



## AGENDA ITEM NO. \_\_\_\_\_

### City of Coral Gables CITY COMMISSION MEETING December 14, 2010

#### ITEM TITLE:

Resolution of the City of Coral Gables, Florida indicating that the City of Coral Gables does not support proposed Amendment No. 1 offered by the Miami-Dade County School Board to the “Amended and Restated Interlocal Agreement (ILA) for Public School Facility Planning; authorizing transmittal of the School Board Response Form to the Miami-Dade County School Board; and providing for an effective date.

#### DEPARTMENT HEAD RECOMMENDATION:

The Planning Department recommends the City Commission adopt a Resolution not supporting Amendment No. 1 of the current “Amended and Restated Interlocal Agreement (ILA) for Public School Facility Planning in Miami-Dade County.” See Exhibit A.

#### BRIEF HISTORY:

##### **Public School Concurrency and Interlocal Agreement History**

In 2003 the City entered into an Interlocal Agreement (ILA) for Public School Facility Planning with the SB via Resolution No. 2003-32. In 2005 the Florida Legislature passed a sweeping growth management bill requiring, among other things, that local governments ensure that adequate public schools are available before approving new residential development. For a residential development to secure a building permit, adequate school capacity must be available or scheduled to be under actual construction within three years of the final approval. If capacity is not available, the developer, school district and affected local government must work together to find a way to provide capacity before the development can proceed. Sections 163 and 1013, Florida Statutes require that counties, municipalities and school boards work closely to coordinate comprehensive land use and school facilities planning. As a result, in 2007 and 2008 the City approved amendments to the ILA via Resolution 2007-272 (see Exhibit B), Comprehensive Plan and Zoning Code to meet state-mandated concurrency requirements. The implementation of these measures is by the Comprehensive Plan, more specifically within the Education and Intergovernmental Elements as well as the ILA. The “Whereas” clauses within the previously adopted ILA provides a comprehensive listing of the required county, municipality and SB coordination efforts.

#### **Summary of the Request**

The Miami-Dade County School Board (*hereinafter referred to as “SB”*) has offered an amendment to the currently adopted City of Coral Gables “Amended and Restated Interlocal Agreement (ILA) for Public School Facility Planning in Miami-Dade County” (*herein after referred to as “ILA”*).

The County and two other cities, Hialeah and Hialeah Gardens have negotiated with the SB additional provisions within a separate ILA. Section 18 of the City's ILA includes a "most favored nations" clause and provides that if the SB enters into separate agreements with another municipality or County which may provide more beneficial terms, the SB shall offer the same terms to all parties of the agreement. This ILA amendment has been offered to the other twenty-four (24) current ILA Miami-Dade County signatories (municipalities) for ratification.

The amendment, referenced as "Amendment No. 1" requires action by the City to either support or not support. The SB letter describing the proposed changes is attached as Exhibit C. The proposed SB amendment is as follows:

#### **Amendment No. 1**

*An amendment to this Agreement shall require approval by each City and the School Board, and shall be offered to the County and all other Cities for their consideration as a supplementary agreement. If the amendment to this Agreement affects the uniform district-wide public school concurrency system or otherwise requires the approval of the non-exempt municipalities, it shall become effective only upon the approval of an amendment to this Agreement by the County and School Board and approval of a similar amendment to the Amended and Restated Agreement by two-thirds of the non-exempt municipalities. Notwithstanding the foregoing, all of the nonexempt municipalities must approve the amendment to the Amended and Restated Agreement for it to become effective, unless all non-exempt municipalities have revised the Amended and Restated Agreement to allow for amendments to be approved by two-thirds of the non-exempt municipalities. An amendment shall not be effective until the amendment is fully executed by the applicable parties and, where applicable, all comprehensive plan amendments are effective.*

Presently, the ILA provides that any amendments to the ILA affecting the uniform system of public school concurrency must be approved by a unanimous (100%) vote of all 24 municipalities. This amendment proposes to change the unanimous vote to a (2/3) vote. This amendment requires all 24 municipalities to adopt this change, if any one of the municipalities does not approve the amendment then the ILA will not be modified and the 100% vote remains in place.

The impact of this amendment would be the City's vote could potentially not be integral to adoption if only 2/3's vote is required to approve future ILA amendments affecting the uniform system of public school concurrency.

The Planning Department has participated in meetings with other municipalities, the County and SB regarding this amendment. The Planning Department has also consulted with the City Attorney regarding the ILA amendment.

The City of Aventura, Town of Bay Harbor Islands and City of Miami Gardens did not support this amendment, therefore, this amendment will not be effective since unanimous approval has not been secured. However, the City of Coral Gables is still required to pass a Resolution notifying the SB of the City's action.

City Staff recommends the City Commission not support the amendment and adopt the attached Resolution (see Exhibit A) providing for transmittal of the required SB form.

**LEGISLATIVE ACTION:**

Date:	Resolution/Ordinance No.	Comments
N/A		

**OTHER ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):**

Date	Board/Committee	Comments (if any)
N/A		

**PUBLIC NOTIFICATION(S):**

Date	Form of Notification
12.10.10	City Commission memo and all attachments posted on City web page.

**APPROVED BY:**

Department Director	City Attorney (If Applicable)	City Manager

**EXHIBIT(S):**

- A. Draft Resolution No. \_\_\_ -Not Supporting Amendment No. 1. with SB Form.
- B. City of Coral Gables Adopted ILA.
- C. SB Letter- Amendment No. 1.