

**ADDITIONAL MATERIAL**

**Regular Meeting**

**MARCH 31, 2020**

**SUBMITTED AT THE REQUEST OF**

**OFFICE OF THE COUNTY  
ATTORNEY**

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** René D. Harrod, Deputy County Attorney 

**DATE:** March 26, 2020

**RE:** **March 31, 2020, Board Meeting, Item 9 (School Board Shelter Agreement)**

This memorandum provides an update to the Board regarding the pending interlocal agreement with The School Board of Broward County for hurricane shelters. Item 9 on the March 31, 2020, agenda states that the form of the agreement to be considered by the Board would be circulated as Additional Material.

As mentioned in the agenda item, on March 5, 2020, the County Administrator met with the Superintendent and resolved in principle the more material outstanding issues. Since that date, staff on both sides have participated in multiple telephonic meetings to document the agreement in principle reached between the County Administrator and the Superintendent, as well as to resolve the other remaining open issues. Because the same emergency and risk personnel of both entities are significantly involved in their entities' respective responses to the current COVID-19 crisis, progress in finalizing the document and resolving the handful of remaining open issues has been materially impacted. Despite good-faith efforts by both parties, the actual verbiage is not yet agreed upon to the point that we believe circulation of a draft agreement to the Board would fairly reflect either party's position.

The substantive terms agreed upon by both the parties include the following:

- A ten (10) year term, which can be extended for an additional ten years;
- A list of available school facilities that can be activated as hurricane shelters at the direction of the County Administrator;
- Agreed staffing by SBBC personnel at each activated shelter, including SBBC Facility Managers, SBBC Facility Servicepersons, SBBC technical personnel, and SBBC food service personnel;

- Full reimbursement of SBBC for defined categories of expenses (subject to appropriate documentation), including personnel wages, utilities, food commodities, etc.;
- Agreed procedures for inspection of school facilities, training of shelter workers, and procedures for determining appropriate utilization areas at each shelter; and
- Allocation of risk and responsibility for a variety of issues, including damage to the facilities, any needed improvements to the facilities, background screening of shelter workers, third-party claims, and force majeure events (other than the hurricane at issue).

County Administration has agreed to defer the Board's consideration of this item until an April meeting of the Board. We will continue working to finalize this agreement to the point that it can be considered by the Board at a meeting in April 2020.

RDH/tb

c: Bertha Henry, County Administrator  
Bob Melton, County Auditor  
Andrew J. Meyers, County Attorney