



Miami-Dade County Public Schools

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Superintendent of Schools

Alberto M. Carvalho

September 30, 2010

Miami-Dade County School Board

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VIA ELECTRONIC MAIL

TO: Distribution List (attached)

RE: AMENDMENT No. 1 - AMENDED AND RESTATED INTERLOCAL AGREEMENT

Dear Local Government Interlocal Designee:

Introduction

As you are aware, the School Board of Miami-Dade County, Florida, previously entered into an Interlocal Agreement (ILA) with your local government (a/k/a Consensus ILA), which was found consistent with governing state law by the State of Florida Department of Community Affairs (DCA). Subsequently, in May of 2009, the School Board entered into a separate Interlocal Agreement for Public School Facility Planning with Miami-Dade County (a/k/a "Bi-lateral" ILA), which was also subsequently found consistent by the DCA.

Background Information

The Consensus ILA currently provides that any future amendments to the ILA must be approved by unanimous vote. The "Bi-Lateral" ILA, on the other hand, would allow an amendment affecting the uniform districtwide public school concurrency system, or otherwise requiring the approval of the non-exempt municipalities, to become effective upon approval by the County, the School Board, and only two-thirds of the non-exempt municipalities, as opposed to all non-exempt municipalities.

Request for Action to Approve or Deny Amendment No.1

Before the current unanimity provision can be modified, all non-exempt municipalities will need to individually ascertain whether or not the modification (see attached Amendment No.1) would be in their best interest. Please be reminded that unless all non-exempt municipalities agree to it, the modification will not take effect. Kindly notify us of your municipality's action on this matter by or before December 31, 2010; for your convenience, we have also enclosed a Response Form wherein you can note the type of action taken.

If you have any questions, please contact Mr. Jaime G. Torrens, Chief Facilities Officer, Office of School Facilities, at 305-995-1401, or Ms. Ana Rijo-Conde, Eco-Sustainability Officer, Department of Planning, Design, and Sustainability, at 305-995-7285.

Sincerely,

Alberto M. Carvalho
Superintendent of Schools

AMC:scj
L306

Attachments

cc: Mr. Jaime G. Torrens
Ms. Ana Rijo-Conde
Staff Working Group

Planners Technical Committee
Citizens' Oversight Committee

ILA DISTRIBUTION LIST

Mr. Eric M. Soroka, ICMA-CM
City Manager
City of Aventura

Mr. Ronald J. Wasson
Town Manager
Town of Bay Harbor Islands

Mr. Patrick G. Salermo
City Manager
City of Coral Gables

Mr. Steven J. Alexander
Town Manager
Town of Cutler Bay

Ms. Yvonne Soler-Mckinley
City Manager
City of Doral

The Honorable Otis Wallace
Mayor
City of Florida City

The Honorable Julio Robaina
Mayor
City of Hialeah

Ms. Mirtha S. Gonzalez
Chief Zoning Official
City of Hialeah Gardens

Mr. Julio Brea
Interim City Manager
City of Homestead

Mr. Genaro Iglesias
Village Manager
Village of Key Biscayne

Mr. Carlos A. Migoya
City Manager
City of Miami

Mr. Jorge M. Gonzalez
City Manager
City of Miami Beach

Dr. Danny O. Crew
City Manager
City of Miami Gardens

Mr. Alex Rey
Town Manager
Town of Miami Lakes

Mr. James Borgman
City Manager
City of Miami Springs

Mr. Thomas J. Benton
Village Manager
Village of Miami Shores

Mr. Bob Pushkin
Interim City Manager
City of North Bay Village

Mr. Russel Benford
City Manager
City of North Miami

Ms. Roslyn Weisblum
Interim City Manager
City of North Miami Beach

Mr. Octavian Spanner
Community Development Director
City of Opa-Locka

Eve A. Boutsis, Esq.
Nagin, Gallop & Figueroa, P.A.
Village Attorney
Village of Palmetto Bay

Ms. Yocelyn Galiano Gomez, ICMA-CM
Acting Planning Director
Village of Pinecrest

Mr. Bulford R. Witt
Acting City Manager
City of South Miami

Hans Ottinot, Esq.
City Attorney
City of Sunny Isles Beach

Ms. Lynn M. Dannheisser
Town Attorney
Town of Surfside

The Honorable Manuel M. Marono
Mayor
City of Sweetwater

Ms. Yolanda Aguilar
City Manager
City of West Miami

Mr. Marc C. LaFerrier, AICP
Director
Department of Planning and Zoning
Miami-Dade County

STAFF WORKING GROUP MEMBERS

Ms. Joanne Carr
Community Development Director
(Designee)
City of Aventura

Mr. Michael Miller
Planning Consultant (Alternate)
Town of Bay Harbor Islands

Mr. David Hennis
Community Development Director
(Designee)
City of Cutler Bay

(Appointment Pending)
City of Florida City

Ms. Frances Schwartz
Planning and Zoning (Designee)
City of Homestead

Ms. Lourdes Slazyk
Zoning Administrator (Designee)
City of Miami

Ms. Ana Rijo-Conde, AICP
Eco-Sustainability Officer (Designee)
M-DCPS

Ms. Bhairvi Pandya
Senior Planner (Alternate)
City of Miami Gardens

Mr. David Dacquisto
Director of Planning (Designee)
Village of Miami Shores

The Honorable Ilene S. Wallace
Vice Mayor (Designee)
Town of Bay Harbor Islands

Mr. Eric Riel, Jr.
Planning Director (Designee)
City of Coral Gables

Mr. Alex A. David
Planning Consultant (Alternate)
Cutler Bay

Ms. Debora Storch
Planning and Zoning Official (Designee)
City of Hialeah

(Appointment Pending)
City of Key Biscayne

Ms. Mercy Lamazares
Planning (Designee)
City of Miami Beach

Ms. Vivian G. Villaamil
Director I (Alternate)
M-DCPS

Mr. Richard Ventura
City Planner (Designee)
City of Miami Springs

Ms. Paula H. Church
Section Supervisor (Designee)
Department of Planning and Zoning
Miami-Dade County

Mr. Ronald J. Wasson
Town Manager (Alternate)
Town of Bay Harbor Islands

Mr. Scot Bolyard
Planner (Alternate)
City of Coral Gables

Mr. Nathan Kogon
Planning and Zoning Director (Designee)
City of Doral

Ms. Mirtha Gonzalez
Chief Zoning Official (Designee)
City of Hialeah Garden

Mr. Gregory Gay
Planner II (Alternate)
City of Miami

Mr Richard Lorber
Zoning Administrator (Alternate)
City of Miami Beach

Mr. Jay Marder
Development Services Director
(Designee)
City of Miami Gardens

Mr. David J. Ofstein
Director of Planning, Zoning and Code
Enforcement (Designee)
Town of Miami Lakes

(Appointment Pending)
North Bay Village

STAFF WORKING GROUP MEMBERS

Ms. Maxine Calloway
Director of Community Planning /
Development (Alternate)
City of North Miami

Dr. Ezekiel O. Orji, CPA
Assistant City Manager (Designee)
City of Opa-Locka

Mr. Thomas J. Vageline
Director of Planning and Zoning
(Designee)
City of South Miami

The Honorable Norman S. Edelcup
Mayor (Designee)
City of Sunny Isles Beach

(Appointment Pending)
Sweetwater

Ms. Tanya Wilson-Sejour
City Planner (Designee)
City of North Miami

Mr. Julian H. Perez
Director of Planning
and Zoning (Alternate)
Village of Palmetto Bay

Mr. Stephen Olmsted
Planning Director (Designee)
(Effective 10/11/10)
Village of Pinecrest

The Honorable Lewis Thaler
Vice Mayor (Alternate)
City of Sunny Isles Beach

Ms. Sarah Sinatra
Town Planner (Designee)
Town of Surfside

Mr. Christopher Heid
City Planner (Alternate)
City of North Miami Beach

Mr. Efren Nuñez
Zoning Administrator (Designee)
Village of Palmetto Bay

Ms. Patricia Janisse
Planner (Alternate)
Village of Pinecrest

Mr. Alex A. David
Planning Consultant (Alternate)
City of Sunny Isles Beach

Mr. Juan Pena
Planning Director (Designee)
City of West Miami

SAMPLE

AMENDMENT No.1 TO AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY

This Amendment No. 1 (hereinafter referred to as the "Amendment") to the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County (hereinafter referred to as the "Agreement") is entered into between The School Board of Miami-Dade County, Florida, a political subdivision of the State of Florida, (hereinafter referred to as "School Board"), and one or more of the following local governments in Miami-Dade County, whose joinder in the Amendment is indicated by their execution hereof: The Cities of City of Aventura, Town of Bay Harbor Islands, City of Coral Gables, Town of Cutler Bay, City of Doral, Village of EL Portal, City of Florida City, City of Homestead, Village of Key Biscayne, City of Miami, City of Miami Beach, Town of Miami Lakes, Village of Miami Shores, City of Miami Springs, City of North Bay Village, City of North Miami, City of North Miami Beach, City of Miami Gardens, City of Opa-Locka, Village of Palmetto Bay, Village of Pinecrest, City of South Miami, City of Sunny Isles Beach, City of Sweetwater, and the City of West Miami (hereinafter collectively referred to as "Cities"), and.

RECITALS

WHEREAS, the Cities and the School Board have entered into the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County; and,

WHEREAS, the County and the School Board have entered into the Interlocal Agreement for Public School Facility Planning in Miami-Dade County; and

WHEREAS, Section 18 of the Agreement provides that should the School Board enter into an agreement with another municipality or County, separate or otherwise, which provides more beneficial terms than those agreed to in the Agreement, the School Board shall offer the same terms to all other parties to this Agreement; and

WHEREAS, the School Board and certain municipalities desire to enter into this Amendment, addressing certain substantive matters on which the parties have reached agreement.

SAMPLE

NOW THEREFORE, be it mutually agreed between the School Board and the Cities that the Agreement is modified to add Section 21:

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.

Note: (Presently the Agreement provides that any amendments to the Agreement must be approved by unanimous vote. The above paragraph would, if approved unanimously by all signatories to the Agreement, change that requirement from a unanimous vote of all Municipalities to a 2/3 vote by the Municipalities)

SAMPLE

All other provisions of the Amended and Restated Interlocal Agreement are incorporated herein by reference to the extent not inconsistent herewith.

IN WITNESS WHEREOF, this Amendment has been executed by and on behalf of the School Board of Miami-Dade County, Florida, the Cities of City of Aventura, Town of Bay Harbor Islands, City of Coral Gables, Town of Cutler Bay, City of Doral, Village of EL Portal, City of Florida City, City of Homestead, Village of Key Biscayne, City of Miami, City of Miami Beach, Town of Miami Lakes, Village of Miami Shores, City of Miami Springs, City of North Bay Village, City of North Miami, City of North Miami Beach, City of Miami Gardens, City of Opa-Locka, Village of Palmetto Bay, Village of Pinecrest, City of South Miami, City of Sunny Isles Beach, City of Sweetwater, and the City of West Miami, on this _____ this day of ,2009.

The School Board of Miami Dade County, Florida

Attest: _____ (print)

By: _____, Chair

Attest: _____ (print)

By: _____, Secretary

To the School Board:
Approved as to form and legal sufficiency:

School Board Attorney

SAMPLE

Signature page to be provided by each municipality.

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: _____