



**STAFF REPORT
PLANNING & ZONING DIVISION**

Description: **Resolution No. 2016-75:** Interlocal Agreement between The School Board of Palm Beach County, Palm Beach County and Municipalities of Palm Beach County for Coordinated Planning

Date: November 14, 2016

Project Manager: Cory Lyn Cramer, AICP
Development Review Coordinator

Council Meeting: December 13, 2016

Request: Adoption and execution of the proposed interlocal agreement for school coordinated planning.

I. History

Prior to 2011, Florida statutes implemented growth management regulations, part of which was the requirement for all counties, municipalities and the school board to enter into an interlocal agreement (ILA) that regulated and ensured school concurrency county-wide. On October 24, 2000, Wellington adopted Resolution No. 2000-100 (Exhibit A) authorizing the execution of the *Palm Beach County Interlocal Agreement with Municipalities of Palm Beach County and The School District of Palm Beach County To Establish Public School Concurrency*. On June 2, 2011, House Bill 7207, known as the Community Planning Act was adopted which abolished the 9J-5 growth management regulations. As a result of the Community Planning Act, school concurrency became optional. Around the same time, the ILA executed in 2000 expired.

The changes in state statutes did not eliminate the requirement for intergovernmental coordination. In fact, the state statutes still require an ILA specific to schools and depending on the decision made at the county level to implement concurrency requirements or to implement coordinated planning efforts, provide direction on what shall be included in the ILA. The intergovernmental coordination program in Palm Beach County is known as IPARC. IPARC was tasked by the Florida League of Cities to create a subcommittee and draft a new ILA. The subcommittee considered three options. The first of which was to continue concurrency as it was implemented prior to the Community Planning Act. The second was to implement concurrency with new guidelines and updated monitoring requirements. The third was to draft a coordinated planning ILA that would improve the intergovernmental communication and allow for additional flexibility not available with concurrency. After more than 2 years, what started out as a draft agreement to include a combination of the two concurrency related options, the

subcommittee decided to go with a coordinated planning ILA. The coordinated planning ILA was drafted to address population projects, joint use of facilities, school site selection, infrastructure planning and school site consistency with local government comprehensive plans. The decision to transition from concurrency to coordinated planning was mostly based on the idea the Palm Beach County is moving into redevelopment mode and new developments will be minimal.

On August 19, 2015, Palm Beach County School Board adopted the *Interlocal Agreement between The School Board of Palm Beach County, Palm Beach County, and Municipalities of Palm Beach County for Coordinated Planning* (Exhibit B). Shortly thereafter, Palm Beach County adopted the ILA and over the last year the majority of the municipalities have adopted and executed the ILA. The school board is targeting to have all municipalities adopt the ILA by the end of 2015.

II. Staff Analysis

Throughout the process of drafting a new ILA, the subcommittee provided progress reports and held discussions on the elements of the agreement at the IPARC meetings. Feedback was taken into consideration as the final agreement was formulated.

The Community Planning Act requires that all municipalities enter into an interlocal agreement with the county and the school board. The majority of all parties first decide if the agreement will be one of concurrency or of coordinated planning. Once the decision is made all municipalities have a choice to adopt the ILA adopted by the county and the school board or if they desire, a municipality can decide to negotiate their own ILA.

When comparing the school concurrency requirements to the coordinated planning program, the objective is essentially the same. Over the last 10-12 years, school capacity back logs have been resolved. Charter schools have become more popular and the number of charter schools county-wide has grown. Changes to school boundaries and the increase of "Choice Program" participation has made concurrency regulations hard to justify because the enrollment numbers were no longer directly related to new residential projects only. The new ILA recognizes this challenge and provides for a capacity determination specific to the school and municipality. This means more accurate data will help determine the level of service within a given area.

The previous ILA dictated that municipalities maintain a hands-off approach to site design for new schools. The new ILA gives the municipality limited review and comment abilities on things like vehicular circulation, landscaping and fencing. Additionally, there have been added design requirements in regards to landscaping for all schools. Wellington will most likely not have the need to build a new school in the near future based on current enrollment numbers and the fact that we are nearing build out. However, should there be a need for a new public school, Wellington will have the ability to contribute suggestions at the site planning stage.

Data sharing capabilities and technology have improved and become more efficient over the last decade. The new ILA implements updated data sharing standards in an effort to improve the content and availability of information county-wide.

Planning and Zoning, along with the Legal Department, have reviewed the ILA and have concluded no independent negotiation is necessary since the agreement adopted by the school board and county meets the criteria of the state statutes. Additionally, of those municipalities that have already executed the ILA, none of them have negotiated an alternative agreement.

Finally, state statutes require that language referencing the ILA be incorporated into the Interlocal Government Coordination Element of the Comprehensive Plan. Wellington's Comp Plan current contains language that is sufficient to meet this requirement. Should it be the pleasure of Council to execute the *Interlocal Agreement between The School Board of Palm Beach County, Palm Beach County, and Municipalities of Palm Beach County for Coordinated Planning*, Staff will propose new language to clarify and simplify any references in the Comp Plan with the next staff initiated amendment. It will not be necessary to initiate an amendment specifically for the purpose of executing the ILA.

III. Recommendation

After review and comparison of the two ILAs, Staff recommends approval of Resolution No. R2016-75 (Exhibit C) to authorized execution of the *Interlocal Agreement between The School Board of Palm Beach County, Palm Beach County, and Municipalities of Palm Beach County for Coordinated Planning* in order to compile with the Community Planning Act.

A presentation to the Education Committee for informational purposes is scheduled for December 6, 2016.