

RESOLUTION NO. _____

(18-ILA-12)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD, CONCERNING PUBLIC SCHOOL FACILITIES; PROVIDING FOR IMPLEMENTATION, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Hollywood, Broward County, and the Broward County School Board recognize their mutual obligation and responsibility for the education, nurturing and general well-being of the children within the City; and

WHEREAS, pursuant to Sections 163.3177(6)(h)3 and 1013.33(2), Florida Statutes, required that within one year after Broward County and all municipalities within the county, adopted their intergovernmental coordination element in their comprehensive plans, that such governmental entities would establish an Interlocal agreement or other formal agreement executed by all affected entities, to establish a joint process for comprehensive land use and school facilities planning programs; and

WHEREAS, pursuant to Section 163.3180(6), Florida Statutes, provides that local governments that apply concurrency to public education facilities shall include principles, guidelines, standards and strategies, including adopted levels of service, in their comprehensive plans and Interlocal agreements and all local government provisions included in comprehensive plans regarding school concurrency within a county must be consistent with each other and the requirements of this part; and

WHEREAS, Section 163.3180(6), Florida Statutes, provides that the choice of one or more municipalities to not adopt school concurrency and enter into the Interlocal agreement does not preclude implementation of school concurrency within other jurisdictions of the school district if the county or one or more municipalities have adopted school concurrency into their comprehensive plans and Interlocal agreement that represents at least 80 percent of the total countywide population; and

WHEREAS, the City determined not to be exempt from the statutory requirements and on April 2, 2003 the City Commission passed and adopted Resolution No. R-2003-104 which approved and authorized the appropriate City Officials to execute the Interlocal agreement with the School Board of Broward County and various municipalities in order to coordinate land use and public school facility planning thereby establishing a joint process for comprehensive land use and school facilities planning programs; and

WHEREAS, on February 6, 2008, the City Commission passed and adopted Resolution No. R-2008-024 which authorized the appropriate City Officials to execute the First Amendment to the Interlocal Agreement which provided for state mandated requirements of public school concurrency reflecting changes to the respective Public School Facility Planning Elements of the Comprehensive Plans; and

WHEREAS, on May 19, 2010, the City Commission considered Resolution No. R-2010-125 which proposed a Second Amendment to the Interlocal Agreement which proposed to revised the level of service school capacity calculation and to change various reporting time frames, however, the City Commission did not pass this resolution, but in accordance with Section 163.3180(6), Florida Statutes, the county and other municipalities did adopt the second amendment with the required percentage and the Second Amendment became effective; and

WHEREAS, a Third Amendment to the Interlocal Agreement has been proposed (attached as Exhibit "A" and referred to herein as the "Amended Agreement"), which seeks to implement the Level of Service ("LOS") at a higher of the two standards (100% of gross capacity or 110% of permanent capacity), based on the types of facilities (permanent and/or portable) located at each school site, among other changes; and

WHEREAS, the Staff Working Group and Oversight Committee have recommended approval of the Amended Agreement, and the County, the School Board and a number of non-exempt municipalities have already approved the Amended Agreement; and

WHEREAS, on January 8, 2018, the City's Education Advisory Committee met to review the proposed Amended Agreement and have forwarded a unanimous recommendation of approval to the City Commission.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That the appropriate City Officials are hereby authorized to execute the attached Third Amendment to the Interlocal Agreement (Exhibit "A") between the City of Hollywood and Broward County School Board, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD, CONCERNING PUBLIC SCHOOL FACILITIES; PROVIDING FOR IMPLEMENTATION, CONFLICTS AND AN EFFECTIVE DATE. (18-ILA-12)

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2018.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY