

RESOLUTION NO. 21-04-39

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN ISLAMORADA, VILLAGE OF ISLANDS AND THE SCHOOL BOARD OF MONROE COUNTY PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") and the School Board of Monroe County, Florida (the "School Board") share a mutual obligation and responsibility for the education, nurturing and general well-being of the children within their respective communities and recognize their mutual obligation and responsibility for the education, nurturing and general well-being of the children within their respective communities; and

WHEREAS, Chapter 163, Florida Statutes, known as the "Florida Interlocal Cooperation Act Of 1969" ("the Act"), specifically provides that its purpose is to "permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors;" and

WHEREAS, the Village and the School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs; and

WHEREAS, Section 1013.33, Florida Statutes, inter alia, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body; and

WHEREAS, Sections 163.3177(6)(h) (1) and (2), Florida Statutes, require each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in the accomplishment of

the coordination of the adopted comprehensive plan with the plans of the school boards, and describes the processes for collaborative planning and decision-making on population projections and public school siting; and

WHEREAS, On March 17, 2016, the Village Council adopted Resolution 16-03-17, thereby approving a Chapter 163 Interlocal Agreement (the "Agreement") between the Village and the School Board to coordinate the location and planning of public educational and ancillary facilities located within the Village's jurisdiction; and

WHEREAS, due to some statutory changes to the procedure for coordination of construction of school facilities set forth in Florida Statutes § 1013.33, the Village and School Board desire to amend the Agreement to account for the changes to the statute as set forth in Amendment One to the Agreement attached hereto ("Attachment 1"); and

WHEREAS, the Village Council has determined that adopting Amendment One to the Agreement with the School Board is in the best interests of the Village and its residents.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Amendment Chapter 163 Interlocal Agreement. The Village Council of Islamorada, Village of Islands, hereby approves Amendment One to the Interlocal Agreement between the Village and the School Board, a copy of which is attached as Attachment "1" together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Acting Village Manager or her designee is authorized to execute the Agreement on behalf of the Village is further authorized

to take all actions necessary to effectuate the intent of this Resolution and implement the terms and conditions of the Agreement.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Vice Mayor Pete Bacheler, second by Councilman David Webb.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	YES
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

PASSED AND ADOPTED this 29th day of April, 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF
ISLAMORADA, VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY

Attachment "1"

AMENDMENT ONE TO INTERLOCAL AGREEMENT

**INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF MONROE
COUNTY, FLORIDA AND ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**

AMENDMENT ONE (MAY 2021)

WHEREAS, Chapter 163, Florida Statutes, known as the "Florida Interlocal Cooperation Act of 1969" provides that each local government must adopt an intergovernmental coordination element within their comprehensive plans that states principles and guidelines to be used in the coordination of the adopted comprehensive plans of the school boards and describes the process for collaborative planning and decision-making on population projections and locations of new public school facilities; and

WHEREAS, Florida Statute § 163.31777 requires that the county and municipalities located within the geographic area of a school district enter into interlocal agreements with the local school board to establish the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated; and

WHEREAS, Islamorada, Village of Islands ("Village") and the School Board of Monroe County, Florida ("School Board") entered into such an interlocal agreement on or about March 17, 2016 (the "Agreement"), to coordinate the location and planning of public educational and ancillary facilities located within the Village's jurisdiction; and

WHEREAS, the Village and School Board desire to amend the Agreement to account for the statutory procedure for coordination of construction of school facilities set forth by Florida Statute § 1013.33; and

NOW THEREFORE BE IT MUTUALLY AGREED UPON BY THE PARTIES that the following amendments be made to the Agreement:

- 1. Section 6: Public Educational Facilities Site Plan Review**, shall be struck from the Agreement and shall be replaced with and henceforth read as follows:

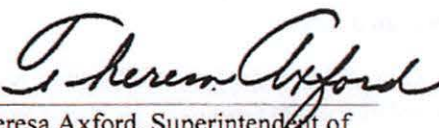
6.1 The School Board shall coordinate any and all proposed construction or significant renovation of school facilities within the Village's jurisdiction with all applicable statutory requirements and environmental protection provisions of the Village's adopted Comprehensive Land Use Plan. This coordination shall be accomplished in accordance with the provisions of Sections 1013.33(6) and (7). The School Board shall submit a completed site plan for the Village's review of consistency with the Comprehensive Land Use Plan as early as feasible in the design process, and in any case, no later than ninety (90) days prior to commencement of construction. The Village shall provide all comments to the School Board as expeditiously as possible, and shall notify the School Board within forty-five (45) days of receipt of its request for a determination of

consistency if the proposed site plan is consistent with the Village's Comprehensive Land Use Plan. In accordance with Florida Statute § 1013.33(6), failure of the Village to provide a determination of consistency within ninety (90) days of receipt of the School Board's request for such determination shall be deemed approval of the proposed site plan.

2. All other terms and conditions of the Agreement shall remain in full force and effect.

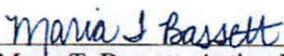
IN WITNESS WHEREOF, the parties below have hereunto set their hands and seal as of the first date and year written above.

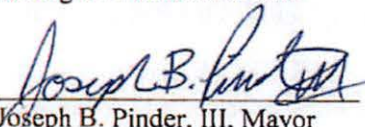
SCHOOOL BOARD


Theresa Axford, Superintendent of
Schools


John Dick, School Board Chair

**ISLAMORADA, VILLAGE OF
ISLANDS**


Marla T. Bassett, Acting Village
Manager / Finance Director


Joseph B. Pinder, III, Mayor

RESOLUTION NO. 16-03-17

**A RESOLUTION OF THE VILLAGE COUNCIL OF
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA,
APPROVING AN INTERLOCAL AGREEMENT BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS AND THE
SCHOOL BOARD OF MONROE COUNTY PURSUANT TO
CHAPTER 163, FLORIDA STATUTES; AND PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, Islamorada, Village of Islands (the "Village") and the School Board of Monroe County, Florida (the "School Board") share a mutual obligation and responsibility for the education, nurturing and general well-being of the children within their respective communities recognize their mutual obligation and responsibility for the education, nurturing and general well-being of the children within their respective communities; and

WHEREAS, Chapter 163, Florida Statutes, known as the "Florida Interlocal Cooperation Act Of 1969" ("the Act"), specifically provides that its purpose is to "permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors;" and

WHEREAS, the Village and the School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs; namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the school board and local governments by placing schools to take advantage of existing and planned roads, water, sewer and parks, (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) better defined urban form by locating and designing schools to serve as community focal points, (5) greater efficiency and convenience by co-locating schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities, (6)

reduction of pressures contributing to urban sprawl and support of existing neighborhoods by appropriately locating new schools and expanding and renovating existing schools, and (7) improving the quality of education in existing, renovated and proposed schools; and

WHEREAS, Section 1013.33, Florida Statutes, inter alia, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body; and

WHEREAS, Sections 163.3177(6)(h) (1) and (2), Florida Statutes, require each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in the accomplishment of the coordination of the adopted comprehensive plan with the plans of the school boards, and describes the processes for collaborative planning and decision-making on population projections and public school siting; and

WHEREAS, by entering into the Interlocal Agreement attached hereto as Exhibit "1", the School Board and Village are fulfilling their statutory obligations and requirements while recognizing the benefits that will accrue to their citizens and students as described above; and

WHEREAS, the Village Council has determined that entering into the Interlocal Agreement with the School Board is in the best interests of the Village and its residents.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of Chapter 163 Interlocal Agreement. The Village Council of Islamorada, Village of Islands, hereby approves the Interlocal Agreement between the Village and the School Board, a copy of which is attached as Exhibit "1" together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager or her designee is authorized to execute the Agreement on behalf of the Village is further authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

Motion to adopt by Councilman Chris Sante; seconded by Councilman Dennis Ward.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

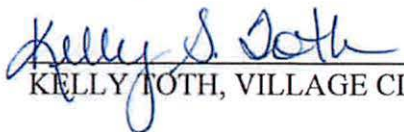
Mayor Deb Gillis	YES
Vice Mayor Jim Mooney	ABSENT
Councilman Mike Forster	YES
Councilman Chris Sante	YES
Councilman Dennis Ward	YES

PASSED AND ADOPTED ON THIS 17TH DAY OF MARCH, 2016.



DEB GILLIS, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY

**INTERLOCAL AGREEMENT
BETWEEN
THE SCHOOL BOARD OF MONROE COUNTY, FLORIDA
AND
ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into this _____ day of _____ 2015, ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, a Florida municipal corporation ("Village"), and THE SCHOOL BOARD OF MONROE COUNTY, FLORIDA, as the contracting agent for the School District of Monroe County, Florida ("School Board"), and states as follows:

RECITALS

WHEREAS, the Village and the School Board recognize their mutual obligation and responsibility for the education, nurturing and general well-being of the children within their respective communities; and,

WHEREAS, the Village and the School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs; namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the school board and local governments by placing schools to take advantage of existing and planned roads, water, sewer and parks, (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) better defined urban form by locating and designing schools to serve as community focal points, (5) greater efficiency and convenience by co-locating schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities, (6) reduction of pressures contributing to urban sprawl and support of existing neighborhoods by appropriately locating new schools and expanding and renovating existing schools, and (7) improving the quality of education in existing, renovated and proposed schools; and

WHEREAS, Section 1013.33, Florida Statutes, *inter alia*, requires that the location of public educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local governing body; and

WHEREAS, Sections 163.3177(6)(h) (1) and (2), Florida Statutes, require each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in the accomplishment of the coordination of the adopted comprehensive plan with the plans of the school boards, and describes the processes for collaborative planning and decision-making on population projections and public school siting; and

WHEREAS, by entering into this agreement the School Board and Village are fulfilling their statutory obligations and requirements recognizing the benefits that will accrue to their citizens and students described above; and

WHEREAS, Chapter 163, Florida Statutes, known as the "Florida Interlocal Cooperation Act Of 1969" ("the Act"), specifically provides that its purpose is to "permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors."

AGREEMENT

NOW THEREFORE, be it mutually agreed between the School board and the Village that the following procedures will be followed in coordinating land use and public school facilities planning:

Section 1. Tentative District Educational Facilities Plan

1.1 Each year, the School Board shall submit to the Village the tentative district educational facilities plan prior to adoption by the School Board. The plan will be consistent with the requirements of Section 1013.35, Florida Statutes, and include projected student populations geographically, an inventory of existing school facilities, projections of facility space needs, information on portable/relocatable classrooms general locations of new schools for the 5-, 10-, and 20-year time periods, and the options to reduce the need for additional permanent student stations. The plan will also include a financially feasible district facilities work program for a 5-year period. The Village shall review and evaluate the plan and provide comments to the School Board within sixty (60) days of submission

to the Village on the consistency of the plan with the local comprehensive plan, including its compatibility with the comprehensive plan's future land use map series, and whether a comprehensive plan amendment will be necessary for any proposed educational facility.

Section 2. Educational Plant Survey

2.1 The School Board will remain responsible for reporting and submitting updates to the Educational Plant Survey. The Educational Plant Survey shall be consistent with the requirements of Section 1013.31, Florida Statutes, and include at least an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each in coordination with existing land use plans. Prior to any proposed development, the School Board will receive and consider recommendations from the Village regarding the location and need for new schools, significant renovations as defined below, closures of educational facilities, and the consistency of such plans with the local government comprehensive plan and land development regulations, including impact on parking, traffic flow and pedestrian safety. The Village's planning shall include integration of the education facilities plan and applicable policies and procedures of the School Board with the local comprehensive plan and land development regulations of the Village in accordance with F.S. §1013.33

2.2 The School Board shall utilize student population projections based on information produced by the demographic, revenue, and education estimating conferences pursuant to F.S. §216.136, where available, as modified by the School Board based on development data and agreement with local governments and the Office of Educational Facilities and SMART Schools Clearinghouse. The School Board may request adjustment to the estimating conferences' projections to reflect actual enrollment and development trends using the COHORT Projection Waiver available on the Florida Department of Education website. In formulating such a request, the School Board will coordinate with the Village regarding development trends and future population projections.

Section 3. Village Comprehensive Plan Amendments and Re-zoning

3.1 Pursuant to F.S. §163.3174(1), the Village planning agency responsible for first reviewing rezoning and comprehensive plan amendments shall include a representative of the School District appointed by the school board as a nonvoting member of the local planning agency to provide input and coordination with the School District.

3.2 The Village will transmit to the School Board copies of proposed amendments to the Village Comprehensive Plan that may affect student enrollment, enrollment projections, or school facilities at least sixty (60) days prior to transmittal (or adoption if no transmittal is required). The School Board shall review the school-related element amendments and provide comments, if any, to the relevant local government either (i) in writing at least thirty (30) days prior to the local planning agency meeting on the school-related amendment, or (ii) by attending and providing comments at the local planning agency meeting.

Section 4. Collocation and Shared Use

4.1 Collocation and shared use of facilities are important to both the School Board and local governments. The School Board and Village will work together, through the School Board and Village's administration, to look for opportunities to collocate and share use of school facilities and civic facilities when preparing the district facilities work program. Likewise, collocation and shared use opportunities will be considered by the local governments when preparing the annual update to the comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, potential opportunities for collocation and shared use with public schools will be considered where compatible for existing or planned libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums. In addition, the potential for collocation and shared use of school and governmental facilities for joint use by the community will also be considered.

4.2 A separate agreement or an amendment to a master agreement between the School Board and the appropriate local government will be developed for each instance of collocation and shared use, which addresses legal liability, operating and maintenance costs, scheduling of use, and facility supervision or any other issues that may arise from collocation and shared use.

4.3 Collocation and shared use as provided for in this Agreement may include the sharing of county and municipal facilities for student use, such as use of a park for park purposes by students from a neighboring public school, and similarly may include the use of public school facilities by the community.

Section 5. Notice and General Conditions

5.1 All notices which may be given pursuant to this Agreement, except notices for meetings provided for elsewhere herein, shall be in writing and shall be delivered by personal service or by certified mail return receipt requested addressed to the parties at their respective addresses indicated below or as the same may be

changed in writing from time to time. Such notice shall be deemed given on the day on which personally served, or if by mail, on the fifth day after being posted or the date of actual receipt, whichever is earlier.

(a) Islamorada, Village of Islands, Florida
Attention: Village Manager
Village Administrative Center
86800 Overseas Hwy
Islamorada, Florida 33036

(b) Monroe County School District
Attention: Office of the Superintendent
241 Trumbo Rd.
Key West, Florida 33041

5.2 Title and Paragraph headings are for convenient reference and are not intended to confer any rights or obligations upon the parties to this Agreement

Section 6. Supporting Infrastructure

In conjunction with the preliminary consistency determination, the School Board and Village will jointly determine the need for, and timing of, on-site and off-site improvements necessary to support each new school or the proposed significant renovation of an existing school. Significant renovation shall include construction improvements that result in the location of new structures, changed uses, or significant improvements or additions to existing buildings resulting in a greater than five (5) percent increase in student capacity as certified by the Florida Department of Education. Prior to approving any significant renovation or construction, the School Board shall hold a public workshop in the District in which the construction is to occur to receive public input. This section shall not be construed to require the Village to bear any costs of infrastructure improvements related to school improvements.

Section 7. Public Education Facilities Site Plan Review

The School Board will coordinate any and all proposed construction or expansion of public educational facilities within the Village's jurisdiction with applicable statutory requirements and environmental protection provisions of the Village's adopted comprehensive plan and land development regulations. This coordination shall be accomplished in accordance with the provisions of Sections 1013.33(12) through (15), Florida Statutes, and shall include School Board consistency with the environmental protection provisions of the Village's

comprehensive plan. The Village shall provide all of their comments to the School Board as expeditiously as feasible, but not later than sixty (60) days after receipt of the complete site plan, and to the extent possible, adjustments to the site plan shall be made to address the stated concerns. Prior to approving any significant renovation or construction, the School Board shall hold a public workshop in the District in which the construction is to occur to receive public input.

Section 8. Amendments

Any amendment to this Agreement requested by the Village will be placed on a School Board Agenda for consideration within sixty (60) days of the School Board's receipt of such request. Likewise, any amendments to this Agreement requested by the School Board will be placed on the agenda of the Village for consideration, within sixty (60) days of receipt of the request.

Section 9. Resolution Disputes

If the parties to this agreement are unable to resolve any issue in which they may be in disagreement covered in this agreement, the applicable parties to the dispute will employ dispute resolution procedures pursuant to Chapter 164 or Chapter 186, Florida Statutes, as amended from time to time, or any other mutually acceptable means of alternative dispute resolution. Each party shall bear their own attorney's fees and costs.

Section 10. Effective Date and Term

This Agreement shall take effect upon the date of publication of a Notice of Intent to find it consistent with the requirements of Section 163.31777(2), Florida Statutes and shall remain in full force and effect for a period of five (5) years from the effective date. This Agreement shall automatically renew annually unless terminated by either party. Either party may terminate this Agreement without cause upon thirty (30) days written notice to the other party.

Section 11. Severability

If any item or provision of this Agreement is held invalid or unenforceable, the remainder of the Agreement shall not be affected and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seal, the day and year first written above.

Witness:

Sally M. Abrams
Print Name: Sally M. Abrams

Karen J. Hladik
Print Name: Karen Hladik

THE SCHOOL BOARD OF MONROE
COUNTY, FLORIDA

By: Mark T. Porter
Print Name: Mark T. Porter
Title: Superintendent 03/15/16

Witness:

L. Williams
Print Name: L. Williams

Kelly S. Toth
Print Name: Kelly S. Toth

ISLAMORADA, FLORIDA

By: Maria T. Aguilar
Print Name: Maria T. Aguilar
Title: Village Manager