



# Miami-Dade County Public Schools

*giving our students the world*

**Superintendent of Schools**  
Alberto M. Carvalho

**Miami-Dade County School Board**  
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Dr. Marta Pérez

September 30, 2010

## **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. Salerno  
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 & Figueredo, 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

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

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

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

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

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

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

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

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

(Appointment Pending)  
City of Florida City

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

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

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

(Appointment Pending)  
City of Key Biscayne

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

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

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

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

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

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

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

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

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

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

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

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

(Appointment Pending)  
North Bay Village

## STAFF WORKING GROUP MEMBERS

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

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

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

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

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

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

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

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

Ms. Patricia Janisse  
Planner (Alternate)  
Village of Pinecrest

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

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

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

(Appointment Pending)  
Sweetwater

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

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.

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.

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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: \_\_\_\_\_