



Legislation Text

File #: 17-240, Version: 1

TO: Mayor and Commissioners
FROM: Timothy R. Stillings, Director of Planning, Zoning and Building
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: March 30, 2017

INTERLOCAL AGREEMENT WITH THE PALM BEACH COUNTY SCHOOL DISTRICT FOR SCHOOL COORDINATED PLANNING

Recommended Action:

Motion to Authorize the Interim City Manager to sign and execute the Interlocal Agreement (Exhibit A Participation Agreement) with Palm Beach County School District to participate in the County's School Concurrency system.

Background:

Prior to 2011, the Florida Statutes implemented certain growth management regulations, part of which was the requirement for all counties, municipalities and the school district to enter into an interlocal agreement (ILA) that regulated and ensured school concurrency county-wide. 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 was fully executed by the parties involved and recorded with the Clerk of the Circuit Court of Palm Beach County on January 25, 2001, consistent with ss.163.3177(6)(h)1. and 2. F.S. and 163.3180 F.S. 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 2001 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 to coordinated planning was mostly based on the idea that 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*. On December 15, 2015, Palm Beach County adopted the ILA.

City Staff initially planned to incorporate this change into the new comprehensive plan being developed. However, due to the need to adopt an comprehensive plan amendment based on changes to the state statutes since the 2008 Evaluation and Appraisal Report (EAR), staff and the City Attorney's office have decided to incorporate this change into the pending amendments.

The ILA was presented to the Education Committee for informational purposes on March 6, 2017. The Committee recommended authorization of the ILA.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

As this is an interlocal agreement for planning coordination and consistency, there are no immediate financial implications.

Funding Source:

N/A

Timing of Request:

It is strongly encouraged that this agreement be adopted prior to the adoption of the upcoming EAR based Comprehensive Plan amendment so that it can be included within that amendment and made part of the Comprehensive Plan.