staff meet on several occasions to develop an agreement that was customized for Lee County and that would also assist the DCA in identifying likely issues for a Model Agreement.

On April 23, 2002, the Board of County Commissioners approved an agreement between the State of Florida, Department of Community Affairs and Lee County making available \$20,000 in State grant funds for a model interlocal agreement (Blue Sheet #20020385). *J&R*
Funding will be available in: 12068513800

BACKGROUND CONTINUED ON PAGE 2

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services			G County Manager
<i>Mary G7/3/02</i>	N/A	N/A	N/A	<i>J&R 5-15-02</i>	<i>OA 5/15/02</i>	<i>OM 5/16/02</i>	<i>Risk 5/16</i>	<i>GC 5/15/02</i>

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
By CO. ATTY.
5/14/02
3:46 PM
CO. ATTY.
FORWARDED TO:

RECEIVED BY
COUNTY ADMIN. *PMC*
5/15 8:15
COUNTY ADMIN.
FORWARDED TO: *BH*
5/16 11:30

Blue Sheet # 20020555

7. BACKGROUND: (Continued)

While this agreement was being formulated, the legislature proposed and passed legislation, Senate Bill 1906, that mandates the establishment of public schools interlocal agreements. The attached agreement complies with the new requirements and establishes a more formalized system for the exchange of information and ideas. *J.R.D.*

INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

This agreement is entered into between the Lee County Commission (hereinafter referred to as "County"), the City or Town Council of the municipalities of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel (hereinafter referred to as "Cities"), and the School Board of Lee County (hereinafter referred to as "School Board").

WHEREAS, the County, Cities and the School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children of Lee County; and

WHEREAS, the County, Cities, and School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs: namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the school board and local governments by the placement of schools to take advantage of existing and planned roads, water, sewer, parks, and drainage systems (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) the location and design of schools so that they serve as community focal points, (5) the location and design of schools with parks, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) the location of new schools and expansion and rehabilitation of existing schools so as to reduce pressures contributing to urban sprawl and support existing neighborhoods; and

WHEREAS, Section 235.193, Florida Statutes, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body; and

WHEREAS, Sections 163.3177(6)(h)1 and 2, Florida Statutes, requires each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of the school boards, and describe the processes for collaborative planning and decision making on population projections and public school siting; and

WHEREAS, Section 163.3177(6)(h)2, Florida Statutes, further requires each county, all the municipalities within that county, and the district school board to establish by interlocal or other formal agreement executed by all affected entities, the joint processes described above consistent with their adopted intergovernmental coordination element; and

Whereas, the School Board, the County, and the Cities enter into this agreement in fulfillment of that statutory requirement and in recognition of the benefits accruing to their citizens and students described above; and

WHEREAS, the County, Cities and the School Board have mutually agreed that coordination of school facility planning and comprehensive land use planning is in the best interests of the citizens of Lee County and the Cities and Towns of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel ; and

WHEREAS, the County has jurisdiction for land use and growth management decisions within its unincorporated boundaries and the Cities have similar jurisdiction within their boundaries, and

WHEREAS, the School Board has the responsibility to provide school facilities to insure a free and adequate public education to the residents of Lee County, and

WHEREAS, the County, the Cities, and the School Board agree that they can better fulfill their respective responsibilities by working in close cooperation to insure that adequate public school facilities are available for the residents of Lee County, and

WHEREAS, the parties are authorized to enter into this interlocal agreement pursuant to Section 163.01, Section 163.3177(6)(h)2., and Section 235.193(7), F. S.

NOW THEREFORE, be it mutually agreed between the School Board, the Board of County Commissioners of Lee County and the City or Town Councils of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel that the following procedures will be utilized to better coordinate public school facilities planning and land use planning:

Section 1. Joint Meetings

- 1.1 Staff working groups from the County, School Board, and Cities will meet on an as needed basis but no less frequently than twice per year to formulate recommendations, and discuss issues regarding coordination of land use and school facility planning, including such issues as population and student enrollment projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The County Planning Director and School Board staff will be jointly responsible for making meeting arrangements and providing notification.
- 1.2 The County, the Cities, and the School Board will meet every other year in joint workshop sessions. The joint workshop sessions will be opportunities for the County, the Cities, and the School Board to set direction, discuss issues and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The County Manager and School Board Superintendent will be jointly responsible for making meeting arrangements and providing notification.

Section 2. Student Enrollment and Population Projections

- 2.1 In fulfillment of their respective planning duties, the County, Cities and the School Board agree to coordinate their plans upon the same projections of the amount, type and distribution of population growth and student enrollment. Five-year population and student enrollment projections shall be revised annually to ensure that new residential development and redevelopment information provided by the Cities and County are reflected in the updated projections.
- 2.2 The School Board shall utilize the Department of Education (DOE) five-year county-wide student enrollment projections. The School Board may request that the DOE projections be adjusted to reflect actual enrollment and development trends not anticipated by the DOE projections. In formulating such a request the school board will coordinate with the Cities and County regarding future population projections and growth.
- 2.3 The County working with the Cities will use information on County growth and development trends for municipal and unincorporated areas, such as Census information on population and housing characteristics, persons-per-household figures, historic and projected growth rates, and the information described in Section 3.2, to project residential units by type for five years (single family, multi-family and mobile home) and allocate these units into sub-county planning sectors, such as student attendance zones, so that the county-wide projections are not exceeded. The planning sectors will be established by mutual consent of the school board and local government staff. The allocation of residential units by type and planning sector will be provided to the school board by April 1 of each year.
- 2.4 The School Board will evaluate the planning sector projections prepared by the County. The School Board working with the County will develop and apply student generation multipliers for residential units by type for schools of each type, considering past trends in student enrollment within specific planning sectors in order to project school enrollment. The school enrollment projections will be included in the educational facilities report provided to the County and Cities each year as specified in subsection 3.1 of this agreement.
- 2.5 Population Projections: Coordination regarding the update of the County population projections, their allocation into planning sectors, and conversion into projected student enrollment will occur on an annual basis at the staff working group meeting described in subsection 1.1 of this agreement. The revised projections and the variables utilized in making the projections will be reviewed prior to the staff working group meeting and discussed by all parties at the staff meeting.

Section 3. Coordinating and Sharing of Information

- 3.1 Educational Facilities Report: By October 15 of each year, the School Board shall submit to the County and each City the educational facilities report. The report will

contain information in tabular, graphic, and textual formats detailing existing and projected school enrollment, existing educational facilities, their locations, the number of portables in use at each school, and projected needs. The report will also contain the board's capital improvement plan, including planned facilities with funding over the next 5 years, and the educational facilities representing the district's unmet need. The report will provide data for each individual school concerning school capacity based on Department of Education criteria and enrollment of each individual school based on actual counts. The report will show the generalized locations in which new schools will be needed and planned renovations, expansions and closures of existing schools. The report will indicate properties the School Board has already acquired through developer donation, or properties on which there is a developer obligation to provide to the school board at the school board's discretion, or properties acquired through other means that are potential school sites.

- 3.2 Growth and Development Trends: On April 1 of each year, local governments will provide the school board with information regarding the type, number, and location of residential units which have received zoning approval, site plan approval, a building permit, or a Certificate of Occupancy. Information regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students will also be provided. Local governments will also identify any development orders issued which contain a requirement for the provision of a school site as a condition of development approval. The actual students generated from new residential units will be used in the data and analysis for the annual update of the school board's Five-year Capital Facilities Plan.

Section 4. School Site Selection

- 4.1 The School Board will establish an informal site selection committee for the purpose of reviewing potential sites for new schools and proposals for renovation, expansion and closure of existing schools, and making suggested recommendations to the District Site Selection Committee, the Superintendent and the School Board. The site selection committee will be a standing committee and will meet on an as needed basis. In addition to appropriate members of the school district staff, the informal site selection committee will include at least one staff member of the County appointed by the County Manager, and representatives selected by each of the Cities. The committee membership will be expanded as needed to include additional staff from any City in or near where a school is proposed. When the need for a new school is identified in the district facilities work program, the site selection committee will develop a list of potential sites in the area of need identified in the educational plant survey. The list of potential sites and list of schools proposed for renovation, expansion or closure will be submitted to the local government with jurisdiction for an informal assessment regarding consistency with the local government comprehensive plan including: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, and land use compatibility. In addition, consistency with community vision and other issues such as student assignment that have a bearing on site suitability will be commented upon. The issues identified in subsection 4.2 of this agreement will also be considered by

both the local government and site selection committee as each potential site and each school proposed for renovation, expansion or closure is evaluated. Based on the information gathered during this review, the site selection committee will make a recommendation to the school district committee of one or more sites in order of preference.

- 4.2 The following issues will be considered by the informal site selection committee, the school board, and the local government when evaluating potential school sites or expansion or rebuilding of existing schools:
- a. The location of school sites that will provide logical focal points for community activities such as the community facilities itemized in subsection 8.1 and serve as the cornerstone for innovative urban design standards, including opportunities for shared use and co-location of community facilities.
 - b. The location of new elementary and middle schools proximate to residential neighborhoods.
 - c. The location of new schools within reasonable walking distance of dwelling units served by the schools, as practicable under the student assignment program.
 - d. The location of new high schools on the periphery of residential neighborhoods, with access to major roads.
 - e. Compatibility of the school site with present and projected uses of adjacent property.
 - f. Encouraging community redevelopment and revitalization and efficient use of existing infrastructure and discouraging urban sprawl.
 - g. Site acquisition and development cost.
 - h. Safe access to and from the school site by pedestrians and vehicles.
 - i. Adequate public facilities and services to support the proposed school are available, or will be available, concurrent with the impacts of the school.
 - j. Environmental constraints that would preclude development of a public school on the site or cannot be mitigated.
 - k. Impact on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource.
 - l. The proposed site is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage

improvements.

- m. The proposed location is not in conflict with local government stormwater management plans or watershed management plans.
 - n. Whether the proposed location is within a velocity flood zone, a floodway, or the Coastal High Hazard Area, as delineated in the affected comprehensive plan.
 - o. The proposed site can accommodate the required parking, circulation and queuing of vehicles onsite.
 - p. Whether the proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.
- 4.3 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, or initiating the renovation, expansion or closure of an existing school, the School Board shall provide written notice to the local government with jurisdiction over the use of the land. The local government, upon receipt of this notice, shall notify the School Board within 45 days if the proposed new school site or the proposed renovation, expansion or closure of an existing school is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to sections 235.193(5) and 235.194, Florida Statutes.

Section 5. Supporting Infrastructure

- 5.1 In conjunction with the preliminary consistency determination described at subsection 4.3 of this agreement, the school board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed renovation, expansion or closure of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

Section 6. Comprehensive Plan Amendments, Rezonings, and Development Approvals

- 6.1 The School Board will receive Local Planning Agency agendas and appropriate backup materials from all local governments and will review and comment as appropriate.
- 6.2 The County and the Cities agree to give the School Board notification of land use applications and development proposals pending before them that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided at least 14 days prior to approval of the application. This notice requirement applies to amendments to the comprehensive plan future land use map, rezonings, developments of regional impact, and other major residential or mixed-use development projects.

- 6.3 After notification by the local government, the School Board will advise the local government of the school enrollment impacts anticipated to result from the proposed land use application or development proposal, and whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with Department of Education criteria.
- 6.4 Based on the Department of Education definition of adequate capacity, if sufficient capacity is not available or planned to serve the development at the time of impact, the School Board shall specify how it proposes to meet the anticipated student enrollment demand; alternatively, the School Board, local government, and developer may collaborate to find means to ensure sufficient capacity will exist to accommodate the development, such as, developer contributions, project phasing, required facility improvements and school impact fees.
- 6.5 In reviewing and approving land use applications, rezoning requests and development proposals, the County and Cities will consider the following issues:
- a. Providing school sites and facilities within planned neighborhoods.
 - b. Insuring the compatibility of land uses adjacent to existing schools and reserved school sites.
 - c. The co-location of parks, recreation and community facilities with school sites.
 - d. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks.
 - e. Insuring the development of traffic circulation plans to serve schools and the surrounding neighborhood.
 - f. Providing off-site signalization, signage, access improvements and sidewalks to serve all schools.
 - g. The inclusion of school bus stops and turnarounds in new developments.
 - h. Encouraging the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments.
 - i. School Board comments on comprehensive plan amendments and other land-use decisions.
 - j. Available school capacity or planned improvements to increase school capacity.
- 6.6 In formulating community development plans and programs, the County and the Cities will consider the following issues:

- a. Targeting community development improvements in older and distressed neighborhoods near schools.
- b. Giving priority to scheduling County and City programs and capital improvements that are consistent with and meet the capital needs identified in the School Board's school facilities plan.
- c. Giving priority to developments or property owners who provide incentives including, but not limited to, donation of site(s), reservation or sale of school sites at pre-development prices, construction of new facilities or renovation to existing facilities, and providing transportation alternatives.
- d. Working to address and resolve multi-jurisdictional public school issues.

Section 7. Educational Plant Survey and Five-Year District Facilities Work Program

- 7.1 At least one year prior to preparation of the educational plant survey update, the staff working group established in subsection 1.1 of this agreement will assist the school board in an advisory capacity in the preparation of the update. The staff working group will evaluate and make recommendations regarding the location and need for new, or improvements to existing, educational facilities in terms of consistency with the local government comprehensive plan, and relevant issues listed at subparagraphs 4.2, 6.5 and 8.1 of this agreement.
- 7.2 The School Board will provide the proposed annual update of the five-year district facilities work program to each local government for review and comment for consistency with the local government comprehensive plan prior to adoption. Local governments may provide written comments to the School Board following receipt of the proposed work program.

Section 8. Co-location and Shared Use

- 8.1 Co-location and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the Educational Plant Survey. Likewise, co-location and shared use opportunities will be considered by the local governments when preparing the annual update to their comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, opportunities for co-location and shared use will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums. In addition, where applicable, co-location and shared use of school and governmental facilities for health care and social services will be considered.
- 8.2 A separate agreement will be developed for each instance of co-location and shared use which addresses legal liability, operating and maintenance costs, scheduling of use, and

facility supervision.

Section 9. Oversight Process

The School Board, the County and each City shall appoint a citizen member to serve on an oversight committee to monitor implementation of the interlocal agreement. Committee members shall be invited to attend all meetings referenced in Sections 1 and 4 and shall receive copies of all reports and documents produced pursuant to this interlocal agreement. The committee shall appoint a chairperson, meet at least annually, and report to participating local governments, the School Board and the general public on the effectiveness with which the interlocal agreement is being implemented.

Section 10. Resolution of Disputes

If the parties to this agreement are unable to resolve any issue in which they may be in disagreement covered in this agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapters 164 and 186, Florida Statutes.

Section 11. Amendment and Termination of Agreement

Any party may elect to withdraw from participation in this agreement upon official action of its governing body and after 30 days written notice to all other parties to this agreement.

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of Lee County, the Cities and Towns of Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, and Sanibel and the School Board of Lee County on this _____ day of _____, 2002.

ATTEST:

Chairman, School Board

Chairman, Board of County Commissioners

Mayor, City of Bonita Springs

Mayor, City of Cape Coral

Mayor, City of Fort Myers

Mayor, Town of Fort Myers Beach

Mayor, City of Sanibel

RESOLUTION

Amending the Budget of the Special Revenues, Fund #13800 to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2001-2002.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Special Revenues, Fund #13800 budget for \$20,000 of the unanticipated revenue from grant funding, Florida Department of Community Affairs and an appropriation of a like amount for services provided and;

WHEREAS, the Special Revenues, Fund #13800 budget shall be amended to include the following amounts which were previously not included.

	ESTIMATED REVENUES	
Prior Total:		\$0
Additions		
		\$20,000
Amended Total Estimated Revenues		\$20,000

	APPROPRIATIONS	
Prior Total:		\$0
Additions		
		\$20,000
Amended Total Appropriations		\$20,000

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Special Revenues, Fund #13800 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

DOC TYPE YA
LEDGER TYPE BA