MEMORANDUM

Agenda Item No. 11(A)(31)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: May 6, 2008

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing Mayor to incorporate data on student enrollment in all schools in calculation of student generation rates for residential development

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.

R. A. Cuevas, Jr.
County Attorney

RAC/bw

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MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: May 6, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 11(A)(31)

Please note any items checked.

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(31)
5-6-08

RESOLUTION NO. _____

RESOLUTION DIRECTING COUNTY MAYOR TO INCORPORATE DATA ON STUDENT ENROLLMENT IN PRIVATE SCHOOLS, CHARTER SCHOOLS, AND MAGNET SCHOOLS IN CALCULATION OF STUDENT GENERATION RATES FOR RESIDENTIAL DEVELOPMENT

WHEREAS, the Florida Legislature amended sections 163.3177(12), 163.31777, and 163.3180(13), Florida Statutes, to require every county, school district, and affected municipality in the state to establish a concurrency management system to coordinate county and municipal residential development with the availability of public school facilities; and

WHEREAS, one of the essential components of the public school concurrency management system is the formula used to project the number of students generated by a residential development; and

WHEREAS, Miami-Dade County, with a population of 2,313,047, is the eighth largest county in the United States; and

WHEREAS, many school-age children in Miami-Dade County attend private schools rather than public schools; and

WHEREAS, many school-age children in Miami-Dade County attend charter schools or magnet schools in other areas of the County rather than the public schools near their homes, to which they would otherwise be assigned; and

WHEREAS, the student generation projections for residential developments currently employed by Miami-Dade County in the consideration of planning, zoning, and other land

development applications do not specifically account for students who attend private, charter, or magnet schools instead of the public schools near their homes; and

WHEREAS, Miami-Dade County desires to further refine its student generation projections to more accurately assess the impacts of residential development on public school facilities and to more accurately account for those impacts in the public school concurrency management system, in the assessment of impact fees, and in the application of zoning and other applicable land development regulations,

NOW, THERFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby directs the County Mayor or designee to, where feasible, account for students who attend private schools, charter schools, or magnet schools in all formulas used to project the number of students generated by residential development for purposes of Miami-Dade County's planning, zoning, and other land development regulations.

The foregoing resolution was sponsored by Commissioner Sally A. Heyman and offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner , and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Dennis A. Kerbel