

CITY OF CORAL GABLES, FLORIDA**RESOLUTION NO.**

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.

WHEREAS, the City is currently party to an existing Interlocal Agreement between the City, Miami-Dade County School Board, and other local governments executed on February 25, 2003 that established intergovernmental coordination mechanisms for linking land use planning and public school facility planning; and,

WHEREAS, in 2005 the Florida Legislature passed a sweeping growth management bill, and the City of Coral Gables amended its Interlocal Agreement to comply with the requirement that local governments ensure that adequate public school capacity is available to meet the impacts of new residential development, a concept known as public school concurrency; and,

WHEREAS, in 2007 the City adopted Resolution No. 2007-272 amending and updating the Interlocal Agreement, amending the Comprehensive Plan to provide for a new "Educational Element" and amending the Zoning Code to meet State mandated public school concurrency review requirements; and,

WHEREAS, the amended 2007 Interlocal Agreement, referenced as the "Amended and Restated Interlocal Agreement (ILA) for Public School Facility Planning in Miami-Dade County" provided that any amendments to the ILA must be approved unanimously by all municipalities that are party to the agreement; and,

WHEREAS, the Miami-Dade County School Board has offered an amendment to the ILA providing for future amendments to the ILA to be approved by a two-thirds (2/3) majority of all signatories (municipalities) that are party to the agreement; and,

WHEREAS, the City Commission on December 14, 2010 ratified this Resolution (vote: _ - _) not supporting the Miami-Dade County School Board Proposed Amendment No. 1, to the "Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County"; and,

WHEREAS, the City Manager or designee is the authorized official to transmit

this Resolution and Miami-Dade County School Board Response Form to indicate that the City of Coral Gables, Florida does not support Proposed Amendment No. 1; and,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES THAT:

SECTION 1. The foregoing ‘WHEREAS’ clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. The City Manager or designee shall transmit this Resolution and the provided Miami-Dade School Board Response Form (see Attachment) indicating the City of Coral Gables, Florida does not support Proposed Amendment No. 1 to the “Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County”.

SECTION 3. This Resolution shall become effective upon the date of its adoption herein.

Attachment: Response Form: Proposed Amendment No. 1

PASSED AND ADOPTED THIS _____ OF _____, A.D., 2010.

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY

Response Form

PROPOSED AMENDMENT No. 1

AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY

Purpose: To consider whether or not to approve the addition of a new Section (Section 21) related to the required vote on future amendments to the Interlocal Agreement.

Summary: Presently the Consensus ILA provides that any amendments to the ILA must be approved by unanimous vote. The language below would, if approved unanimously by all ILA signatories (Municipalities), change that requirement from a unanimous vote of all Municipalities to a 2/3 vote by the Municipalities.

Section 21. Amendments

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.

Please indicate your preference by circling the appropriate response

___YES___ In favor of accepting proposed Amendment No. 1, which would add a Section (Section 21) as written above

___NO___ Not in favor of accepting proposed Amendment No. 1. Future amendments would require a unanimous vote of all municipalities

Submitted By: _____
(Print and sign name of authorized official)

Date: _____

Name of Municipality: _____