

EXHIBIT B

CONTRACT, LEASE, AGREEMENT CONTROL FORM

Date: 2/2/2004

Contract/Lease Control #: C04-1027-BCCI-61

Bid #: N/A

Contract/Lease Type: INTERLOCAL

Award To/Lessee: CITIES OF OKALOOSA COUNTY & SCHOOL BOARD

Lessor:

Effective Date: 4/15/2003 \$0

Term: EXPIRES INDEFINITE

Description of Contract/Lease: PUBLIC SCHOOL FACILITY PLANNING

Department Manager: BCC

Department Monitor: J. CURRY

Monitor's Telephone #: 689-5007

Monitor's FAX #: 689-5025

Date Closed:

INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

This agreement is entered into between the Okaloosa County Board of County Commissioners (hereinafter referred to as "County"), the City Commission or City Council of the Cities of Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Esther and Niceville; the Town Council of Cinco Bayou; the City Commission of Valparaiso; the Town Commission of Shalimar (hereinafter referred to as "Cities"), and the School Board of Okaloosa County (hereinafter referred to as "School Board").

WHEREAS, the County, Cities and School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children within their community; and

WHEREAS, the County, Cities, and 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 reducing student travel times and 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, ballfields, libraries, and other community facilities to take advantage of joint use opportunities, and (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

WHEREAS, Section 235.193, Florida Statutes, 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 the comprehensive plan that states principles and guidelines to be used in the accomplishment of 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

**CONTRACT: PUBLIC SCHOOL
FACILITY PLANNING
CONTRACT NO.: C04-1027-BCCI-61
COUNTY CITIES AND SCHOOL BOARD
EXPIRES: INDEFINITE**

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NEWMAN C. BRACKIN, CLERK OF COURTS, OKALOOSA COUNTY, FL

WHEREAS, Sections 163.3177 and 235.193, Florida Statutes, further require each county and the nonexempt municipalities within that 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, the School Board, the County, and the Cities enter into this agreement in fulfillment of that statutory requirement and in recognition of the benefits accruing to their citizens and students described above;

NOW THEREFORE, be it mutually agreed between the School Board, the Board of County Commissioners of Okaloosa County and the City Councils of Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Esther and Niceville; the Town Council of Cinco Bayou; the City Commission of Valparaiso; and, the Town Commission of Shalimar that the following procedures will be followed in coordinating land use and public school facilities planning:

Section 1. Joint Meetings

- 1.1 A staff working group of the County, School Board, and Cities will meet on a semi-annual basis to discuss issues and formulate recommendations regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. The Okaloosa County Comprehensive Plan Committee shall be the working group for this purpose. The Chairman of the Committee shall be responsible for making meeting arrangements and providing notification. Representatives from the Regional Planning Council will also be invited to attend.
- 1.2 One or more representatives of the county Commission, the governing body of each City, and the School Board will meet annually in a joint workshop session. A representative of the Regional Planning Council will also be invited to attend. The joint workshop session will provide an opportunity for the County Commission, the City Commissions or Councils, and the School Board to hear reports, discuss policy, set direction, and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, development trends, school needs, off-site improvements, and joint use opportunities. The Okaloosa County Manager shall be responsible for making meeting arrangements and providing notification.

Section 2. Student Enrollment and Population Projections

- 2.1 In fulfillment of their respective planning duties, the County, Cities, and School Board agree to coordinate and base their plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment. Countywide five-year population and student enrollment projections shall be revised annually and provided by the School Board at the first staff working group meeting described at subsection 1.1.
- 2.2 The School Board shall utilize student population projections based on information produced by the demographic, revenue, and education estimating conferences pursuant to Section 216.136, Florida Statutes, where available, as modified by the School Board based on development data and agreement with the 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. In formulating such a request the School Board will coordinate with the Cities and County regarding development trends and future population projections.
- 2.3 The School Board, working with the County and Cities, will use the information described in Section 3.3 to allocate projected student enrollment into sub-county planning sectors so that the district-wide projections are not exceeded. The planning sectors will be established by mutual consent of the school board and local governmental staff. The allocation of projected student enrollment will be determined at the first staff meeting described in subsection 1.1.

Section 3. Coordinating and sharing of Information

- 3.1 Tentative District Educational Facilities Plan: On or before October 1 of each year, the School Board shall submit to the County and each City the tentative district educational facilities plan prior to adoption by the Board. The plan will be consistent with the requirements of Section 235.185, Florida Statutes, and include projected student populations apportioned geographically, an inventory of existing school facilities, projections of facility space needs, information on relocatable, general locations of new schools for the 5-, 10-, and 20-year time periods, and 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 Cities and County shall review the plan and comment in writing to the School Board within 60 days on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational

facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment, the matter shall be resolved pursuant to Section 8 of this agreement.

- 3.2 Educational Plant Survey: At least one year prior to preparation of the Educational Plant Survey update, the staff working group established in subsection 1.1 will assist the School Board in an advisory capacity in the preparation of the update. The educational Plant Survey shall be consistent with the requirements of Section 235.15, 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 the land use plan. The staff working group will evaluate and make recommendations regarding the location and need for new, or significant renovation and expansion of existing educational facilities with the local government comprehensive plan, and relevant issues listed at subsections 4.3, 6.6, 6.7, and 7.1 of this agreement.
- 3.3 Growth and Development Trends: On or before July 1 of each year, local governments will provide the School Board with a report on growth and development trends within their jurisdiction. This report will be in tabular, graphic, and textual formats and will include the following:
- (a) The type, number, and location of residential units which have received zoning approval or site plan approval;
 - (b) information regarding future land use map amendments which may have an impact on school facilities;
 - (c) building permits issued for the preceding year and their location;
 - (d) information regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students; and
 - (e) the identification of any development orders issued which contain a requirement for the provision of a school site as a condition of development approval.

Section 4. School Site Selection, Significant Renovations, and Potential School Closures

- 4.1 The School Board will establish a Public Schools Advisory Committee for the purpose of reviewing potential sites for new schools and proposals for significant

renovation and potential closure of existing schools. Based on information gathered during the review, the Committee will submit recommendations to the Superintendent or designee. The Public Schools Advisory Committee will be a standing committee and will meet on an as needed basis. In addition to appropriate members of the School Board, the Committee will include a representative of the County and of the City within which the proposed school is to be located to be appointed by the Chief Administrative Official of the City or County.

- 4.2 When the need for a new school is identified in the district educational facilities plan, the Public Schools Advisory Committee ("PSAC") will develop a list of potential sites in the area of need. The list of potential sites for new schools and the list of schools identified in the district educational facilities plan for significant renovation and potential closure will be submitted to the local government with jurisdiction for an informal assessment regarding consistency with the local government comprehensive plan, including, as applicable: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, land use compatibility, consistence with community vision, and other relevant issues. In addition, the issues identified in subsection 4.3 of this agreement will be considered by both the local government and Public Schools Advisory Committee as each site or school is evaluated. Based on the information gathered during this review, for new schools the PSAC will make a recommendation to the Superintendent or designee of one or more sites in order of preference. For significant renovations and potential closures, the PSAC will make appropriate recommendations.
- 4.3 The following issues will be considered by the Public Schools Advisory Committee, the School Board, and the Local Governments when evaluating new school sites and significant renovations and potential closure of existing schools.
 - a. The location of schools proximate to urban residential development and contiguous to existing school sites, and which provide logical focal points for community activities and serve as the cornerstone for innovative urban design, including opportunities for shared use and collocation with other community facilities;
 - b. The location of elementary schools proximate to and within walking distance of the residential neighborhoods served;
 - c. The location of high schools on the periphery of residential neighborhoods, with access to major roads;

- d. Compatibility of the school site with present and projected uses of adjacent property;
- e. Whether existing school can be expanded or renovated to support community redevelopment and revitalization, efficient use of existing infrastructure, and the discouragement of urban sprawl;
- f. Site acquisition and development costs;
- g. Existing or planned availability of adequate public facilities and services to support the school;
- h. Environmental constraints that would either preclude or render cost infeasible the development or significant renovation of a public school on the site;
- i. Adverse impacts on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource;
- j. The site is well drained and the soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements;
- k. The proposed location is not in conflict with the local government comprehensive plan, stormwater management plans, or watershed management plans;
- l. The proposed location is not within any "V" flood zone or a floodway as delineated on the National Flood Insurance Programs Flood Insurance Rate Map, or the Coastal High Hazard Area, as delineated in the map appendix for applicable comprehensive plan;
- m. The proposed site can accommodate the required parking, circulation, ingress/egress and queuing of vehicles.
- n. The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

- 4.4 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, the School Board shall provide written notice to the local government with jurisdiction over the use of the land. The local government, upon receipt of this notice, shall notify the School Board within 45 days if the proposed new school site is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to section 235.193(12), Florida Statutes.

Section 5. Supporting Infrastructure

- 5.1 In conjunction with the preliminary consistency determination described at subsection 4.4 of this agreement, the School Board and affected local governments 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, and will enter into a written agreement as to the timing, locating, and the party or parties responsible for constructing, operating and maintaining the required improvements.

Section 6. Local Planning Agency, Comprehensive Plan Amendments, Rezoning, and Development Approvals

- 6.1 The County and Cities will include a nonvoting representative appointed by the School Board on the local planning agencies, or equivalent agencies, to attend those meetings at which the agencies consider comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. The Cities and County may at their discretion grant voting status to the school board member.
- 6.2 The School Board will appoint a representative to serve on the County's staff development review committee, or equivalent body. In addition, the School Board representative will be invited to participate in the Cities' staff development review committees, or equivalent body, when development and redevelopment proposals are proposed which could have a significant impact on student enrollment or school facilities.
- 6.3 The County and the Cities agree to give the School Board notification of land use applications and development proposals pending before them that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided at least 15 days prior to approval of the application. This notice requirement applies

to amendments to the comprehensive plan future land use map, rezonings, developments of regional impact, and other major residential or mixed-use development projects.

- 6.4 Within ten (10) days after notification by the local government, the School Board will advise the local government of the school enrollment impacts anticipated to result from the proposed land use application or development proposal, and whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with State Requirements for Educational Facilities.
- 6.5 If sufficient capacity is not available or planned to serve the development at the time of impact, the School Board will specify how it proposes to meet the anticipated student enrollment demand; alternatively, the School Board, local government, and developer will collaborate to find means to ensure sufficient capacity will exist to accommodate the development, such as, developer contributions, project phasing, or developer provided facility improvements.
- 6.6 In reviewing and approving comprehensive plan amendments, rezonings, development proposals and other major residential or mixed use development projects, the county and cities will consider the following issues:
 - a. School Board comments;
 - b. Available school capacity or planned improvements to increase school capacity;
 - c. The provision of school sites and facilities within planned neighborhoods;
 - d. Compatibility of land use designations and zoning districts adjacent to existing schools and reserved school sites;
 - e. The co-location of parks, recreation and neighborhood facilities with school sites;
 - f. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks for safe access;
 - g. Traffic circulation plans which serve schools and the surrounding neighborhood and commercial areas;

- h. The provision of off-site signalization, signage, access improvements, and sidewalks to serve schools; and
 - i. The inclusion of school bus stops and turnarounds.
- 6.7 In formulating annual updates to the Capital Improvements Program, the County and Cities will consider the following issues:
 - a. Giving priority to scheduling capital improvements that are coordinated with and meet the capital needs identified in the School Board district educational facilities plan;
 - b. Providing incentives to the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments;
 - c. Targeting community development improvements in older and distressed neighborhoods near schools; and
 - d. Working to address and resolve multi-jurisdictional public school issues.

Section 7. Co-location and Shared Use

- 7.1 Co-location and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the District Educational Facilities Plan. Likewise, co-location 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, opportunities for co-location and shared use with public schools will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers, and stadiums. In addition, co-location and shared use of school and governmental facilities for health care and social services will be considered.
- 7.2 A separate agreement will be developed for each instance of co-location 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 co-location.

Section 8. Resolution of Disputes

- 8.1 If the parties to this agreement are unable to resolve any issue in which they may be in disagreement covered in this agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapter 164 and 186, Florida Statutes.

Section 9. Oversight Process

- 9.1 The School Board, the County and each City shall appoint a citizen member to serve on an oversight committee to monitor implementation of the interlocal agreement. Committee members shall be invited to attend all meetings referenced in Sections 1 and 4 and shall receive copies of all reports and documents produced pursuant to this interlocal agreement. The committee shall appoint a chairperson, meet at least annually, and report to participating local governments, the School Board and the general public on the effectiveness with which the interlocal agreement is being implemented.

Section 10. Site Plan Review

- 10.1 As early in the design phase of the site plan as feasible, but at least 90 days before commencing construction, the School Board will request a formal consistency determination from the local government with jurisdiction over the use of land. The local government will determine in writing within 45 days after receiving a request and the necessary information from the School Board whether a proposed public educational facility is consistent with the local comprehensive plan and land development regulations.
- 10.2 If a school site is consistent with the future land use policies and land use categories that allows public schools, the local government may not deny the site plan application but may impose reasonable development standards and conditions in accordance with section 235.34(1), F.S. The local government may consider the adequacy of the site plan as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. (S. 235.193(13), F.S.).

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of Okaloosa County, the Cities of Crestview, Destin, Fort Walton Beach, Laurel Hill, Mary Esther, Niceville and Valparaiso; the Towns of Cinco Bayou and Shalimar, and the School Board of Okaloosa County, Florida on the dates indicated below to be effective as of the 1st day of April, 2003.

ATTEST:

THE SCHOOL BOARD OF
OKALOOSA COUNTY, FLORIDA

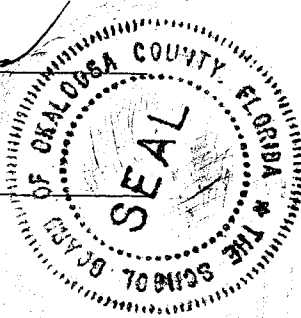
By: 

Don Gaetz
Superintendent of Schools

By: 

Lucinda J. Frakes
School Board Chairman

Date: March 24, 2003



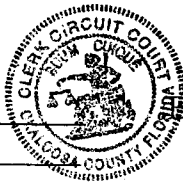
ATTEST:

OKALOOSA COUNTY, FLORIDA

NEWMAN C. BRACKIN

By: 

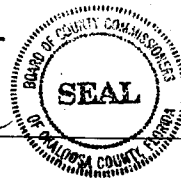
Print Name: Gary J. Stanford



By: 

Paula Riggs
Chairman, Board of County
Commissioners

Date: April 15, 2003



ATTEST:

TOWN OF CINCO BAYOU, FLORIDA

By: Nell Webb

Print Name: Nell Webb

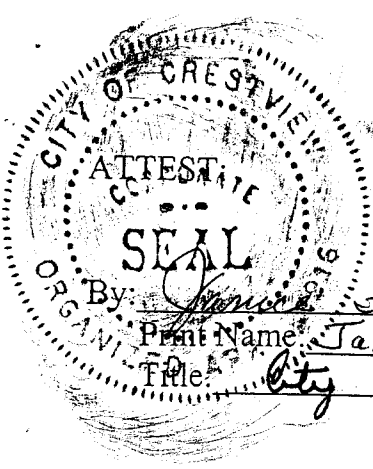
Title: Town Manager/Clerk

By: Norm Frucci

Print Name: Norm Frucci

Mayor, Town of Cinco Bayou

Date: September 11, 2003




CITY OF CRESTVIEW, FLORIDA

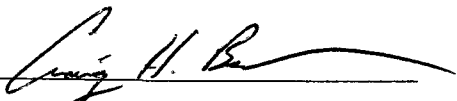
By: George H. Whitehurst
Print Name: GEORGE H Whitehurst
Mayor, City of Crestview
Date: 7-7-03

By: Tanice F. Young
Print Name: Tanice F. Young
Title: City Clerk

ATTEST:

CITY OF DESTIN, FLORIDA

By: 
Print Name: DANA L.S. WILLIAMS
Title: CITY CLERK

By: 
Print Name: CRAIG H. BARKER
Mayor, City of Destin
Date: 5-19-03

ATTEST:

CITY OF FORT WALTON BEACH,
FLORIDA

By:

Print Name: Aileen S. Spencer

Title: City Clerk

By:

Print Name: Glenda Glover

Mayor, City of Fort Walton Beach

Date: 9-12-03

ATTEST:

CITY OF LAUREL HILL, FLORIDA

By: Shirley Simmons
Print Name: Shirley Simmons
Title: City Clerk

By: James W. Durn
Print Name: James W. Durn
Mayor, City of Laurel Hill
Date: 9-9-03

ATTEST:

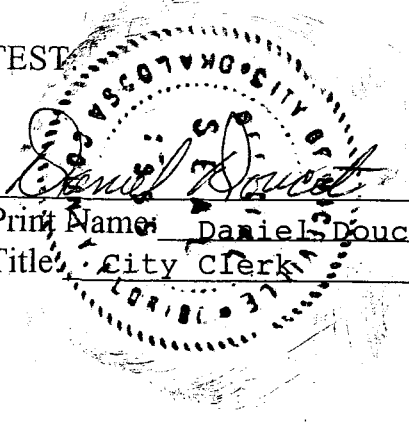
CITY OF MARY ESTHER, FLORIDA

By: Laura Houchens
Print Name: Laura Houchens
Title: City Clerk

By: John Thomas
Print Name: John Thomas
Mayor, City of Mary Esther
Date: 7 April 2003

ATTEST

By:


Print Name: Daniel Doucet

Title: City Clerk

CITY OF NICEVILLE, FLORIDA

By:

Randall Wise
Print Name: Randall Wise

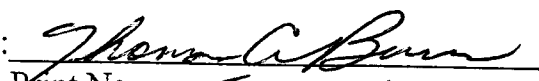
Mayor, City of Niceville


Date:

5-13-03

ATTEST:

TOWN OF SHALIMAR, FLORIDA

By: 
Print Name: THOMAS A. BURNS
Title: TOWN MANAGER

By: 
Print Name: GARY W. COMBS
Mayor, Town of Shalimar
Date: 30 July 2003