

INTERLOCAL AGREEMENT
FOR PUBLIC EDUCATIONAL FACILITIES SITING

This INTERLOCAL AGREEMENT is made and entered into this 10th day of September 1996, by and between PINELLAS COUNTY, FLORIDA, a political subdivision of the State of Florida (herein, the "County") and the SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA (herein, the "School Board").

WHEREAS, it would be mutually beneficial for the County and the School Board to support efforts that facilitate coordination of planning for the location and development of public educational facilities; and

WHEREAS, Section 235.193(1), Florida Statutes, requires coordination of planning between the school boards and local governing bodies to ensure that new or expanded public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services; and

WHEREAS, Section 235.193(3), Florida Statutes, states that the location of public educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body and the plan's implementing land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by Chapter 235, Florida Statutes, or the State Uniform Building Code, unless mutually agreed by the local government and the School Board; and

WHEREAS, Section 163.3177(6)(a), Florida Statutes, was amended in 1995 by the Educational Facilities Siting Act (hereafter, the "Act") to require that the future land use element of a local comprehensive plan identify the future land use map categories in which public schools are an allowable use, and that all local comprehensive plans must comply with this requirement no later than October 1, 1996; and

WHEREAS, the Act identifies a specific process by which a local government would review a proposed public educational facility site to determine whether it is consistent with the local comprehensive plan and land development regulations; and

WHEREAS, Section 235.193(7), Florida Statutes, allows a local government and the school board to establish an alternative process as long as both agree to the process; and

WHEREAS, staff from the School Board, Pinellas County, several of the municipalities, and the Pinellas Planning Council have met on a regular basis over several months to develop locational review criteria that local governments can include in their future land use element as a common basis for determining whether a proposed school site is consistent with a local government's comprehensive plan; and

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WHEREAS, this staff group also developed an alternative review process that is more representative of local procedures than the one outlined in the Act; and

WHEREAS, both the County and the School Board have considered the locational review criteria and alternative review process; and

WHEREAS, the County will amend the Future Land Use Element of the Pinellas County Comprehensive Plan in September 1996 to incorporate Objective 3.8. and its supporting policies, based on the locational review criteria developed by the staff group, which will serve as the basis for determining whether a proposed public educational facility site is consistent with the Comprehensive Plan's Future Land Use Element policies and categories in which such facilities are identified as allowable uses.

NOW, THEREFORE, in consideration of the covenants made by each party to the other and of the mutual advantages to be realized by the parties hereto, the County and the School Board agree as follows:

Section 1. Authority. This Interlocal Agreement is entered into pursuant to the general authority of Section 163.01, Florida Statutes, relating to interlocal agreements.

Section 2. Purpose. The purposes of this agreement are to provide an alternative process and locational criteria for reviewing a proposed public educational facility and site plan, and offsite impacts as provided in Section 235.193(7), Florida Statutes, and to recognize the mutual benefits derived from the coordination of planning between the School Board and Pinellas County.

Section 3. Alternative Review Process Established.

(a) The County and the School Board agree to use the alternative review process depicted as Option A in Exhibit 1 hereto.

(b) In using Option A in Exhibit 1, the Board of County Commissioners will hold a public hearing when making a final determination of consistency. This public hearing would be subsequent to a public hearing held by the School Board. It is the intent that a final determination of consistency would be made by the Board of County Commissioners within the 60 day time frame identified in Exhibit 1, unless an extension is agreed to by both parties.

Section 4. Locational Criteria.

(a) The locational criteria developed by staff of the County, the School Board, several municipalities, and the Pinellas Planning Council serve as the basis for Objective 3.8. and its supporting policies, which received an initial public hearing by the Board of County Commissioners on May 14, 1996, and are scheduled to be adopted as part of the Future Land Use Element of the Pinellas County Comprehensive Plan in September 1996.

(b) The School Board and the County agree to use the objective and policies identified in Section 4(a) of this Interlocal Agreement when selecting potential educational facility sites and when reviewing a potential site during the review process as set forth in Exhibit 1.

Section 5. Modifications. Should either the County or the School Board desire to modify the adopted locational review criteria or the alternative review process depicted in Exhibit 1, they shall notify in writing their intent to the other party, those other local governments that have entered into a similar interlocal agreement with the School Board, and the Pinellas Planning Council. For the County, such notice shall occur at least one month before the initial hearing of any proposed amendments by the County local planning agency.

Section 6. Notice. Notice by either party to the other pursuant to this Interlocal Agreement shall be given in writing and hand-delivered or mailed as follows:

if to the County: County Administrator
 Pinellas County Courthouse
 315 Court Street
 Clearwater, FL 34616

if to the
School Board: School Superintendent
 P.O. Box 2942
 Largo, FL 34649-2942

Section 7. Construction. This Interlocal Agreement shall be construed as an expression of inter-agency cooperation enabling each party to make the most efficient use of its powers in furtherance of the objectives of the Educational Facilities Siting Act and the Growth Management Act. However, this Interlocal Agreement shall not be construed as delegating or authorizing the delegation of the constitutional or statutory duties of either party to the other.

Section 8. Termination. Either party may terminate this Interlocal Agreement upon 30 days notice to the other. Upon termination, the County and the School Board agree to use the review process identified in Section 235.193, Florida Statutes, unless and until the two agencies are able to agree on and establish another alternative review process.

Section 9. Filing; Effective Date. As required by Section 163.01(11), Florida Statutes, this Interlocal Agreement shall be filed with the Clerk of the Circuit Court of Pinellas County, after execution by the parties, and shall take effect upon the date of filing.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date set forth above.

Attest:
KARLEEN F. DeBLAKER, CLERK

PINELLAS COUNTY, FLORIDA by and
through its Board of County
Commissioners

By: *Daloris R. Laines*
Deputy Clerk

By: *Sallie Parks*
Sallie Parks, Chairman

Approved as to form:

By: *David Sadowsky*
David Sadowsky,
Senior Assistant County Attorney



Countersigned:

SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

By: *Andrea Thacker*
Andrea Thacker
Chairperson SEP 10 1996

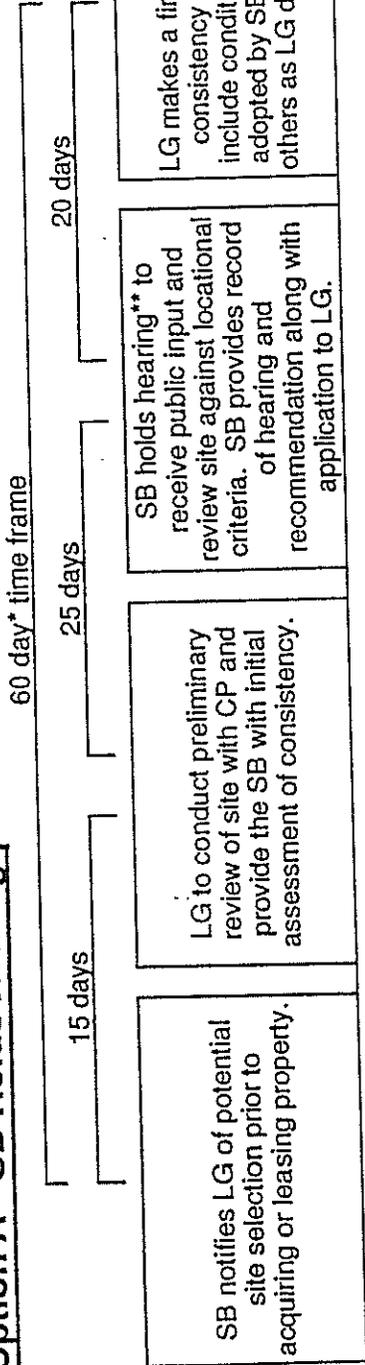
By: *Howard Hinesley*
Howard Hinesley
School Superintendent

Approved as to form:

By: *John Bowen*
John Bowen
School Board Attorney

EXHIBIT 1

Option A - SB Holds Hearing



SB notifies LG of potential site selection prior to acquiring or leasing property.

LG to conduct preliminary review of site with CP and provide the SB with initial assessment of consistency.

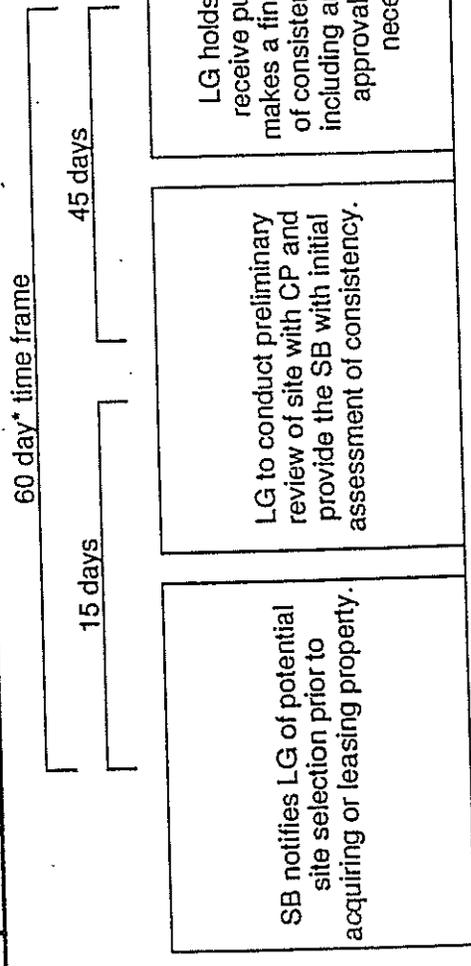
SB holds hearing** to receive public input and review site against locational criteria. SB provides record of hearing and recommendation along with application to LG.

LG makes a final determination of consistency with CP and may include conditions of approval as adopted by SB at their hearing or others as LG deems necessary.***

SB requests site plan approval from LG.

Annual adjustment of LG and PPC Countywide Future Land Use Plan Maps showing approved school sites.

Option B - LG Holds Hearing



SB notifies LG of potential site selection prior to acquiring or leasing property.

LG to conduct preliminary review of site with CP and provide the SB with initial assessment of consistency.

LG holds hearing** to receive public input and makes a final determination of consistency with the CP including any conditions of approval it deems are necessary.***

SB requests site plan approval from LG.

Annual adjustment of LG and PPC Countywide Future Land Use Plan Maps showing approved school sites.

Key
 CP = Comprehensive Plan
 LG = Local Government
 PPC = Pinellas Planning Council
 SB = School Board

* note: An extension of this 60 days, or the other time periods noted above, can be granted if agreed to by both parties.
 **note: at a minimum, notice shall include a newspaper advertisement, letters to adjacent property owners, and posting of the parcel (all according to LG requirements). All hearings are to be held in the evening to increase public access.
 ***note: substantially affected parties may appeal final determination through process as determined by the LG.