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JOINT PUBLIC SCHOOL CONCURRENCY WORKSHOP
MEETING

FEBRUARY 15, 2007

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February 15, 2007

JOINT PUBLIC SCHOOL CONCURRENCY WORKSHOP
MEETING

INDIAN RIVER COUNTY SCHOOL BOARD, INDIAN RIVER
COUNTY BOARD OF COUNTY COMMISSIONERS, CITY OF
FELLSMERE COUNCIL, TOWN OF INDIAN RIVER SHORES
COUNCIL, CITY OF SEBASTIAN COUNCIL, CITY OF VERO
BEACH COUNCIL

The Board of County Commissioners of Indian River County, Florida, met in Joint Session with the Indian River County School Board, City of Fellsmere, Town of Indian River Shores, City of Sebastian and City of Vero Beach to discuss school concurrency and other matters of interest, at the Richardson Center, Indian River Community College Mueller Campus, 6155 College Lane, Vero Beach, Florida, on Thursday, February 15, 2007.

1. CALL TO ORDER - BCC CHAIRMAN

Chairman Wheeler called the meeting to order at 9:00 a.m.

2. PLEDGE OF ALLEGIANCE

Chairman Wheeler led the Pledge of Allegiance to the Flag.

3. WELCOME AND INTRODUCTIONS

Chairman Gary C. Wheeler welcomed everyone and introduced Commissioners and staff members. Present for Indian River County were Chairman Gary C. Wheeler, Vice Chair Sandra L. Bowden, Commissioners Wesley S. Davis, Joseph E. Flescher, and Peter D. O'Bryan. Also present were County Administrator Joseph A. Baird, County Attorney William G. Collins II, and Deputy Clerk Leona Adair Allen.

Chairman Wheeler recognized County staff and other members in attendance: Community Development Director Bob Keating, City of Sebastian Councilmember Sal Neglia and Senior Economic Development Planner Bill Schutt.

The Chairman also acknowledged the following individuals:

Indian River School Board Members: Ann Reuter, Karen Disney-Brombach, Lenora Quimby, Carol Johnson, Debbie MacKay, Executive Assistant to the School Board Judy Stang, Superintendent Dr. Pat Pritchett, and Assistant Superintendent Dan McIntyre..

City of Fellsmere: City Manager Jason Nunemaker, Mayor Sara Savage, Mayor Pro-Tem Cheryl Hampton, Vice Mayor John McCants and City Attorney Warren Dill.

City of Vero Beach: Mayor Tom White, Vice Mayor Sabin Abell, Councilmembers Ken Daige, Debra Fromang, and Bob Solari, City Manager Jim Gabbard, City Clerk Tammy Vock and City Attorney Charles Vitunac.

4. CONSIDERATION OF DRAFT PUBLIC SCHOOL INTERLOCAL AGREEMENT AND DRAFT PUBLIC SCHOOL FACILITIES ELEMENT

Director Keating, through a PowerPoint presentation (copy on file), explained how school concurrency is applied within Indian River County. He stated that the Department of Community Affairs (DCA) had established a deadline of March 1, 2008, for school concurrency to be implemented and that all local governments within the County (except the town of Orchid because of its size and lack of school children) would be required to participate.

Director Keating announced that Indian River County was fortunate enough to have been chosen by DCA to be a pilot community for school concurrency. The County also was given funds to hire a consultant to help prepare four draft documents (copies on file). He said the draft documents had been accepted by DCA, but the documents continue to be a “work in progress” and are not ready to be finalized. This will become a model document that other counties would be using to develop their school concurrency programs.

Director Keating spoke about the school concurrency process and listed its three major components: (1) the Interlocal Agreement (ILA), (2) the Comprehensive Plan Updates and Additions, and (3) the Implementation Ordinance. He focused on the first two items and said the third would be discussed at a later date.

Director Keating spoke about the current Interlocal Agreement, and indicated that the new “draft” Interlocal Agreement would replace the existing Agreement. He identified the responsibilities of the Local Governments and the School Board, stressing that the most important requirement in the ILA for Local Government is that the agreement would commit them to withhold the issuance of development orders (unless the school district verified that

capacity would be available in the school system) to accommodate development projects. He reported that the most important requirement for the School Board would be to review all residential development orders, comprehensive plan amendments and re-zonings, then make decisions on the availability of school capacity.

Another component in the ILA was a procedure for how school concurrency would work. Director Keating explained how applications for residential projects (which are not exempt) would be submitted to the County or appropriate municipality, and local government would make a determination, if it was complete, then it would be submitted to the School Board. New residential projects would have to comply with the criteria. Once the School District receives the application, staff would calculate the number of new students generated, apply those students to a school service attendance boundary, determine if there was capacity within the school service area, then issue a determination letter to inform local government if there is a local capacity and inform them if they could approve the project. Then the standard process would kick-in.

Director Keating explained how the proposed ILA would use school service boundaries or attendance zones as the concurrency service areas.

The last component of the ILA was “indemnification”. Director Keating asked that this item be reviewed closely, because it stated that the School Board would “hold harmless, indemnify, and defend local governments from claims arising from the agreement”. He summarized by saying that a big concern with school concurrency was that local governments had the approval or denial authority for development projects, but the school district would be making the decision as to whether there is capacity. Therefore, the school district is going to be dictating if the local government gives approvals or denials of a project.

Director Keating explained the Comprehensive Plan updates and additions that included the responsibilities of the local governments. He said all the local governments (counties, cities and towns) needed to meet the requirements regarding the Comprehensive updates and additions. He identified the amendments to be updated or revised and briefly spoke about them: (1) adopt a Public School Facility Element, (2) amendment to Capital Improvements Element, and (3) amendment to the Intergovernmental Coordination Element.

Director Keating informed the Board that all local governments would send their Comprehensive Plan Amendments to the School Board for critique and comments only. The local governments would adopt it. He advised that the ILA would take less time to approve and adopt than the Comprehensive Plan Amendments; therefore, everything needs to be in order before late summer or early Fall. He concluded by emphasizing that school concurrency is “mandatory” and that it must be implemented by Indian River County by March 1, 2008, otherwise sanctions would occur to all parties.

Director Keating requested the Board and Council members review the draft documents of the Indian River County Interlocal Agreement for Coordinated Planning and School Concurrency to reach a general consensus to “accept” or “accept with modifications”. He also requested the Board to provide him with a decision as to whether they wanted to meet as a “big group” or whether they wanted to establish a working group to make required changes.

5. REVIEW OF SCHOOL CONCURRENCY IMPLEMENTATION

SCHEDULE

Chairman Wheeler suggested establishing a working group and he felt the workshops should be publicly announced to allow for public input. He recommended Commissioner Davis represent Indian River County.

Lenora Quimby, School Board Member, voiced her desire to be involved in the final review of the Public Schools Facilities Element.

There was a lengthy discussion regarding capacity and enrollment in the School District's Five-Year Capital Facilities Plan.

Dan McIntyre, Assistant Superintendent, explained the service area issue and the rules that applied to ghost districts, placement of children, and bussing.

Director Keating informed the Board of the Impact Fee Study that is about 30% complete, where staff is looking at buying land and building facilities. He said it will be six to eight months before it would be formally adopted and that there would be public meetings pertaining to this within four to six weeks.

Warren Dill, Fellsmere City Attorney, showed concern over the proposed ILA that was prepared by the School Board and the proposed ILA that was prepared by the County from various workshops. He suggested future drafts consist of "one" document (with strike-through and underlined changes) so the changes would be clear.

Director Keating said changes had been made and the next version of the proposed ILA would reflect strike-through and underlined changes and that they would be on a single document.

ON MOTION by Commissioner Davis, SECONDED by Ann Reuter, the Board unanimously approved establishing a subcommittee to review and modify the draft Interlocal Agreement and the draft Public School Facilities Element, and consider public input.

Vice Chair Bowden nominated Commissioner Davis as the Board's representative to the subcommittee. Commissioner Davis accepted the nomination.

Chairman Wheeler requested that letters of appointment and confirmation be forwarded to Director Keating.

Carol Johnson, School Board Member, on behalf of the School Board Members and staff, thanked everyone for attending. She also thanked the County Commission for their input.

6. ADJOURNMENT

There being no further business, on Motion duly made, seconded and carried, the Board adjourned at 10:46 a.m.

ATTEST:

Jeffrey K. Barton, Clerk

Gary C. Wheeler, Chairman

Minutes Approved: _____

BCC/Joint Public School Concurrency Workshop/LAA/2007 Minutes