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RESOLUTION NO. 2010-127

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, DENYING AMENDMENT NO. 1 RECOMMENDED BY THE MIAMI-DADE COUNTY SCHOOL BOARD FOR ADOPTION AS FIRST SUPPLEMENTARY AGREEMENT TO THE ADOPTED "AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY"; PROVIDING FOR THE AUTHORIZATION OF THE VILLAGE MANAGER TO TRANSMIT AMENDMENT NO. 1 TO THE AMENDED AND RESTATED INTERLOCAL AGREEMENT TO THE SUPERINTENDENT OF MIAMI-DADE COUNTY SCHOOL BOARD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Palmetto Bay (hereinafter "the Village"), Miami-Dade County, and the Miami-Dade County School Board recognize their mutual obligation and responsibility for the education, nurturing and general well-being of the children within the Village; and,

WHEREAS, Sections 163.31777 and 1013.33, Florida Statutes, requires each county and the non-exempt municipalities within the county to enter into an interlocal agreement with the district school board to establish jointly the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated; and,

WHEREAS, Section 163.3177(6)(h)2, Florida Statutes requires each county, all the non-exempt municipalities within that county, and the district school board to establish, by interlocal or other formal agreement executed by all affected entities, joint processes for comprehensive land use and school facilities planning programs; and,

WHEREAS, on February 4th, 2008, the Village adopted the "Amended and Restated Interlocal Agreement for Public Facility Planning" (hereinafter "the Agreement"), establishing joint processes for comprehensive land use and school facilities planning programs, and authorizes the Village Manager to enter into this Interlocal Agreement for the Village; and,

WHEREAS, Section 17 of the Agreement provides that the School Board may enter into a Supplementary Agreement with individual municipalities to address individual circumstances.

WHEREAS, Section 18 of the Agreement provides that should the School Board enter into an agreement with another municipality or County, separate or otherwise, which provides more beneficial terms those agreed to herein, the School Board shall offer the same terms to all other parties to this Interlocal Agreement; and,

WHEREAS, public notice was provided in accordance with the law; and,

WHEREAS, the Village Council finds that entering into this Interlocal Agreement is in the best interest and welfare of the residents of the Village.

1 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
2 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**

3
4 **Section 1.** Recitals. The above recitals are true and correct and are incorporated herein
5 by this reference
6

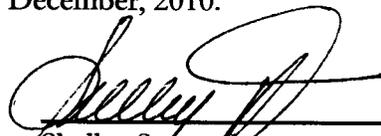
7 **Section 2.** Interlocal Agreement. The Village Council hereby denies the Miami-Dade
8 County School Board recommended Amendment No. 1 to the adopted "Amended and
9 Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County"
10 in substantially the form attached hereto as Attachment "1".
11

12 **Section 3.** Village Manager Authorized. The Village Manager is authorized to deny the
13 Miami-Dade County School Board recommended Amendment No. 1 to the adopted
14 "Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-
15 Dade County," in substantially the form attached hereto as Attachment "1".
16

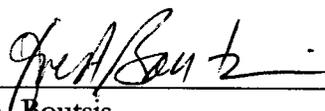
17 **Section 4.** Effective Date. This Resolution shall take effect immediately upon approval.

18 **PASSED and ADOPTED** this 6th day of December, 2010.

19
20 Attest: 
21 Meghan Alexander
22 Village Clerk
23


24 Shelley Stanczyk
25 Mayor

26 APPROVED AS TO FORM:

27 
28 _____
29 Eve A. Boutsis,
30 Office of the Village Attorney
31

32
33 **FINAL VOTE AT ADOPTION:**

34
35 Council Member Patrick Fiore Yes
36
37 Council Member Howard Tendrich Yes
38
39 Council Member Joan Lindsay Yes
40
41 Vice-Mayor Brain W. Pariser Yes
42
43 Mayor Shelley Stanczyk Yes

ATTACHMENT 1

RESPONSE FORM – PROPOSED AMENDMENT No. 1

Response Form

PROPOSED AMENDMENT No. 1

AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING IN MIAMI-DADE COUNTY

Purpose: To consider whether or not to approve the addition of a new Section (Section 21) related to the required vote on future amendments to the Interlocal Agreement.

Summary: Presently the Consensus ILA provides that any amendments to the ILA must be approved by unanimous vote. The language below would, if approved unanimously by all ILA signatories (Municipalities), change that requirement from a unanimous vote of all Municipalities to a 2/3 vote by the Municipalities.

Section 21. Amendments

An amendment to this Agreement shall require approval by each City and the School Board, and shall be offered to the County and all other Cities for their consideration as a supplementary agreement. If the amendment to this Agreement affects the uniform district-wide public school concurrency system or otherwise requires the approval of the non-exempt municipalities, it shall become effective only upon the approval of an amendment to this Agreement by the County and School Board and approval of a similar amendment to the Amended and Restated Agreement by two-thirds of the non-exempt municipalities. Notwithstanding the foregoing, all of the nonexempt municipalities must approve the amendment to the Amended and Restated Agreement for it to become effective, unless all non-exempt municipalities have revised the Amended and Restated Agreement to allow for amendments to be approved by two-thirds of the non-exempt municipalities. An amendment shall not be effective until the amendment is fully executed by the applicable parties and, where applicable, all comprehensive plan amendments are effective.

Please indicate your preference by circling the appropriate response

YES In favor of accepting proposed Amendment No. 1, which would add a Section (Section 21) as written above

NO Not in favor of accepting proposed Amendment No. 1. Future amendments would require a unanimous vote of all municipalities

Submitted By: _____
(Print and sign name of authorized official)

Date: _____

Name of Municipality: Village of Palmetto Bay