

A SPECIAL JOINT MEETING OF THE BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY SCHOOL BOARD, MUNICIPALITIES, GOVERNOR’S OFFICE, DEPARTMENT OF
COMMUNITY AFFAIRS, AND DEPARTMENT OF EDUCATION
OCTOBER 10, 2005

The Lake County Board of County Commissioners met in special session on Monday, October 10, 2005, at 10:00 a.m., Lake Reception, Mount Dora, Florida. Commissioners present at the meeting were: Jennifer Hill, Chairman; Catherine C. Hanson, Vice Chairman; Debbie Stivender; Welton G. Cadwell; and Robert A. Pool.

Others present at the meeting were Scott Strong, Chairman of the School Board; Becky Elswick, School Board Member; Larry Metz, School Board Member; Barbara Hoagland, Chief Analyst, Office of Policy and Budget; Alex Carswell, Facilities Administrator, Department of Education; James Stansbury, Regional Planning Administrator, Department of Community Affairs; Representative Alan Hayes; Amye King, Assistant Director of Growth Management; Cindy Hall, County Manager; Gregg Welstead, Deputy County Manager/Interim Director of Growth Management; Sanford “Sandy” Minkoff, County Attorney; Melanie Marsh, Assistant County Attorney; and Toni M. Riggs, Deputy Clerk.

WELCOME

Commr. Hill welcomed those present and thanked everyone for joining them this morning. She recognized Mr. Ed Havill, Property Appraiser, and noted that a lot of cities are represented today; the School Board is in attendance; and a lot of citizens are present.

It was noted that approximately 100 people were in attendance.

Commr. Hill stated that they have a lot of information to present today, in a very short period of time. She stated that they are going to make a commitment to listen to each other and work together. The State officials here today have created a framework, and they are going to give them all some guidance that is going to allow them to make some sound and solid decisions for the future. She stated that Representative Alan Hayes was voted by the Florida Association of Counties as Freshman Legislator of the Year and, at this time, she is going to turn the meeting over to him to do the honors of introducing the Department of Community Affairs (DCA), and to give a few comments.

Representative Hayes thanked everyone for coming here today. He stated that their presence here speaks volumes and says that they care and that is why he and the DCA and the Governor’s Office and all of the others are here today. The legislature has a dedicated group of men and women that are trying to make this State a great place, and it is all about teamwork. Lake County has a history of pouring out support to worthy causes, and now they need to turn out for the school children. They are here today to talk about a school concurrency element of the Comprehensive Plan, which is going to fit with Senate Bill (SB) 360. Representative Hayes stated that Lake County is fortunate to be one of six counties that have been chosen to be the trailblazers in how they comply with SB 360. He introduced Ms. Barbara Hoagland from the Governor’s Office, and Mr. James Stansbury from the Department of Community Affairs (DCA), who will be helping them through the process. He stated that his role is simply to be a facilitator, and he wants to encourage them and to challenge them and to help them in any way that he can. He introduced Ms. Starr Ford, Legislative Assistant, who is his helper and he asked that they not hesitate to call on them. At this time, Representative Hayes turned the meeting over to Mr. Stansbury, with the DCA.

A PAY AS YOU GROW PLAN FOR FLORIDA’S FUTURE –
IMPLEMENTING FLORIDA’S LANDMARK NEW GROWTH LAWS
PUBLIC SCHOOL FACILITIES

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FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

Mr. James Stansbury introduced himself and stated that he is Regional Planning Administrator with DCA. He will doing a power point presentation (A Pay As You Grow Plan for Florida’s Future – Implementing Florida’s Landmark New Growth Laws) that includes information about the Public Schools Facilities Element, and the Interlocal Agreement that they will be working on together.

Mr. Stansbury stated that every local government in the State of Florida is required to have a Comprehensive Plan for how they are going to manage growth. Within that Comprehensive Plan, there are Elements and, up to this point, it has been an option to include a Public School Facilities Element; it is now

no longer an option; they have to adopt this amendment. Today they have an opportunity and, as a pilot community, Lake County is to be complimented on doing it early and doing it in a way that it can be used as a model for the remainder of the State. There are only six pilot communities throughout the entire State, Walton County, Indian River County, St. Johns County, Sarasota County, Hillsborough County, and Lake County, and they will be providing a lot more technical assistance up front for these pilot communities.

Mr. Stansbury stated that, within the existing Elements of the Comprehensive Plan, there is a Concurrency Element, which sets out the level of service they want to maintain for roads, water, sewer, solid waste, and all capital facilities. Now they will be adopting an Element for Public School Facilities and updating the Capital Improvement Element to reflect the necessary improvements in terms of schools; then they will be updating the Intergovernmental Coordination Element for interaction between the different agencies; and updating concurrency management where they are going to establish a level of service they want to maintain. This will bring schools into the same category with water, sewer, transportation, solid waste, etc., as noted.

Mr. Stansbury reviewed the power point presentation, which contained information as follows:

SB 360 – Planning Requirements

- Signed into law June 24, 2005; Effective July 1, 2005
- Requires all local governments and school boards not eligible for a waiver or exemption to adopt school concurrency by December 1, 2008.
- Directs Department of Community Affairs to establish a phased schedule for adoption of the public school facilities element and required updates to interlocal agreements.

Mr. Stansbury pointed out that Lake County, and the municipalities within Lake County, are required to adopt a Public Schools Facilities amendment by June 1, 2008. They are going to accelerate that as being a part of the pilot community project, and they are going to be looking for an actual draft amendment and draft interlocal agreement by June 1, 2006, so they can go ahead and turn around and use that as a model for the remainder of the State. He stated that, in addition to the new law, there has been additional funding. He continued his presentation highlighting some of the specifics as outlined:

SB 360 – New Funding

- In addition to regular ongoing funding:
 - Provides \$113.4 million for 2005-06 to fund school construction
 - Provides \$75 million thereafter

Purpose

- Florida's population projected to increase by another 30% by 2020 (from ~18 million to almost 23 million)
- Schools struggling to keep pace
- Concurrency intended to forge a tighter link between development and school capacity
- It is a "pay-as-you-grow" plan

Benefits of School Planning

- Provides mechanisms for ensuring a community is adequately served with schools
- Ensures better coordination between schools plans and local plans
- Results in stronger ties between the development approvals and school capacity
- Raises local decision maker's awareness of school capacity and programming issues
- Results in more resources being coordinated and directed to issue areas

General Requirements

- All local governments must adopt consistent public school facilities elements (PSFE) to comply with Section 163.3177(12), F.S.
- All local governments and school board must update interlocal agreement (ILA) consistent Sections 163.31777 and 163.3180(g), F.S.
- All local governments must adopt amendments to their capital improvements element:
 - Financially feasible public school capital facilities program
 - Annual update
- All local governments must amend their intergovernmental coordination element consistent with requirements of Sections 163.3177(6)(h) 1 & 2
- All local governments not eligible for a waiver or exemption must update interlocal agreement and adopt public school facilities element incorporating concurrency by

December 1, 2008:

- Apply concurrency district-wide initially; must be at sub-district level within 5 years
- levels of service must be uniform county-wide
- proportionate share mitigation must be allowed
- It must be a uniform system in terms of level of service standards, implementation requirements, and proportionate share mitigation.

Mr. Stansbury stated that, once they look at the anticipated growth, in the end it will be the School Board budget that is incorporated into the different local government's Capital Improvements Element identifying that as a funding source. After that, there will be a need, as they update their budgets, to update that Capital Improvements Element to identify the new facilities that are planned that next year and years further out.

It was noted by Mr. Stansbury that waivers will not be applicable in this particular case given that Lake County has agreed to become a pilot community. The backup provided the following information pertaining to waivers, and Mr. Stansbury reviewed the specifics on exemptions:

Waivers

- Available only on a district-wide basis
- Approved by DCA and DOE concurrency
- Criteria
 - Capacity rate for all schools cannot exceed 100%
 - Projected 5-year student growth rate less than 10%
- In some cases, a waiver may still be granted if only a single school exceeds 100%
- Application forms available on DCA school page web site
- Valid for 2 years, unless data and analysis support a longer or shorter time frame
- Must be submitted jointly by all local governments and school board
- Must be approved by elected body

Exemptions

- Municipalities in districts not eligible for waiver may qualify for exemption
- Submit request (with data and analysis) to DCA as soon as possible, but not later than transmittal of PSFE and ILA by county and school board
- School Board verification required
- Must reassess exemption status at time of Evaluation and Appraisal Report
- Must comply within 1 year of SB proposing school within jurisdiction
- Exemption criteria:
 - Development orders issued for fewer than 50 dwelling units during preceding 5 years, or fewer than 25 additional students generated during preceding 5 years; and
 - No land annexed during preceding five years that permits residential uses affecting school attendance rates
 - No public schools within jurisdiction

Adoption Schedule

- DCA directed to establish phased adoption schedule
- Schedule runs Jan 1, 2008 to Dec. 1, 2008
- Published in FAW August 5, 2005; mailed to each Local Government and School Board; and at DCA web site ([http://www.dca.state.fl.us/fdcp/dcp/School Planning/](http://www.dca.state.fl.us/fdcp/dcp/School%20Planning/))
- Schedule is adoption due date, not transmittal
- Schedule applies to:
 - plan amendments
 - updated interlocal agreement
- All local governments within county due at the same time

Under discussion, Representative Hayes stated that he did not believe there was any municipality in Lake County that would qualify for the exemption, which would require that it be void of any school facility in a community and have 50 dwelling units permitted; he questioned whether anyone was aware of a community in Lake County that does not have a school facility in it.

It was noted that Montverde and Howey may be two communities that would qualify for an exemption.

Mr. Stansbury reviewed the following penalties, which he noted would not likely apply in this

particular situation because Lake County is going to get it done early. He also reviewed the information pertaining to the interlocal agreement, and the Public School Facilities Element, as follows:

Penalties

- Local government precluded from adopting plan amendments which increase residential density
- School Board subject to sanctions imposed by Administration Commission involving the withholding of construction funds

Interlocal Agreement

- Update existing ILA: local governments exempt before may not be exempt now
- Purpose of ILA is to assure a uniform school concurrency system throughout district and to serve as starting point for the development of the PSFE
- Requires consensus on level of service standards, concurrency service areas, maximum utilization of capacity, annual adoption of CIP, options for proportionate-share mitigation, implementation procedures, and procedures to amend ILA
- ILA must meet criteria of sections 163.31777 and 163.3180(13) (g), F.S.
- Single interlocal agreement encouraged
- To be submitted to DCA prior to or at same time as comp plan amendments
- Subject to compliance review

Public School Facilities Element

- All non-exempt local governments must adopt PSFEs which are consistent with one another and which meet the criteria of s.163.3177(12), F.S., and Rule 9J-5.025, FAC
- Purpose is to ensure that public school concurrency system is based on appropriate and relevant data and analysis and that consistent goals, objectives, and policies are adopted
- PSFE must address:
 - Correction of existing deficiencies,
 - Ensure adequate school capacity for the 5-year and long term planning periods,
 - Coordinate school location with residential development,
 - Ensure necessary supporting infrastructure,
 - Include options for proportionate-share mitigation, and
 - Procedures for school site selection
- Must include maps of the general locations of schools for 5-year and long term periods
- Exempt from the twice per year limitation

Mr. Stansbury pointed out that the local government is limited to amending its Comprehensive Plan twice a year. In this particular case, an exemption has been created to allow the local government to adopt the PSFE outside of that twice a year. They prefer that because it will give the local governments and the school board the opportunity to focus on just this element.

Capital Improvements Element

- Must incorporate a financially feasible public school capital facilities program established in conjunction with School Board
- Must incorporate level of service standards
- Must update public school capital facilities program annually

Ms. Stansbury stated that only 20% to 30% of the local governments in Florida actually update their capital facilities program annually, as required by law. The Statute has recently changed, in a broader sense, to now say that, if you do not adopt annually a capital improvements update, then there will be the penalty that you cannot adopt future land use map amendments. This will be implemented sometime in 2007.

Intergovernmental Coordination Element

- Must satisfy requirements for intergovernmental coordination set forth at Sections 163.3177 (6) (h) 1. and 2.
 - Comprehensive plan must be coordinated with plans of school board
 - Must establish joint processes for population projections and school siting

Level of Service Standards

- Established in conjunction with school board
- Must be district-wide and apply to all schools of the same type; can have different level of service standards for different types of schools
- Incorporate into capital improvements element
- May use tiered level of service standards

Concurrency Service Areas

- Area within which level of service is measured
- Examples: district, sub-district, school attendance zones
- Encouraged to initially adopt a district-wide concurrency service area
- Within 5 years of adoption of school concurrency, must adopt less than district-wide service areas
- For less than district-wide service areas, must demonstrate that utilization of school capacity is maximized to greatest extent possible
- Include service areas and criteria for establishing/modifying as supporting data and analysis
- If less than district-wide, must consider capacity in adjacent service areas and shift development impacts as needed to meet LOS (level of service)

Availability standard

- School concurrency applied to residential development
- Applied at time of site plan, final subdivision approval, or the functional equivalent, for a development or phase of development
- Adequate capacity must be in place or under actual construction within 3 years
- Developer can satisfy school concurrency through mitigation proportionate to the demand

Mr. Stansbury explained that there has been a recent change in the statute that DCA has interpreted to require that all local governments now begin to plan for schools. This is school concurrency and this is more on the permitting level. If they do all the planning that is needed, school concurrency should not be an issue; it should be a rubber stamp; that capacity should be there because it has been planned for. When they see future land use map amendments coming from any local governments statewide, and those future land use map amendments are going to result in an increase in residential density, they are going to look for data and analysis demonstrating that the local government has coordinated with the school board and has determined the impact from those additional densities and how is it being planned for; is there a school that is on the books that is going to be constructed; is there a plan to rezone; what is the plan for addressing that increase. He stated that they do the planning now so that concurrency is not going to be an issue when that time comes.

Proportionate Share Mitigation

- Developer must execute legally binding development agreement with local government and school board
- Mitigation must be proportionate to demand from actual development and take into account previously allowed residential density
- Options include:
 - Contribution of land
 - Payment for construction or land acquisition
 - Actual construction
 - Creation of mitigation banking based on construction of a school facility in exchange for right to sell capacity credits
- Amount must be credited toward any other impact fee or exaction for same need
- Must be directed by school board to a school capacity improvement identified in 5-year district work plan which satisfies demands created by that development

Key Documents Affected

- Interlocal Agreement
- Public Schools Facilities Element
- Capital Improvements Element
- Intergovernmental Coordination Element

Technical Assistance

- Expedited Interlocal Agreement Incentive
 - Direct financial assistance to lead local agency
 - Base amount plus adjustments for number of students and municipalities
 - Must have executed contract with DCA by December 31, 2005
 - Updated agreement due by September 1, 2006
 - DCA will have employees dedicated to assist

Mr. Stansbury stated that they are basically waiving the expedited interlocal agreement

incentive since Lake County is a pilot community.

- Pilot Communities
 - Why Pilots? Provide models for other communities to follow and/or draw from before statutory due dates
 - 6 pilot communities will prepare examples
 - Draft ILA due March 1, 2006
 - Draft PSFE by June 1, 2006
 - Will be posted on DCA web site in downloadable format
- Planning Consultant
 - Will produce specific deliverables, such as proportionate share mitigation methodologies, alternative approaches to establishing LOSS (level of service standards)
 - Will be available to assist pilot communities
 - Will be available to other local governments based on need and availability of funding
- Best Planning Practices for Coordinated School Planning
- Technical Workshops
- DCA web site – <http://www.dca.state.fl.us./growthmanagement2005/>

Mr. Stansbury stated that the DCA will be providing technical assistance in the form of \$200,000 directly to the School Board and the Board of County Commissioners. They will also be providing the opportunity to use a consultant hired by the DCA; they hope to have that consultant on board by the end of the month. The consultants will be available to assist the communities; they are currently working on a package with more than one consultant. The county also has the option of taking that \$200,000 and using a portion of it to hire their own consultant.

RECESS & REASSEMBLY

At 11:05 a.m., Commr. Hill announced that they will take a five minute recess.

DEPARTMENT OF EDUCATION

Mr. Alex Carswell, Department of Education, addressed the audience and stated that, as of June, he was an administrator in the Columbia County school system, and he still lives in Lake City, because his son goes to school there. Mr. Carswell stated that he is very passionate about this and he believes that, at the county level, it is very important that they are planning for growth and, on the statewide level, it is even more important. In regards to information presented by Mr. Stansbury about the Capital Improvements Element and how only 20% to 30% of the people have turned that in, that is not quite true for the Department of Education. The school systems turn theirs in every year; 60 out of 67 counties will turn their Capital Improvements Element in to the Department of Education by the end of October, even though they are due October 1; and they are updated every year. He stated that they have to look at all four parts to meet school concurrency; the interlocal agreement; the Public Schools Facilities Element, which is a new document that they are going to have to create; the Capital Improvements Element, which is a five year work plan for schools; and the Intergovernmental Coordination Element. He stressed that, after visiting and listening to about 25 or 30 counties, he wanted them know that they are not alone if people are not necessarily communicating between the governments. He stated that SB 360 simply says that they have got to plan for communication. The Capital Improvements Element has had to have public input for the last three to five years, so the county should have had knowledge of the five year work plan from Lake County Schools for the last three to five years, as required by Florida Statute. Everyone needs to realize that they all have their own tough issues, but they need to let down the barriers and be able to express their thoughts, ideas, and concerns. He encouraged each of them to walk out of here today with an idea that planning is good. They need to leave here today with someone stepping up and taking the lead and schedule a meeting. At this time, he was available for questions.

Ms. Barbara Hoagland, Chief Analyst, Office of Policy and Budget, addressed the audience and noted that all of their constituents care about this issue. Anyone that is not connected in anyway with local government, or planning, from an outsider not working in the school area, they have to ask if schools and growth, and growth management, are connected and question how they can deal with growth management, if they are not looking at the schools. Clearly the outcry has been heard and this goes a long way in trying to resolve those issues. In looking at this at a conceptual level, Ms. Hoagland explained that they are trying to look at the growth in the areas, and the impacts to the schools, to make sure that they are making that

connection. The interlocal agreement is really their coordinating document, and it is really important that they start to identify some of those coordinative issues at the interlocal agreement level. The planning piece is the Public Schools Facilities Element, and it is important because that is where they should be making sure that the growth and the schools occur in a way that is consistent and take in to account what is happening at the land development level, and the private sector level, and the plans of the school board. The Capital Improvements Element and the five year school facilities work plan are real important because that is where they have tied in their budget. They have done their planning and determined what they expect and what they want and, in the Capital Improvements Element, they have identified their levels of service and what level they are able to provide to their citizenry and how they will pay for it. The concurrency is really their backstop and, even though they are hopeful that the planning works, the concurrency makes sure that they do not fall afoul of the plans.

Ms. Hoagland recommended that everyone spend some time looking at SB 360, which was signed into law June 24, 2005; effective July 1, 2005. She explained that several years ago a bill was passed that had all local governments and school boards enter into an interlocal agreement, per Statutes. There is also a piece in the Statutes that addresses the element and the concurrency and they all keep reflecting and referring back to each other. They have basically met the requirements of the agreement, so it is really within the concurrency part of the Statute, and within the public facilities part of the Statute, that they need to look at and see what new things they need to do to be able to apply concurrency in Lake County. When they are looking at the existing element that should meet all of those requirements, it is a great time to go back and see if it is working or see if there are things that they need to tweak or be more specific about to make sure that their coordination is meeting the needs they have in their local area. The big area, as noted by all, is communication, which is so important along with coordination. They will need to look at the processes of the school board and the processes of the local governments and make sure they have developed a process, a timeline that goes on through time to help communicate at those points. The local governments need to be involved when the School Board is working on their work program; when the level of service is being determined, that is a determination to make at the local level, and they all need to be participants in that and determine the level they will be able to finance. As noted, they may need to do a tiered level of service, which will be an important discussion. In terms of plan amendments for future land use, the school boards and local governments need to be aware of schedules to make sure that they are able to work together and communicate at the development level for concurrency. The proportionate share methodology is something that they jointly need to figure out how to manage and how they want it to work within their community.

Ms. Hoagland thanked them all for agreeing to be pioneers in this effort and great leaders for the rest of the State. They would now like to open the meeting up to questions and comments from the audience noting that they will be available at the close of the meeting for further questions.

QUESTIONS AND ANSWER PERIOD

At 11:33 a.m., the audience was given an opportunity to ask questions and make comments about the information provided during the power point presentation.

CLOSING

Commr. Hill stated that they need to go forward with the next meeting and plan it today.

After a brief discussion with officials and legal staff, it was noted that the next meeting will be held on Friday, October 28, 2005 at 1 p.m. The place will be announced.

In closing, Representative Hayes wanted to say that this is an opportunity for Lake County to shine, and Governor Jeb Bush and others at the State level want them to succeed.

ADJOURNMENT

There being no further business to be brought to the attention of the Board, the meeting adjourned at 12:05 p.m.

ATTEST:

JAMES C. WATKINS, CLERK