

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Letter of Understanding from the School Board of Seminole County to the Board of County Commissioners of Seminole County

**DEPARTMENT:** Public Works **DIVISION:** MCB 10/23/03 Traffic Engineering

**AUTHORIZED BY:** W. Gary Johnson **CONTACT:** Melonie C. Barrington EXT. 5676  
W. Gary Johnson, P.E.

Agenda Date	<u>11/18/03</u>	Regular	<input type="checkbox"/>	Consent	<input checked="" type="checkbox"/>	Work Session	<input type="checkbox"/>	Briefing	<input type="checkbox"/>
		Public Hearing – 1:30	<input type="checkbox"/>	Public Hearing – 7:00	<input type="checkbox"/>				

**MOTION/RECOMMENDATION:**

Authorize Chairman to execute the Letter of Understanding from the School Board of Seminole County to the Board of County Commissioners of Seminole County.

**BACKGROUND:**

The School Board of Seminole County wishes to enter into a Letter of Understanding with Seminole County Government for renovations to the public school(s) within the County. Seminole County Government currently has funds available for school circulation projects, through the one-cent sales tax. Since the improvements proposed qualify for use of these funds, the School Board wishes to complete the improvements and be reimbursed through the one-cent sales tax. Per agreement, the dollar amount payable to the School Board shall not exceed \$1,600,000.00. A County inspector will be assigned to verify construction is in compliance with this Agreement and with the approved plan. The proposed LOU was approved by the School Board on September 9, 2003, and has been executed by Chairman Sandra Robinson.

Relating to the County program as originally described in exhibits for the sales tax program, attached is the administrative update which will be issued and entered into the record for the School Circulation projects corresponding to Exhibit A of the recommended Letter of Understanding.

Attachment: LOU (2 originals)  
Exhibit A (2 originals)  
Exhibit C update for 2001 Renewed Sales Tax Program

Reviewed by:	
Co Atty:	<u>[Signature]</u>
DFS:	<u>NTA</u>
Other:	<u>NTA</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>CPWTE01</u>

**LETTER OF UNDERSTANDING (“LOU”)  
FROM THE SCHOOL BOARD OF SEMINOLE COUNTY  
TO THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY**

The School Board of Seminole County ("School Board") wishes to make on-site improvements at various sites it owns and off-site improvements on lands owned by Seminole County, both kinds of improvements (collectively, the "listed improvements") being included in projects listed in Exhibit A. Seminole County is asked to reimburse the School Board's expenditures for listed improvements that the parties agree will qualify for reimbursement (the "qualifying expenditures") from the fund for "School Related Traffic Circulation Improvements" from the County's share of the "One Cent" sales tax. By letter agreement the County Traffic Engineer and the School Board Deputy Superintendent for Operations may add or amend the "Not-to-Exceed" amounts in Exhibit A for listed projects or may revise the construction schedules.

If the School Board contractors' firm quotes and construction plans are first approved in writing by the County Traffic Engineer, the School Board may authorize the contractors to construct the listed improvements. Change orders must also be approved by the County Traffic Engineer in writing. The School Board shall submit copies of all contractors' invoices as paid and all relevant "as-built" plans to Seminole County for reimbursement of qualifying expenditures.

Seminole County Traffic Engineering Division shall inspect the work, invoices and, as deemed necessary by the County Traffic Engineer, as-builts, within sixty (60) days of their receipt to determine whether the documented expenditures contained in such invoices are qualifying expenditures, and then forthwith pay the School Board the amount of qualifying expenditures and write why any expenditures do not qualify for reimbursement or why they lack documentation.

Any dispute shall first be submitted to non-binding mediation before a mediator acceptable to both parties, and then litigation shall only be had in the Circuit or County

Court in and for Seminole County. In no event shall Seminole County's liability under this LOU for a project exceed the greater of One Dollar (\$1.00) or the project's "Not-to-Exceed" amount in Exhibit A, as revised, whether sounding in tort or contract. The County shall not expand the scope of any project as approved and bid so as to increase the cost above the listed "Not-to-Exceed" amount without agreement by the School Board. The School Board expressly assumes responsibility for invoiced amounts, if any, in excess of the "Not-to-Exceed" amount for each project; other School Board expenditures that do not qualify for reimbursement; and any liability Seminole County incurs for tort, trespass or inverse condemnation caused by School Board's referenced activities, construction or contractors, to the extent permitted by law.

This LOU will be effective upon your acceptance.

ATTEST:

Sincerely yours,  
**THE SCHOOL BOARD OF  
SEMINOLE COUNTY, FLORIDA**

By: Bill Vogel  
Print name:  
Superintendent

Sandra Robinson 9-9-03  
Sandra Robinson Date  
Chairman

**ACCEPTED BY:**

ATTEST:

**BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA**

\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida.

By: \_\_\_\_\_  
DARYL G. McLAIN, Chairman

Date: \_\_\_\_\_

For the use and reliance of  
Seminole County only. Approved  
as to form and legal sufficiency.

As authorized for execution by the Board  
of County Commissioners at its \_\_\_\_\_,  
2003, regular meeting.

[Signature]  
County Attorney  
Attachment: Exhibit A

EXHIBIT "A"

<b>SCHOOL TAX MONEY</b>	<b>10 YEAR AMT</b>	<b>AMOUNT SPENT</b>	<b>AMOUNT ENC.</b>	<b>AMT DESIGNATED</b>
PROJECT NAMES - Fiscal/Year	\$ 1,600,000.00			
LAKE MARY ELEMENTARY-COMplete - 01/02		\$ 146,141.45		
GREENWOOD LAKES MIDDLE-COMplete - 02/03			\$ 45,000.00	
LAKE MARY HIGH SCHOOL-COMplete - 03/04			\$ 50,000.00	
EASTBROOK ELEMENTARY-LOU - 03/04			\$ 60,000.00	
CHILES MIDDLE SCHOOL*** - 03/04				\$ 88,000.00
RED BUG ELEMENTARY - 02/03 & 03/04				\$ 340,000.00
SPRING LAKE ELEMENTARY - 03/04				\$ 25,000.00
NEW ELEMENTARY SCHOOL "J" - 03/04				\$ 100,000.00
ENGLISH ESTATES ELEMENTARY- 03/04				\$ 147,000.00
	\$ 1,600,000.00	\$ 146,141.45	\$ 155,000.00	\$ 700,000.00
<b>BALANCE AFTER ACTUAL(LK MARY ELEM)</b>		<b>\$ 1,453,858.55</b>		
<b>BALANCE AFTER ACTUAL AND ENCUMBERED</b>			<b>\$ 1,298,858.55</b>	
<b>BALANCE AFTER ACT, ENCUMBERED, DESIGNATED</b>				<b>\$ 598,858.55</b>
<b>NO MONEY DESIGNATED</b>				
MIDDLE SCHOOL "DD" - 04/05				
NEW CHILES MIDDLE SCHOOL - 04/05				
LAKE HOWELL HIGH SCHOOL - 05/06				
STERLING PARK ELEMENTARY - 06/07				
STENSTROM ELEMENTARY- 07-2011				
OVIEDO HIGH SCHOOL - 07-2011				
WILSON ELEMENTARY - 07-2011				
WOODLANDS ELEMENTARY - 07-2011				

AMOUNTS WILL CHANGE AS ACTUAL COSTS BECOME AVAILABLE.

WHEN THE CHILES NEW MIDDLE SCHOOL IS COMPLETE, THE OLD SCHOOL WILL BECOME HAGERTY HIGH SCHOOL\*\*\*

NEW ELEMENTARY SCHOOL "J" WILL BECOME: JOAN WALKER ELEMENTARY SCHOOL

UPDATED 10-22-03

EXHIBIT "A"

**FUTURE PROJECT LOCATIONS WITH NO DATE DESIGNATED AT THIS TIME**

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Altamonte Elementary  
Bentley Elementary  
Carillon Elementary  
Casselberry Elementary  
English Estates Elementary  
Evans Elementary  
Forest City Elementary  
Goldsboro Elementary  
Hamilton Elementary  
Heathrow Elementary  
Highlands Elementary  
Hopper Center  
Idyllwilde Elementary  
Lake Orienta Elementary  
Lawton Elementary  
Layer Elementary  
Longwood Elementary  
Lyman High  
Midway Elementary  
Millennium Middle  
Milwee Middle  
Partin Elementary  
Pine Crest Elementary  
Rainbow Elementary  
Rock Lake Middle  
Rosenwald Center  
Sabal Point Elementary  
Sanford Middle  
Seminole High  
South Seminole Middle  
Teague Middle  
Tuskawilla Middle  
Wekiva Elementary  
Wicklow Elementary  
Winter Springs Elementary  
Winter Springs High

UPDATED 10-22-03

**Excerpt from Exhibit C**

**1% Local Government Infrastructure Sales Surtax**

Traffic Operations/Safety		
Project	Proposed Scope	Preliminary Cost Estimate
School Circulation Projects	<u>Example Improvement Locations:</u> Carillon Elementary/Lawton Chiles Middle <u>English Estates Elementary</u> <u>Greenwood Lake Middle School – Complete</u> <del>Keith Elementary/Indian Trail Middle</del> Lake Howell High School Lake Mary Elementary – Complete Lake Mary High School – Complete <u>New Elementary School J (Joan Walker Elementary)</u> Oviedo High School <u>Red Bug Elementary</u> <u>Spring Lake Elementary</u> Stenstorm Elementary Sterling Park Elementary Wilson Elementary Woodlands Elementary Heathrow Elementary/ <u>Middle (School “DD”)</u>	\$1.6 M

This Exhibit Update For Seminole County Valid As Of November 18, 2003. Changes for this update are denoted by underline and strikethrough.	Sem. Co. Review/Approval Initials: DPW CM <div style="text-align: right; margin-top: 10px;">  </div>
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