

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfRPC.org

COUNCIL MEETING AGENDA

June 15, 2017

9:00am – 11:00am

Mission Statement:

To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share...for the benefit of our future generations.

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Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD.

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- f) Legislative Affairs Committee – **Mr. Don McCormick**
- g) Quality of Life & Safety Committee – **Mayor Willie Shaw**
- h) Regional Transportation Committee – **Ms. Margaret Wuerstle**
- i) Interlocal Agreement/Future of the SWFRPC Committee – **Chair Jim Burch**

- Discussion on the relevancy of the RPC

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- j) Water Quality and Water Resources Management- **Vice Mayor Mick Denham**

- 12 NEW BUSINESS**
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- 14 COUNCIL LEGAL CONSULTANT'S COMMENTS**
- 15 COUNCIL MEMBERS' COMMENTS**
- 16 ADJOURN**

NEXT SWFRPC MEETING DATE: TBD

Two or more members of the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program may be in attendance and may discuss matters that could come before the Peace River Basin Management Advisory Committee and Charlotte Harbor National Estuary Program, respectively, for consideration.

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL MEMBERSHIP

OFFICERS

Councilman Jim Burch, Chair

Mr. Thomas Perry, Vice-Chair

Councilman Forrest Banks, Secretary

Mayor Willie Shaw, Treasurer

CHARLOTTE COUNTY

COLLIER COUNTY

Commissioner Joe Tiseo, Charlotte BCC

Commissioner Bill McDaniel, Collier BCC

Commissioner Ken Doherty, Charlotte BCC

Commissioner Penny Taylor, Collier BCC

Councilwoman Lynne Matthews, City of Punta Gorda

Councilman Reg Buxton, City of Naples

Mr. Donald McCormick, Governor Appointee

(City of Marco Island Vacancy)

Ms. Suzanne Graham, Governor Appointee

Mr. Robert "Bob" Mulhere, Governor Appointee

(Governor Appointee Vacancy)

GLADES COUNTY

HENDRY COUNTY

Commissioner Donna Storter-Long, Glades BCC

Commissioner Karson Turner, Hendry BCC

Commissioner Donald Strenth, Glades BCC

Commissioner Mitchell Wills, Hendry BCC

Councilwoman Pat Lucas, City of Moore Haven

Vice-Mayor Michael Atkinson, City of Clewiston

Mr. Thomas Perry, Governor Appointee

Commissioner Julie Wilkins, City of LaBelle

Mr. Mel Karau, Governor Appointee

LEE COUNTY

SARASOTA COUNTY

Commissioner Frank Mann, Lee BCC

Commissioner Mike Moran, Sarasota BCC

Commissioner Cecil Pendergrass, Lee BCC

Commissioner Charles Hines, Sarasota BCC

Councilman Jim Burch, City of Cape Coral

Councilmember Debbie McDowell, City of North Port

Councilman Forrest Banks, City of Fort Myers

Councilman Fred Fraize, City of Venice

Councilmember Anita Cereceda, Town of Fort Myers Beach

Mayor Willie Shaw, City of Sarasota

Vice-Mayor Mick Denham, City of Sanibel

Mr. Felipe Colon, Governor Appointee

Councilman Greg DeWitt, City of Bonita Springs

(Governor Appointee Vacancy)

Councilman Jim Wilson, Village of Estero

Ms. Laura Holquist, Governor Appointee

(Governor Appointee Vacancy)

EX-OFFICIO MEMBERS

Jon Iglehart, FDEP

Steve Walls, FDOT

Phil Flood, SFWMD

Tara Poulton, SWFWMD

STAFF

Margaret Wuerstle, Executive Director

Beth Nightingale, Legal Consultant

James Beever

Nichole Gwinnett

Rebekah Harp

Charles Kammerer

Timothy Walker

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

ABM - Agency for Bay Management - Estero Bay Agency on Bay Management

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMD A -Application for Master Development Approval

BE BR - Bureau of Economic Business and Research at the University of Florida

BLID - Binding Letter of DRI Status

BLIM - Binding Letter of Modification to a DRI with Vested Rights

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

CDC - Certified Development Corporation (a.k.a. RDC)

CEDS - Comprehensive Economic Development Strategy (a.k.a. OEDP)

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DEO - Department of Economic Opportunity

DEP - Department of Environmental Protection

DO - Development Order

DOPA - Designated Official Planning Agency (i.e. MPO, RPC, County, etc.)

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAR - Florida Administrative Register (formerly Florida Administrative Weekly)

FCTS - Florida Coordinated Transportation System

FDC&F -Florida Department of Children and Families (a.k.a. HRS)

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

IFAS - Institute of Food and Agricultural Sciences at the University of Florida

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NADO – National Association of Development Organizations

NARC -National Association of Regional Councils

NOPC -Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFI – Request for Invitation

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP -State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

TDC - Transportation Disadvantaged Commission (a.k.a. CTD)

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plan

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)



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 Northeast Florida • South Florida • Southwest Florida
 Tampa Bay • Treasure Coast • West Florida • Withlacoochee

104 West Jefferson Street, Tallahassee, FL 32301-1713 • 850.224.3427

Regional Planning Council Functions and Programs

March 4, 2011

- **Economic Development Districts:** Regional planning councils are designated as Economic Development Districts by the U. S. Economic Development Administration. From January 2003 to August 2010, the U. S. Economic Development Administration invested \$66 million in 60 projects in the State of Florida to create/retain 13,700 jobs and leverage \$1 billion in private capital investment. Regional planning councils provide technical support to businesses and economic developers to promote regional job creation strategies.
- **Emergency Preparedness and Statewide Regional Evacuation:** Regional planning councils have special expertise in emergency planning and were the first in the nation to prepare a Statewide Regional Evacuation Study using a uniform report format and transportation evacuation modeling program. Regional planning councils have been preparing regional evacuation plans since 1981. Products in addition to evacuation studies include Post Disaster Redevelopment Plans, Hazard Mitigation Plans, Continuity of Operations Plans and Business Disaster Planning Kits.
- **Local Emergency Planning:** Local Emergency Planning Committees are staffed by regional planning councils and provide a direct relationship between the State and local businesses. Regional planning councils provide thousands of hours of training to local first responders annually. Local businesses have developed a trusted working relationship with regional planning council staff.
- **Homeland Security:** Regional planning council staff is a source of low cost, high quality planning and training experts that support counties and State agencies when developing a training course or exercise. Regional planning councils provide cost effective training to first responders, both public and private, in the areas of Hazardous Materials, Hazardous Waste, Incident Command, Disaster Response, Pre- and Post-Disaster Planning, Continuity of Operations and Governance. Several regional planning councils house Regional Domestic Security Task Force planners.
- **Multipurpose Regional Organizations:** Regional planning councils are Florida's only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development and provide assistance to local governments.
- **Problem Solving Forum:** Issues of major importance are often the subject of regional planning council-sponsored workshops. Regional planning councils have convened regional summits and workshops on issues such as workforce housing, response to hurricanes, visioning and job creation.
- **Implementation of Community Planning:** Regional planning councils develop and maintain Strategic Regional Policy Plans to guide growth and development focusing on economic development, emergency preparedness, transportation, affordable housing and resources of regional significance. In addition, regional planning councils provide coordination and review of various programs such as Local Government Comprehensive Plans, Developments of Regional Impact and Power Plant Ten-year Siting Plans. Regional planning council reviewers have the local knowledge to conduct reviews efficiently and provide State agencies reliable local insight.

- **Local Government Assistance:** Regional planning councils are also a significant source of cost effective, high quality planning experts for communities, providing technical assistance in areas such as: grant writing, mapping, community planning, plan review, procurement, dispute resolution, economic development, marketing, statistical analysis, and information technology. Several regional planning councils provide staff for transportation planning organizations, natural resource planning and emergency preparedness planning.
- **Return on Investment:** Every dollar invested by the State through annual appropriation in regional planning councils generates 11 dollars in local, federal and private direct investment to meet regional needs.
- **Quality Communities Generate Economic Development:** Businesses and individuals choose locations based on the quality of life they offer. Regional planning councils help regions compete nationally and globally for investment and skilled personnel.
- **Multidisciplinary Viewpoint:** Regional planning councils provide a comprehensive, multidisciplinary view of issues and a forum to address regional issues cooperatively. Potential impacts on the community from development activities are vetted to achieve win-win solutions as council members represent business, government and citizen interests.
- **Coordinators and Conveners:** Regional planning councils provide a forum for regional collaboration to solve problems and reduce costly inter-jurisdictional disputes.
- **Federal Consistency Review:** Regional planning councils provide required Federal Consistency Review, ensuring access to hundreds of millions of federal infrastructure and economic development investment dollars annually.
- **Economies of Scale:** Regional planning councils provide a cost-effective source of technical assistance to local governments, small businesses and non-profits.
- **Regional Approach:** Cost savings are realized in transportation, land use and infrastructure when addressed regionally. A regional approach promotes vibrant economies while reducing unproductive competition among local communities.
- **Sustainable Communities:** Federal funding is targeted to regions that can demonstrate they have a strong framework for regional cooperation.
- **Economic Data and Analysis:** Regional planning councils are equipped with state of the art econometric software and have the ability to provide objective economic analysis on policy and investment decisions.
- **Small Quantity Hazardous Waste Generators:** The Small Quantity Generator program ensures the proper handling and disposal of hazardous waste generated at the county level. Often smaller counties cannot afford to maintain a program without imposing large fees on local businesses. Many counties have lowered or eliminated fees, because regional planning council programs realize economies of scale, provide businesses a local contact regarding compliance questions and assistance and provide training and information regarding management of hazardous waste.
- **Regional Visioning and Strategic Planning:** Regional planning councils are conveners of regional visions that link economic development, infrastructure, environment, land use and transportation into long term investment plans. Strategic planning for communities and organizations defines actions critical to successful change and resource investments.
- **Geographic Information Systems and Data Clearinghouse:** Regional planning councils are leaders in geographic information systems mapping and data support systems. Many local governments rely on regional planning councils for these services.

Agenda

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Minutes

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**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MAY 18, 2017 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on May 18, 2017 at the offices of the Southwest Florida Regional Planning Council-1400 Colonial Boulevard, Suite #1 in Fort Myers, Florida. Chair Burch called the meeting to order at 9:06 AM. Mayor Shaw then led an invocation and the Pledge of Allegiance. Ms. Nichole Gwinnett conducted the roll call and noted that a quorum was present.

MEMBERS PRESENT

Charlotte County: Commissioner Ken Doherty, Commissioner Joe Tiseo, Councilwoman Lynne Matthews, Mr. Don McCormick

Collier County: Commissioner Bill McDaniel, Commissioner Penny Taylor, Councilman Reg Buxton, Mr. Bob Mulhere

Glades County: Commissioner Donna Storter-Long, Mr. Thomas Perry

Hendry County: Commissioner Julie Wilkins

Lee County: Commissioner Frank Mann, Commissioner Cecil Pendergrass, Councilman Jim Burch, Vice-Mayor Mick Denham, Councilman Greg DeWitt

Sarasota County: Commissioner Charles Hines, Mayor Willie Shaw, Councilman Fred Fraize, Commissioner Debbie McDowell

Ex-Officio: Mr. Phil Flood-SFWMD, Ms. Megan Mills-FDEP, Mr. Stephen Walls-FDOT

MEMBERS ABSENT

Charlotte County: Ms. Suzanne Graham

Collier County: None

Glades County: Commissioner Donald Strenth, Councilwoman Pat Lucas

Hendry County: Commissioner Karson Turner, Commissioner Mitchell Wills, Vice-Mayor Michael Atkinson, Mr. Mel Karau

Lee County: Councilman Forrest Banks, Councilwoman Anita Cereceda, Councilmember Jim Wilson, Ms. Laura Holquist

Sarasota County: Commissioner Michael Moran, Mr. Felipe Colón

Ex-Officio: Ms. Tara Poulton-SWFWMD

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #5
AGENDA**

There were no changes made to the May 18, 2017 agenda.

**AGENDA ITEM #6
MINUTES OF THE MARCH 16, 2017 AND APRIL 20, 2017 MEETINGS**

A motion was made by Mr. McCormick to approve the March 16, 2017 and April 20, 2017 minutes. The motion was seconded by Commissioner Mann and passed unanimously.

**AGENDA ITEM #7
DIRECTOR'S REPORT**

**AGENDA ITEM #7(a)
Quorum Requirements Memo**

Ms. Wuerstle presented a memo which gave a breakdown of the quorum requirements of other Regional Planning Councils. The SWFRPC currently requires a majority of the voting board members and four of the six Counties to be present. The Council has had trouble making a quorum recently and Ms. Wuerstle suggested that the Council consider a less restrictive quorum requirement at the next meeting. She recommended removing the requirement that four of the six Counties are present and revise the voting member requirement to one-third of the membership.

Commissioner Wilkins asked what the average attendance of the meetings has been and what would need to be done to the Council's by-laws. Ms. Wuerstle stated that the Council is usually two or three members short of a quorum at the time of the roll call.

A motion was made by Commissioner Wilkins to move forward with the staff's recommendation.

Mr. Perry asked if any of the entities on the Council such as Counties with several cities or the governor appointees, currently comprise one-third of the membership by themselves. Mr. Perry stressed that more than one County should be present to have a quorum. Chair Burch recommends that staff look further into this issue and make sure that the requirement is equitable for all member entities.

Commissioner Wilkins withdrew the motion until the Council and staff can further look into this issue.

Councilwoman Matthews commented that Sarasota County leaving the RPC would further impact the quorum status.

Ms. Wuerstle reminded everyone that there will be a meeting on beach renourishment taking place immediately after the Council meeting.

AGENDA ITEM #7(b) Audio Upgrade Quotes

Ms. Wuerstle presented several quotes on the upgrades to the Council's audio system. She explained that just a few minutes ago, she was asked to withhold her recommendation as additional information is still coming in. She will have a recommendation next month.

Ms. Wuerstle then presented a three minute educational video on the Promise Zone. She then reminded the Council that the Promise Zone will have been in place for one year, next month. Much of the first year was organizational and the SWFRPC has just identified a candidate for their VISTA volunteer position and offered him the position. She stressed that Glades, Hendry, and Collier Counties must submit their job descriptions to gain a VISTA volunteer.

Commissioner McDaniel stated that this is the first time he's heard that the Counties needs to submit a job description and there was no discussion of that requirement at his CRA meeting. Ms. Wuerstle explained that if the Counties do not submit their job descriptions soon, their VISTA volunteer spot will go to another agency. Commissioner McDaniel wanted to know who in Collier County Ms. Wuerstle has been sending these requests to. Ms. Wuerstle told Commissioner McDaniel that they will discuss this after the meeting and added that Glades County Manager, Paul Carlisle had submitted their job description. Mr. Perry urged officials from these Counties to push their staff to have their VISTA volunteers ready by the deadline. Chair Burch additionally urged everyone to utilize the RPC. Commissioner McDaniel clarified that he just wants to make sure that important information is going to the proper individuals.

Commissioner Mann asked how the VISTA volunteers were funded. Ms. Wuerstle explained that they were not funded by the RPC, but by VISTA through the Promise Zone initiative. The RPC, Human Trafficking Foundation, Immokalee Foundation, Glades, Hendry, and Collier County will each have a volunteer. Commissioner Mann asked if the Promise Zone could exist without the RPC. Ms. Wuerstle did not know the answer to that. Mr. McCormick added that this Promise Zone is the only one in the nation that is managed by an RPC. Commissioner Storter-Long explained that with the limited resources of Glades and Hendry Counties, they would not be able to run the Promise Zone without the RPC and she is appreciative of all of the work they have put into this initiative. She, like Commissioner McDaniel was also unaware of the job description requirement for the VISTA volunteers. She asked that for all outreach to County staff, the RPC staff copy the respective County Commissioners on the Council. Chair Burch and Commissioner McDowell agreed with that recommendation.

**AGENDA ITEM #7(c)
FRCA March Report**

This item was for information only.

**AGENDA ITEM #8(a)
GRANT ACTIVITY SHEET**

This item was for information only.

**AGENDA ITEM #9
CONSENT AGENDA**

A motion was made by Mr. Perry to approve the consent agenda as presented. The motion was seconded by Commissioner Doherty. The motion passed unanimously.

**AGENDA ITEM #10
REGIONAL IMPACT**

**AGENDA ITEM #10(a)
Palmer Ranch Increment XXV Final DO Review**

Mr. Trescott presented the item.

A motion was made by Mayor Shaw to approve staff's recommendations as presented. The motion was seconded by Commissioner Doherty and passed unanimously.

**AGENDA ITEM #10(b)
Babcock Ranch MDO/IDO NOPC Assessment**

Mr. Trescott presented the item.

Commissioner Mann asked what would trigger the four-laning of SR 31. He also noted that the developer had agreed to pay for that widening. Mr. Trescott answered that the second increment of the project will probably be that trigger. Commissioner Mann explained that Lee County will be receiving the traffic impacts of this development, not Charlotte County. Mr. Trescott explained that Increment I initially proposed 3,000 units, however that would have triggered the four-laning, so the developer changed the request to 2,000 units. Mr. Steve Leung with David Plummer & Associates explained that the next increment will establish whether or not the four-laning requirements are triggered. Roadway improvements that have been made since the approval of Increment I, Phase I in 2009 have made the widening unnecessary for this Phase. He adds that widening may be required after 2026 when the project builds out further than 2,000 units. Commissioner Mann asked about the current construction on SR 31 in Lee County. Mr. Walls answered that this is an FDOT resurfacing project. Commissioner Mann clarified that this is an exemplary development, but he feels it is in the wrong place and will have major impacts on Lee County.

A motion was made by Commissioner Doherty to approve staff's recommendations as presented. The motion was seconded by Commissioner McDaniel.

Mr. Mulhere asked for clarification about a slide in the presentation that mentioned a simultaneous increase and decrease. Mr. Trescott explained that it is a summary of Table 10a that shows an increase in Phase I of 500 units, totaling 2,000 and a decrease in hotel rooms and office. Mr. Jim Paulmann from Stantec explained that the confusion is in the traffic numbers, which are broken down into two phases. The Increment is based on 2,500 units, which is being reduced to 2,000. The change of 1,000 units is what was approved for Phase I for traffic purposes.

Chair Burch asked for clarification on what is actually being built relative to what was previously approved. Mr. Trescott explained that the two phases have been combined into one and that is accounting for the confusion. Mr. Paulmann explained that Phase I and II were originally approved for 2,500 units, they are proposing to combine the two phase for a total of 2,000 units.

Commissioner McDaniel asked the Charlotte County Commissioner present to explain their plans for this project given that the impacts will be on Lee County, specifically, supplying infrastructure to relieve traffic impacts in Lee County. Commissioner Doherty deferred to the consultants present. Mr. Gary Nelson with Kitson & Partners explained that Charlotte County has waived transportation impact fees on Babcock Ranch, which allows them to do an independent study and collect their own fees. These fees have allowed them to help plan for Lee County improvements. Commissioner Doherty added that their MPO is constantly looking at SR 31 as well. Mr. Trescott pointed out that this is a perfect example of why the DRI process existed. Commissioner Tiseo explained that the intent is to keep Babcock Ranch residents in Babcock Ranch by providing facilities and services on-site. Commissioner Mann appreciated the comments, but added that 80% of the traffic impacts of Babcock Ranch will be in Lee County and the residents cannot live solely on-site before the project is fully built-out.

Commissioner McDowell asked for the plans for the proposed Elementary School. Mr. Nelson clarified that a public charter school that will open in August and serve K-6. They plan to add a year each subsequent year and will eventually be K-12. Commissioner McDowell asked what would happen to a student who does not fall within that initial grade range. They will go to the Charlotte County public school system.

Commissioner Wilkins asked for clarification on the PD&E study. She pointed out that the consultant claimed that there was a PD&E study, but Mr. Walls said there was not. Mr. Walls clarified that there is a PD&E study for the Babcock portion. He previously said that there was not a PD&E study done for the segment Commissioner Mann was concerned with.

Mr. Perry abstained from the voting.

The motion carried with one opposed and one abstention.

AGENDA ITEM #10(c) Lee County Comp Plan Amendment DEO 17-1ESR

Mr. Trescott presented the item.

Mr. Mulhere stated that this project addresses the issue of balancing property rights and protection of natural resources better than what is currently in the comprehensive plan. Commissioner Mann is protective of the DR/GR, but much of that area is former agricultural land that has been plowed. This area is not wildlife habitat and the surface and ground water flows have been interrupted. This amendment will reestablish the natural state that has been lost due to farming. Environmental groups have spoken positively about this project. Commissioner Mann was comfortable with this project.

A motion was made by Commissioner Mann to approve staff's recommendations as presented. The motion was seconded by Commissioner McDaniel.

Commissioner Pendergrass voted against this amendment when the transmittal came to the Lee County BOCC due to traffic concerns on Corkscrew Blvd. The County is waiting on the traffic impact analysis. He does, however, see the project as a great enhancement on the property overall. Commissioner McDaniel asked Commissioner Mann about the traffic in the area. Commissioner Mann explained that Allico Road will be a reliever and major improvements are planned on reconnecting to SR 82 and beyond. All of the County's planning efforts are focused intensely on the traffic. Lee County still grows at over 10,000 people a year and the County keeps that in mind. Commissioner Mann reiterated that Lee County staff is comfortable with this proposal. The amendment passed 4-1 in the Lee County BOCC.

Chair Burch asked if the DR/GR is a mitigation area. Mr. Trescott explained that it is not a mitigation area, but mitigation is being done on this particular project. Commissioner Mann pointed out that 60% of the subject property will be restored by this project. Chair Burch stressed that it is important to view the impacts based on what is happening in the County as a whole rather than just one particular project. Commissioner Pendergrass added that the ground and surface water in that area flows southwest, but there are no plans for surface water flows on the north side of the property.

Ms. Jennifer Hecker from the Charlotte Harbor National Estuary Program (CHNEP) explained that there is an initiative underway that is looking to do a watershed model across the Bonita Springs and Lee County DR/GR called the South Lee County Watershed Initiative. The CHNEP has taken lead in facilitating this dialog. She encouraged everyone to track this project on the CHNEP's website.

The motion carried with two opposed.

AGENDA ITEM #10(d) Hendry County Comp Plan Amendment DEO 17-3ESR

Mr. Trescott presented the item.

A motion was made by Commissioner Wilkins to approve staff's recommendations as presented. The motion was seconded by Commissioner Storter-Long.

Chair Burch asked if FPL was paying for this project. Mr. Trescott confirmed that they were. Commissioner Storter-Long recalled that when FPL considered a coal fire plant in Glades County,

they determined that there was not enough sunshine for the project to be feasible. Mr. Trescott added that solar cells were much more expensive then. Mr. Mulhere explained that this is a question of cost vs return. He liked that FPL is moving forward with solar.

Mr. Perry abstained from the vote.

Commissioner Wilkins asked if heat will be emanating from the facility. Mr. Trescott answered that it would not.

The motion carried unanimously with one abstention.

**AGENDA ITEM #11
COMMITTEE REPORTS**

**AGENDA ITEM #11(a)
Budget & Finance Committee**

Mayor Shaw gave his report and explained that the Council is in better financial condition than it was at this point last year.

**AGENDA ITEM #11(b)
Economic Development Committee**

No report was given at this time.

**AGENDA ITEM #11(c)
Energy & Climate Committee**

No report was given at this time.

**AGENDA ITEM #11(d)
Estero Bay Agency on Bay Management (EBABM) Committee**

Mr. Beever presented the item including information on Cela Tega and his recent climate change plans in Cape Coral and Pelican Cove. He added that the SWFRPC is a leader in the nation in this field of work. He would be willing to do this work with any community in the region and offered to help find funding for these projects. He added that the RPC can also do this work at a lower cost than out-of-state firms and he does these studies with heavy community involvement.

Commissioner Storter-Long asked what FEMA's reception was to the Pelican Cove project. Mr. Beever explained that his climate change project for Punta Gorda was a benefit to the City in regards to their insurance. He described the implementation plans as "no regrets action" explaining that they save the communities money and make them safer.

AGENDA ITEM #11(e)
Executive Committee

Chair Burch reported that the Committee discussed affordable housing. Mayor Shaw will have updates on that issue in the future.

AGENDA ITEM #11(f)
Legislative Affairs Committee

Mr. McCormick and Chair Burch reported that there is nothing detrimental to the RPC to bring to the Council's attention.

Commissioner Mann asked Mr. Flood about SB 10. Mr. Flood commented that there are some good aspects to SB 10. He further reported that Everglades restoration received \$135 million for existing projects and \$34 million for water storage and treatment south of Lake Okeechobee. SB 10 has \$33 million for land acquisition and planning for a reservoir this year. He explained that it is a little different than what is in the Integrated Delivery System. Vice-Mayor Denham called it a good compromise to what was originally proposed. Mr. Perry added that his community is happy with the SB 10.

Vice-Mayor Denham announced that Sanibel has had two significant projects approved totaling about \$2.5 million: the modification of their central water system to remove nitrogen and the Jordan Marsh restoration project.

Chair Burch stated that the resolution to the water situation will be a win-win for everyone. Vice-Mayor Denham added that another project that needs to be done is to clear any obstructions on Alligator Alley to allow water flow.

AGENDA ITEM #11(g)
Quality of Life & Safety Committee

Mayor Shaw reported on this morning's meeting on affordable housing. Staff has been instructed to conduct further research on the issue, including identifying stakeholders. He thanked the RPC for the affordable housing symposium last month. He explained that a housing development going into the Promise Zone will shine a light on this issue and serve as an example for the region. He added that the Continuum of Care and the United Way's A.L.I.C.E. Report outlines stakeholders that they are currently looking at. He hopes that the RPC can be instrumental in helping to solve this issue.

Commissioner McDaniel asked if the goal was for the RPC to determine affordable housing parameters. Mayor Shaw explained that the plan is for the Council to be instrumental in discussing the issue and fostering collaboration. Commissioner McDaniel added that the communities within Southwest Florida have very different needs and would have different definitions. Mayor Shaw agreed.

Vice-Mayor Denham requested that the executive director of Sanibel's workforce housing program make a presentation to the Council at a future meeting. Ms. Wuerstle will add that presentation to a future agenda.

AGENDA ITEM #11(h)
Regional Transportation Committee

Ms. Wuerstle announced that Mr. Tim Walker has been working with FDOT on putting together the GIS layers for the regional transportation map. Chair Burch added that this map will inform the economic overlay map. The next Regional Transportation Committee meeting has not been scheduled yet.

AGENDA ITEM #11(i)
Interlocal Agreement/Future of the SWFRPC Committee

No report was given at this time.

AGENDA ITEM #11(j)
Water Quality and Water Resources Management

Vice-Mayor Denham gave his report during the Legislative Affairs Committee report

AGENDA ITEM #12
NEW BUSINESS

Ms. Wuerstle explained that next year's budget needs to be approved and the Council has historically had trouble making a quorum in July and August. She stated that she has reason to believe that the Council will have trouble making a quorum in June as well. She asked if any members present know if they will be unable to make the June 15 meeting. Three hands were raised. Council decided to leave the meeting date at June 15.

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

Mr. Terry Cerullo with FDEP announced that the 5th Annual South Florida Regional Brownfield Symposium will take place on June 7-8 in Sebring. Four RPCs are sponsoring this event, including the SWFPRC. It will include grant writing training for brownfield grants. It will also include information on solar energy. DEP is also offering online data tools at the event.

Mr. Walls provided Commissioner Mann with more information on the SR 31 resurfacing. The resurfacing is being done due to accidents that were happening in that area. Ms. Sarah Catala with FDOT congratulated Chair Burch on the birth of his grandchild and Mr. Trescott on his son's graduation from veterinary school.

Mr. Flood reminded everyone that we are still in the dry season and urged everyone to conserve water. He explained that we have had only 51% of our typical rainfall this dry season.

Mr. Jim Kelter with FWC announced that the listing status of burrowing owls has changed from a “species of special concern” to “threatened”. The permitting rules regarding burrowing owls will change. The FWC has two stakeholder meetings scheduled: June 14 in Cape Coral and June 15 in Marco Island.

AGENDA ITEM #14 COUNCIL LEGAL CONSULTANT’S COMMENTS

No report was given at this time.

AGENDA ITEM #15 COUNCIL MEMBER’S COMMENTS

Mr. McCormick thanked Ms. Hecker for participating in the meeting. He also added that, regarding the water situation, he would like to take a look at what would happen as land comes off the tax rolls. Chair Burch asked the FDEP representatives present to see what they could find out about that situation.

Commissioner Mann announced that a super-majority of the Lee County BOCC has directed staff to take the steps necessary for Lee County with pull out of the SWFRPC. He commented that it is highly likely that this will happen. Commissioner Pendergrass added that this is a conversation to remain a member, but withdraw from payment. He added that Commissioner Kiker attended a meeting where other Counties discussed doing the same.

Commissioner McDaniel asked if it is time to discuss the relevancy of the RPC going forward. Chair Burch explained that the Council has had these discussions and there are certain things that the RPC must do statutorily. Mr. Mulhere commented that relevancy needs to be a continued discussion for the RPC. He brought up the Promise Zone as an example of the Council’s relevancy. Commissioner McDaniel stated that the entire premise of the RPC is counter-intuitive in that all of the independent municipalities and counties are competing for funding. He states that he is not qualified to render an opinion on the other counties. He thanked Ms. Wuerstle for sending his staff the comprehensive plan amendment proposals for the other counties and cities.

Commissioner McDaniel asked that the relevancy conversation be an agenda item for the next meeting. Chair Burch seconded that. Ms. Wuerstle explained that there are legal issues that she would like to see addressed before that discussion takes place.

Commissioner Doherty asked if the Lee County directive was to gather information on Sarasota County’s decision to pull out, or to prepare Lee County to pull out as well. Commissioner Mann confirmed that the directive was to prepare an agenda item to vote to pull out of active participation during the next regular BOCC meeting. Commissioner Mann urged that the relevancy discussion be held at the next meeting before the governments go on summer break. He clarified that he was not supportive of the County’s decision to pull out. Chair Burch agreed that this discussion needed to happen now. He asked Commissioner Mann what the value of the discussion would be to Lee County if they vote to pull out before next meeting. Commissioner Mann explained the County will still be an active member for one year after the vote. The County

can reconsider the vote during that time. The Council may be able to change the County's thinking during that time, but it needs to happen right away. Mr. McCormick urged the Council members to consider what the region would look like in the future if the RPC did not exist. What mechanism would the State have to deal with ongoing issues?

Commissioner Storter-Long announced that she will be unable to make the June 15 meeting.

Commissioner Mann explained that the discussion next meeting will be one of an ongoing series of discussions to determine the RPC's relevancy and no final action needs to be taken. It needs to happen now regardless of the status of the legal issues. Chair Burch asked for the members to bring back a list of concerns regarding the RPC. Mr. Perry agreed that this discussion should happen now. Commissioner McDaniel suggested that the discussion be a monthly agenda item.

Commissioner Pendergrass reiterated that he heard feedback from a seven county summit that other counties wished to back out of funding the RPCs. Commissioner Doherty explained that their County Administrator was looking for clarification on Sarasota County's action. He added that their attorney may not agree with what Sarasota County did. Commissioner McDaniel stated that his staff has asked him about the RPC as well. Commissioner Storter-Long explained that this is why it's important to get the legal issues worked out. Ms. Wuerstle stated that in her conversations with the County attorneys, some of them are worried that they will have to make up the difference for the lost Sarasota County dues. That is not the case. The assessments will not increase. Mr. Mulhere added that the motivation to withdraw from paying dues may be purely financial rather than a question of relevancy. Mr. Cerullo asked if it would help for the State Agencies to prepare a statement on the value of the RPC.

Commissioner McDowell recognized the North Port Fire Department and all of the other entities that helped with the large fire in North Port.

Commissioner McDaniel added that he will be having a meeting on beach renourishment immediately following this meeting. This meeting was advertised in accordance with the State of Florida.

AGENDA ITEM #16 ADJOURNMENT

The meeting adjourned at 11:33 a.m.

Councilman Forrest Banks, Secretary

The meeting was duly advertised in the May 8, 2017 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 43, Number 89.

Agenda Item

7

Director's Report

7

7



EXECUTIVE DIRECTOR'S REPORT: June 15, 2017

Mission Statement:

To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share...for the benefit of our future generations.

1. Management / Operations

a. Budget

- April Financials
- 2016 Audit

b. FY 2017-2018 Budget

c. Revised RPC Quorum Recommendation

d. DEO Grants now open

2. Resource Development and Capacity Building

- FRCA Update - attached
- Promise Zone Update
 - Vista Volunteers being interviewed and hired
 - 2 additional Vista Volunteers approved: City of LaBelle and Hendry County
 - \$2 Million awarded in grants
 - \$3 Million pending
 - USDA Home Repair Program Outreach - Flyer Attached
- The State Director of the Corporation for National and Community Service for Florida (federal agency that manages the VISTA program) inquired about our interest in acquiring two more service members to perform an integrated assessment of the opioid epidemic in Southwest Florida. Two VISTA service members would be utilized to:
 - Work with law enforcement and other relevant agencies to develop baseline data on the opioid epidemic in our region;
 - Develop a collaborative network to share information and resources (task force); and
 - Develop a plan to address the issue

This is a draft of the concept that would be vetted out when we develop the application for the additional allotment.

3. Third Quarter FY 2016-2017 (April 1, 2017 - June 30, 2017)



- Grants Awarded:
 - ✓ DEO grant for Labelle Marketing Brochure \$20,000 Approved
 - ✓ The Promise Zone designation was approved for Hendry County, Glades County and Immokalee
 - ✓ EPA Wetland Mitigation Strategy, \$146,067 (over 2 years)
 - ✓ HMEP, \$60,349
 - ✓ Pelican Cove Climate Adaptation Plan, \$20,000
 - ✓ EDA Technical Planning Grant - CEDS, \$300,000 (over 3 years)
 - ✓ City of Cape Coral Climate Change Resiliency Strategy - \$30,600
 - ✓ Sarasota Pelican Cove Resiliency - \$20,000
 - ✓ Approximately \$25,000 in extension/carryover of last year grants
 - ✓ USDA Rural Business Development Grant for relocation of utilities in Clewiston -\$3000 for grant preparation
 - ✓ FHRO -Regional Rural Development Grant; \$12,000
- Grants Under Development
 - ✓ EPA Environmental Education local grants program \$91,000
 - ✓ Kresge grant for City of Clewiston public art placemaking grant
 - ✓ DEO Phase II MLK Corridor Study \$35,000
 - ✓ DEO Economic impact analysis of the Greater Charlotte Harbor Watershed, \$105,000
 - ✓ DEO Labelle Farm Tours printing costs, \$10,000
 - ✓ DEO Agriculture Study
 - ✓ DEO Marketing for Hendry county Adult Education Program
 - ✓ DEO Promise Zone Broadband study
- Grants Pending: \$349,205 approximately
 - ✓ USDA Farmers Market Planning Grant for Clewiston \$67,496
 - ✓ Farms to School grant ; \$88,696
 - ✓ DEP 319 Grant for Redwing Groves \$1,604,000; RPC= \$20,000
 - ✓ EPA Wetland Development Grant \$233,013 Total RPC = \$173,013

--- Agenda --- Item

7a

FY15-16 Audit

7a

7a

**SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL
BASIC FINANCIAL STATEMENTS
TOGETHER WITH ADDITIONAL REPORTS
YEAR ENDED
SEPTEMBER 30, 2016**

Open:

SAS Form - Jim Burch

DRAFT

Verbal comments:

Capital items purchased under grant contracts should be included in fixed assets & capital outlay

Ensure employee's census data is complete and up to date

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INDEPENDENT AUDITOR'S REPORT

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1400 Colonial Blvd., Suite 1
Fort Myers, Florida 33907

Report on the Financial Statements

We have audited the accompanying financial statements of governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council"), as of and for the year ended September 30, 2016, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We did not audit the financial statements of Florida Retirement Systems Pension Plan (FRS) or Health Insurance Subsidy Pension Plan (HIS) as of and for the year ended June 30, 2016. The Council is required to record its proportionate share of the FRS and HIS liability in the Council's government-wide financial statements as of September 30, 2016 and for the year then ended. Those financial statements were audited by other auditors whose report thereon has been furnished to us, and our opinion, insofar as it relates to the amounts included for Southwest Florida Regional Planning Council's government-wide financial statements, is based on the report of the other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the

Executive Committee and Council Members
 Southwest Florida Regional Planning Council
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assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Council's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Summary of Opinions

<u>Opinion Unit</u>	<u>Type of Opinion</u>
Governmental Activities	Unmodified
General Fund	Unmodified
Special Revenue Fund	Unmodified

Opinions

Unmodified Opinions

In our opinion, based on our report and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of Southwest Florida Regional Planning Council as of September 30, 2016, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages i - vi, Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), and Notes to Required Supplementary Information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information - management's discussion and analysis (MD&A), Schedule of

Executive Committee and Council Members
 Southwest Florida Regional Planning Council
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Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), and Notes to Required Supplementary Information, as listed in the table of contents, in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the required supplementary information - management's discussion and analysis (MD&A), Schedule of Council's Proportionate Share of the Net Pension Liability - Florida Retirement System Pension Plan (FRS), Schedule of Council Contributions - Florida Retirement System Pension Plan (FRS), Schedule of Council's Proportionate Share of the Net Pension Liability - Health Insurance Subsidy Pension Plan (HIS), Schedule of Council Contributions - Health Insurance Subsidy Pension Plan (HIS), and Notes to Required Supplementary Information, as listed in the table of contents, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Required Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise Southwest Florida Regional Planning Council's basic financial statements. The required supplementary information other than the MD&A - budgetary comparison information is presented for purposes of additional analysis and is not a required part of the basic financial statements.

The required supplementary information other than the MD&A - budgetary comparison information is the responsibility of management as was derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the required supplementary information other than MD&A - budgetary comparison information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Council's basic financial statements. The Exhibit - Management's Response to Independent Auditor's Report to Management is not a required part of the basic

Executive Committee and Council Members
Southwest Florida Regional Planning Council
Page 4

financial statements but is required by Government Auditing Standards. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Other Reporting Required by Section 218.415, Florida Statutes

In accordance with Section 218.415, Florida Statutes, we have also issued our report dated April 25, 2017, on our consideration of Southwest Florida Regional Planning Council's compliance with provisions of Section 218.415, Florida Statutes. The purpose of that report is to describe the scope of our testing of compliance and the results of that testing, and to provide an opinion on compliance with the aforementioned Statute. That report is an integral part of an audit performed in accordance with Sections 218.39 and 218.415, Florida Statutes in considering Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes.

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated April 25, 2017 on our consideration of the Council's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contract and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control over financial reporting and compliance.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
April 25, 2017

**MANAGEMENT'S DISCUSSION
AND ANALYSIS
(MD&A)**

DRAFT

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Management's Discussion and Analysis

As management for the Southwest Florida Regional Planning Council (the "Council") this narrative overview and analysis of the financial statements is designed to provide a helpful viewpoint as to the Council's financial activities for the fiscal year ending September 30, 2016. We recommend readers consider this information in conjunction with the financial statements taken as a whole.

Financial Highlights

- The net position of the Council at the close of its fiscal year end was \$130,353. The Council's total net position decreased \$350,589 or 66% from the prior year due to recognizing an accounting loss on the sale of the Council's office building of \$287,286.
- As of the close of the fiscal year 2016, the Council reported an ending fund balance of \$811,779 an increase of \$223,342 from the prior year due to realizing net proceeds of \$215,460 from the sale of the office building. \$805,398 of this amount is available for spending at the Council's discretion.
- Total revenues increased \$26,611 prior to recording the loss of \$287,286 from the sale of the building, in comparison to the prior year. Total expenses decreased \$125,719, in comparison to the prior year. The decrease in expenses had to do with reduction in mortgage interest expense and personnel.
- The mortgage payable was due and payable on June 1, 2016. However, the related building was placed for sale and sold in November 2015. Therefore, the note payable of \$879,263 was recorded as a current liability at September 30, 2015 and paid in full during the year ended September 30, 2016 plus accrued interest and prepayment penalty of \$25,851.
- Effective June 15, 2015, the Council adopted the provisions of Governmental Accounting Standards Board Statement No. 68 "Accounting and Financial Reporting for Pensions" (Statement No. 68). The implementation of this accounting standard required the Council to report its actuarially determined net pension liability of \$565,736 in the government-wide financial statements as of September 30, 2015. For the year ended September 30, 2016, the Council's proportionate share of its pension liability increased by \$69,092 for a total of \$634,828 at September 30, 2016.

Government-Wide Financial Statements

Government-wide financial statements (statement of net position and statement of activities found on pages 5 and 6, respectively) are intended to provide readers with a broad overview of the Council's finances and financial health in a manner similar to a private sector business. They are prepared using the full accrual method of accounting, (revenue is recognized when earned and expenses are recognized when incurred. Amounts expended for capital assets are capitalized rather than expensed).

The *Statement of Net Position* (page 5) presents information on all of the Council's assets and liabilities, with the difference between the two reported as net position. The Council's capital assets (land, building, equipment, furniture and fixtures, and vehicles) are included in this statement and are reported at

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Management's Discussion and Analysis

Government-Wide Financial Statements (continued)

historical cost, or fair market value at the date of donation if they were donated to the Council, net of their accumulated depreciation.

The *Statement of Activities* (page 6) presents revenue and expense information showing how the Council's net assets changed during the fiscal year.

Governmental Fund Financial Statements

A fund is a grouping of related accounts that is used to maintain financial control over resources that have been segregated for specific activities or objectives. Fund financial statements explain how the Council's services were paid for as well as what remains for future spending. Fund financial statements report the Council's operations in more detail than the government-wide financial statements by providing information about the Council's funds.

Governmental funds financial statements (found on pages 7 and 9) are prepared on the modified accrual basis using the current financial resources measurement focus. Under the modified accrual basis of accounting, revenues are recognized when they become measurable and available as net current assets.

Notes to the Financial Statements

The notes to the financial statements provide additional information so that a reader may more fully understand the information provided in the basic financial statements. The information contained in the notes is essential to a full understanding of the government-wide and fund financial statements. The notes are on pages 11 through 49.

Supplementary information consists of more detailed information on the budget to actual revenues and expenditures.

Government-Wide Financial Analysis

The government-wide financial statements were designed so that the user could determine if the Council is in a better or worse financial condition from the prior year. The net position may serve, over time, as a useful indicator of the Council's financial position.

The net investment in capital assets are used by the Council to provide services and consequently these assets are not available to liquidate liabilities and are not available for other spending.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Government-Wide Financial Analysis, (continued)

The following table reflects a Summary of Net Position for fiscal years 2015 and 2016:

Southwest Florida Regional Planning Council			
Summary of Net Position			
September 30			
	<u>2015</u>	<u>2016</u>	<u>Change</u>
Assets:			
Current assets	\$ 655,678	\$ 894,482	\$ 238,804
Capital assets, net	1,390,168	39,969	(1,350,199)
Total assets	<u>2,045,846</u>	<u>934,451</u>	<u>(1,111,395)</u>
Deferred outflows of resources	<u>334,081</u>	<u>415,048</u>	<u>80,967</u>
Liabilities:			
Current liabilities	946,504	82,703	(863,801)
Noncurrent liabilities	673,456	740,536	67,080
Total liabilities	<u>1,619,960</u>	<u>823,239</u>	<u>(796,721)</u>
Deferred inflows of resources	<u>379,025</u>	<u>395,907</u>	<u>16,882</u>
Net Position:			
Net investment in capital assets	510,905	39,969	(470,936)
Restricted	-	-	-
Unrestricted (deficit)	<u>(129,963)</u>	<u>90,384</u>	<u>220,347</u>
Total net position	<u>\$ 380,942</u>	<u>\$ 130,353</u>	<u>\$ (250,589)</u>

For the fiscal year 2016, current assets are comprised of cash and cash equivalents of \$691,932, investments of \$136,302, contract and other receivables of \$16,614, due from other governments of \$43,253, and deposits and other of \$6,381.

For the fiscal year 2016, current liabilities are comprised of accounts payable and accrued expenses of \$24,564, unearned contract, grant and DRI/NOPC revenue of \$58,139, and the balance of the note payable (\$0) since it was paid off in December 2015.

The net investment in capital assets of \$39,969 is a component of net position and is comprised of equipment, furniture and fixtures, and vehicles, net of accumulated depreciation and the outstanding related debt used to acquire the assets.

The unrestricted net asset balance of \$90,384 increased by \$220,347 due substantially to the current year sale of the building. The unrestricted net asset balance represents resources available for spending.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Government-Wide Financial Analysis, (continued)

The following schedule reports the revenues, expenses, and changes in net position for the Council for the current and previous fiscal year:

Southwest Florida Regional Planning Council				
Summary of Changes in Net Position				
Years Ended September 30				
	<u>2015</u>	<u>2016</u>	<u>Change</u>	
Revenues:				
Program Revenues				
Charges for services – dues & fees	\$ 561,402	\$ 540,661	\$ (20,741)	
Contracts, grants and contributions	590,035	630,495	40,460	
General Revenues				
Rental Income	1,250	-	(1,250)	
Loss on disposition of capital assets	-	(287,286)	(287,286)	
Interest and miscellaneous	4,347	12,489	8,142	
Total revenues	<u>1,157,034</u>	<u>869,359</u>	<u>(260,675)</u>	
Expenses:				
Project Planning				
Personnel services	804,098	637,923	166,175	
Operating expenses	368,204	489,975	(121,771)	
Depreciation	48,081	10,756	37,325	
Interest and fiscal charges	52,284	8,294	43,990	
Total expenses	<u>1,272,667</u>	<u>1,146,948</u>	<u>\$ 125,719</u>	
Change in net position	(115,633)	(250,589)	<u>(134,956)</u>	
Net Position – Beginning	<u>496,575</u>	<u>380,942</u>		
Net Position - Ending	<u>\$ 380,942</u>	<u>\$ 130,353</u>		

Budgetary Highlights

Budget versus actual comparisons are presented in the required supplementary information other than the Management's Discussion and Analysis. The significant budget variations versus actual results were due to the Council budgeted its reserves carryforward and did not have to use them.

Original to Final Budget Variances

The Council Members approved several budget amendments during the fiscal year ended September 30, 2016. The amendments were between various revenue and expenditure line items and did change the total budgeted revenues and expenditures in the general fund by \$53,879 and the special revenue fund by \$296,581.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Budgetary Highlights, (continued)

Final Budget to Actual Variances

No financially significant final budget versus actual line item variances were noted in the General Fund or Special Revenue Fund for revenues. Financially significant variances for expenditures (before indirect expenditure allocations) were unfavorable variance for consultant fees of \$37,957 due to reduction in-house staff and costs of sales of the building in the General Fund of \$118,275 and capital purchases of \$24,805 in the Special Revenue Fund.

Capital Assets

Non-depreciable capital assets include land. Depreciable capital assets include building, equipment, furniture and fixtures, and vehicles. The following is a schedule of the Council's capital assets as of September 30, 2015 and 2016.

Southwest Florida Regional Planning Council			
Capital Assets			
Years Ended September 30			
	2015	2016	Change
Non-Depreciable Capital Assets			
Land	\$ 375,565	\$ -	\$ (375,565)
Depreciable Capital Assets			
Total depreciable capital assets	1,629,297	237,171	(1,392,126)
Less Accumulated Depreciation	(614,694)	(197,202)	(417,492)
Depreciable capital assets, net	1,014,603	39,969	(974,634)
Capital Assets, net	\$ 1,390,168	\$ 39,969	\$ (1,350,199)

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
Management's Discussion and Analysis

Debt Administration

At September 30, 2016, the Council had \$740,536 of outstanding liabilities, which is comprised as noted below. The following is a detailed schedule of the Council's outstanding liabilities as of September 30, 2015 and 2016.

Southwest Florida Regional Planning Council
Outstanding Liabilities
Years Ended September 30

	<u>2015</u>	<u>2016</u>	<u>Change</u>
Note Payable	\$ 879,263	\$ -	\$ (879,263)
Compensated Absences	45,923	40,634	(5,289)
OPEB Obligation	61,797	65,074	3,277
Net Pension Liability	565,736	634,828	69,092
Total Outstanding Liabilities	1,552,719	740,536	\$ (812,183)
Less current portion	879,263	-	
Noncurrent portion	\$ 673,456	\$ 740,536	

The note payable used to finance the purchase of the office building had a monthly payment of \$10,646, including interest at 5.68%, with a final payment of \$826,523 due June 1, 2016. As such, the note payable was paid in full in November 2015 at the time of the sale of the Council's office building.

The amount reported as compensated absences represents the total amount the Council had due at the termination of all employees' employment. The net OPEB obligation is the actuarially determined cost to offer retiree's health, dental, and vision coverage.

Net pension liability reflects the Council's proportionate share of its FRS and HIS liability.

During November 2015, subsequent to the year ended September 30, 2015, the Council sold its building for approximately \$1,200,000. The Council then moved its operations and entered a five year lease for office space.

Request for Information

This financial report is designed to provide the reader an overview of the Council. Questions regarding any information provided in this report should be directed to: the Southwest Florida Regional Planning Council, 1400 Colonial Boulevard, Suite 1, Fort Myers, Florida 33907.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF NET POSITION
September 30, 2016

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	<u>Governmental Activities</u>
ASSETS	
Current assets:	
Cash and cash equivalents	\$ 691,932
Investments	136,302
Due from other governments - grants	43,253
Receivables - contracts and other	16,614
Deposits and other	<u>6,381</u>
Total current assets	<u>894,482</u>
Noncurrent assets:	
Capital assets:	
Land	-
Depreciable buildings, improvements, equipment and vehicles (net of \$197,202 accumulated depreciation)	<u>39,969</u>
Total noncurrent assets	<u>39,969</u>
 TOTAL ASSETS	 <u>934,451</u>
DEFERRED OUTFLOWS OF RESOURCES - PENSIONS	<u>415,048</u>
LIABILITIES	
Current liabilities:	
Accounts payable and accrued expenses	24,564
Due to other governments	-
Unearned revenue - grants	36,634
Unearned revenue - DRI/NOPC	21,505
Current portion of long-term obligations	<u>-</u>
Total current liabilities	82,703
Noncurrent liabilities:	
Noncurrent portion of long-term obligations	740,536
Commitments and Contingencies	<u>-</u>
 TOTAL LIABILITIES	 <u>823,239</u>
 DEFERRED INFLOWS OF RESOURCES - PENSIONS	 <u>395,907</u>
 NET POSITION	
Net investment in capital assets	39,969
Restricted	-
Unrestricted	<u>90,384</u>
 TOTAL NET POSITION	 <u>\$ 130,353</u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF ACTIVITIES
Year Ended September 30, 2016

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	Governmental Activities
EXPENSES	
Governmental Activities	
Project Planning:	
Personnel services	\$ 637,923
Operating expenses	489,975
Depreciation	10,756
Interest and fiscal charges	8,294
TOTAL EXPENSES - GOVERNMENTAL ACTIVITIES	<u>1,146,948</u>
PROGRAM REVENUES	
Charges for services:	
Assessments and fees	540,661
Contracts, local grants and events	105,045
Operating grants and contributions	525,450
TOTAL PROGRAM REVENUES	<u>1,171,156</u>
NET PROGRAM REVENUES (EXPENSES)	<u>24,208</u>
GENERAL REVENUES (LOSS)	
Rental income	-
Loss on disposition of capital assets (including cost of sale)	(287,286)
Interest and miscellaneous	12,489
TOTAL GENERAL REVENUES (LOSS)	<u>(274,797)</u>
DECREASE IN NET POSITION	(250,589)
NET POSITION - Beginning of the year	<u>380,942</u>
NET POSITION - End of the year	<u>\$ 130,353</u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
BALANCE SHEET - GOVERNMENTAL FUNDS
September 30, 2016

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	General Fund	Special Revenue Fund	Total Governmental Funds
ASSETS			
Cash and cash equivalents	\$ 691,932	\$ -	\$ 691,932
Investments	136,302	-	136,302
Due from other funds	1,728	-	1,728
Due from other governments - grants	-	43,253	43,253
Receivables - contracts and other	-	16,614	16,614
Deposits and other	6,381	-	6,381
TOTAL ASSETS	<u>\$ 836,343</u>	<u>\$ 59,867</u>	<u>\$ 896,210</u>

LIABILITIES AND FUND BALANCE

LIABILITIES			
Accounts payable and accrued expenses	\$ 24,564	\$ -	\$ 24,564
Due to other funds	-	1,728	1,728
Due to other governments	-	-	-
Unearned revenue - grants	-	36,634	36,634
Unearned revenue - DRI/NOPC	-	21,505	21,505
TOTAL LIABILITIES	<u>24,564</u>	<u>59,867</u>	<u>84,431</u>

FUND BALANCE			
Nonspendable	6,381	-	6,381
Restricted	-	-	-
Assigned	805,398	-	805,398
Unassigned	-	-	-
TOTAL FUND BALANCE	<u>811,779</u>	<u>-</u>	<u>811,779</u>
TOTAL LIABILITIES AND FUND BALANCE	<u>\$ 836,343</u>	<u>\$ 59,867</u>	<u>\$ 896,210</u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL
FUNDS TO THE STATEMENT OF NET POSITION
September 30, 2016

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	<u>Amount</u>	
Total fund balance for governmental funds	\$ 811,779	
Amounts reported for governmental activities in the Statement of Net Position are different because:		
Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds.		
Capital assets not being depreciated:		
Land	<u>-</u>	-
Capital assets being depreciated:		
Building, improvements, equipment and vehicles	237,171	
Less accumulated depreciation	<u>(197,202)</u>	
		39,969
Deferred outflows and deferred inflows related to pensions are applied to future periods and, therefore, are not reported in the governmental funds.		
Deferred outflows related to pensions	415,048	
Deferred inflows related to pensions	<u>(395,907)</u>	
		19,141
Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.		
Note payable	-	
Net pension liability - FRS	(451,456)	
Net pension liability - HIS	(183,372)	
Compensated absences	(40,634)	
Net OPEB obligation	<u>(65,074)</u>	
		(740,536)
Elimination of interfund amounts:		
Due from other funds	(1,728)	
Due to other funds	<u>1,728</u>	
		<u>-</u>
Total net position of governmental activities	<u>\$ 130,353</u>	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCE - GOVERNMENTAL FUNDS
Year Ended September 30, 2016

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	General Fund	Special Revenue Fund	Total Governmental Funds
REVENUES			
Federal and state grants	\$ -	\$ 525,450	\$ 525,450
Contracts, local grants and events	-	105,045	105,045
County and city assessments	477,790	-	477,790
NOPC & DRI fees	-	60,121	60,121
DRI monitoring fees	-	2,750	2,750
Rental income	-	-	-
Interest and miscellaneous	12,489	-	12,489
TOTAL REVENUES	490,279	693,366	1,183,645
EXPENDITURES			
Current			
Personnel services	255,911	379,017	634,928
Operating expenditures	347,973	260,277	608,250
Capital outlay	1,763	27,805	29,568
Debt service	866,265	21,292	887,557
TOTAL EXPENDITURES	1,471,912	688,391	2,160,303
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(981,633)	4,975	(976,658)
OTHER FINANCING SOURCES (USES)			
Proceeds from disposition of capital assets	1,200,000	-	1,200,000
Operating transfers in	4,975	-	4,975
Operating transfers out	-	(4,975)	(4,975)
TOTAL OTHER FINANCING SOURCES (USES)	1,204,975	(4,975)	1,200,000
NET CHANGE IN FUND BALANCE	223,342	-	223,342
FUND BALANCE - Beginning of the year	588,437	-	588,437
FUND BALANCE - End of the year	\$ 811,779	\$ -	\$ 811,779

The accompanying notes are an integral part of this statement.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
RECONCILIATION OF THE STATEMENT OF REVENUES,
EXPENDITURES AND CHANGES IN FUND BALANCE -
GOVERNMENTAL FUNDS TO THE STATEMENT
OF ACTIVITIES**

Year Ended September 30, 2016

	<u>Amount</u>
Net change (revenues and other financing sources (uses) in excess of expenditures) in fund balance - total governmental funds	\$ 223,342
The decrease in net position reported for governmental activities in the Statement of Activities is different because:	
Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.	
Plus: expenditures for sale of building	118,275
Plus: expenditures for capital assets	29,568
Less: current year depreciation	(10,756)
Less: proceeds from disposition of capital assets	(1,200,000)
Less: loss on disposition of capital assets	(287,286)
	(1,350,199)
Repayment of debt principal is reported as an expenditure in the governmental funds and thus contributes to the change in fund balance. In the Statement of Net Position, however, repayments of debt principal reduces the liability.	879,263
Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in the governmental funds.	
(Increase) decrease in net pension liability - FRS	(133,965)
(Increase) decrease in net pension liability - HIS	64,873
Increase (decrease) in deferred outflow	80,967
(Increase) decrease in deferred inflow	(16,882)
Net decrease (increase) in compensated absences	5,289
Net (increase) decrease in net OPEB obligation	(3,277)
	(2,995)
Interfund transfers increase or decrease the fund balance of the respective funds; however, the transactions offset in the government-wide statements.	
General fund:	
Operating transfers out	4,975
Special revenue fund:	
Operating transfers in	(4,975)
Decrease in net position of governmental activities	<u>\$ (250,589)</u>

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

Southwest Florida Regional Planning Council (the "Council") is a governmental agency, created on November 8, 1973 via interlocal agreements as provided by Florida Statutes Chapters 163.01 and 163.02, as amended, to assist other governmental and private agencies in the planning of projects in the Southwest Florida area under Florida Statutes, Chapter 186.504. The Council acts as a regional planning agency and exercises its rights and duties pursuant to Florida Statutes Chapters 23, 160, 163, 186 and 380. The Council's principal members consist of Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties. The Council's Board Members are appointed per statutory requirement. The Council is funded through statutory member assessments, various fees, and multiple federal, state, and local grants and contracts.

Specifically, the Council's mission is:

1. To make the most efficient use of its powers to promote cooperation for mutual advantage in order to provide services and facilities that will accord best with geographic, economic, social, land use, transportation, public safety resources, and other factors influencing the needs and development of local communities within its six county region;
2. To serve as a regional coordinator for the local governmental units comprising the region;
3. To exchange information on and review programs of regional concerns;
4. To promote communication between the local governments for the conservation and compatible development of the Southwest region;
5. To cooperate with Federal, State, and local government and non-government agencies to accomplish regional objectives; and
6. To do all things authorized for a Regional Planning Agency under Chapters 163, 186 and 380 of the Florida Statutes and other applicable Florida, Federal, State, and local laws, rules, and regulations.

Summary of Significant Accounting Policies

The following is a summary of the significant accounting policies used in the preparation of these basic financial statements.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Summary of Significant Accounting Policies, continued

The basic financial statements of the Council are comprised of the following:

- Government-wide financial statements
- Fund financial statements
- Notes to the financial statements

Reporting Entity

The Council has adopted Governmental Accounting Standards Board (GASB) Statement Number 14, "Financial Reporting Entity" (GASB 14), as amended by GASB Statement Number 39, "Determining Whether Certain Organizations Are Component Units" (GASB 39) and GASB Statement Number 61, "The Financial Reporting Entity: Omnibus - An Amendment of GASB Statements No. 14 and No. 34" (GASB 61). These Statements require the financial statements of the Council (the primary government) to include its component units, if any. A component unit is a legally separate organization for which the elected officials of the primary government are financially accountable. Based on the criteria established in GASB Statement 14, as amended, there are no potential component units included or required to be included in the Council's financial statements.

The Council assisted in the creation and establishment of Southwest Florida Resource Conservation and Development Council, Inc. ("Conservation"), an independent Florida not-for-profit corporation. Conservation's mission is to develop a resource conservation plan for its service area, as well as to act as a clearinghouse for other conservation groups and efforts.

The Council provides no direct support to Conservation and does not have authority to exercise economic control over Conservation. The Council, however, provides Conservation with bookkeeping services free of charge. The Council cannot appoint or remove the Board members of Conservation. Therefore, Conservation is not considered a component unit of the Council, and its financial activity is not included within these financial statements.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Government-wide Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the activities of the Council and do not emphasize fund types. These governmental activities comprise the primary government. General governmental and intergovernmental revenues support the governmental activities. The purpose of the government-wide financial statements is to allow the user to be able to determine if the Council is in a better or worse financial position than the prior year. The effect of all interfund activity between governmental funds has been removed from the government-wide financial statements.

Government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Under the accrual basis of accounting, revenues, expenses, gains, losses, assets, and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place. Revenues, expenses, gains, losses, assets, and liabilities resulting from nonexchange transactions are recognized in accordance with the requirements of GASB Statement 33, "Accounting and Financial Reporting for Nonexchange Transactions."

Amounts paid to acquire capital assets are capitalized as assets in the government-wide financial statements, rather than reported as expenditures. Proceeds of long-term debt are recorded as liabilities in the government-wide financial statements, rather than as other financing sources. Amounts paid to reduce long-term indebtedness of the reporting government are reported as a reduction of the related liability in the government-wide financial statements, rather than as expenditures.

The statement of activities demonstrates the degree to which the direct expenses of a given function are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use or directly benefit from goods, services, or privileges provided by a given function, and 2) grants and contributions that are restricted to meeting the operational or capital improvements of a particular function. Taxes and other items not properly included among program revenues are reported instead as general revenues.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Government-wide Financial Statements, continued

Program revenues are considered to be revenues generated by services performed and/or by fees charged such as dues, assessments, fees, and operating grants and contracts.

Fund Financial Statements

The Council adheres to GASB Number 54, Fund Balance Reporting and Governmental Fund Type Definitions.

The accounts of the Council are organized on the basis of funds, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund equity or retained earnings, revenues, and expenditures or expenses, as appropriate. Government resources are allocated to and accounted for in individual funds based upon the purpose for which they are to be spent and the means by which spending activities are controlled. Fund financial statements for the Council's governmental funds are presented after the government-wide financial statements. These statements display information about major funds individually and nonmajor funds in aggregate for governmental funds.

Governmental Funds

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are considered to be available when they are collected within the current period or soon enough thereafter to pay liabilities of the current period.

The Council's major funds are presented in separate columns on the governmental fund financial statements. The definition of a major fund is one that meets certain criteria set forth in GASB Statement Number 34, "Basic Financial Statements - and Management's Discussion and Analysis - for State and Local Governments".

Separate financial statements are provided for governmental funds. Major individual governmental funds are reported in separate columns on the fund financial statements.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Measurement Focus and Basis of Accounting

Basis of accounting refers to when revenues and expenditures, or expenses, are recognized in the accounts and reported in the financial statements. Basis of accounting relates to the timing of the measurements made, regardless of the measurement focus applied.

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligibility requirements have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period and soon enough thereafter to pay liabilities of the current period. For this purpose, the Council considers tax revenues to be available if they are collected within sixty days of the end of the current fiscal period.

Revenues susceptible to accrual are interest on investments and intergovernmental revenues. Interest on invested funds is recognized when earned. Intergovernmental revenues that are reimbursements for specific purposes or projects are recognized when all eligibility requirements are met.

Expenditures are generally recognized under the modified accrual basis of accounting when the related fund liability is incurred. Exceptions to this general rule include: (1) principal and interest on the long-term debt, if any, which is recognized when due; and (2) expenditures are generally not divided between years by the recording of prepaid expenditures.

When both restricted and unrestricted resources are available for use, it is the Council's policy to use restricted resources first, then unrestricted resources as they are needed.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Measurement Focus and Basis of Accounting, continued

The Council adheres to the provisions of Government Accounting Standards Board Statement No. 68 "Accounting and Financial Reporting for Pensions" (GASB 68), which requires the Council to report its proportionate share of the actuarially determined net pension liability of defined benefit plans in the statement of net position, in the Council's financial statements. The Council participates in the FRS defined benefit pension plan and the HIS defined benefit plan administered by the Florida Department of Management Services, Division of Retirement.

Non-current Government Assets/Liabilities

GASB 34 requires non-current governmental assets, such as land and buildings, and non-current governmental liabilities, such as notes payable and capital leases to be reported in the governmental activities column in the government-wide Statement of Net Position.

Major Funds

The Council reports the following major governmental funds:

The General Fund is the Council's primary operating fund. It accounts for all financial resources of the Council, except those required to be accounted for in another fund.

The Special Revenue Fund is used to account for the proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes. The Council accounts for grant proceeds received and grant expenditures incurred in its Special Revenue Fund as well as all contract and other special purpose revenue such as NOPC and DRI fees.

Budgetary Information

The Council has elected to report budgetary comparison of major funds as required supplementary information (RSI).

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING
POLICIES, CONTINUED**

Investments

The Council adheres to the requirements of Governmental Accounting Standards Board (GASB) Statement Number 31, "Accounting and Financial Reporting for Certain Investments and for External Investment Pools," in which all investments are reported at fair value, with the exception of the Local Government Surplus Funds Investment Pool Trust Fund (State Board of Administration), an external 2a7-like investment pool. The Local Government Surplus Funds Investment Pool Trust Fund's shares are stated at amortized cost (otherwise known as fluctuating net asset value or "NAV"), which approximates fair value.

Investments, including restricted investments (if any), may consist of the State of Florida Local Government Surplus Funds Trust Fund and Certificates of Deposit held at local depositories.

Capital Assets

Capital assets, which include land, buildings, furniture and fixtures, equipment, and vehicles, are reported in the government-wide financial statements in the Statement of Net Position.

The Council follows a capitalization policy which calls for capitalization of all fixed assets that have a cost or donated value of \$1,000 or more and have a useful life in excess of one year.

All capital assets are valued at historical cost, or estimated historical cost if actual historical cost is not available. Donated capital assets are valued at their estimated fair market value on the date donated. Public domain (infrastructure) capital assets consisting of certain improvements other than building, including curbs, gutters, and drainage systems, are not capitalized, as the Council generally does not acquire such assets. No debt-related interest expense is capitalized as part of capital assets in accordance with GASB Statement Number 34.

Maintenance, repairs, and minor renovations are not capitalized. The acquisition of land and construction projects utilizing resources received from Federal and State agencies are capitalized when the related expenditure is incurred.

Expenditures that materially increase values, change capacities, or extend useful lives

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Capital Assets, continued

are capitalized. Upon sale or retirement, the cost is eliminated from the respective accounts.

Expenditures for capital assets are recorded in the fund statements as current expenditures. However, such expenditures are not reflected as expenditures in the government-wide statements, but rather are capitalized and depreciated.

Depreciable capital assets are depreciated using the straight-line method over the following estimated useful lives:

<u>Asset</u>	<u>Years</u>
Improvements Other Than Buildings	7-15
Furniture & Fixtures	7
Equipment	3-10
Vehicles	3

Budgetary and Budgetary Accounting

The Council has adopted annual budgets for the General Fund and the Special Revenue Fund.

The Council follows these procedures in establishing budgetary data for the General Fund and Special Revenue Fund.

1. During the summer of each year, the Council management submits to the Board a proposed operating budget for the fiscal year commencing on October 1. The operating budget includes proposed expenditures and the means of financing them.
2. Public hearings are conducted to obtain public comments.
3. The budget is adopted by approval of the Board Members no later than August 15 each year.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Budgets and Budgetary Accounting, continued

4. Budgets for the General and Special Revenue Funds are, generally, adopted on a basis consistent with accounting principles generally accepted in the United States of America.
5. Budget transfers can be made throughout the year between expenditure accounts by approval of the Board Members. The level of control for appropriations is exercised at the fund level.
6. Budget amounts, as shown in these basic financial statements, are as originally adopted or as amended by the Board Members.
7. Appropriations lapse at year-end.
8. ~~The Board Members approved several budget amendments, in both funds, during the fiscal year ended September 30, 2016. The budget amendments decreased total budgeted expenditures by \$53,879 in the General Fund and increased total budgeted expenditures by \$296,581 in the Special Revenue Fund.~~

Encumbrances

Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is not employed by the Council because it is at present not necessary to assure effective budgetary control or to facilitate effective cash planning and control.

Compensated Absences

The Council's employees accumulate leave based on various criteria including the number of years of continuous service and job classification.

Leave which is requested and approved prior to the day in which it is taken by the employee (vacation) shall be considered to be scheduled leave. At September 30, any scheduled leave accrued above 160 hours shall be used or forfeited except for the Executive Director which is limited to 200 hours. Any employee who is separated from the Council staff by layoff, resignation, death, disability, or other cause shall be paid for the number of working hours of unused scheduled (vacation) leave accrued, not to exceed 160 hours.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Compensated Absences, continued

Leave not requested/approved prior to the day it is taken (sick time) shall be considered unscheduled. Unscheduled leave may be accumulated to a total of 200 hours. There is no reimbursement for unscheduled leave accrual at the time of an employee's termination from the Council.

Due From Other Governments

No allowances for losses on uncollectible accounts has been recorded since the Council considers all amounts to be fully collectible.

Management Estimates

The preparation of the basic financial statements in conformity with accounting principles generally accepted in the United States of America requires the Council to make estimates and assumptions that affect the reported amounts of assets, liabilities, fund equity, and disclosure of contingent assets and liabilities at the date of the basic financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

Net Position

In the government-wide financial statements no net assets have been identified as restricted. Restricted net assets are those net assets that have constraints as to their use externally imposed by creditors, through debt covenants, by grantors, or by law.

Fund Balances

The governmental fund financial statements the Council maintains include nonspendable, assigned, and unassigned fund balances. Nonspendable balances are those that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. Criteria include items that are not expected to be converted into cash, for example prepaid expenses and deposits.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Fund Balances, continued

The Council's assigned balances are a result of the Council's Board approval of actions prior to October 1, 2015. The Council's intent and policy is to maintain a minimum assigned fund balance level between four (4) to six (6) months of prior year total expenditures. This assigned fund balance will serve as the Council's operational and capital reserve as well as its disaster reserve. At September 30, 2016, the entire fund balance is classified as assigned since the balance is less than the Council's minimum target fund balance. Any use of the fund balance requires the Council's Board approval.

Interfund Transactions

The Council considers interfund receivables (due from other funds) and interfund liabilities (due to other funds) to be loan transactions to and from other funds to cover temporary (three months or less) cash needs. Transactions that constitute reimbursements to a fund for expenditures/expenses initially made from it that are properly applicable to another fund are recorded as expenditures/expenses in the reimbursing funds and as a reduction of expenditures/expenses in the fund that is reimbursed.

Pensions

In the government-wide statement of net position, liabilities are recognized for the Council's proportionate share of each pension plan's net pension liability. For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Florida Retirement System (FRS) and the Health Insurance Subsidy (HIS) defined benefit plan and additions to/deductions from fiduciary net position have been determined on the same basis as they are reported by the Plans. For this purpose, benefit payments, (including refunds of employees contributions) are recognized when due and payable in accordance with the benefit terms.

The Council's retirement plans and related amounts are described in a subsequent note.

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September 30, 2016

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NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, CONTINUED

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position reports a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then. The deferred amount on pensions is reported in the government-wide statement of net position. The deferred outflows of resources related to pensions are discussed in a subsequent note.

In addition to liabilities, the statement of net position reports a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The deferred amount on pensions is reported only in the government-wide statement of net position. A deferred amount on pension results from the difference in the expected and actual amounts of experience, earnings, and contributions. This amount is deferred and amortized over the service life of all employees that are provided with pensions through the pension plan except earnings which are amortized over five to seven years.

Subsequent Events

Subsequent events have been evaluated through April 25, 2017, which is the date the financial statements were available to be issued.

NOTE B - CASH AND CASH EQUIVALENTS

Cash was \$691,932, including cash on hand of \$200 at September 30, 2016.

Deposits

The Council's deposit policy allows deposits to be held in demand deposits and money market accounts. All Council depositories are institutions designated as qualified depositories by the State Treasurer at September 30, 2016.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
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September 30, 2016

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NOTE B - CASH AND CASH EQUIVALENTS, CONTINUED

Deposits, continued

The Council's deposits consist of the following at September 30, 2016:

	Bank Balance	Carrying Amount
Depository Accounts	\$ 702,772	\$ 691,732

These deposits were entirely covered by federal depository insurance or by collateral pursuant to the Public Depository Security Act (Florida Statute 280) of the State of Florida. Bank balances approximate market value. Depository accounts are fully insured and/or collateralized.

NOTE C - INVESTMENTS

Florida Statutes and the Council's investment policy authorize investments in the Local Government Surplus Funds Trust Fund (SBA) administered by the State Board of Administration, and certificates of deposit held in financial institutions.

At September 30, 2016, the Council's investments consist of the following:

	Cost Basis	Fair Value (NAV)/ Carrying Amount
<u>General Fund</u>		
Local Government Surplus Trust Fund (SBA)		
Fund "A" (Florida PRIME)	\$ 136,302	\$ 136,302
Total Investments	\$ 136,302	\$ 136,302

The Local Government Surplus Funds Trust Fund (Florida PRIME (formerly Fund "A")) is an external 2a7-like investment pool, administered by the Florida State Board of Administration. The Local Government Surplus Funds Investment Pool Trust Fund is not categorized as it is not evidenced by securities that exist in physical or book entry form. The Local Government Surplus Trust Funds Investment Pool's shares are stated at amortized cost (NAV), which approximates fair value. These

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NOTE C - INVESTMENTS, CONTINUED

investments are subject to the risk that the market value of an investment, collateral protecting a deposit or securities underlying a repurchase agreement, will decline. The Council's investment in the Fund represented less than 1% of the Fund's total investments. Investments held in the Fund include, but are not limited to, short-term federal agency obligations, treasury bills, repurchase agreements and commercial paper. These short-term investments are stated at cost, which approximates market. Investment income is recognized as earned and is allocated to participants of the Fund based on their equity participation.

At September 30, 2016, the Council reported SBA investments of \$136,302 fair value/cost for amounts held in Florida PRIME. Florida PRIME carried a credit rating of AAAM by Standard and Poors and had a weighted average days to maturity (WAM) of 50 days at September 30, 2016. The weighted average life (WAL) of Florida PRIME at September 30, 2016 was 70 days. Florida PRIME was not exposed to foreign currency risk during the period October 1, 2015 through September 30, 2016. Rule 2a7 allows funds to use amortized cost to maintain a constant NAV of \$1.00 per share. Accordingly, the District's investment in Florida PRIME is reported at the account balance (pooled shares), which is considered fair value.

The District adopted GASB Statement No. 79 during the year ended September 30, 2016 which requires the following disclosures related to its Florida PRIME investment:

Redemption Gates: Chapter 218.409(8)(a), Florida Statutes, states that "The principal, and any part thereof, of each account constituting the trust fund is subject to a payment at any time from the moneys in the trust fund. However, the Executive Director of the fund may, in good faith, on the occurrence of an event that has a material impact on liquidity or operations of the trust fund, for 48 hours limit contributions to or withdrawals from the trust fund to ensure that the board can invest moneys entrusted to it in exercising its fiduciary responsibility. Such action must be immediately disclosed to all participants, the Trustees, the Joint Legislative Auditing Committee, the Investment Executive Director has instituted such measures to review the necessity of those measures. If the Trustees are unable to convene an emergency meeting before the expiration of the 48-hour moratorium on the contributions and withdrawals, the moratorium may be

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
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NOTE C - INVESTMENTS, CONTINUED

extended by the Executive Director until the Trustees are able to meet to review the necessity for the moratorium. If the Trustees agree with such measures, the Trustees shall vote to continue the measures for up to an additional 15 days. The Trustees must convene and vote to continue any such measures before the expiration of the time limit set, but in no case may the time limit set by the Trustees exceed 15 days.”

Liquidity Fees: Florida Statute 218.409(4) provides authority for the SBA to impose penalties for early withdrawal, subject to disclosures in the enrollment materials of the amount and purpose of such fees. At September 30, 2016, no such disclosure has been made.

Redemption Fees: As of September 30, 2016, there were no redemption fees or maximum transaction amounts, or any other requirements that serve to limit a participant’s daily access to 100 percent of their account value.

Fair Value: The carrying value of cash, cash equivalents, and investments held by the District approximate fair value.

NOTE D - DUE FROM OTHER GOVERNMENTS - GRANTS

Grants receivable consisted of the following at September 30, 2016:

	<u>Amount</u>
<u>State</u>	
Florida Division of Emergency Management - DEM-HMEP 15/16 (CSFA 20.703)	\$ 12,626
Florida Division of Emergency Management - DEM-HMEP 15/16 Planning	13,597
Department of Emergency Management - LEPC 2016-2017 (CSFA 31.067)	8,158
Glades/Hendry - TD (CSFA 55.002)	<u>8,872</u>
Total due from other governments - grants	<u>\$ 43,253</u>

The grants receivable balances as of September 30, 2016, are considered by management to be fully collectible.

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NOTE E - CAPITAL ASSETS ACTIVITY

The following is a summary of changes in capital assets activity for the year ended September 30, 2016:

	Balance October 1 2015	Increases/ Additions	Decreases/ Deletions	Adjustments/ Reclassifications	Balance September 30 2016
Capital Assets Not Being Depreciated:					
Land	\$ 375,565	\$ -	\$ (375,565)	\$ -	\$ -
Total Capital Assets Not Being Depreciated	<u>375,565</u>	<u>-</u>	<u>(375,565)</u>	<u>-</u>	<u>-</u>
Capital Assets Being Depreciated:					
Building & Improvements	1,377,564	-	(1,377,564)	-	-
Furniture & Fixtures	44,130	-	(44,130)	5,377	5,377
Equipment	185,816	29,568	-	(5,377)	210,007
Vehicles	21,787	-	-	-	21,787
Total Capital Assets Being Depreciated	<u>1,629,297</u>	<u>29,568</u>	<u>(1,421,694)</u>	<u>-</u>	<u>237,171</u>
Less Accumulated Depreciation:					
Building & Improvements	(396,295)	(3,413)	399,708	-	-
Furniture & Fixtures	(28,540)	(768)	28,540	(3,842)	(4,610)
Equipment	(168,074)	(6,573)	-	3,842	(170,805)
Vehicles	(21,785)	(2)	-	-	(21,787)
Total Accumulated Depreciation	<u>(614,694)</u>	<u>(10,756)</u>	<u>428,248</u>	<u>-</u>	<u>(197,202)</u>
Total Capital Assets Being Depreciated, Net	<u>1,014,603</u>	<u>18,812</u>	<u>(993,446)</u>	<u>-</u>	<u>39,969</u>
Capital Assets, Net	<u>\$ 1,390,168</u>	<u>\$ 18,812</u>	<u>\$(1,369,011)</u>	<u>\$ -</u>	<u>39,969</u>
Related debt					-
Net investment in capital assets					<u>\$ 39,969</u>

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NOTES TO THE FINANCIAL STATEMENTS
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NOTE E - CAPITAL ASSETS ACTIVITY, CONTINUED

Depreciation expense was charged to the following functions during the year ended September 30, 2016:

	<u>Amount</u>
General Government	\$ 10,756
Total Depreciation Expense	<u>\$ 10,756</u>

NOTE F - DUE TO/FROM OTHER FUNDS

Interfund receivables and payables at September 30, 2016, are as follows:

<u>Fund</u>	<u>Due from other funds</u>	<u>Due to other funds</u>
General Fund:		
Special Revenue Fund	\$ 1,728	\$ -
Total General Fund	<u>1,728</u>	<u>-</u>
Special Revenue Fund:		
General Fund	<u>-</u>	<u>1,728</u>
Total Special Revenue Fund	<u>-</u>	<u>1,728</u>
Total	<u>\$ 1,728</u>	<u>\$ 1,728</u>

Interfund receivables and payables were eliminated for presentation purposes in the Statement of Net Position at September 30, 2016.

NOTE G - UNEARNED REVENUE

Unearned revenue (by type) consisted of the following at September 30, 2016:

	<u>Amount</u>
Grants - EPA Ecosystem services	\$ 36,634
DRI's & NOPC's	<u>21,505</u>
	<u>\$ 58,139</u>

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NOTES TO THE FINANCIAL STATEMENTS
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NOTE H - LONG-TERM LIABILITIES

The following is a summary of changes in long-term liabilities for the year ended September 30, 2016:

	Balance October 1 2015	Additions	Retirements / Adjustments	Balance September 30 2016	Amounts Due Within One Year
Note payable	\$ 879,263	\$ -	\$ (879,263)	\$ -	\$ -
Net Pension Liability - FRS	317,491	133,965	-	451,456	-
Net Pension Liability - HIS	248,245	-	(64,873)	183,372	-
Compensated absences	45,923	32,669	(37,958)	40,634	-
Net OPEB obligation	<u>61,797</u>	<u>3,277</u>	<u>-</u>	<u>65,074</u>	<u>-</u>
	<u>\$ 1,552,719</u>	<u>\$ 169,911</u>	<u>\$ (982,094)</u>	<u>\$ 740,536</u>	<u>\$ -</u>

The following is a summary of the long-term liabilities at September 30, 2016:

	Amount
\$1,525,000 note payable monthly to financial institution in the amount of \$10,646 including interest at 5.68% to finance the purchase of an office building. The note is uncollateralized except for available general revenue and includes prepayment penalties. The loan was due in full June 1, 2016. However, the loan was satisfied in full in November 2015 upon the sale of the building. The mortgage was fully satisfied for \$866,265 plus a prepayment penalty of \$25,851.	\$ -
Net pension obligation - FRS pension plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	451,456
Net pension obligation - HIS plan. This amount is actuarially determined through calculation based upon the audited financial statements of the Florida FRS Plan.	183,372
Non-current portion of compensated absences. Employees of the Council are entitled to paid scheduled (vacation) leave based on length of service and job classification.	40,634
Net OPEB obligation. Cumulative difference between annual OPEB cost and the Council's projected payments toward the cost of post employment benefits other than pensions since GASB No. 45 transition date (October 1, 2009)	<u>65,074</u>
	<u>\$ 740,536</u>

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE H - LONG-TERM LIABILITIES, CONTINUED

The annual debt service requirements at September 30, 2016, were as follows:

<u>Years Ending September 30</u>	<u>Total Principal</u>	<u>Total Interest</u>	<u>Total</u>
Note payable:			
2017	\$ -	\$ -	\$ -
Net Pension Liability - FRS	451,456		
Net Pension Liability - HIS	183,372		
Accrued compensated absences	40,634		
Net OPEB obligation	65,074		
Total Long-Term Debt	<u>\$ 740,536</u>		

Interest expense related to the note payable for the year ended September 30, 2016 was \$8,294.

In November 2015 the Council sold its office building and land for \$1,200,000 and satisfied the respective note payable by paying the remaining mortgage of \$866,265 plus interest and prepayment penalty of \$25,851. The Council incurred costs on the sale of the building of \$118,275 including the interest and the prepayment penalty of \$25,851. Therefore, the Council realized net proceeds (cash) from the sale of the building of \$215,460. The Council, however, recognized an accounting loss of \$287,286 from the sale of the building.

NOTE I - OPERATING LEASE COMMITMENTS

The Council leases certain copiers and office space under agreements classified as operating leases.

Future minimum lease payments under the operating leases are as follows:

<u>Years Ending September 30</u>	<u>Amount</u>
2017	\$ 48,790
2018	49,718
2019	48,234
2020	50,646
2021	8,509
	<u>\$ 205,897</u>

For the year ended September 30, 2016, total rent expense was \$ 38,566.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN

General Information about the Florida Retirement System

The Florida Retirement System ("FRS") was created in Chapter 121, Florida Statutes. The FRS was created to provide a defined benefit pension plan ("Pension Plan") for participating public employees. All Council employees are participants in the Statewide Florida Retirement System (FRS) under authority of Article X, Section 14 of the State Constitution and Florida Statutes, Chapters 112 and 121. The FRS was amended in 1998 to add the Deferred Retirement Option Program ("DROP") under the defined benefit plan and amended in 2000 to provide an integrated defined contribution plan alternative to the defined benefit plan for FRS members effective July 1, 2002. This integrated defined contribution pension plan is the FRS Investment Plan. Chapter 112, Florida Statutes, established the Retiree Health Insurance Subsidy (HIS) Program, a separate cost-sharing, multiple-employer defined benefit pension plan to assist retired members of any State-administered retirement system in paying the costs of health insurance.

Essentially all regular employees of the Council are eligible to enroll as members of the State-administered FRS. Provisions relating to the FRS are established by Chapters 121 and 122, Florida Statutes; Chapter 112, Part IV, Florida Statutes; Chapter 238, Florida Statutes; and Florida Retirement System Rules, Chapter 60S, Florida Administrative Code; wherein eligibility, contributions, and benefits are defined and described in detail. Such provisions may be amended at any time by further action from the Florida Legislature. The FRS is a single retirement system administered by the Florida Department of Management Services, Division of Retirement, and consists of two cost-sharing, multiple-employer defined benefit plans (Pension and HIS Plans) and other nonintegrated programs. A comprehensive annual financial report of the FRS, which includes its financial statements, required supplementary information, actuarial report, and other relevant information dated June 30, 2016, is available from the Florida Department of Management Services' Web site (www.dms.myflorida.com).

The Council's total pension expense, \$65,034 for the year ended September 30, 2016, is recorded in the government-wide financial statements. Total Council retirement actual contribution expenditures were \$60,027, \$63,714 and \$101,994 for the years ended September 30, 2016, 2015 and 2014, respectively. The Council contributed 100% of the required contributions.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan

Plan Description. The FRS Pension Plan ("Plan") is a cost-sharing, multiple-employer defined benefit pension plan, with a Deferred Retirement Option Program (DROP) for eligible employees. The general classes of membership are as follows:

Regular Class - Members of the FRS who do not qualify for membership in the other classes.

Senior Management Service Class (SMSC) - Members in senior management level positions.

Special Risk Class - Members who are employed as law enforcement officers and meet the criteria to qualify for this class.

Elected Officials - Members who are elected by the voters within the District boundaries.

Employees enrolled in the Plan prior to July 1, 2011, vest at six years of creditable service and employees enrolled in the Plan on or after July 1, 2011, vest at eight years of creditable service. All vested members, enrolled prior to July 1, 2011, are eligible for normal retirement benefits at age 62 or at any age after 30 years of service, except for those members classified as special risk who are eligible for normal retirement benefits at age 55 or at any age after 25 years of service. All members enrolled in the Plan on or after July 1, 2011, once vested, are eligible for normal retirement benefits at age 65 or any time after 33 years of creditable service, except for members classified as special risk who are eligible for normal retirement benefits at age 60 or at any age after 30 years of service. Members of both Plans (Pension and HIS) may include up to 4 years of credit for military service toward creditable service. The Plan also includes an early retirement provision; however, there is a benefit reduction for each year a member retires before his or her normal retirement date. The Plan provides retirement, disability, death benefits, and annual cost of living adjustments to eligible participants.

DROP, subject to provisions of Section 121.091, Florida Statutes, permits employees eligible for normal retirement under the Plan to defer receipt of monthly benefit payments while continuing employment with an FRS employer. An employee

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

may participate in DROP for a period not to exceed 60 months after electing to participate. During the period of DROP participation, deferred monthly benefits are held in the FRS Trust Fund and accrue interest. The net pension liability does not include amounts for DROP participants, as these members are considered retired and are not accruing additional pension benefits.

Benefits Provided. Benefits under the Plan are computed on the basis of age, and/or years of service, average final compensation, and credit service. Credit for each year of service is expressed as a percentage of the average final compensation. For members initially enrolled before July 1, 2011, the average final compensation is the average of the five highest fiscal years' earnings; for the members initially enrolled on or after July 1, 2011, the average final compensation is the average of the eight highest fiscal years' earnings. The total percentage value of the benefit received is determined by calculating the total value of all service, which is based on retirement plan and/or the class to which the member belonged when the service credit was earned. Members are eligible for in-line-of-duty or regular disability and survivors' benefits. The following chart shows the percentage value of each year of service credit earned:

<u>Class, Initial Enrollment, and Retirement Age/Years of Service</u>	<u>%Value</u>
Regular Class and elected members initially enrolled before July 1, 2011	
Retirement up to age 62, or up to 30 years of service	1.60
Retirement at age 63 or with 31 years of service	1.63
Retirement at age 64 or with 32 years of service	1.65
Retirement at age 65 or with 33 or more years of service	1.68
Regular Class and elected members initially enrolled on or after July 1, 2011	
Retirement up to age 65 or up to 33 years of service	1.60
Retirement at age 66 or with 34 years of service	1.63
Retirement at age 67 or with 35 years of service	1.65
Retirement at age 68 or with 36 or more years of service	1.68
Special Risk Regular	
Service from December 1, 1970 through September 30, 1974	2.00
Service on or after October 1, 1974	3.00
Senior Management Service Class	2.00

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

As provided in Section 121.101, Florida Statutes, if the member is initially enrolled in the FRS before July 1, 2011, and all service credit was accrued before July 1, 2011, the annual cost-of-living adjustment is 3 percent per year. If the member is initially enrolled before July 1, 2011, and has service credit on or after July 1, 2011, there is an individually calculated cost-of-living adjustment. The annual cost-of-living adjustment is a proportion of 3 percent determined by dividing the sum of the pre-July 2011 service credit by the total service credit at retirement multiplied by 3 percent. Plan members initially enrolled on or after July 1, 2011, will not have a cost-of-living adjustment after retirement.

Contributions. The Florida Legislature establishes contribution rates for participating employers and employees. Contribution rates during the year ended September 30, 2016 were as follows:

Class	Percent of Gross Salary*			
	Employee	Employer (1)	Employer (3)	Employer (4)
Florida Retirement System, Regular	3.00	7.37	7.26	7.52
Florida Retirement System, Senior Management Service	3.00	21.14	21.43	21.77
Florida Retirement System, Special Risk	3.00	19.82	22.04	22.57
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	12.88	12.88	12.99
Florida Retirement System, Reemployed Retiree	(2)	(2)	N/A	N/A
Florida Retirement System, Elected Official	3.00	43.24	42.27	42.47

Notes:

- (1) Employer rates include 1.26 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .04 percent for administrative costs for the Investment Plan. Rates for 7/1/14 - 6/30/15.
- (2) Contribution rates are dependent upon retirement class in which reemployed.
- (3) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .04 percent for administrative costs for the Investment Plan. Rates for 7/1/15 - 6/30/16.
- (4) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/16 - 6/30/17.

* As defined by the Plan.

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the Pension Plan.

At September 30, 2016, the Council reported a net pension liability of \$451,456 for its proportionate share of the net pension liability. The net pension liability was measured as of September 30, 2016, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2016. The Council's proportionate share of the net pension liability was based on the Council's 2015-16 fiscal year contributions relative to the total 2015-16 fiscal year contributions of all participating members. At September 30, 2016, the Council's proportionate share was .001787938 percent, which was a decrease of .000670121 percent from its proportionate share measure as of September 30, 2015.

For the year ended September 30, 2016, the Council recognized FRS pension expense of \$50,681. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to the pension from the following sources at September 30, 2016:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ 34,567	\$ 4,203
Change of assumptions	27,312	-
Net difference between projected and actual earnings on pension plan investments	207,686	90,991
Changes in proportion and differences between Council contributions and proportionate share of contributions	100,494	173,004
Council contributions subsequent to the measurement date	<u>10,575</u>	<u>-</u>
Total	<u>\$ 380,634</u>	<u>\$ 268,198</u>

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NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

The deferred outflows of resources related to the FRS pension, totaling \$10,575 resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2017. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to the pension will be recognized in pension expense over the remaining service period of 6.4 years as follows:

Fiscal Years Ending September 30	Amount
2017	\$ 26,427
2018	26,427
2019	26,427
2020	26,426
2021	(2,747)
Thereafter	(1,099)
Total	<u>\$ 101,861</u>

Actuarial Assumptions. The total pension liability in the July 1, 2015, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.60 percent
Real payroll growth	0.65 percent
Salary increases	3.25 percent, average, including inflation
Investment rate of return	7.60 percent, net of pension plan investment expense, including inflation

Mortality rates were based on the Generational RP-2000 with Projection Scale BB.

The actuarial assumptions used in the July 1, 2016, valuation were based on the results of an actuarial experience study for the period July 1, 2008, through June 30, 2013.

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

The long-term expected rate of return on pension plan investments was not based on historical returns, but instead is based on a forward-looking capital market economic model. The allocation policy's description of each asset class was used to map the target allocation to the asset classes shown below. Each asset class assumption is based on a consistent set of underlying assumptions, and includes an adjustment for the inflation assumption. The target allocation and best estimates of arithmetic and geometric real rates of return for each major asset class are summarized in the following table:

Asset Class	Target Allocation (1)	Annual Arithmetic Return	Compound Annual (Geometric) Return	Standard Deviation
Cash	1%	3.0%	3.0%	1.7%
Fixed income	18%	4.7%	4.6%	4.6%
Global equity	53%	8.1%	6.8%	17.2%
Real estate (property)	10%	6.4%	5.8%	12.0%
Private equity	6%	11.5%	7.8%	30.0%
Strategic investments	12%	6.1%	5.6%	11.1%
Total	<u>100%</u>			
Assumed inflation - Mean		2.60%		1.90%

(1) As outlined in the Plan's investment policy

Discount Rate. The discount rate used to measure the total pension liability was 7.60 percent. The Plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS Pension Plan, continued

Sensitivity of the District's Proportionate Share of the Net Pension Liability to Changes in the Discount Rate. The following presents the Council's proportionate share of the net pension liability calculated using the discount rate of 7.60 percent which was reduced from 7.65%, as well as what the Council's proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage-point lower (6.60 percent) or 1-percentage-point higher (8.60 percent) than the current rate:

	1% Decrease (6.60%)	Current Discount Rate (7.60%)	1% Increase (8.60%)
Council's proportionate share of the net pension liability	\$ 831,161	\$ 451,456	\$ 135,402

Pension Plan Fiduciary Net Position. Detailed information about pension plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report (FRS CAFR) dated June 30, 2016.

The FRS CAFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services
Division of Retirement
Bureau of Research and Member Communications
P.O. Box 9000
Tallahassee, FL 32315-9000
850-488-5706 or toll free at 877-377-1737

http://www.dms.myflorida.com/workforce_operations/retirement/publications

Payables to the Pension Plan. At September 30, 2016, the Council reported a payable of \$4,453 for the outstanding amount of contributions in the pension plan required for the year ended September 30, 2016.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan

Plan Description. The Health Insurance Subsidy Plan ("HIS Plan") is a cost-sharing, multiple-employer defined benefit pension plan established under Section 112.363, Florida Statutes. The benefit is a monthly payment to assist retirees of State-administered retirement systems in paying their health insurance costs and is administered by the Division of Retirement within the Florida Department of Management Services.

Benefits Provided. For the year ended September 30, 2016, eligible retirees and beneficiaries received a monthly HIS payment equal to the number of years of creditable service completed at the time of retirement multiplied by \$5. The payments are at least \$30 but not more than \$150 per month, pursuant to Section 112.363, Florida Statutes. To be eligible to receive a HIS Plan benefit, a retiree under a State-administered retirement system must provide proof of health insurance coverage, which can include Medicare.

Contributions. The HIS Plan is funded by required contributions from FRS participating employers as set by the Florida Legislature. Employer contributions are a percentage of gross compensation for all active FRS members. For the year ended September 30, 2016, the contribution rate ranged between 1.66 percent and 1.66 percent of payroll pursuant to Section 112.363, Florida Statutes. The Council contributed 100 percent of its statutorily required contributions for the current and preceding three years. HIS Plan contributions are deposited in a separate trust fund from which HIS payments are authorized. HIS Plan benefits are not guaranteed and are subject to annual legislative appropriation. In the event the legislative appropriation or available funds fail to provide full subsidy benefits to all participants, benefits may be reduced or cancelled.

Pension Liabilities, Pension Expense, Deferred Outflows of Resources and Deferred Inflows of Resources Related to the HIS Plan. At September 30, 2016, the Council reported a HIS net pension liability of \$183,372 for its proportionate share of the net HIS Plan's net pension liability. The net pension liability was measured as of September 30, 2016, and the total pension liability was used to calculate the net pension liability was determined by an actuarial valuation as of July 1, 2016. The Council's proportionate share of the net HIS liability was based on the District's 2015-16 fiscal year contributions relative to the total 2015-16 fiscal

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NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

year contributions of all participating members. At September 30, 2016, the Council's proportionate share was .001573392 percent, which was an decrease of .000860762 percent from its proportionate share measured as of September 30, 2015.

For the fiscal year ended September 30, 2016, the Council recognized HIS expense (income) of \$14,353. In addition, the Council reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

<u>Description</u>	<u>Deferred Outflows of Resources</u>	<u>Deferred Inflows of Resources</u>
Differences between expected and actual experience	\$ -	\$ 418
Change of assumptions	28,776	-
Net difference between projected and actual earnings on pension plan investments	93	-
Changes in proportion and differences between Council contributions and proportionate share of contributions	3,850	127,291
Council contributions subsequent to the measurement date	<u>1,695</u>	<u>-</u>
Total	<u>\$ 34,414</u>	<u>\$ 127,709</u>

The deferred outflows of resources related to HIS, totaling \$1,695, resulting from Council contributions subsequent to the measurement date, will be recognized as a reduction on the net pension liability in the year ended September 30, 2017. Other amounts reported as deferred outflows of resources and deferred inflows of resources related to pensions will be recognized in pension expense of the remaining service period of 7.2 years as follows:

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

Fiscal Years Ending September 30	Amount
2017	\$ (15,313)
2018	(15,313)
2019	(15,313)
2020	(15,312)
2021	(15,336)
Thereafter	(18,403)
Total	<u>\$ (94,990)</u>

Actuarial Assumptions. The total pension liability in the July 1, 2016, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	2.60 percent
Real Payroll Growth	0.65 percent
Salary Increases	3.25 percent, average, including inflation
Municipal Bond Rate	2.85 percent

Mortality rates were based on the Generational RP-2000 with Projected Scale BB.

Because the HIS Plan is funded on a pay-as-you-go basis, no experience study has been completed for this plan.

Discount Rate. The discount rate used to measure the total HIS liability was reduced from 3.80 percent to 2.85 percent. In general, the discount rate for calculating the total HIS liability is equal to the single rate equivalent to discounting at the long-term expected rate of return for benefit payments prior to the projected depletion date. Because the HIS benefit is essentially funded on a pay-as-you-go basis, the depletion date is considered to be immediate, and the single equivalent discount rate is equal to the municipal bond rate selected by the plan sponsor. The Bond Buyer General Obligation 20-Bond Municipal Bond Index was adopted as the applicable municipal bond index.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

HIS Plan, continued

Sensitivity of the District's Proportionate Share of the Net HIS Liability to Changes in the Discount Rate. The following presents the Council's proportionate share of the net HIS liability calculated using the discount rate of 2.85 percent, as well as what the Council's proportionate share of the net HIS liability would be if it were calculated using a discount rate that is 1-percentage-point lower (1.85 percent) or 1-percentage-point higher (3.85 percent) than the current rate:

	1%	Current	1%
	Decrease	Discount Rate	Increase
	(1.85%)	(2.85%)	(3.85%)
Council's proportionate share of the net HIS liability	\$ 210,370	\$ 183,372	\$ 160,966

Pension Plan Fiduciary Net Position. Detailed information about the HIS plan's fiduciary net position is available in the separately issued FRS Pension Plan and Other State Administered Comprehensive Annual Financial Report (FRS CAFR) dated June 30, 2016.

The FRS CAFR and actuarial reports may also be obtained by contacting the Division of Retirement at:

Department of Management Services
Division of Retirement
Bureau of Research and Member Communications
P.O. Box 9000
Tallahassee, FL 32315-9000
850-488-5706 or toll free at 877-377-1737

http://www.dms.myflorida.com/workforce_operations/retirement/publications

Payables to the Pension Plan. At September 30, 2016 the Council reported a payable of \$1,261 for the outstanding amount of contributions to the HIS plan required for the fiscal ended September 30, 2016.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS - Defined Contribution Pension Plan

The SBA administers the defined contribution plan officially titled the FRS Investment Plan (Investment Plan). The Investment Plan is reported in the SBA's annual financial statements and in the State of Florida Comprehensive Annual Financial Report.

As provided in Section 121.4501, Florida Statutes, eligible FRS members may elect to participate in the Investment Plan in lieu of the FRS defined benefit plan. Council employees participating in DROP are not eligible to participate in the Investment Plan. Employer and employee contributions, including amounts contributed to individual member's accounts, are defined by law, but the ultimate benefit depends in part on the performance of investment funds. Benefit terms, including contribution requirements, for the Investment Plan are established and may be amended by the Florida Legislature. The Investment Plan is funded with the same employer and employee contribution rates that are based on salary and membership class (Regular Class, Elected County Officers, etc.) as the FRS defined benefit plan. Contributions are directed to individual member accounts, and the individual members allocate contributions and account balances among various approved investment choices. Costs of administering the plan, including FRS Financial Guidance Program, are funded through an employer contribution of 0.04 percent of payroll and by forfeited benefits of plan members. Allocations to the investment member's accounts during the 2015-16 fiscal year were as follows:

Class	Percent of Gross Salary*			
	Employee	Employer (1)	Employer (3)	Employer (4)
Florida Retirement System, Regular	3.00	7.37	7.26	7.52
Florida Retirement System, Senior Management Service	3.00	21.14	21.43	21.77
Florida Retirement System, Special Risk	3.00	19.82	22.04	22.57
Deferred Retirement Option Program - Applicable to Members from All of the Above Classes	0.00	12.28	12.88	12.99
Florida Retirement System, Reemployed Retiree	(2)	N/A	N/A	N/A
Florida Retirement System, Elected Official	3.00	43.24	42.27	42.47

Notes:

- (1) Employer rates include 1.26 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .04 percent for administrative costs of the Investment Plan. Rates for 7/1/14 - 6/30/15.
- (2) Contribution rates are dependent upon retirement class in which reemployed.
- (3) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .04 percent for administrative costs for the Investment Plan. Rates for 7/1/15 - 6/30/16.
- (4) Employer rates include 1.66 percent for the post-employment health insurance subsidy. Also, employer rates, other than for DROP participants, include .06 percent for administrative costs for the Investment Plan. Rates for 7/1/16 - 6/30/17.

* As defined by the Plan.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE J - RETIREMENT PLAN - DEFINED BENEFIT PENSION PLAN, CONTINUED

FRS - Defined Contribution Pension Plan, continued

For all membership classes, employees are immediately vested in their own contributions and are vested after 1 year of service for employer contributions and investment earnings. If an accumulated benefit obligation for service credit originally earned under the FRS Pension Plan is transferred to the Investment Plan, the member must have the years of service required for FRS Pension Plan vesting (including the service credit represented by the transferred funds) to be vested for these funds and the earnings on the funds. Nonvested employer contributions are placed in a suspense account for up to 5 years. If the employee returns to FRS-covered employment within the 5-year period, the employee will regain control over their account. If the employee does not return within the 5 year period, the employee will forfeit the accumulated account balance. For the fiscal year ended September 30, 2016, the information for the amount of forfeitures was unavailable from the SBA; however, management believes that these amounts, if any, would be immaterial to the Council.

After termination and applying to receive benefits, the member may rollover vested funds to another qualified plan, structure a periodic payment under the Investment Plan, receive a lump-sum distribution, leave the funds invested for future distribution, or any combination of these options. Disability coverage is provided; the member may either transfer the account balance to the FRS Pension Plan when approved for disability retirement to receive guaranteed lifetime monthly benefits under the FRS Pension Plan, or remain in the Investment Plan and rely upon that account balance for retirement income.

The Council's Investment Plan pension expense totaled \$36,598 for the fiscal year ended September 30, 2016.

Payables to the Investment Plan. At September 30, 2016, the Council reported a payable of \$0 for the outstanding amount of contributions to the Plan required for the fiscal year ended September 30, 2016.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE K - COMMITMENTS/CONTINGENCIES

Grants

The Council is currently receiving, and has received in the past, grants which are subject to special compliance audits by the grantor agency. The grantor agency may at times disallow expenditure amounts associated with a contract based on the outcome of an audit. These amounts would constitute a contingent liability of the Council. The Council has not, as of September 30, 2016, been notified of any existing contingent liabilities related to prior grants or the grants currently in process. The Council has not had any special compliance audits conducted by grantor agencies or any disallowed costs during the year ended September 30, 2016. The management of the Council does not believe contingent liabilities, if any exist, to be material.

NOTE L - ECONOMIC DEPENDENCE

The Council's operations are substantially dependent on the receipt of revenue from grantor and contract agencies. Loss of these funds and/or large decreases in this type of funding would have a material effect on the financial position of the Council and a negative impact on overall operations. For the fiscal year ended September 30, 2016, approximately 53% of total revenue is attributable to funds received from grantor and contract agencies.

NOTE M - INDIRECT EXPENDITURES

Indirect expenditures (including indirect and fringe benefit costs) based upon a fixed preapproved rate allocated to the Special Revenue Fund during the year ended September 30, 2016, consist of the following:

	<u>Amount</u>
Personnel services:	
Salaries and fringe benefits	\$ 58,858
Operating expenditures	27,035
Debt service	<u>21,292</u>
Total indirect expenditures	<u>\$ 107,185</u>

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
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NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB)

The Council's defined benefit OPEB Plan provides the opportunity to obtain insurance (health, dental, and vision) benefits to its retired employees. The year ended September 30, 2010, was the Council's transition year. As such, the Council implemented GASB No. 45 on a prospective basis. All retired full-time employees are eligible for OPEB benefits if actively employed by the Council immediately before retirement. As of September 30, 2016, there were zero (0) retirees receiving these benefits. The benefits are provided both with and without contractual agreements. The Council's OPEB policy provides the opportunity for qualified retirees (pre-medicare qualified retirees) the opportunity to purchase health, dental, and vision insurance coverage similar to active full-time employees. As such, the qualified retiree is responsible for 100% of the cost of coverage selected. The Council simply acts as agent for the retiree and submits the premiums paid by the retiree. The Council pays for no portion of the retiree insurance coverage. The Council finances the benefits on a pay-as-you-go basis and recognizes retiree reimbursement of premiums as revenue and the offsetting expenditures at the time the premiums are due.

Funding Policy

The Council's OPEB benefits are unfunded. The Council has not determined if a separate trust fund or equivalent arrangement will be established into which the Council would make contributions to advance-fund the obligation. Therefore, no separate financial statement is issued. All required disclosures are presented herein. The Council obtained an actuarial valuation for OPEB Plan to measure the current year's subsidies and project these subsidies into the future, making an allocation of that cost to different years. The following schedule of funding progress presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liability for benefits.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB),
CONTINUED

Funding Policy, continued

Schedule of Funding Progress

(1)	Actuarial		Unfunded			UAAL as a
Actuarial	Value of	Actuarial	Actuarial		Annual	Percentage of
Valuation	Assets	Accrued	Liability	Funded	Covered	Covered
Date	(AVA)	Liability (AAL)	(UAAL)	Ratio	Payroll	Payroll
	(a)	(b)	(b-a)	(a/b)	(c)	(b-a)/c
10/01/12	\$ -	\$ 50,030	\$ 50,030	0.0%	\$ 899,507	5.6%
10/01/13	\$ -	\$ 46,936	\$ 46,936	0.0%	\$ 899,507	5.2%
10/01/14	\$ -	\$ 46,936	\$ 46,936	0.0%	\$ 899,507	5.2%
10/01/15	\$ -	\$ 45,026	\$ 45,026	0.0%	\$ 497,824	9.0%

(1) - Initial actuarial valuation dated 10/1/09 (transition year)

Schedule of Contributions from Employer

Year	Annual	Projected	Percentage of		Actual
Ended	OPEB Cost	Cash	Annual OPEB	Net OPEB	Cash
		Payment*	Cost	Obligation	Payment
9/30/13	\$ 10,275	\$ 6,158	59.9%	\$ 59,864	\$ -
9/30/14	\$ 9,010	\$ 6,888	76.4%	\$ 61,797	\$ -
9/30/15	\$ 9,010	\$ 6,888	76.4%	\$ 61,797	\$ -
9/30/16	\$ 8,586	\$ 5,309	61.8%	\$ 65,074	\$ -

*The Council did not make the expected cash payments of \$6,158, \$6,888, \$6,888 or \$5,309 during the years ended September 30, 2013, 2014, 2015 and 2016, respectively because the Council had no retiree participants. Therefore, the actual Net OPEB obligation was \$59,864, \$61,797, \$61,797, and \$65,074 at September 30, 2013, 2014, 2015 and 2016, respectively.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB),
CONTINUED

Annual OPEB Cost and Net OPEB Obligation

The annual OPEB cost is the amount that was expensed in the current year. Since the Council's plan is unfunded, the offset to that expense comes from subsidies paid on behalf of the current retirees and their dependents for the current year. This offset is called the expected cash payment. The cumulative difference between the annual OPEB cost for the year and the expected cash payment is called the net OPEB obligation (NOO). The net OPEB obligation is reflected as a liability in the Statement of Net Position. The following table shows the components of the Council's annual OPEB cost for the year and the net OPEB obligation.

<u>Fiscal year ended September 30, 2016</u>	<u>Amount</u>
Annual required contribution (ARC)	\$ 8,119
Less NOO amortization	(2,005)
Plus interest on NOO	2,472
Annual OPEB cost	8,586
Expected cash payment (projected)*	(5,309)
Yearly change in OPEB obligation	3,277
Net OPEB obligation - beginning of year	61,797
Net OPEB obligation - end of year	<u>\$ 65,074</u>

*The Council did not make the expected cash payment of \$5,309 during the year ended September 30, 2016 since the Council had no retiree participants. Therefore, the actual Net OPEB obligation is \$65,074.

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment, mortality, and healthcare cost trend. Amounts determined regarding the funding status of a plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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**NOTE N - POST-EMPLOYMENT BENEFITS OTHER THAN PENSION BENEFITS (OPEB),
CONTINUED**

Actuarial Methods and Assumptions

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and plan members) and include the types of benefits provided at the time of the valuation and the historical pattern of sharing of benefit costs between the employer and plan members. The actual methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities and the actuarial valuation of assets, consistent with the long-term perspective of the calculations.

In the October 1, 2011 actuarial valuation, the entry age normal (level % of pay) actuarial cost method with linear pro-ration to assumed benefit commencement was used. The actuarial assumptions included a 4.0 percent investment rate of return. Since there are no invested plan assets held in trust to finance the OPEB obligations, the investment return discount rate of 4% is the long-term expectation of investment return on assets held in Council funds pursuant to its investment policy. The assumptions also included an annual healthcare cost inflation rate trending to 8% (pre-medicare and post-medicare) in 2016, 8.75% in 2017, and grading down to the ultimate trend rate of 4.00% in 2073. The unfunded actuarial accrued liability, as calculated, is being amortized over a closed amortization period of 30 years using the level dollar amortization method. The assumed rate of payroll growth is 0.0 percent. The assumed rate of inflation is 0.0 percent. The mortality rate table used is RP-2000.

NOTE O - RISK MANAGEMENT

The Council is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions; injuries to employees, and natural disasters.

Insurance programs for general/professional liability, automobile, and property are through commercial insurance carriers. The Council retains the risk of loss, on insured claims, up to a deductible amount (depending on the type of loss) with the risk of loss in excess of this amount transferred to the insurance carrier. The Council is third party insured for employee health as well as workers' compensation. There were no claims paid in excess of insurance coverage during the past three (3) fiscal years.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE FINANCIAL STATEMENTS
September 30, 2016

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NOTE P - FUND BALANCE

Fund balance was classified for the following purposes at September 30, 2016:

<u>Nonspendable fund balance - General Fund</u>		<u>Amount</u>
Deposits	\$	6,381
	\$	<u>6,381</u>
<u>Assigned fund balance - General Fund</u>		<u>Amount</u>
Operating reserves	\$	805,398
	\$	<u>805,398</u>

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**REQUIRED SUPPLEMENTARY
INFORMATION
OTHER THAN MD&A**

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL
WITH RECONCILIATION TO GAAP BASIS- GENERAL FUND -
SUMMARY STATEMENT
Year Ended September 30, 2016

	General Fund			
	Original Budget	Final Budget	Non-GAAP Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ -	\$ -	\$ -	\$ -
Contracts, local grants and events	-	-	-	-
County and city assessments	477,787	477,787	477,790	3
DRI fees	-	-	-	-
DRI monitoring fees	-	-	-	-
Rental income	1,500	-	-	-
Interest and miscellaneous	-	-	12,489	12,489
Fund balance carryforward	640,816	588,437	-	(588,437)
TOTAL REVENUES	1,120,103	1,066,224	490,279	(575,945)
EXPENDITURES				
Current				
Personnel services	472,708	337,758	255,911	81,847
Operating expenditures	686,528	827,805	347,973	479,832
Capital outlay	(167,133)	(120,631)	1,763	(122,394)
Debt service	128,000	21,292	-	21,292
TOTAL EXPENDITURES	1,120,103	1,066,224	605,647	460,577
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	-	(115,368)	(115,368)
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	4,975	4,975
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	-	-	4,975	4,975
NET CHANGE (NON-GAAP) IN FUND BALANCE	\$ -	\$ -	\$ (110,393)	\$ (110,393)
RECONCILIATION:				
NET CHANGE (NON-GAAP) IN FUND BALANCE			\$ (110,393)	
ADD: Proceeds from disposition of capital assets			1,200,000	
LESS: Principal reduction - note payable			(866,265)	
NET CHANGE (GAAP BASIS) IN FUND BALANCE			223,342	
FUND BALANCE, October 1, 2015			588,437	
FUND BALANCE, September 30, 2016			\$ 811,779	

The accompanying notes are an integral part of this statement.

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN

FUND BALANCE - BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL

WITH RECONCILIATION TO GAAP BASIS- GENERAL FUND -

DETAILED STATEMENT

Year Ended September 30, 2016

	General Fund			
	Original Budget	Final Budget	Non-GAAP Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ -	\$ -	\$ -	\$ -
Contracts, local grants and events	-	-	-	-
County and city assessments	477,787	477,787	477,790	3
DRI fees	-	-	-	-
DRI monitoring fees	-	-	-	-
Rental income	1,500	-	-	-
Interest and miscellaneous	-	-	12,489	12,489
Fund balance carryforward	640,816	588,437	-	(588,437)
TOTAL REVENUES	1,120,103	1,066,224	490,279	(575,945)
EXPENDITURES				
Current				
Personnel services				
Salaries	316,875	154,461	154,593	(132)
Fringe benefits:				
FICA	37,263	39,727	34,902	4,825
Retirement	35,084	60,084	60,027	57
Health insurance	79,799	79,799	63,792	16,007
Severance	-	-	-	-
Workers compensation/unemployment	3,687	3,687	1,455	2,232
Allocation of indirect expenditures	-	-	(58,858)	58,858
Total personnel services	472,708	337,758	255,911	81,847
Operating expenditures				
Professional fees:				
Legal fees	-	-	-	-
Consultant fees	21,100	20,843	58,800	(37,957)
Grant/Consulting expense	-	-	-	-
Audit fees	32,000	30,000	31,100	(1,100)
Telephone, rent, supplies, etc:				
Office supplies	4,000	4,000	4,372	(372)
Equipment rental	7,335	7,335	7,066	269
Building rental	-	31,500	-	31,500
Repairs and maintenance	5,000	5,000	3,379	1,621
Telephone	5,100	5,100	4,377	723
Miscellaneous and insurance:				
Insurance	23,207	17,207	15,490	1,717
Other miscellaneous	4,700	2,700	3,254	(554)
Computer supplies and graphics	22,969	22,969	16,796	6,173
Professional development/meetings:				
Professional development/dues	24,915	24,915	24,218	697
Meetings/events	1,000	2,000	1,800	200

The accompanying notes are an integral part of this statement.

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SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET (NON-GAAP BUDGETARY BASIS) AND ACTUAL
WITH RECONCILIATION TO GAAP BASIS- GENERAL FUND -
DETAILED STATEMENT, CONTINUED
Year Ended September 30, 2016

General Fund				
	Original Budget	Final Budget	Non-GAAP Actual	Variance Favorable (Unfavorable)
Operating expenditures (continued)				
Travel	2,500	10,000	6,167	3,833
Postage	2,000	1,500	1,754	(254)
Printing/reproduction	2,000	3,571	3,252	319
Utilities	21,500	12,500	16,997	(4,497)
Advertising/legal notices	1,900	1,900	493	1,407
Publications	200	200	-	200
Bad debt	-	-	15,000	(15,000)
Moving expense	-	42,500	42,418	82
Expense of sale	-	-	118,275	(118,275)
Amount to be reserved for A/C	-	-	-	-
Reserves - operations	505,102	582,065	-	582,065
Allocation of indirect expenditures	-	-	(27,035)	27,035
Total operating expenditures	686,528	827,805	347,973	479,832
Capital outlay				
Capital purchases	9,000	4,000	1,763	2,237
Allocation of indirect expenditures	(176,133)	(124,631)	-	(124,631)
Total capital outlay	(167,133)	(120,631)	1,763	(122,394)
Debt service				
Principal retirement	128,000	12,998	12,998	-
Interest and fiscal charges	-	8,294	8,294	-
Allocation of indirect expenditures	-	-	(21,292)	21,292
Total debt service	128,000	21,292	-	21,292
TOTAL EXPENDITURES	1,120,103	1,066,224	605,647	460,577
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	-	(115,368)	(115,368)
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	4,975	4,975
Operating transfers out	-	-	-	-
TOTAL OTHER FINANCING SOURCES (USES)	-	-	4,975	4,975
NET CHANGE (NON-GAAP) IN FUND BALANCE	\$ -	\$ -	\$ (110,393)	\$ (110,393)
RECONCILIATION:				
NET CHANGE (NON-GAAP) IN FUND BALANCE			\$ (110,393)	
ADD: Proceeds from disposition of capital assets			1,200,000	
LESS: Principal reduction - note payable			(866,265)	
NET CHANGE (GAAP BASIS) IN FUND BALANCE			223,342	
FUND BALANCE, October 1, 2015			588,437	
FUND BALANCE, September 30, 2016			\$ 811,779	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE
FUND - SUMMARY STATEMENT
Year Ended September 30, 2016

Page 53 of 65

	Special Revenue Fund			
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ 187,266	\$ 557,025	\$ 525,450	\$ (31,575)
Contracts, local grants and events	170,150	90,600	105,045	14,445
County and city assessments	-	-	-	-
NOPC and DRI fees	35,000	35,000	60,121	25,121
DRI monitoring fees	-	-	2,750	2,750
Rental income	-	6,372	-	(6,372)
Interest and miscellaneous	-	-	-	-
Fund balance carryforward	-	-	-	-
TOTAL REVENUES	392,416	688,997	693,366	4,369
EXPENDITURES				
Current				
Personnel services	170,223	364,840	379,017	(14,177)
Operating expenditures	46,060	196,526	260,277	(63,751)
Capital outlay	-	3,000	27,805	(24,805)
Debt service	176,133	124,631	21,292	103,339
TOTAL EXPENDITURES	392,416	688,997	688,391	606
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	-	4,975	4,975
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	(4,975)	(4,975)
TOTAL OTHER FINANCING SOURCES (USES)	-	-	(4,975)	(4,975)
NET CHANGE IN FUND BALANCE	\$ -	\$ -	-	\$ -
FUND BALANCE, October 1, 2015			-	
FUND BALANCE, September 30, 2016			\$ -	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE
FUND - DETAILED STATEMENT
Year Ended September 30, 2016

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Special Revenue Fund				
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
REVENUES				
Federal and state grants	\$ 187,266	\$ 557,025	\$ 525,450	\$ (31,575)
Contracts, local grants and events	170,150	90,600	105,045	14,445
County and city assessments	-	-	-	-
NOPC and DRI fees	35,000	35,000	60,121	25,121
DRI monitoring fees	-	-	2,750	2,750
Rental income	-	6,372	-	(6,372)
Interest and miscellaneous	-	-	-	-
Fund balance carryforward	-	-	-	-
TOTAL REVENUES	392,416	688,997	693,366	4,369
EXPENDITURES				
Current				
Personnel services				
Salaries	170,223	364,840	320,159	44,681
Fringe benefits:				
FICA	-	-	-	-
Retirement	-	-	-	-
Health insurance	-	-	-	-
Workers compensation/unemployment	-	-	-	-
Allocation of indirect expenditures	-	-	58,858	(58,858)
Total personnel services	170,223	364,840	379,017	(14,177)
Operating expenditures				
Professional fees:				
Legal fees	-	-	-	-
Consultant fees	12,000	34,000	45,934	(11,934)
Grant/Consulting expense	18,100	92,384	102,619	(10,235)
Audit fees	-	-	-	-
Telephone, rent, supplies, etc:				
Office supplies	-	1,000	371	629
Equipment rental	-	-	-	-
Building rental	-	-	31,500	(31,500)
Storage unit rental	-	-	-	-
Repairs and maintenance	-	-	-	-
Telephone	-	-	-	-
Miscellaneous and insurance:				
Insurance	-	-	-	-
Other miscellaneous	150	500	-	500
Computer supplies and graphics	-	1,350	8,762	(7,412)
Professional development/meetings:				
Professional development/dues	3,595	3,595	2,250	1,345
Meetings/events	250	18,000	7,466	10,534
Travel	10,460	30,000	27,703	2,297

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN
FUND BALANCE - BUDGET AND ACTUAL - SPECIAL REVENUE
FUND - DETAILED STATEMENT, CONTINUED
Year Ended September 30, 2016

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Special Revenue Fund				
	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Operating expenditures (continued)				
Postage	75	3,475	2,578	897
Printing/reproduction	580	5,000	3,026	1,974
Utilities	-	-	-	-
Advertising	850	850	1,033	(183)
Publications	-	-	-	-
Bad debt	-	-	-	-
Reserves - operations	-	6,372	-	6,372
Allocation of indirect expenditures	-	-	27,035	(27,035)
Total operating expenditures	46,060	196,526	260,277	(63,751)
Capital outlay				
Capital purchases	-	3,000	27,805	(24,805)
Allocation of indirect expenditures	-	-	-	-
Total capital outlay	-	3,000	27,805	(24,805)
Debt service				
Principal retirement	-	-	-	-
Interest and fiscal charges	-	-	-	-
Allocation of indirect expenditures	176,133	124,631	21,292	103,339
Total debt service	176,133	124,631	21,292	103,339
TOTAL EXPENDITURES	392,416	688,997	688,391	606
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	-	-	4,975	4,975
OTHER FINANCING SOURCES (USES)				
Operating transfers in	-	-	-	-
Operating transfers out	-	-	(4,975)	(4,975)
TOTAL OTHER FINANCING SOURCES (USES)	-	-	(4,975)	(4,975)
NET CHANGE IN FUND BALANCE	\$ -	\$ -	-	\$ -
FUND BALANCE, October 1, 2015			-	
FUND BALANCE, September 30, 2016			\$ -	

The accompanying notes are an integral part of this statement.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET
PENSION LIABILITY - FLORIDA RETIREMENT SYSTEM (FRS) PENSION
PLAN (1)

Page 56 of 65

	2016	2015	2014
Council's proportion of the net pension liability	0.017879380%	0.002458057%	0.003334835%
Council's proportionate share of the net pension liability	\$ 451,456	\$ 317,491	\$ 203,474
Council's covered-employee payroll	\$ 463,600	\$ 596,412	\$ 978,831
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	97.38%	53.23%	20.79%
Plan fiduciary net position as a percentage of the total pension liability	84.88%	92.00%	96.09%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

SCHEDULE OF COUNCIL CONTRIBUTIONS -
FLORIDA RETIREMENT SYSTEM (FRS) PENSION PLAN (1)

	2016	2015	2014
Contractually required contribution	\$ 55,506	\$ 49,187	\$ 84,553
Contributions in relation to the contractually required contribution	55,506	49,187	84,553
Contribution deficiency (excess)	-	-	-
Council's covered-employee payroll	\$ 463,600	\$ 596,412	\$ 978,831
Contributions as a percentage of covered-employee payroll	11.97%	8.25%	8.64%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SCHEDULE OF COUNCIL'S PROPORTIONATE SHARE OF THE NET
PENSION LIABILITY - HEALTH INSURANCE SUBSIDY (HIS) PENSION
PLAN (1)

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	2016	2015	2014
Council's proportion of the net pension liability	0.001573392%	0.002434150%	0.003320373%
Council's proportionate share of the net pension liability	\$ 183,372	\$ 248,245	\$ 310,463
Council's covered-employee payroll	\$ 463,600	\$ 596,412	\$ 978,831
Council's proportionate share of the net pension liability as a percentage of its covered-employee payroll	39.55%	41.62%	31.72%
Plan fiduciary net position as a percentage of the total pension liability	0.97%	0.50%	0.99%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

SCHEDULE OF COUNCIL CONTRIBUTIONS -
HEALTH INSURANCE SUBSIDY (HIS) PENSION PLAN (1)

	2016	2015	2014
Contractually required contribution	\$ 4,521	\$ 14,527	\$ 17,441
Contributions in relation to the contractually required contribution	4,521	14,527	17,441
Contribution deficiency (excess)	-	-	-
Council's covered-employee payroll	\$ 463,300	\$ 596,412	\$ 978,831
Contributions as a percentage of covered-employee payroll	0.98%	2.44%	1.78%

Notes: (1) The amounts presented for each fiscal year were determined as of September 30.

GASB 68 requires information for 10 years. However, until a full 10-year trend is compiled, governments should present information for only those years for which information is available.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE REQUIRED SUPPLEMENTARY INFORMATION
September 30, 2016

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Changes of Assumptions

Actuarial assumptions for both cost-sharing defined benefit plans are reviewed annually by the Florida Retirement System Actuarial Assumptions Conference. The FRS Pension Plan has a valuation performed annually. The HIS Program has a valuation performed biennially that is updated for GASB reporting in the year a valuation is not performed. The most recent experience study for the FRS Pension Plan was completed in 2014 for the period July 1, 2008, through June 30, 2013. Because the HIS Program is funded on a pay-as-you-go basis, no experience study has been completed for that program. The actuarial assumptions that determined the total pension liability for the HIS Program were based on certain results of the most recent experience study for the FRS Pension Plan.

The total pension liability for each cost-sharing defined benefit plan was determined using the individual entry age actuarial cost method. Inflation increases for both plans is assumed at 2.60%. Payroll growth, including inflation, for both plans is assumed at 3.25%. Both the discount rate and the long-term expected rate of return used for FRS Pension Plan investments is 7.60%. The plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total pension liability is equal to the long-term expected rate of return.

Because the HIS Program uses a pay-as-you-go funding structure, a municipal bond rate of 2.85% was used to determine the total pension liability for the program (Bond Buyer General Obligation 20-Bond Municipal Bond Index). Mortality assumptions for both plans were based on the Generational RP-2000 with Projection Scale BB tables.

Florida Retirement System Pension Plan

There were changes in actuarial assumptions. As of June 30, 2016, the inflation rate assumption remained at 2.6 percent, the real payroll growth assumption was 0.65 percent, and the overall payroll growth rate assumption remained at 3.25 percent. The long-term expected rate of return was reduced from 7.65 percent to 7.60 percent.

Health Insurance Subsidy Pension Plan

The municipal rate used to determine total pension liability decreased from 3.80 percent to 2.85 percent.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOTES TO THE REQUIRED SUPPLEMENTARY INFORMATION
September 30, 2016

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Pension Expense and Deferred Outflows/Inflows of Resources

In accordance with GASB 68, paragraphs 54 and 71, changes in the net pension liability are recognized in pension expense in the current measurement period, except as indicated below. For each of the following, a portion is recognized in pension expense in the current reporting period, and the balance is amortized as deferred outflows or deferred inflows of resources using a systematic and rational method over a closed period, as defined below:

- Differences between expected and actual experience with regard to economic and demographic factors - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes of assumptions or other inputs - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Changes in proportion and differences between contributions and proportionate share of contributions - amortized over the average expected remaining service life of all employees that are provided with pensions through the pension plan (active and inactive employees)
- Differences between expected and actual earnings on pension plan investments - amortized over five years

Employer contributions to the pension plans from employers are not included in collective pension expense. However, employee contributions are used to reduce pension expense.

The average expected remaining service life of all employees provided with pensions through the pension plans at June 30, 2016, was increased from 6.3 years to 6.4 years for FRS and 7.2 years for HIS.

ADDITIONAL REPORTS

DRAFT

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL
CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE
AND OTHER MATTERS BASED ON AN AUDIT OF BASIC
FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE
WITH GOVERNMENT AUDITING STANDARDS**

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1400 Colonial Blvd., Suite 1
Fort Myers, Florida 33907

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America, the basic financial statements of the governmental activities and each major fund of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2016, and the related notes to the financial statements, which collectively comprise the Council's basic financial statements as listed in the table of contents and have issued our report thereon April 25, 2017.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Council's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. Accordingly, we do not express an opinion on the effectiveness of the Council's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the Council's financial statements will not be prevented, or detected and

corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses, as defined previously. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Southwest Florida Regional Planning Council's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of This Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Council's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Council's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
April 25, 2017

**INDEPENDENT ACCOUNTANT'S REPORT ON COMPLIANCE
WITH SECTION 218.415, FLORIDA STATUTES**

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1400 Colonial Blvd., Suite 1
Fort Myers, Florida 33907

We have examined Southwest Florida Regional Planning Council's compliance with Section 218.415, Florida Statutes, regarding the investment of public funds during the year ended September 30, 2016. Management is responsible for Southwest Florida Regional Planning Council's compliance with those requirements. Our responsibility is to express an opinion on Southwest Florida Regional Planning Council's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence about Southwest Florida Regional Planning Council's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion. Our examination does not provide a legal determination on Southwest Florida Regional Planning Council's compliance with specified requirements.

In our opinion, Southwest Florida Regional Planning Council complied, in all material respects, with the aforementioned requirements for the year ended September 30, 2016.

This report is intended solely for the information and use of the Southwest Florida Regional Planning Council and the Auditor General, State of Florida, and is not intended to be and should not be used by anyone other than these specified parties.

TUSCAN & COMPANY, P.A.
Fort Myers, Florida
April 25, 2017

INDEPENDENT AUDITOR'S REPORT TO MANAGEMENT

Executive Committee and Council Members
Southwest Florida Regional Planning Council
1400 Colonial Blvd., Suite 1
Fort Myers, Florida 33907

We have audited the accompanying basic financial statements of Southwest Florida Regional Planning Council (the "Council") as of and for the year ended September 30, 2016 and have issued our report thereon dated April 25, 2017.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States of America and Chapter 10.550, Rules of the Florida Auditor General. We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards and Chapter 10.550, Rules of the Florida Auditor General. Disclosures in these reports, which are dated April 25, 2017, should be considered in conjunction with this report to management.

Additionally, our audit was conducted in accordance with Chapter 10.550, Rules of the Auditor General, which governs the conduct of local governmental entity audits performed in the State of Florida. This letter included the following information, which is not included in the aforementioned auditor's reports:

- Section 10.554(1)(i)1., Rules of the Auditor General, requires that we determine whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report. There were no financially significant prior year comments.
- Section 10.554(1)(i)2., Rules of the Auditor General, requires that we address in the management letter any recommendations to improve financial management. No such recommendations were noted to improve financial management.

- Section 10.554(1)(i)3., Rules of the Auditor General, requires that we address noncompliance with provisions of contracts or grant agreements, or abuse, that have an effect on the financial statements that is less than material but more than inconsequential. In connection with our audit, we did not have any such findings.
- Section 10.554(1)(i)4., Rules of the Auditor General, requires that the name or official title and legal authority for the primary government and each component unit of the reporting entity be disclosed in the management letter, unless disclosed in the notes to the financial statements. The Council discloses this information in the notes to the financial statements.
- Section 10.554(1)(i)5.a., Rules of the Auditor General, requires a statement be included as to whether or not the local government entity has met one or more of the conditions described in Section 218.503(1), Florida Statutes, and identification of the specific condition(s) met. In connection with our audit, we determined that this item is not applicable to the Council.
- Section 10.554(1)(i)5.b., Rules of the Auditor General, requires that we determine whether the annual financial report for the Council for the fiscal year ended September 30, 2016, filed with the Florida Department of Financial Services pursuant to Section 218.32(1)(a) Florida Statutes, is in agreement with the annual financial audit report for the fiscal year ended September 30, 2016. In connection with our audit, we determined that these two reports were in agreement.
- Pursuant to Sections 10.554(1)(i)5.c. and 10.556(7), Rules of the Auditor General, we applied financial condition assessment procedures. It is management's responsibility to monitor the Council's financial condition. However, we determined this item is not applicable to the Council.
- Pursuant to Section 10.554(1)(i)5.d., Rules of the Auditor General, requires a statement indicating a failure, if any, of a component unit Special District to provide financial information necessary to a proper reporting of the component unit within the audited financial statements of this entity (F.S. Section 218.39(3)(b)). There are no known component special districts required to report within these financial statements.
- Section 10.556(10)(a), Rules of the Auditor General, requires that the scope of our audit to determine the Council's compliance with the provisions of Section 218.415, Florida Statutes, regarding the investment of public funds. In connection with our audit, we determined that the Council complied with Section 218.415, Florida Statutes as reported in our Independent Accountant's Report on Compliance with Section 218.415, Florida Statutes April 25, 2017, included herein.

PRIOR YEAR COMMENTS:

No financially significant comments noted.

CURRENT YEAR COMMENTS:

No financially significant comments noted.

Pursuant to Chapter 119, Florida Statutes, this management letter is a public record and its distribution is not limited. Auditing standards generally accepted in the United States of America require us to indicate that this letter is intended solely for the information and use of the Executive Committee, Council members, management, the Auditor General of the State of Florida, federal and state awarding agencies, pass-through entities and other federal and state audit agencies. However, this report is not intended to be and should not be used by anyone other than these specified parties.

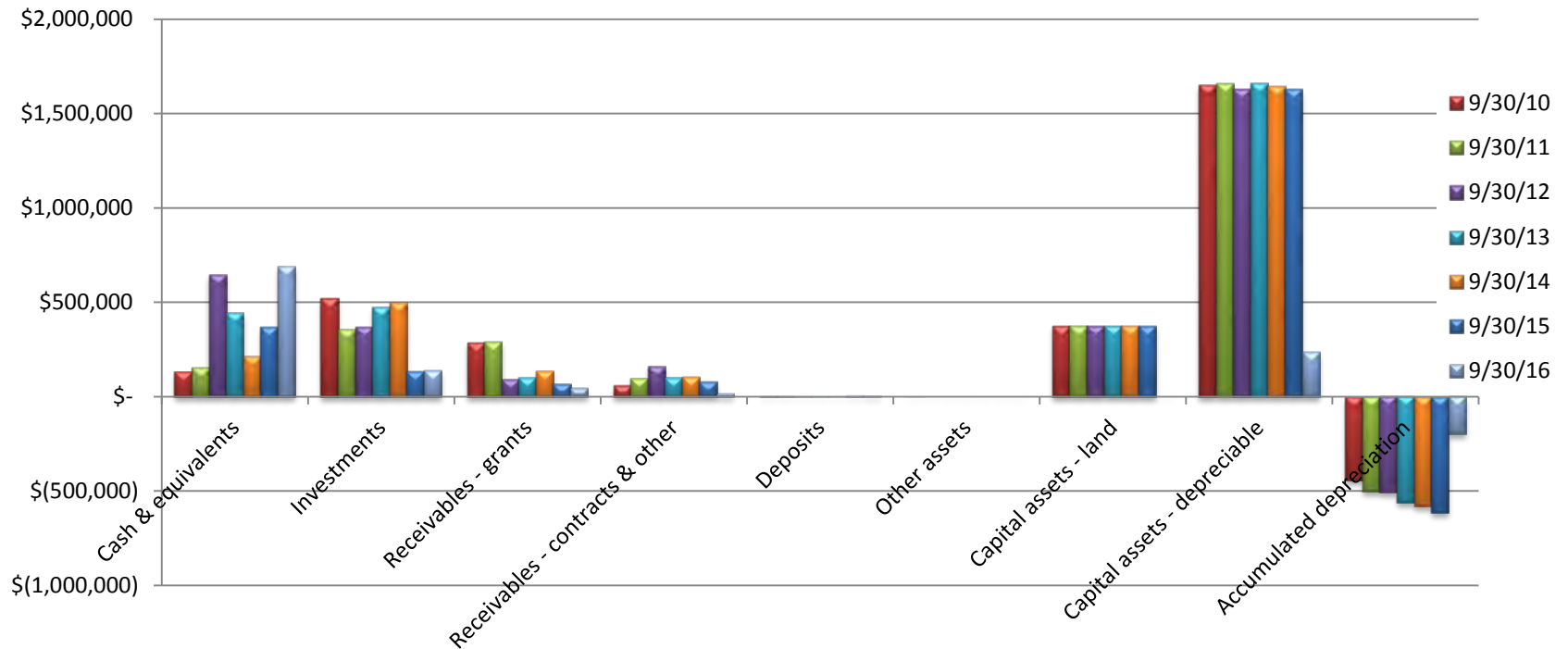
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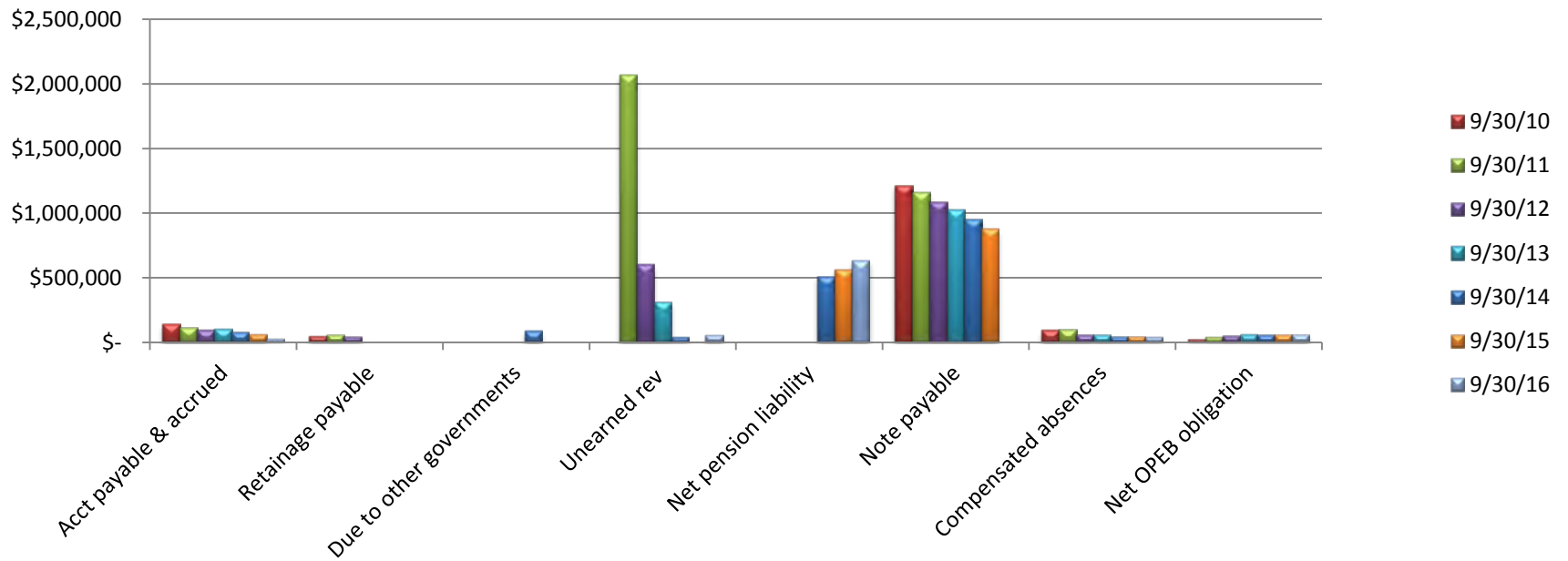
TUSCAN & COMPANY, P.A.
Fort Myers, Florida
April 25, 2017

EXHIBIT

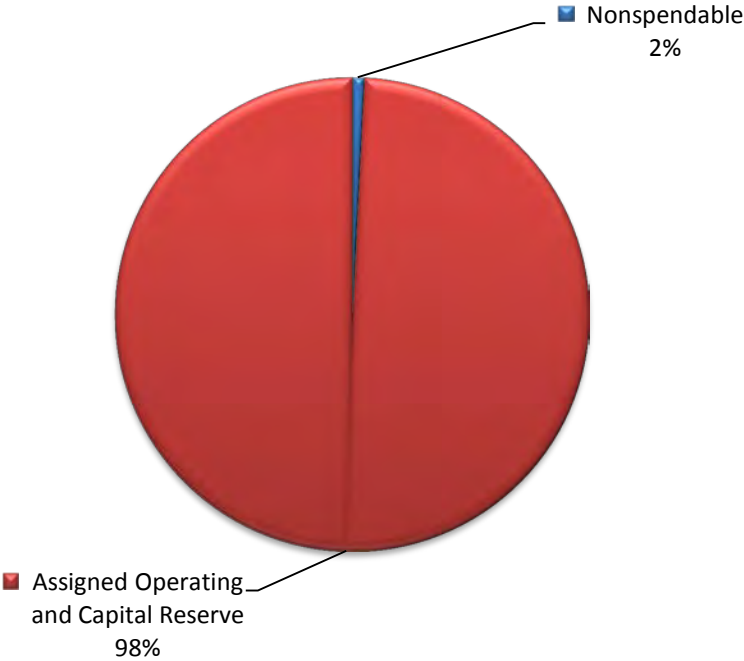
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September 30, 2010, 2011, 2012, 2013, 2014, 2015 and 2016



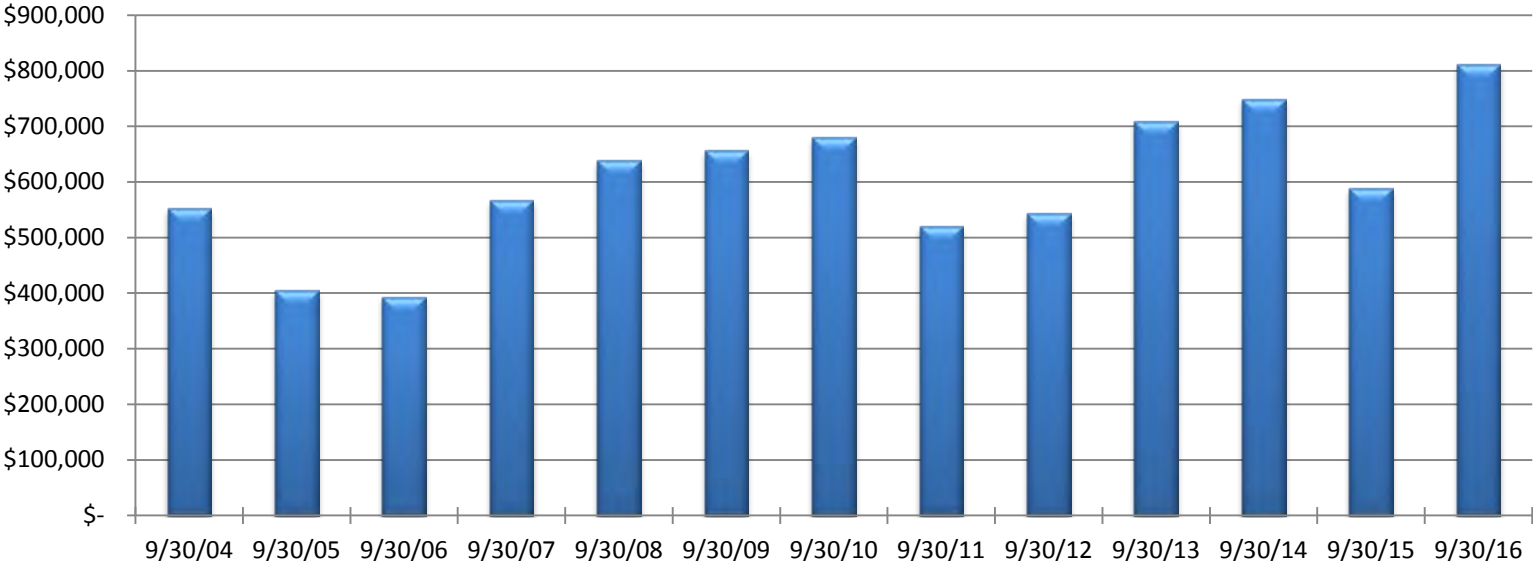


SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - FUND BALANCE MIX
(FUND BASIS STATEMENTS)
September 30, 2016

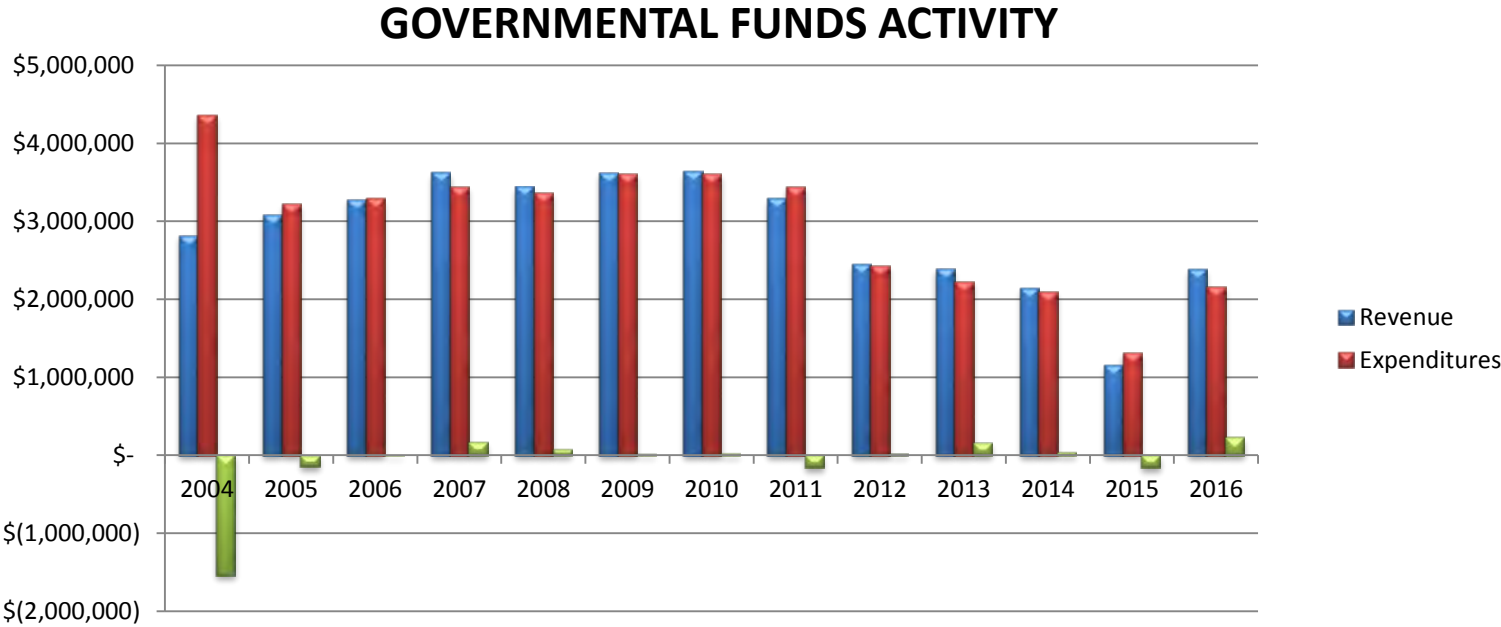


GRAPH - COMPARATIVE FUND BALANCE
(FUND BASIS STATEMENTS)

September 30, 2004 - September 30, 2016

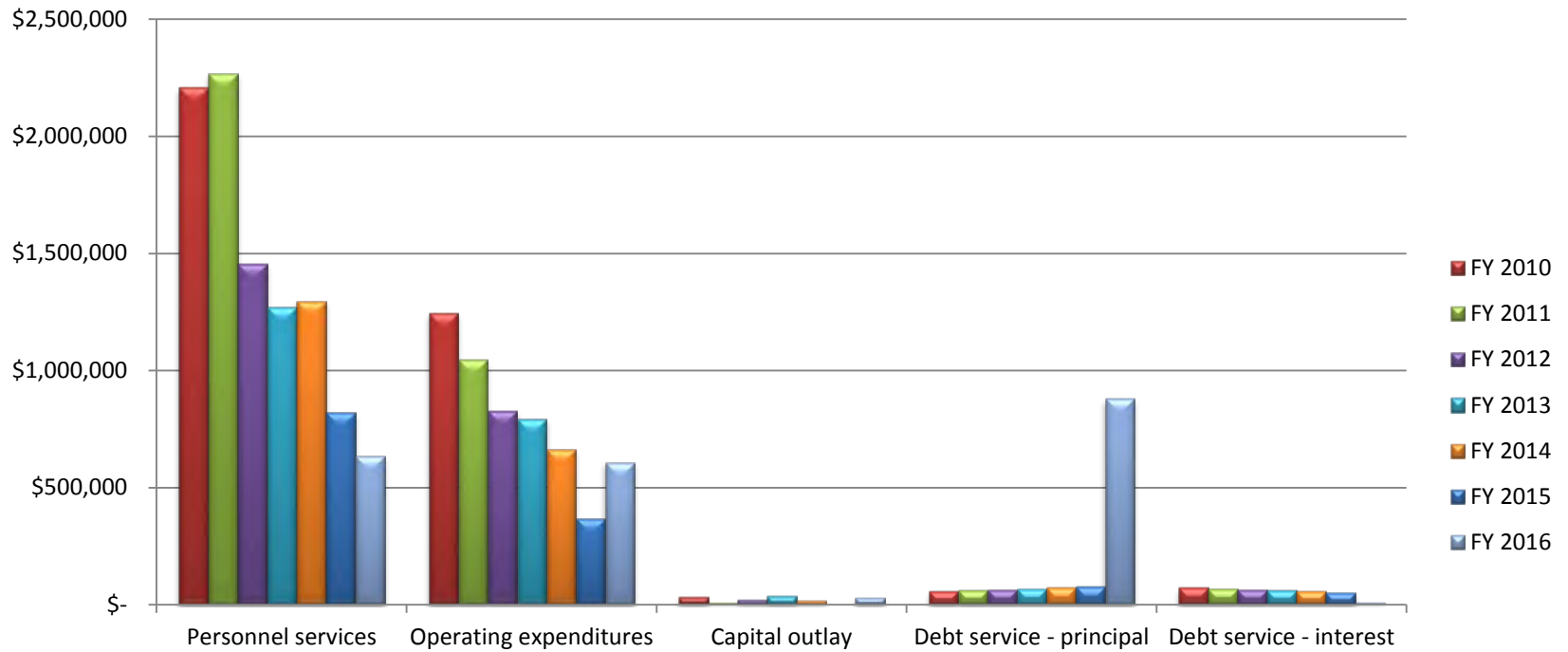


SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
GRAPH - COMPARATIVE SUMMARY OF REVENUES, EXPENDITURES AND
CHANGES IN FUND BALANCE (FUND BASIS STATEMENTS) - ALL FUNDS
Fiscal Years Ended September 30, 2004 - September 30, 2016



(FUND BASIS STATEMENTS) - ALL FUNDS

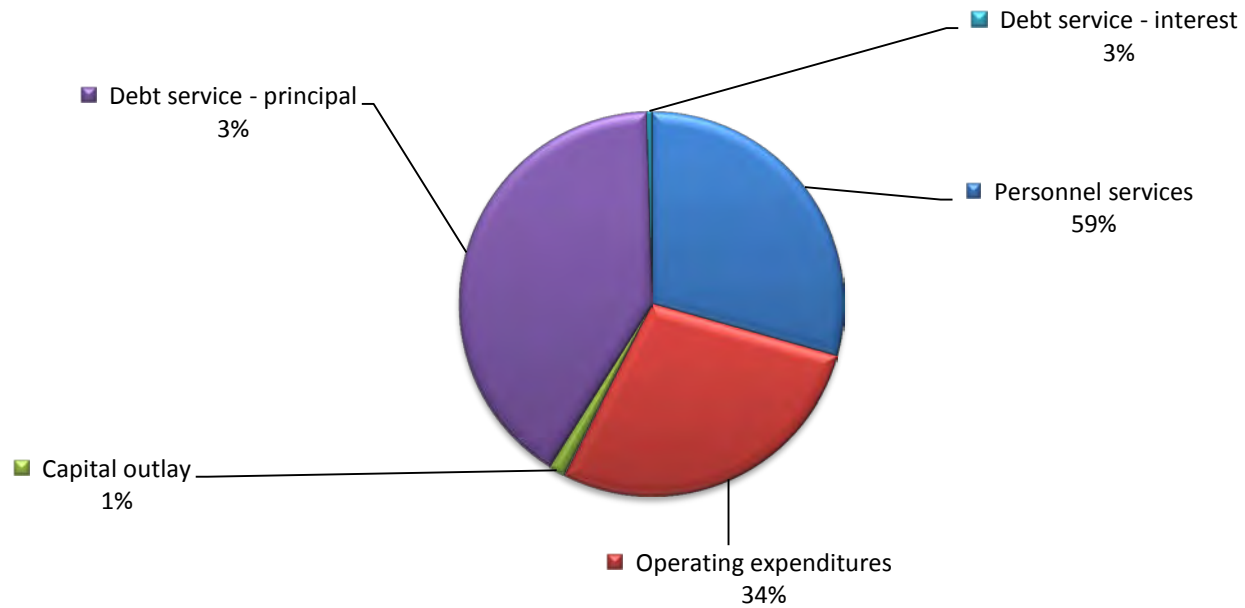
COMPARATIVE EXPENDITURES



GRAPH - EXPENDITURE MIX

(FUND BASIS STATEMENTS) - ALL FUNDS

Year Ended September 30, 2016



Agenda Item

7b

FY17-18 Proposed Budget

7b

7b

FY 17 ADOPTED BUDGET
OCTOBER 1, 2017 TO SEPTEMBER 30, 2018

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Revenues	SWFRPC General Fund	SWFRPC Special Revenue	2017 Budget Totals
Assessments	\$ 321,890	\$ -	\$ 321,890
Secured Federal/State Grants		220,074	220,074
*Program Development (Unsecured Grants/Contracts)	80,767	260,620	341,387
Secured Contractual	-	9,900	9,900
DRIs/NOPCs/Other Reviews	-	35,000	35,000
Interest/Misc	6,000	-	6,000
**Fund Balance from Audit YE 9/30/16 (FY15/16)	811,779	-	811,779
Total Income (Revenue)	\$ 1,220,436	\$ 525,594	\$ 1,746,030

Expenditures (Expenses)			
Direct:			
Salaries (A)	\$ 192,967	\$ 247,781	\$ 440,748
FICA	33,717	-	33,717
Unemployment	-	-	-
Workers Compensation	3,687	-	3,687
Retirement	48,915	-	48,915
Health Insurance (B)	64,433	-	64,433
Total Personnel Expenses	\$ 343,719	\$ 247,781	\$ 591,500

Expenses			
Consultants (C)	\$ -	\$ 106,200	\$ 106,200
Grant/Consulting - Contractual (D)	-	-	-
Audit Fees	32,000	-	32,000
Travel	6,000	14,000	20,000
Telephone	4,600	-	4,600
Postage	1,300	125	1,425
Equipment Rental (E)	6,695	-	6,695
Insurance (F)	10,722	-	10,722
Repair/Maint. (Equip/Vehicle)	1,000	-	1,000
Printing/Reproduction	3,000	100	3,100
Utilities (Elec/Internet)	24,900	-	24,900
Advertising	600	1,000	1,600
Other Miscellaneous	200	-	200
Bank Service Charges	-	-	-
Office Supplies	4,000	-	4,000
Computer Related Expenses (G)	21,674	2,510	24,184
Dues and Memberships (H)	25,095	-	25,095
Publications	100	-	100
Professional Development	1,000	-	1,000
Meetings/Events	3,000	3,000	6,000
Capital Outlay-Operations	4,000	20,000	24,000
Lease Long Term	45,930	-	45,930
**Fund Balance from Audit YE 9/30/16 (FY15/16)	811,779	-	811,779
Operational Expense	\$ 1,007,595	\$ 146,935	\$ 1,154,530

Fringe/Indirect Allocation	\$ (130,878)	\$ 130,878	\$ -
Total Operational Expenses	\$ 876,717	\$ 277,813	\$ 1,154,530
Total Cash Outlays	\$ 1,220,436	\$ 525,594	\$ 1,746,030

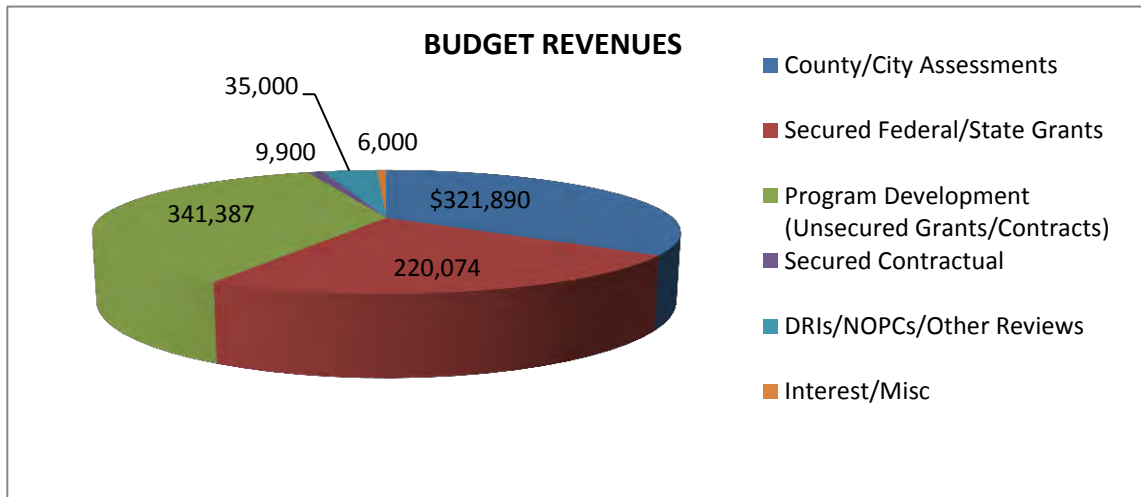
Net Income/Loss	\$ (0)	\$ -	\$ (0)
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* This amount was determined based on three previous years budgets which brought in at least \$100,000 in additional revenue after the budget was adopted

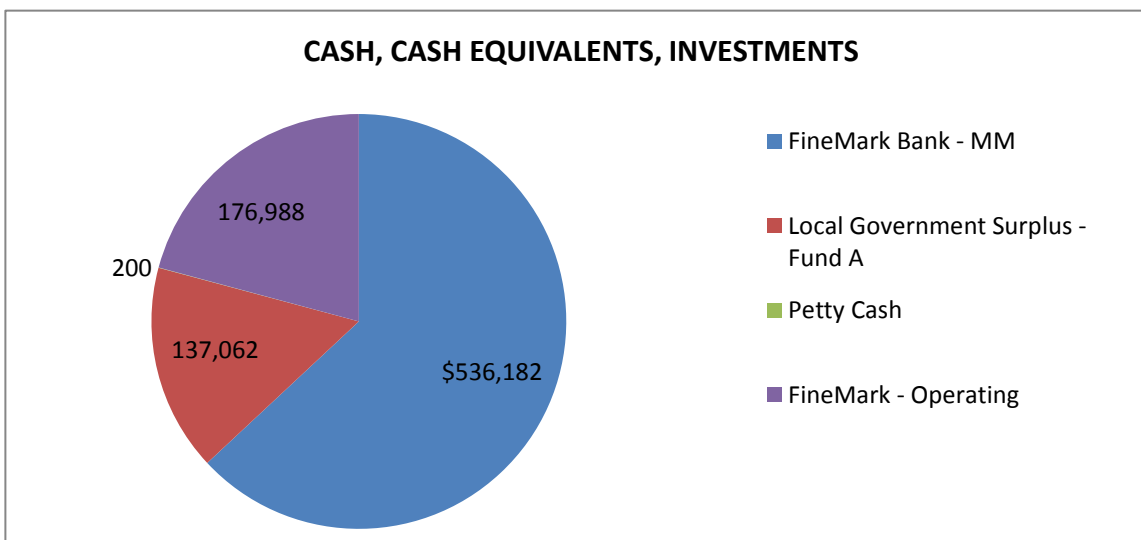
**Fund Balance from Audit YE 9/30/16 (FY15/16) - included in this fund is the investments, operating funds and net of all assets and liabilities as of 9/30/16.

REVENUE SOURCES

BUDGET REVENUES	AMOUNT
County/City Assessments	\$ 321,890
Secured Federal/State Grants	220,074
Program Development (Unsecured Grants/Contracts)	341,387
Secured Contractual	9,900
DRIs/NOPCs/Other Reviews	35,000
Interest/Misc	6,000
Total Revenue	\$ 934,251



CASH, CASH EQUIVALENTS, INVESTMENTS (as of May 30, 2016):	AMOUNT
FineMark Bank - MM	\$ 536,182
Local Government Surplus - Fund A	137,062
Petty Cash	200
FineMark - Operating	176,988
Total Cash, Cash Equivalents, Investments	\$ 850,431



FY 17 REVENUE SOURCES

OCTOBER 1, 2017 TO SEPTEMBER 30, 2018

GENERAL REVENUES		SPECIAL REVENUES	
Interest/Misc.	\$ 6,000	Federal/State Grants	\$ 220,074
Assessments	\$ 321,890	Contractual	\$ 386,287
	\$ 327,890		\$ 606,361
		Total Revenues	\$ 934,251
		FY15 Fund Balance	\$ 811,779
		Total Budget	\$ 1,746,030

MEMBER	POPULATION 2016 (BEBR Estimates)	ASSESSMENT
Charlotte County	170,450	\$ 51,135
Collier County	350,202	105,061
Glades County	13,047	3,914
Hendry County	38,370	11,511
Lee County (Unincorporated)	372,702	27,953
City of Cape Coral	170,474	51,142
City of Fort Myers	76,108	22,832
Town of Fort Myers Beach	6,276	1,883
City of Bonita Springs	48,388	14,516
City of Sanibel	6,591	1,977
Sarasota County	399,538	29,965
Total Assessments	1,652,146	\$ 321,890

Additional Revenue		TOTAL
Interest/Misc.	\$ -	\$ 6,000
ABM Sponsorship	-	-
Total General Revenues		\$ 327,890

SPECIAL REVENUES	FEDERAL/STATE GRANTS	CONTRACTUAL	TOTAL
DEM - Title III			
FL CTD-Glades/Hendry TD	32,020	-	32,020
Collier Hazard Analysis	8,054	-	8,054
Economic Development	70,000	-	70,000
WPDG - Wetland Mitigation Strategy	110,000		110,000
SQG-Glades		9,900	9,900
DRI/NOPC Fees		35,000	35,000
Program Development (Unsecured Grants/Contracts)		341,387	341,387
Total RPC Special Revenues	\$ 220,074	\$ 386,287	\$ 606,361

Assessments based upon official Bureau of Business and Economic Research population estimates.

Assessments are estimated at 30 cents/capita as provided for in the Council's Interlocal Agreement, adopted November 8, 1973.

SWFRPC 5 YEAR BUDGET COMPARISON

Fiscal Year 2013 - Fiscal Year 2018

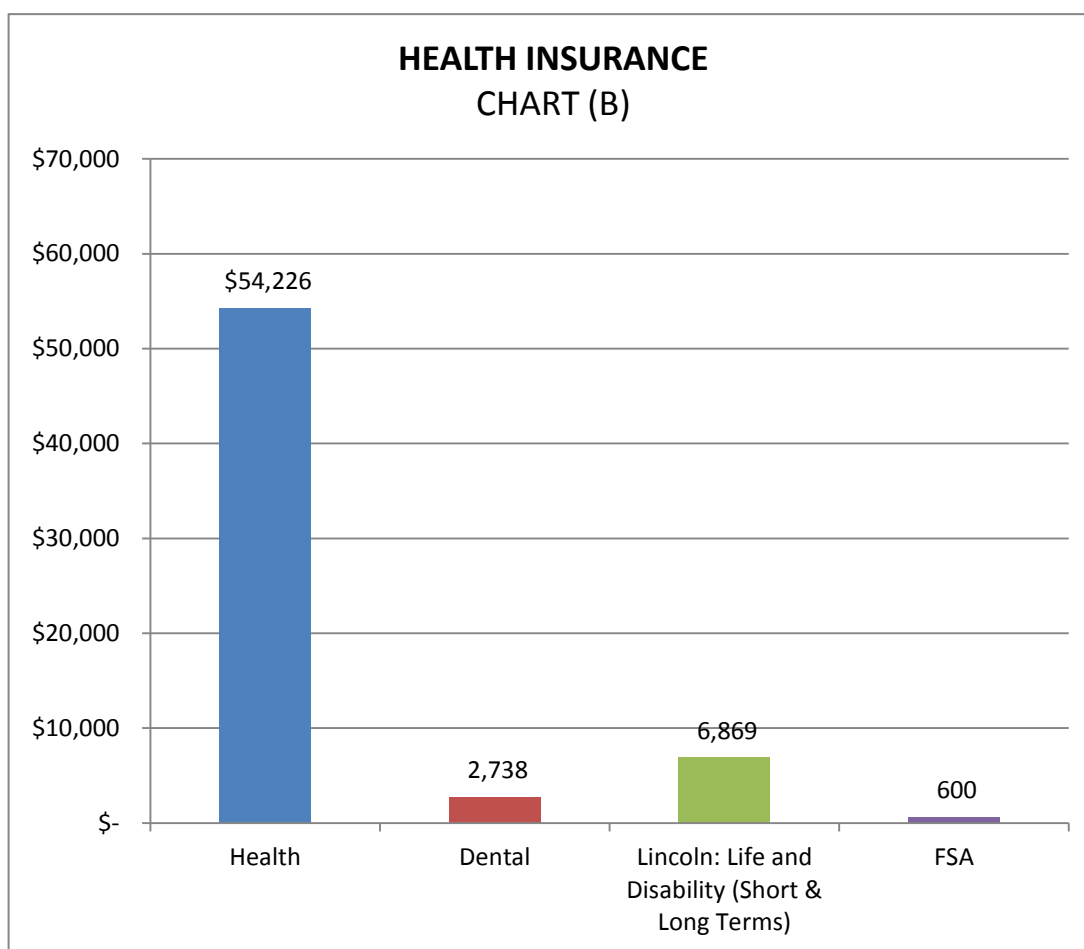
	Actual FY 2013	Actual FY 2014	Actual FY 2015	Actual FY 2016	Budget FY 2017 Amendment
Revenues					
Assessments	\$ 462,218	\$ 469,411	\$ 472,879	\$ 477,787	\$ 485,948
Federal/State/Local Funds/Contract.	1,839,113	1,581,167	399,968	525,449	393,917
Contractual			190,067	105,045	63,500
DRIs/NOPCs/Monitoring	42,625	41,265	88,523	57,397	35,000
Interest/Misc	24,732	39,057	4,347	10,434	6,000
Rental Income	28,750	15,000	1,250	-	-
Fund Balance	708,484	748,896	588,437	811,779	811,779
Total Income	\$ 3,105,922	\$ 2,894,796	\$ 1,745,471	\$ 1,987,891	\$ 1,796,144
Expenditures					
<u>Direct:</u>					
Salaries - Total	\$ 1,006,838	\$ 982,363	\$ 609,843	\$ 474,751	\$ 476,748
FICA/Workers Comp/Unemployment	83,783	76,524	49,691	36,357	40,158
Retirement	63,019	101,994	63,714	60,027	47,715
Health Insurance	118,764	136,255	98,290	63,754	63,090
Total Personnel Services	\$ 1,272,403	\$ 1,297,136	\$ 821,538	\$ 634,889	\$ 627,711
Legal fees					
Consultant Fees	87,014	35,525	57,588	104,734	108,600
Grant/Consulting Expense			63,533	125,523	37,049
NEP Contractual	326,993	356,951			
NEP-Other					
MPO Contractual					
Audit Fees	43,543	41,000	36,820	31,100	25,000
Travel	42,369	48,185	27,273	33,002	29,620
Telephone	8,224	6,554	5,749	4,377	5,100
Postage	19,925	1,655	3,173	4,332	1,725
Equipment Rental	7,016	6,799	7,964	7,066	7,190
Insurance	25,091	20,683	22,970	15,528	10,566
Repair/Maint. (Grounds/Bldg/Equip)	17,497	19,499	10,311	2,907	1,700
Printing/Reproduction	73,954	5,539	6,431	6,278	4,146
Utilities (Elec, water, garb)	22,226	23,470	20,889	16,997	24,900
Advertising	3,218	2,827	7,766	1,526	1,750
Other Miscellaneous	3,979	4,923	5,162	419	4,837
Uncollectable Receivables					
Bank Service Charges	2,745			2,755	0
Office Supplies	13,870	9,853	4,494	4,743	5,211
Computer Related Expenses	40,011	41,876	27,326	22,882	21,671
Publications	226	1,338	211	0	100
Bad debt			19,736		
Dues and Memberships	32,659	35,484	14,037	24,655	25,310
Professional Development	3,225			1,813	1,000
Meetings/Events	20,580	3,065	26,771	8,766	4,750
Moving				42,418	0
Capital Outlay-Operations	27,792	15,375		4,351	5,000
Capital Outlay-Building	8,185			0	1,000
Long Term Debt (Building Loan)	127,751	127,751	127,751	21,292	0
Lease Long Term				31,500	43,750
Events	1,436				
Reserve for Operations Expense	708,484	748,896	588,437	811,779	811,779
Total Cash Outlays	\$ 2,940,415	\$ 2,854,384	\$ 1,905,930	\$ 1,965,632	\$ 1,809,465
Net Income/(Loss)	\$ 165,507	\$ 40,412	\$ (160,459)	\$ 22,259	\$ (13,321)

SALARY EXPENSES**TABLE (A)**

POSITION TITLE CLASSIFICATION	CLASSIFICATION LEVEL	10/1/2017 SALARY RANGE	HOURLY RATE	ANNUAL SALARY
Executive Director	Exempt	As determined by Council	57.13	\$ 118,830
Regional Counsel	Exempt			15,450
Planner IV (Environmental)	Exempt	27.53 - 39.89	33.64	69,971
Business Operations Manager	Exempt	25.96 - 36.06	30.37	63,170
Planner II	Exempt	18.90 - 27.31	29.18	60,694
Planner I/Operations Analyst	Exempt	18.90 - 27.31	21.17	44,034
GIS Manager	Exempt	20.26 - 32.99	32.98	68,598
Total				\$ 440,748

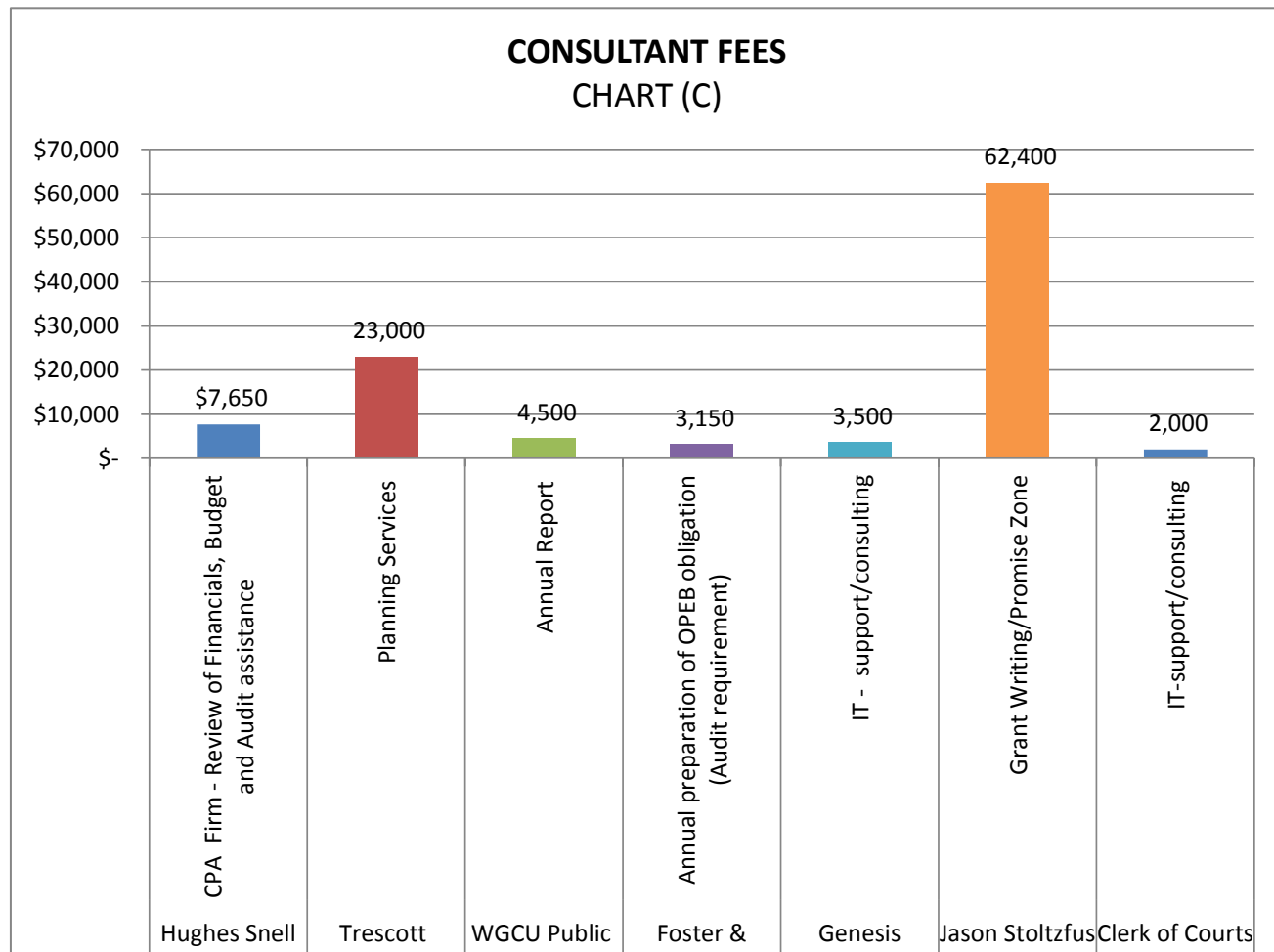
HEALTH INSURANCE**TABLE (B)**

INSURANCE TYPE	COVERAGE	AMOUNT
Health	Employee Only	\$ 54,226
Dental	Employee Only	2,738
Lincoln: Life and Disability (Short & Long Terms)	Employee Only	6,869
FSA	Employee Only	600
Total		\$ 64,433



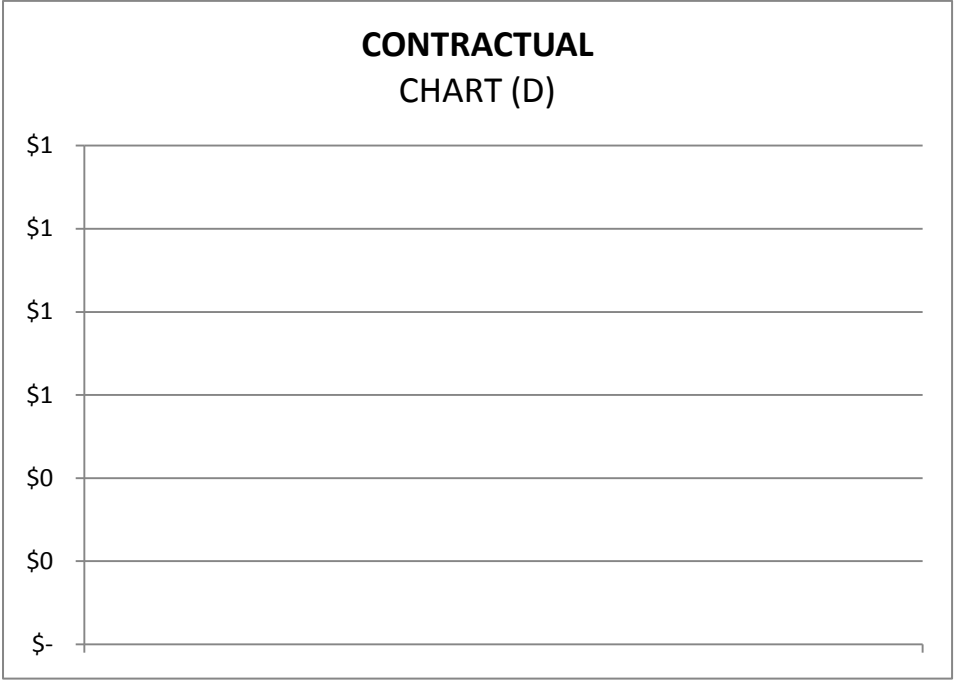
CONSULTANT FEES**TABLE (C)**

CONSULTANT	DESCRIPTION	AMOUNT
Hughes Snell & Co.	CPA Firm - Review of Financials, Budget and Audit assistance	\$ 7,650
Trescott Planning Solutions, LLC	Planning Services	23,000
WGCU Public Media	Annual Report	4,500
Foster & Foster	Annual preparation of OPEB obligation (Audit requirement)	3,150
Genesis	IT - support/consulting	3,500
Jason Stoltzfus	Grant Writing/Promise Zone	62,400
Clerk of Courts	IT-support/consulting	2,000
		Total \$ 106,200



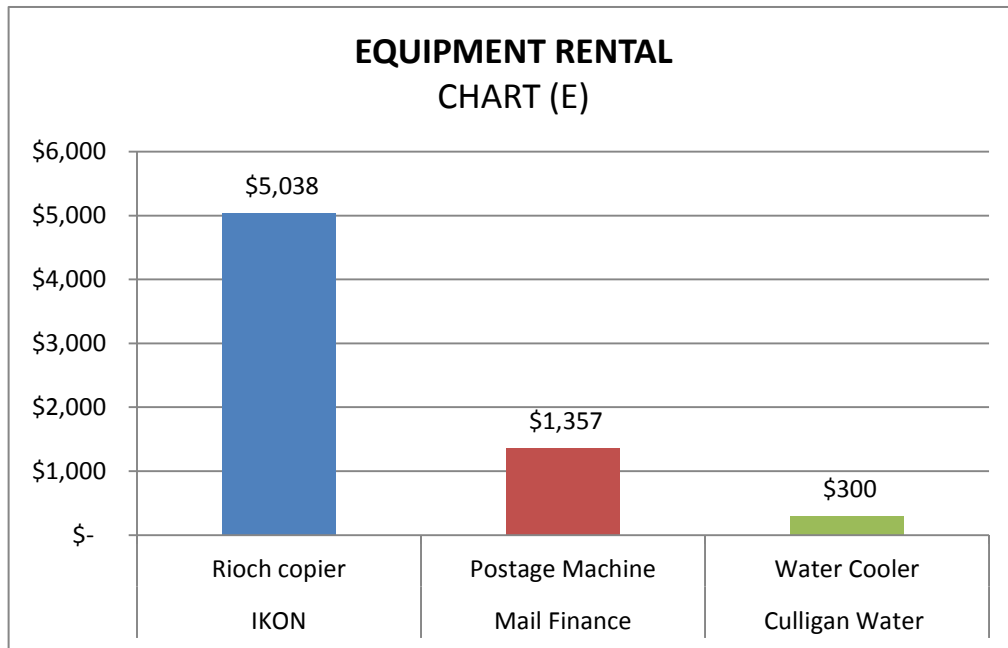
CONTRACTUAL
TABLE (D)

GRANT	DESCRIPTION	AMOUNT
Total		\$ -



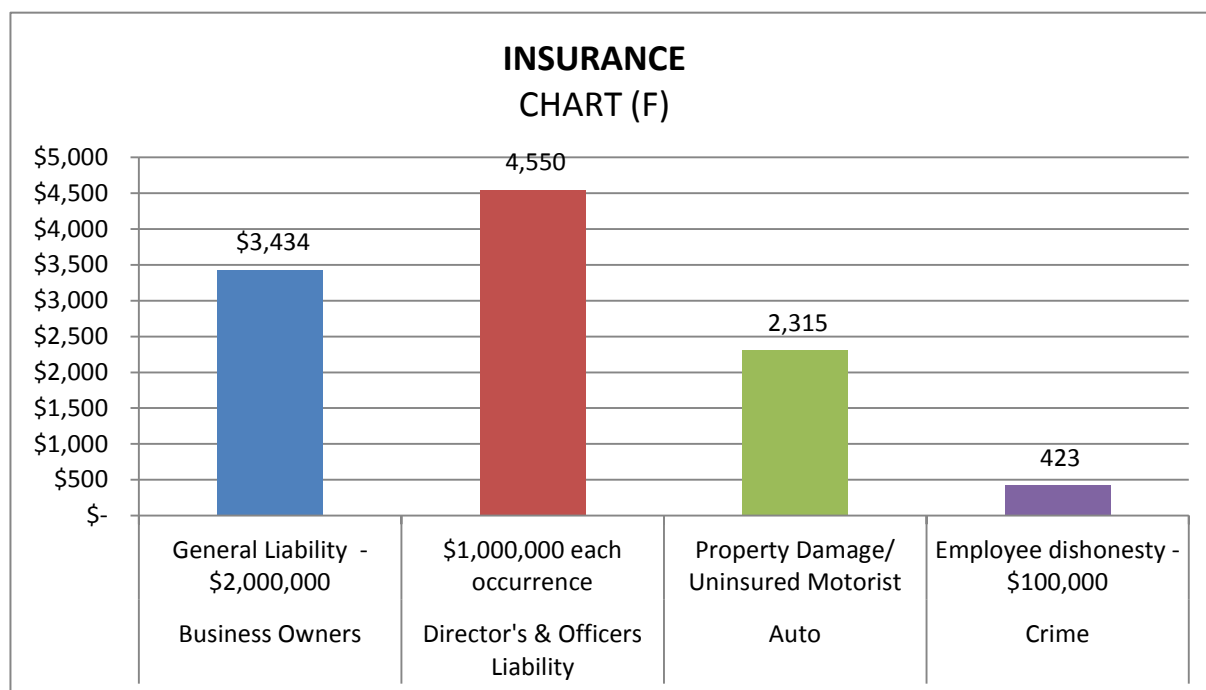
EQUIPMENT RENTAL
TABLE (E)

	DESCRIPTION	
IKON	Rioch copier	\$ 5,038
Mail Finance	Postage Machine	\$ 1,357
Culligan Water	Water Cooler	\$ 300
Total		\$ 6,695



INSURANCE
TABLE (F)

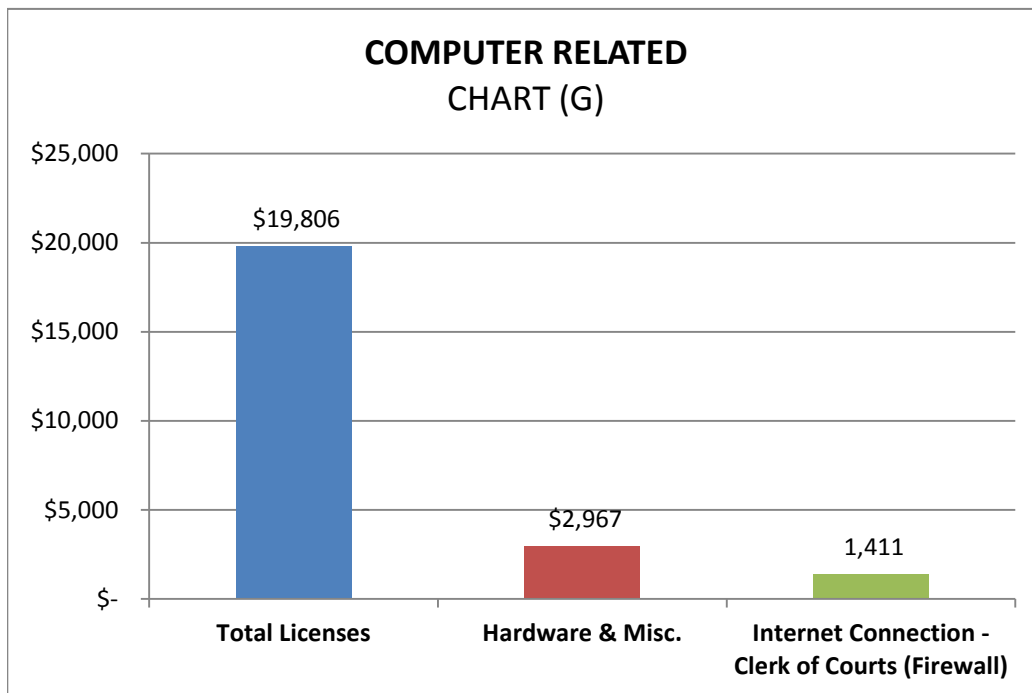
POLICY	DESCRIPTION	PREMIUM
Business Owners	General Liability -\$2,000,000	\$ 3,434
Director's & Officers Liability	\$1,000,000 each occurrence	4,550
Auto	Property Damage/ Uninsured Motorist	2,315
Crime	Employee dishonesty - \$100,000	423
Total		\$ 10,722



**COMPUTER RELATED
TABLE (G)**

LICENSES	AMOUNT
Sage Peachtree (Accounting Software)	\$ 2,506
REMI (Modeling Software)	4,500
ArcView (GIS)	8,650
VM	1,000
Bill Quick	3,150
Total Licenses	\$ 19,806

OTHER	AMOUNT
Hardware & Misc.	\$ 2,967
Internet Connection - Clerk of Courts (Firewall)	1,411
Total Expenses	\$ 24,184

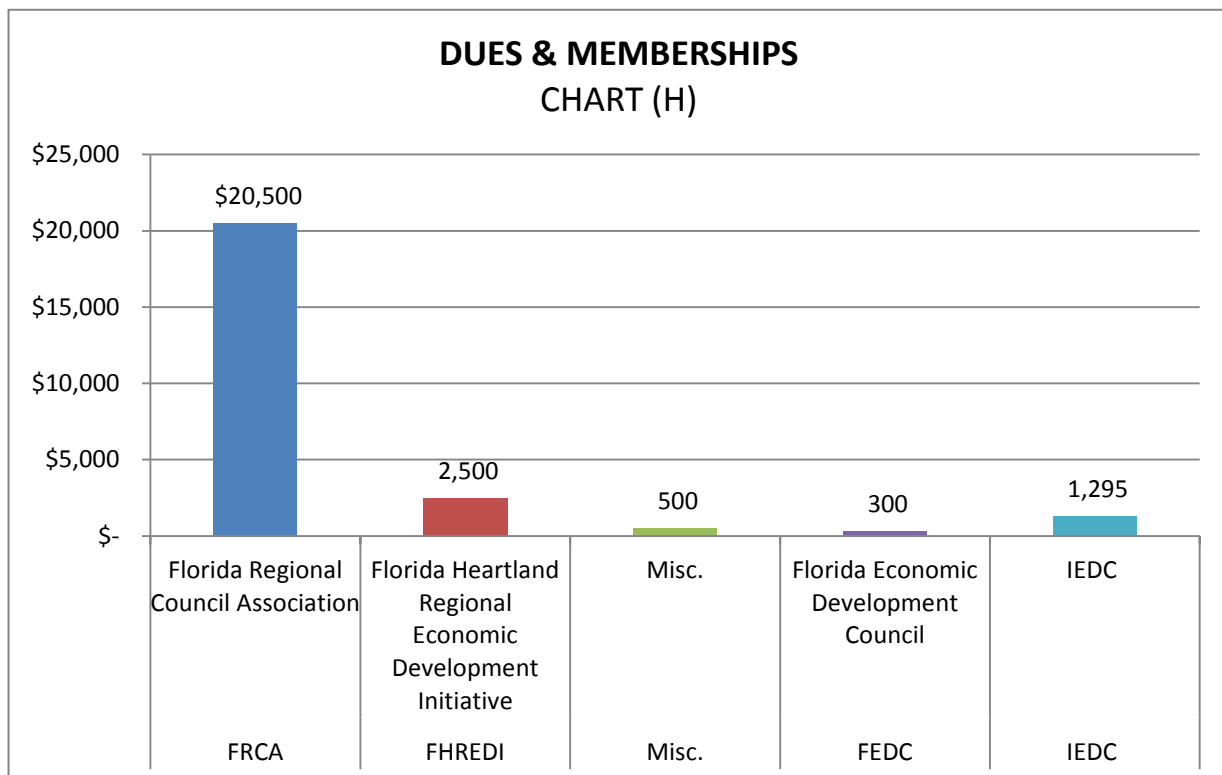


DUES & MEMBERSHIPS**TABLE (H)**

ORGANIZATION	DESCRIPTION	AMOUNT
FRCA	Florida Regional Council Association	\$ 20,500
FHREDI	Florida Heartland Regional Economic Development Initiative	2,500
Misc.	Misc.	500
Total		\$ 23,500

GRANT RELATED SUBSCRIPTIONS	DESCRIPTION	AMOUNT
FEDC	Florida Economic Development Council	300
IEDC	IEDC	1,295
Total Grant Related		\$ 1,595

Total		\$ 25,095
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7c

Attorney General's Opinion

7c

7c

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Pam Bondi, Esq.
Attorney General
Department of Legal Affairs
The Capitol, PL01
Tallahassee, Florida 32399-1050

Re: Request for Attorney General's Opinion by Southwest Florida Regional Planning Council, Fort Myers, Florida

May 11, 2017

Dear Attorney General Bondi:

The Southwest Florida Regional Planning Council ("SWFRPC") respectfully submits this request for an Attorney General Opinion on the following questions related to the participation by counties as required by the Florida Regional Planning Council Act. §§186.501-186.513, Fla. Stat.

QUESTIONS PRESENTED:

1. Must a county participate in its statutorily designated Regional Planning Council, despite an Interlocal Agreement provision pertaining to procedures for terminating membership?
2. May a member county cease to pay dues that are established by regional planning council's Interlocal Agreement?

FACTS:

In 1969 the Florida Legislature enacted the Florida Interlocal Cooperation Act of 1969, §163.01 Fla. Stat., authorizing local governments to enter into interlocal agreements for the purpose of jointly exercising any power, privilege, or authority which such agencies

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share in common and which each might exercise separately, and which provided statutory authority for the formation of regional planning councils.

In 1973 an Interlocal Agreement was made and entered into between the counties of Charlotte, Collier, Glades, Hendry, Lee and Sarasota pursuant to §163.01 Fla. Stat. The Interlocal Agreement created the Southwest Florida Regional Planning Council ("SWFRPC") and contained many provisions, including:

Section 2(d) stating "Any party hereto or principal member unit may withdraw its membership by resolution duly adopted by its governing body, and upon giving twelve (12) months written notice of withdrawal to the chairman of the governing body of each other principal member unit without the effect of terminating this agreement. Contractual obligations of the withdrawing member shall continue until the effective date of the withdrawal..."

Section 6(e) which established the contribution of each principal member unit as thirty cents (30c) per capita of the population of the principal member unit according to the last available determination under Section 23.019.

The 1973 Interlocal Agreement required every county to be represented by three voting members, two appointed by the county and one from a municipality within each county. See Section 3 of SWFRPC 1973 Interlocal Agreement. It also set meeting, quorum, and special meeting requirements, all of which involve voting members of the counties. See Section 5 of SWFRPC 1973 Interlocal Agreement.

In 1980 the Interlocal Agreement was amended without material changes to the withdrawal and financing sections of the Interlocal Agreement.

The SWFRPC's Bylaws require all of the six counties to be participating members, and that two voting representatives be appointed by each county, including Sarasota County. Fla. Admin. Code 29I-1.004.

In 1980 the Florida Legislature enacted the Florida Regional Planning Council Act ("FRPCA"), codified in §§186.501-186.513 Fla. Stat. The FRPCA designated regional planning councils as the primary organization to address problems and plan solutions that are of regional concern and recognized regional planning councils as Florida's only multipurpose regional entity that is in a position to plan for and coordinate

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intergovernmental solutions to growth-related problems on greater than local issues. The 1980 FRPCA included several requirements, including the requirement that all counties, but not cities/municipalities, participate in their designated RPC. Cities and municipalities may participate but are not required to participate in RPCs. §186.504(5) Fla. Stat. states:

“Nothing contained in the act shall be construed to mandate municipal government membership or participation in a regional planning council. However, each county shall be a member of the regional planning council created within the comprehensive planning district encompassing the county.”

§186.512(1)(h) Fla. Stat. designated the Southwest Florida Regional Planning Council as including the six county region previously served by the SWFRPC, including Sarasota County.

§186.505 sets forth twenty-five powers and duties of regional planning councils, including the power to fix and collect membership dues and fees. §186.505(12) Fla. Stat.

On January 10, 2017 the County of Sarasota adopted a resolution which purported to provide notice that it is withdrawing from the SWFRPC, effective 12 months from the date of the resolution. The resolution cites Section 2(d) of the SWFRPC Interlocal Agreement regarding withdrawal from membership and states that:

“Sarasota County’s planning efforts are best focused on Sarasota County itself, and coordinated with other government entities by continuing direct cooperation with municipal and neighboring County governments where appropriate...”

County of Sarasota does not seek to join another regional planning council. It “desires to withdraw from the Southwest Florida Regional Planning Council and not to participate as a member in any RPC following the expiration of the notice period.” January 31, 2017 email from Stephen DeMarsh, County Attorney, to SWFRPC.

As Sarasota County plans to withdraw from membership of its statutorily designated RPC, at least one other county has begun to follow suit. Lee County has begun to discuss withdrawal from the SWFRPC based on what it referred to as the “Sarasota model.” See April 18, 2017 Video of Work Session, Lee County, 115th Congress Update (available for viewing at Lee County’s website).

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Of the ten Florida RPCs, eight have governing Interlocal Agreements which explicitly permit a member to withdraw from participation. See West Florida RPC Interlocal Agreement Section 5 and Bylaws Section 1.012; Appalachian RPC Interlocal Agreement Section 3(d); Central Florida RPC Interlocal Agreement Section 2(d); Tampa Bay RPC Interlocal Agreement Section 2(d); South Florida RPC Interlocal Agreement Section 3(d); SWFRPC Interlocal Agreement Section 2(d). North Central Florida RPC Interlocal Agreement Section 2(d) permits withdrawal "except as provided by Chapter 186"; Northeast Florida RPC's Interlocal Agreement Section 3(d) permits withdrawal "notwithstanding the provisions of Chapter 186 of Florida Statutes..." Treasure Coast RPC's Interlocal Agreement has no provision regarding withdrawal by individual members. East Central Florida RPC has no Interlocal Agreement and its Bylaws are silent on the issue.

MEMORANDUM OF LAW:

The FRPCA requires membership and actual participation by counties, but not by municipalities. Actual participation is required; the statute requires voting members from each and every county within a designated region.

§186.504(2) Fla. Stat. states: Membership on the regional planning council shall be as follows: (a) Representatives appointed by each of the member counties in the geographic area covered by the regional planning council. (3) Not less than two-thirds of the representatives serving as voting members ... shall be elected officials of local general-purpose governments... provided each county shall have at least one vote." (emphasis added).

Municipalities are not required to participate but counties are required to be members. §186.504(5) Fla. Stat.

§186.505 sets forth twenty-five powers and duties of regional planning councils, including the power to fix and collect membership dues and fees. §186.505 Fla. Stat.

Allowing a county to withdraw from participation in its statutorily designated RPC would directly controvert the Legislature's determination that regional planning councils are

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required and serve as the only multipurpose regional entity that is in a position to plan for and coordinate intergovernmental solutions to growth-related problems on greater than local issues and violate the clear requirements of the FRPCA.

In addition, the Interlocal Agreement Act does not permit violation of FRPCA. §163.01(13) Fla. Stat. states: “The powers and authority granted by this section shall be in addition and supplemental to those granted by any other general, local, or special law. Nothing contained herein shall be deemed to interfere with the application of any other law.” It follows that an Interlocal Agreement provision cannot be applied to interfere with the clear requirements of the FRPCA.

Furthermore, it is fundamental that local government action cannot be permitted to conflict with state laws. Thomas v. State, 614 So.2d 468, 470 (Fla. 1993). An ordinance is invalid to the extent that it conflicts with state law. See Wyche v. State, 619 So.2d 231, 237 (Fla. 1993) (ordinance is invalid to extent that it conflicts with state law); Stratton v. Sarasota County, 983 So.2d 51 (Fla. 2d DCA 2008) (Sarasota County lien could not be imposed to include particular fees in violation of state statute).

To allow County of Sarasota to withdraw from participation in the SWFRPC and avoid paying dues to its statutorily designated RPC would have the effect of permitting most, if not all counties, within their sole discretion to cease paying dues and participating, contrary to the Legislature’s clear mandate that counties participate in their designated regional planning councils.

An earlier Attorney General’s Opinion, Subject: Planning council member must pay its share of dues, Op. Att’y Gen. Fla. 95-47 (1995), recognized that a county must abide by the terms of its Interlocal Agreement and pay its per capita appropriation as required by the Interlocal Agreement. The IA at issue in that Opinion did not address withdrawal/termination by a member, but Attorney General Robert Butterworth recognized that “it would appear that any alteration to the district’s designation and the composition of its membership would need to be addressed by that office or the Legislature.” See Op. Att’y Gen. Fla. 95-47, page 4 (1995).

SWFRPC’s Interlocal Agreement is similarly clear on the issue of dues as that presented in Op. Att’y Gen. Fla. 95-47.

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Of the ten Florida RPCs, eight have governing Interlocal Agreements which explicitly permit a member to withdraw from participation. See West Florida RPC Interlocal Agreement Section 5 and Bylaws Section 1.012; Appalachian RPC Interlocal Agreement Section 3(d); Central Florida RPC Interlocal Agreement Section 2(d); Tampa Bay RPC Interlocal Agreement Section 2(d); South Florida RPC Interlocal Agreement Section 3(d); SWFRPC Interlocal Agreement Section 2(d). North Central Florida RPC Interlocal Agreement Section 2(d) permits withdrawal "except as provided by Chapter 186"; Northeast Florida RPC's Interlocal Agreement Section 3(d) permits withdrawal "notwithstanding the provisions of Chapter 186 of Florida Statutes..." Treasure Coast RPC's Interlocal Agreement has no provision regarding withdrawal by individual members. East Central Florida RPC has no Interlocal Agreement and its Bylaws are silent on the issue.

Based upon the plain language of §§186.501-186.513 Fla. Stat. and the language contained within SWFRPC's IA and Bylaws, SWFRPC believes that County of Sarasota cannot cease to pay dues and cease to participate as a member of the SWFRPC. To conclude otherwise would violate the FRPCA and, by extension permit any other interested county(ies) in Florida to cease to pay dues and/or participate in their statutorily designated RPCs.

CONCLUSION:

County of Sarasota is required to participate as a member of the SWFRPC pursuant to §§186.501-186.513 Fl. Stat. and cannot withdraw from participation without violating the FRPCA. County of Sarasota is required to pay dues to SWFRPC pursuant to SWFRPC's Interlocal Agreement and Bylaws.

Thank you in advance for your consideration of the questions presented, as they are of significance to SWRPC and to all RPCs and all counties within the State of Florida.

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Sincerely,

Margaret Wuerstle, Executive Director

Attachments:

SWFRPC Interlocal Agreement of 1973 and 1980

January 31, 2017 email from Sarasota County Attorney

Letter dated January 31, 2017 and Resolution from Sarasota County
Florida RPCs' Interlocal Agreements

Bylaws of East Central Florida RPC

Bylaws of West Florida RPC

cc:

Ron Book, Esq., Executive Director, Florida Regional Councils Association

Stephen DeMarsh, Esq., County Attorney, Sarasota County

INTERLOCAL AGREEMENT CREATING THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

THIS AGREEMENT, made and entered into this 8th day of November, 1973, pursuant to the authority of Section 163.01, Florida Statutes, by and between CHARLOTTE COUNTY, COLLIER COUNTY, GLADES COUNTY, HENDRY COUNTY, LEE COUNTY and SARASOTA COUNTY, each being a political subdivision of the State of Florida,

WITNESSETH:

WHEREAS, the continuing "Comprehensive State Planning" process described by Chapter 23 of the Florida Statutes includes, but is not limited to the following areas of regional and Local Development and concern:

1. Economic Development, including agriculture, industry and commerce;
2. Natural Resources Development, including oceanic and water resources, fish and wildlife, parks and recreation, pollution and environmental health;
3. Social Development, including housing, employment, education, mental and physical health and social welfare, and cultural development, public utilities and services;
4. Transportation Development, including provisions for airports, highways, roads and waterways;
5. Public and Industrial Safety, including the prevention and suppression of fires, explosions and unsafe conditions and practices including the prevention of crime, identification, custody and correction of criminals and those criminally inclined:

WHEREAS, the Environmental Land and Water Management Act, Chapter 380 of the Florida Statutes, grants to Regional Planning Agencies the right and duty to study, review and make recommendations concerning "Areas of Critical State Concern" and "Developments of Regional Impact" to local governments and through the Division of State Planning to the Governor and the

Cabinet, and

WHEREAS, Rule 22E-1.01 of the Florida Administrative Code requires every State Board, Department, Commission, District, Agency, County and Municipality Agency created by Florida Statutes or laws, except judicial or legislative circuits and districts, to use the ten (10) multi-county regional planning district boundaries to prepare regional studies, reports and plans and for programs and budgets, including but not limited to comprehensive planning and land and water management, and

WHEREAS, the Division of State Planning is responsible for conducting a "continual process of State Comprehensive Planning" by considering studies, reports and plans of each Federal, State, Regional and Local Governmental Department, Agency, Institution and Commission and considering existing and prospective resources, capabilities, and needs of State and Local governments based upon the best available data to establish goals, objectives and policies for the long-range guidance for orderly social, economic, and physical growth of Florida, and

WHEREAS, "Comprehensive Regional Planning Districts" are an integral part of "State Comprehensive Planning" as established by Part I of Chapter 23 of the Florida Statutes, and

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantages to provide services and facilities in an effort to optimize the employment of geographic human, economic and natural resources in an effort to optimize economic, natural resources, social, land use, transportation and public safety development, and

WHEREAS, Section 163.01(4) of the Florida Statutes provides "a public agency of the State of Florida may exercise jointly with any other public agency of the State, or any other State or of the United States Government any power, privilege, or authority which such agencies share in common and which each might

exercise separately."

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants, benefits to accrue and agreements herein contained and set forth, the parties signatory hereto do hereby establish the "Southwest Florida Regional Planning Council", hereinafter referred to as Council a separate legal entity, and do further agree as follows:

1. Purpose: The purpose of this Agreement is:

- a. To provide a means of exercising the rights, duties and powers of a Regional Planning Agency set forth by Chapters 23, 163 and 380 of the Florida Statutes, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal and Local law.
- b. To serve as a regional coordinator for the members of the Region.
- c. To exchange, interchange and review various programs of the individual members which have a relationship to regional problems.
- d. To promote communication between the members for the conservation and compatible development of the member counties.
- e. To cooperate with Federal, State, Local and non-governmental agencies to accomplish these objectives.

2. Effective Date, Duration, Termination and Withdrawal:

- a. The principle member units of the Region shall be the Charlotte, Collier, Glades, Hendry, Lee and Sarasota Boards of County Commissioners.
- b. This agreement shall continue from year to year without the necessity of a formal renewal by any party hereto, unless terminated as hereinafter provided.
- c. Amendments to this agreement, except as to its membership provisions, shall be made effective by an affirmative vote

of a majority of the voting members of the Council. Changes in membership provisions shall require a majority of the principal member units. Any amendment to this agreement shall be submitted, in writing, to each regular voting member at least seven (7) days prior to the meeting at which such amendment is to be voted upon.

d. Any party hereto or principal member unit may withdraw its membership by resolution duly adopted by its governing body, and upon giving twelve (12) months written notice of withdrawal to the chairman of the governing body of each other principal member unit without the effect of terminating this agreement. Contractual obligations of the withdrawing member shall continue until the effective date of the withdrawal. All property, real or personal, of the Region on the effective date of withdrawal shall remain the property of the Region and the withdrawing principal member unit shall have no right thereto.

e. In the event there is a complete termination of this agreement which would involve the disposition of the property of the Council, such property shall be liquidated and each principal member unit shall be entitled to a share of the proceeds bearing the same ratio to the total proceeds as the contribution of the principal member bore to total contributions made by all principal member units during the preceding fiscal year of the Region.

f. In case of a complete termination of this agreement, the non-Federal matching contribution to any approved Federal grant shall be firm, the project shall be completed and the required reports and accounting shall be completed.

g. This agreement may be terminated at any time by resolution duly adopted by the governing body of each principal member unit.

3. Membership: Each principal member unit as defined in Article 2(a) above shall be represented by one alternate and three (3) regular voting members of whom two (2) regular voting members will be members of the elected governing body of the principal member unit and the third a regular voting member of the elected governing body of a municipal corporation located within the boundaries of the principal member unit appointed after seeking the recommendation of the governing bodies of all municipalities within the County. Each voting member shall to be appointed by the governing body of the appropriate principal member unit. Each appointed member shall serve at the pleasure of the appointing Board of County Commissioners. An alternate shall be eligible to vote in the absence of a regular voting member.

4. Officers: The officers of the Region shall consist of the following:

- a. A Chairman, who shall serve as Chairman of the Council. He shall be an ex-officio member of all subsidiary committees and boards.
- b. A Vice-Chairman, who shall act for the Chairman in his absence. He shall also perform such other functions as the members, from time to time, shall assign.
- c. A Secretary, who shall conduct the correspondence of the Council, approve minutes of the meetings, be custodian of the records, keep the roll of all members and discharge such other duties as may be assigned by the Chairman or the members.
- d. A Treasurer, who shall supervise the financial affairs of the corporation and perform such other duties as usually pertain to that office.
- e. The officers of the Region shall be elected at the annual meeting of the Region and shall hold office for a term of one (1) year or until their respective successors are elected and qualified.

5. Meetings:

- a. The annual election of officers shall be held during the regular January meeting in each year.
- b. Regular meetings shall be held on the days and times established by the Council.
- c. Special meetings may be called by the Chairman at his discretion and shall be called by the Chairman when requested by one (1) voting member from each of two-thirds (2/3) of the principal member units.
- d. The place and time of each meeting shall be determined by the membership prior to the adjournment of the previous meeting. In the absence of such a determination, the time and place of meetings shall be determined by the Chairman.
- e. A quorum at any meeting shall consist of a majority of the voting members present provided, however, no quorum shall exist unless a voting member is present from each of more than one-half (1/2) of the principal member units. When a quorum has been determined to be present, a majority of those present and voting may take action on all matters presented at the meeting. Each member present shall vote on each question presented to the Council except in the event he disqualifies himself. Proxy voting is prohibited.
- f. The Secretary or his nominee shall keep minutes of each meeting and distribute a copy thereof to each voting member.

6. Finances:

- a. On or before August 15th of each year, the Region shall adopt a budget and certify a copy thereof to the Clerk of the governing body of each principal member unit. Upon approval thereof by the governing body of the principal member unit, each principal member unit shall include in its annual budget and cause the levy of a millage sufficient to produce an amount sufficient to fund the proportionate share of each principal member unit of the Region's budget.

- b. The fiscal year of the Region shall commence on the first day of October and end on the last day of September in each year.
 - c. The Region shall have the right to receive and accept in furtherance of its functions, funds, grants and services from federal, state and local governments or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives.
 - d. The proportionate share of the budget of the Region shall be an amount which bears the same ratio to the total budget as the population of each principal member unit bears to the total population of Region, all as determined annually by the Department of Administration pursuant to Section 23.019, Florida Statutes, for the year preceding each budget determination.
 - e. The contribution of each principal member unit shall be thirty cents (30¢) per capita of the population of the principal member unit according to the last available determination under Section 23.019.
7. Powers: The Region shall have all powers granted by law, including without limiting the generality of the foregoing:
- a. The powers granted by Chapters 23, 163 and 380 of the Florida Statutes as now existing or as, from time to time, are amended.
 - b. To adopt rules of policy and procedure and by-laws, to regulate its affairs and conduct business.
 - c. To adopt an official seal.
 - d. To maintain an office at such place within the Region as may from time to time be determined.
 - e. To employ staff members and consultants, including an executive director, planning specialists, clerical personnel,

- attorneys, engineers and other specialists as the Council deems necessary and desirable to the performance of its duties and exercise of its rights and powers.
- f. To utilize staff members employed by principal member units as agreed by the principal member unit and determined by the Council to be desirable to solve regional and local problems and establish Council policies.
 - g. To hold public hearings and sponsor public forums whenever deemed necessary or useful in the execution of the functions of the Council.
 - h. To acquire, own, operate, maintain, lease and sell real or personal property and hold title thereto in the name of the Council.
 - i. To fix and determine by resolution rules and regulations relating to advertisement for bids, manner of bidding and a maximum amount, below which same will not be required.
 - j. To sue and be sued, implead and be impleaded, complain and defend, in all courts and before all administrative boards.
 - k. To receive and accept from any Federal or State agency and institutions grants for, or in aid of, the purposes of the Council.
 - l. To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers.
 - m. To incur debts, liabilities and obligations which are not the debts, liabilities or obligations of any of the parties to this Agreement.
8. It is expressly understood that the terms and conditions of, and this Agreement, shall be effective between and among those parties signatory hereto; and that the validity, force and effect of their Agreement shall not be affected by one or more of the

parties named hereinabove not joining in this Agreement, any other provision of this Agreement to the Contrary notwithstanding.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and their signatures to be affixed on the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
CHARLOTTE COUNTY, FLORIDA

By /S/ DOROTHY FLOWERS
Chairman

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

/S/ RUSS WIMER
Chairman

BOARD OF COUNTY COMMISSIONERS
GLADES COUNTY, FLORIDA

By /S/ TOMMY BRONSON
Chairman

BOARD OF COUNTY COMMISSIONERS
HENDRY COUNTY, FLORIDA

/S/ C. E. HALL
Chairman

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

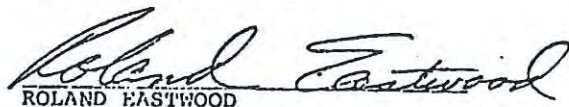
By /S/ R. H. WHAN
Chairman

BOARD OF COUNTY COMMISSIONERS
SARASOTA COUNTY, FLORIDA

/S/ WILLIAM A. MUIRHEAD
Chairman

CERTIFICATE

This is to certify that the attached Interlocal Agreement is a true and accurate copy of the original maintained in my file and that each Board of County Commissioners has duly passed and executed a Resolution approving the attached Interlocal Agreement as indicated by the facsimile signatures affixed thereto.


ROLAND EASTWOOD
EXECUTIVE DIRECTOR
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

AMENDMENT TO AGREEMENT
CREATING THE SOUTHWEST FLORIDA REGIONAL
PLANNING COUNCIL

THIS AGREEMENT, by and between CHARLOTTE COUNTY, COLLIER COUNTY, GLADES COUNTY, HENDRY COUNTY, LEE COUNTY and SARASOTA COUNTY, each being a political subdivision of the State of Florida, and hereinafter collectively referred to as "the COUNTIES",

WITNESSETH:

WHEREAS, the COUNTIES entered into an interlocal agreement on November 8, 1973, pursuant to Section 163.01, Florida Statutes, to create the SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, said agreement hereinafter referred to as "the Interlocal Agreement"; and

WHEREAS, Chapter 80-315, Laws of Florida, requires certain modifications to the Interlocal Agreement in order for the SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL to continue to exercise its responsibilities under Chapter 23, 163 and 380, Florida Statutes; and

WHEREAS, it is the intent of the COUNTIES by entering into this amendment to the Interlocal Agreement to comply with the provisions of Chapter 80-315, Laws of Florida.

NOW, THEREFORE, FOR AND IN CONSIDERATION on the mutual promises, covenants, benefits to accrue and agreements herein contained and set forth, the COUNTIES signatory hereto do agree to the following amendments to the Interlocal Agreement to comply with the provisions of Chapter 80-315, Laws of Florida:

1. Paragraph 1.a. of the Interlocal Agreement is amended to read as follows:

1. a. To provide a means of exercising the rights, duties and powers of a Regional Planning Agency set forth by Chapters 23, 160, 163 and 380 of the Florida Statutes, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal and Local law.

2. Paragraph 2.c. of the Interlocal Agreement is amended to read as follows:

2. c. Amendments to this agreement, except as to its membership provisions, shall be made effective by an affirmative vote not less than two-thirds of the voting members of the Council. Changes in membership provisions shall require consent of a majority of the principal member units in addition to the two-thirds vote of the members of the Council. Any amendment to this agreement shall be submitted, in writing, to each regular voting member at least seven (7) days prior to the meeting at which such amendment is to be voted upon.

3. Paragraph 3 of the Interlocal Agreement is amended to read as follows:

3. Membership: At least eighteen voting members shall be elected County Commissioners or City Councilmen. Each principal member unit as defined in Article 2(a) above shall be represented by three voting members of whom two voting members will be members of the elected governing body of the principal member unit and the third a voting member of the elected governing body of a municipal corporation located within the boundaries of the principal member unit chosen by all municipalities within the County. In addition, the Governor of the State of Florida shall appoint representatives to the Regional Planning Council equalling one-half of the total of members appointed by the member counties and municipalities. These appointments shall be citizens of the Region and no two appointees of the Governor shall have their residences in the same county until each county within the Region is represented by a Governor's appointee.

4. Except as amended herein, the COUNTIES ratify and affirm the provisions of the Interlocal Agreement dated November 8, 1973.

IN WITNESS WHEREOF, the COUNTIES have caused the Agreement to be executed and their signatures to be affixed on the day and year indicated below their respective signatures.

Attest:

Buddy C. Alexander, Clerk of
Circuit Court and Ex-
Officio Clerk to the Board
of County Commissioners of
Charlotte County, Fl

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: Buddy C. Alexander
Deputy Clerk

By: Paul G. Feagles
Chairman

Date: October 28, 1980

ATTEST:

William J. Reagan, Clerk of
Circuit Court and Ex-
Officio Clerk to the Board
of County Commissioners of
Collier County, FL

By: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY, FLORIDA

By: [Signature]
Chairman

Date: October 7, 1980

ATTEST:

Jerry L. Beck, Clerk of
Circuit Court and Ex-
Officio Clerk to the Board
of County Commissioners of
Glades County, FL

By: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF GLADES COUNTY, FLORIDA

By: [Signature]
Chairman

Date: 10-13-80

ATTEST:

Charlotte R. Fitzsimmons,
Clerk of Circuit Court and
Ex-Officio Clerk to the Board
of County Commissioners of
Hendry County, Florida

By: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS OF
HENDRY COUNTY, FLORIDA

By: [Signature]
Chairman

Date: Oct. 14, 1980

ATTEST:

Sal Geraci, Clerk of
Circuit Court and Ex-
Officio Clerk to the Board
of County Commissioners of
Lee County, Florida

By: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
Chairman

Date: Oct 1, 1980

APPROVED AS TO FORM

By: [Signature]
OFFICE OF COUNTY ATTORNEY

ATTEST:

R. H. Hackney, Jr., Clerk of
Circuit Court and Ex-
Officio Clerk to the Board
of County Commissioners of
Sarasota County, Florida

By: [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

By: [Signature]
Chairman

Date: Oct 31, 1980

From: [Stephen DeMarsh](#)
To: [attorney](#); [County Administrator](#)
Cc: [Margaret Wuerstle](#); [Alan Roddy](#)
Subject: RE: Sarasota County withdrawal from Southwest Florida Regional Planning Council
Date: Tuesday, January 31, 2017 11:55:42 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)

Ms. Nightingale:

Sarasota County does not desire to join the Tampa Bay RPC. The County desires to withdraw from the Southwest Florida Regional Planning Council and not to participate as a member in any RPC following the expiration of the notice period.

Stephen E. DeMarsh, County Attorney

Office of the County Attorney
1660 Ringling Boulevard, 2nd Floor
Sarasota, FL 34236
941-861-7255 (direct)
941-861-7226 (fax)
sdemarsh@scgov.net

From: attorney [mailto:attorney@swfrpc.org]
Sent: Thursday, January 26, 2017 1:28 PM
To: Stephen DeMarsh; County Administrator
Cc: Margaret Wuerstle
Subject: Sarasota County withdrawal from Southwest Florida Regional Planning Council

Dear Mr. DeMarsh and Mr. Harmer,

I hope this note finds you doing well.

It has come to our attention that a resolution (2017-10), regarding withdrawal from the Southwest Florida Regional Planning Council recently was adopted by the Board of County Commissioners of Sarasota County. We have not yet received a copy of the executed resolution; could you please forward it to us?

We have reviewed pages 121-125 of the packet from the January 10 meeting (which includes a 12/6/16 Interoffice Memorandum) and have a question:

Is it the plan of Sarasota County to join the Tampa Bay RPC through legislation/action by the Executive Office of the Governor? OR, is it the plan of Sarasota County to abstain from participation in any RPC a year from now?

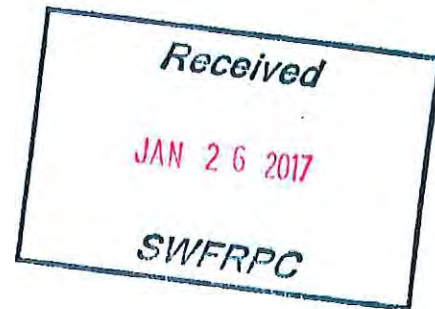


SARASOTA COUNTY
"Dedicated to Quality Service"

BOARD OF COUNTY COMMISSIONERS

1660 Ringling Blvd., Sarasota, FL 34236
 phone: 941-861-5344 fax: 941-861-5987

January 18, 2017



Ms. Margaret Wuerstle, Executive Director
 Southwest Florida Regional Planning Council
 1400 Colonial Blvd., Suite 1
 Fort Myers, FL 33907

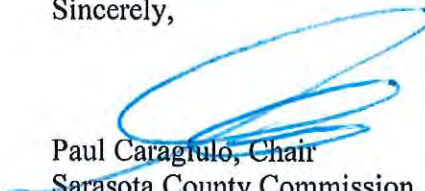
Subject: Sarasota County Withdrawal from the Southwest Florida Regional Planning Council

Dear Director Wuerstle:

On behalf of the Sarasota County Commission, please find attached an executed Resolution providing notification of Sarasota County's withdrawal from the Southwest Florida Regional Planning Council (SWFRPC), as provided for in Section 2 of the 1973 "Interlocal Agreement Creating the Southwest Florida Planning Council". Per the Agreement, the withdrawal is effective twelve months from this notification.

Sarasota County has valued its participation in the SWFRPC. We look forward to continuing to directly coordinate with all of the member jurisdictions on items and issues of mutual benefit and importance.

Sincerely,


 Paul Caragiulo, Chair
 Sarasota County Commission

c: Thomas A. Harmer, County Administrator
 Stephen E. DeMarsh, County Attorney

RESOLUTION NO. 2017-002
OF THE BOARD OF COUNTY COMMISSIONERS
OF SARASOTA COUNTY, FLORIDA

BOARD RECORDS
FILED FOR THE COURT
2017 JAN 13 PM 1:42

WARENE E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA

RE: WITHDRAWAL FROM THE SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

WHEREAS, Sarasota County joined the Southwest Florida Regional Planning Council as a principal member through the "Interlocal Agreement Creating the Southwest Florida Regional Planning Council" of November 8, 1973; and

WHEREAS, substantial changes have occurred to both growth management systems and the landscape of the State of Florida, the Southwest Region, and Sarasota County since 1973; and

WHEREAS, Sarasota County's planning efforts are best focused on Sarasota County itself, and coordinated with other government entities by continuing direct cooperation with municipal and neighboring County governments where appropriate; and

WHEREAS, the Board of County Commissioners desires to withdraw from participation from the Southwest Florida Regional Planning Council; and

WHEREAS, Section 2.d of the Interlocal Agreement requires that any principal member of the Regional Planning Council that desires to withdraw may do so by notifying the other principal members twelve months in advance.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

1. The Board of County Commissioners of Sarasota County hereby provides notice that it is withdrawing from the Southwest Florida Regional Planning Council, effective twelve months from the date of this Resolution.

2. The County Administrator is directed to provide copies of this Resolution to the other principal members in accordance with the Interlocal Agreement, and to the Regional Planning Council and the municipalities within Sarasota County.

3. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 10th day of JANUARY, 2017

BOARD OF COUNTY COMMISSIONERS OF
SARASOTA COUNTY, FLORIDA

By: _____

Chairman

ATTEST:

KAREN E. RUSHING, Clerk
of Circuit Court and ex officio
Clerk of the Board of County
Commissioners of Sarasota
County, Florida.

By: _____

Deputy Clerk

1 INTERLOCAL CONTRACT

2 CREATING THE

3 APALACHEE REGIONAL PLANNING COUNCIL

4
5 THIS AGREEMENT made and entered into this 23rd day of August,
6 1977, pursuant to authority of Section 163.01, Florida Statutes, by and
7 between the undersigned units of local government, all of which being located
8 within the 2nd Comprehensive Planning District as defined by Rule 22 E-1.02
9 of the Administrative Regulations of the State of Florida,

10
11
12
13
14
15 WITNESSETH:

16 WHEREAS, the Secretary, Department of Administration of the State
17 of Florida, has authorized a regional planning district to be comprised of
18 Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,
19 Wakulla, Walton, and Washington Counties which shall be known as the Apalachee
20 Regional Planning Council, and,

21 WHEREAS, Section 163.014, Florida Statutes, provides that "a public
22 agency of the State of Florida may exercise jointly with any other public agency
23 of the State, or any other state or of the United States Government any power,
24 privilege or authority which such agencies share in common and which each
25 might exercise separately;" and,

26 WHEREAS, it is the desire of the parties hereto to establish an advisory
27 council to constituent local governments in regional, metropolitan, and economic
28 development planning matters, and,

29 WHEREAS, the parties hereto desire to make the most efficient use of
30 their powers to cooperate for mutual advantage in conducting the comprehensive
31 regional planning process for the area within this comprehensive planning
32 region; and,

33 WHEREAS, the parties hereto desire to form a regional planning
34 organization which is eligible as a designated economic development district;
35 and,

1 WHEREAS, the Division of State Planning, Department of Administration
2 of the State of Florida, is required by Part I of Chapter 23, Florida Statutes,
3 to integrate the services and plans of local governments and regional planning
4 agencies into the State planning process through the extent feasible; and,

5 WHEREAS, the Local Government Comprehensive Planning Act of 1975,
6 Section 163.3184(3) of the Florida Statutes assigns to regional planning
7 agencies the responsibility to determine the relationship and effect of a
8 local government's plan or element thereof to or on any regional comprehensive
9 plan; and,

10 WHEREAS, the Environmental Land and Water Management Act, Chapter 380,
11 Florida Statutes, assigns to regional planning agencies the duty to study,
12 review and make recommendations concerning "areas of critical state concern"
13 and "developments of regional impact;" and,

14 NOW, THEREFORE, for and in consideration of mutual promises, covenants,
15 benefits to accrue from conduct of a comprehensive regional planning process,
16 and agreements herein contained and set forth, the member governments do hereby
17 establish the Apalachee Regional Planning Council as a regional planning and
18 coordinating agency, hereinafter referred to as the COUNCIL, a separate legal
19 entity, and do further delegate such of their powers as are specified herein
20 and agree as follows:

21 1. Purpose. The purposes of this agreement are:

22 a. To provide local governments with a means of exercising the
23 rights, duties and powers of a regional planning agency as defined in
24 Chapter 23, s163.01, and Chapter 380, Florida Statutes, as amended, including
25 those functions enumerated hereinabove by preambles and other applicable
26 Federal, State and local laws.

27 b. To provide a means for conducting the comprehensive regional
28 planning process.

29 c. To provide a means for participating in economic development
30 district organization to maximize funding.

31 d. To provide regional coordination for the members of the COUNCIL.

32 e. To act in an advisory capacity to exchange, interchange, and re-
33 view the various programs which are of regional concern, referred to the
34 COUNCIL by the individual members.

1 f. To promote communication among members and the identification
2 and resolution of common regional-scale problems.

3 g. To maximize the attainment of Federal and State grants into
4 the region.

5 h. To provide technical assistance services to member local
6 governments upon request.

7 2. Definitions

8 a. Council - The Apalachee Regional Planning Council.

9 b. Governing Body - the legislative body of each member government.

10 c. Member Government - a party of this interlocal agreement.

11 3. Effective Date, Duration, Amendment, Withdrawal, and Termination.

12 a. The effective date of the COUNCIL shall be upon execution
13 by member governments.

14 b. This agreement shall continue in effect until terminated as
15 provided in Section 3.e.

16 c. Any amendment to this agreement shall be in writing and set
17 forth an effective date. Any amendment shall be submitted to the Attorney
18 General for review. To put into effect any amendment, each member government shall
19 adopt by a majority vote of the full board a resolution authorizing the chairman
20 to execute the amendment.

21 d. Any member government hereto may withdraw its membership by
22 resolution duly adopted by its governing body by giving written notice prior
23 to July 1 of each fiscal year to the Chairman or chief elected official of the
24 governing body of each member government without the effect of terminating
25 this agreement. All property, real or personal, of the COUNCIL on the
26 effective date of such withdrawal shall remain the property of the COUNCIL.

27 e. This agreement may be terminated by resolution duly adopted
28 by the governing body of all member units. The effective termination date
29 shall be three (3) months after the date of said resolution unless contractual
30 obligations require a later termination date.

31 f. In the event there is a complete termination of this agreement,
32 as provided for in Section 3.e, which would involve the disposition of the

1 property of the COUNCIL, such property shall be liquidated and each principal
2 member unit shall be entitled to a share of the proceeds bearing the same
3 ratio to the total proceeds as the contribution of the principal member unit
4 during the preceding fiscal year of the COUNCIL.

5 g. Further, in the case of a complete termination of this
6 agreement, the non-Federal matching contribution required to match any
7 approved Federal or State grant shall be firm. The project(s) shall be
8 completed and the required reports and accounting shall be submitted to the
9 appropriate agency. However, the preceding notwithstanding, if the program
10 may be cancelled or terminated early, then it shall be and any excess matching
11 funds contributed by the COUNCIL shall be distributed to each principal member
12 unit in accordance with Section 3.f. above.

13 4. Membership, Voting and Term.

14 a. Each county within the regional planning district established
15 by the Department of Administration pursuant to Chapter 23, Florida Statutes
16 may become a party to this agreement. Cities over 50,000 population may also
17 become a party to this agreement.

18 b. Each member government is entitled to one representative on
19 the COUNCIL.

20 (1) The governing body of each member government shall
21 designate its representative and an alternate, both of whom shall be
22 elected officials.

23 (2) The appointment of COUNCIL representatives shall be
24 recorded in the minutes of the respective governing board. The governing
25 board shall send the names of its representative and alternate to the COUNCIL
26 within ten (10) days following the appointment.

27 c. After representatives are appointed under 4b. of this agreement,
28 the COUNCIL shall determine the number of minority representatives necessary
29 for program designation by the Economic Development Administration.

30 (1) The COUNCIL shall solicit nominations of minority
31 representatives from member governments.

32 (2) The COUNCIL shall nominate minority appointees and alternates
33 whose appointments shall be subject to approval and confirmation by the
34 governing board in which the representative resides. Every effort shall
35 be made to appoint elected officials.

1 d. Each representative shall cast one (1) vote.

2 e. Each representative serves at the pleasure of the appointing
3 governing body; provided, however, that a representative who has three (3)
4 successive absences from COUNCIL meetings shall be removed from the COUNCIL
5 and a new appointment made in the same manner as the original.

6 5. Officers. The officers of the COUNCIL shall consist of:

7 a. A chairman, who shall be chief policy officer, shall be responsible
8 for overseeing the working organization of the COUNCIL, for seeing that all
9 policies of the COUNCIL are carried out, and for presiding over all COUNCIL
10 meetings. The chairman or his designated representative shall be ex
11 officio member of all subsidiary committees and boards.

12 b. A vice chairman, who shall act in the chairman's absence
13 or inability to act. The vice chairman shall perform such other functions
14 as the COUNCIL may from time to time assign to him.

15 c. A secretary-treasurer, who shall be responsible for minutes
16 of the meeting, keeping the roll of members, the financial affairs of the
17 COUNCIL and such other duties as may be assigned to him.

18 d. All officers shall be elected officials.

19 e. The original officers shall be elected at the first regular
20 meeting of the COUNCIL and shall serve until the first annual election meeting
21 as determined in Section 6.a.

22 6. Meetings.

23 a. The annual election of officers shall be held during the
24 January meeting in each year.

25 b. Regular meetings shall be held on the days and times established
26 by the COUNCIL.

27 c. Special meetings shall be called by the chairman either at
28 his discretion or when he is requested by at least three (3) appointed
29 representatives, none of which may be from the same member government; pro-
30 vided adequate notice shall be given to all appointed representatives stating
31 the date, hour and place of the meeting and the purpose for which such meeting
32 is called, and no other business shall be transacted at that meeting. However,
33 if a determination to hold a special meeting is reflected upon the record of
34 any COUNCIL meeting, no additional notice is necessary.

1 d. The place and time of each meeting shall be determined by the
2 membership prior to the adjournment of the previous meeting. In the absence
3 of such determination, the time and place of the meeting(s) shall be determined
4 by the chairman.

5 e. All official meetings of the COUNCIL shall be open to the
6 public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes,
7 and shall meet the requirements of the applicable sections of the Florida
8 Administrative Procedure Act, Chapter 120, Florida Statutes.

9 f. A quorum at any meeting shall consist of a two-thirds (2/3)
10 majority of the membership of the COUNCIL. A quorum shall be required for
11 the conduct of all official business. When a quorum has been determined to
12 be present, a majority of those present and voting may take action in all
13 matters presented at the meeting. Proxy voting is prohibited; however, it is
14 understood that the vote of an authorized alternate is not to be considered
15 a proxy.

16 7. Finances.

17 a. The work year and fiscal year of the COUNCIL shall be the
18 twelve (12) months beginning the first day of October and ending the
19 thirtieth day of September.

20 b. On or before July 15 of each year, the COUNCIL shall adopt
21 an annual budget and certify a copy thereof to the Clerk or authorized
22 recipient of the governing body of each member government.

23 c. The annual assessment shall be paid in the following manner;
24 one-quarter on or before November 1, one-quarter on or before January 1,
25 and the balance on or before April 15.

26 d. Each member government who does not remit the assessed amount
27 in accordance with Section C shall lose all voting privileges until payment
28 is made.

29 e. The COUNCIL shall have the right to receive and accept in
30 furtherance of its function: gifts, grants, assistance funds, bequests,
31 and services from Federal, State and local governments or their agencies and
32 from private and community sources, and to expend therefrom such sums of money
33 as shall be deemed necessary from time to time for the attainment of its "
34 objectives in accordance with all applicable laws.

- 1 8. Powers. The COUNCIL shall have all powers granted herein including:
- 2 a. The powers granted by Chapter 23, s163.01, s163.3184(3), and
- 3 Chapter 380, Florida Statutes, as now existing or as from time to time
- 4 amended.
- 5 b. To conduct studies of the region's resources with respect
- 6 to existing and emerging problems of industry, commerce, transportation,
- 7 population, housing, agriculture, public services, human resources, natural
- 8 resources, government and other matters which are relevant to regional planning.
- 9 c. To pursue Federal and State grant funding provided that
- 10 no local planning or implementation grant proposal be developed on behalf of
- 11 a member local government by the COUNCIL unless requested by the member local
- 12 government; and furthermore, provided that no planning or implementation
- 13 grant currently utilized or authorized for utilization by a local government
- 14 individually be pursued by the COUNCIL as a regional funding source without
- 15 prior individual approval of each member local government so affected.
- 16 d. To provide technical assistance services to member local
- 17 governments when requested at the cost of such services, provided that no local
- 18 planning be undertaken by the Council unless authorized by the affected member
- 19 local government.
- 20 e. To adopt rules of procedure and bylaws, to regulate its
- 21 affairs and conduct its business.
- 22 f. To adopt an official seal.
- 23 g. To maintain office space at such places within the region
- 24 as may from time to time be required in performance of its duties.
- 25 h. To employ and set the compensation of the Executive Director
- 26 who shall serve at the pleasure of the COUNCIL. The Executive Director shall
- 27 employ and discharge professional, technical or clerical staff as may be
- 28 necessary to carry out the purposes of the COUNCIL.
- 29 i. To authorize compensation for appointed representatives of the
- 30 COUNCIL and staff for per diem, travel, and other reasonable expenses for
- 31 meetings, hearings and other official business.
- 32 j. To hold public hearings, sponsor public forums, and conduct
- 33 other activities whenever deemed necessary or useful in the execution of the
- 34 functions of the COUNCIL.

- 1 k. To acquire, own, operate, maintain, lease or sell real
2 or personal property and hold title thereto in the name of the COUNCIL.
- 3 l. To fix and determine in accordance with applicable laws by re-
4 solution, rules and regulations relating to advertisement for bids, manner
5 of bidding and amount below which same will not be required.
- 6 m. To sue and be sued, implead and be impleaded, complain and
7 defend, intervene and appeal in all courts and administrative agencies.
- 8 n. To accept gifts, apply for use grants, assistance funds
9 or bequests of money or other property from the United States, the State,
10 a local unit of government or any person for any COUNCIL purpose and to enter
11 into agreements required in connection therewith, and to hold, use, and dis-
12 pose of such monies or property in accordance with the terms of the gift,
13 grant, loan or agreement relating thereto.
- 14 o. To make and enter into all contracts and agreements and do
15 and perform all acts and deeds necessary or incidental to the performance
16 of its duties and the exercise of its powers.
- 17 p. To prescribe all terms and conditions for the employment of
18 officers, employees, and agents including but not limited to the fixing of
19 pay and classification plans, benefits, and the filing of performance and
20 fidelity bonds and such policies of insurance covering itself and employees
21 as it may deem advisable.
- 22 q. To participate with other government agencies, educational
23 institutions, and private organizations in the coordination of the activities
24 above.
- 25 r. To determine and collect charges or fees for any lawful purpose,
26 including but not limited to, reviews, referrals, and for providing local
27 assistance for special services.
- 28 s. To select and appoint such advisory bodies as the COUNCIL may
29 find appropriate for the conduct of its activities.
- 30 t. To enter into contracts to provide, at cost, such services
31 related to its responsibilities as may be requested by local governments
32 within the region, and which the COUNCIL finds feasible to perform.

1 9. Severability. If any provision of this agreement or the application
 2 of such provision to any person or circumstance shall be held invalid, such
 3 invalidity shall not affect other provisions or applications of this agree-
 4 ment which can be given effect without the invalid provisions or applications,
 5 and to this end the provisions of this agreement are declared severable.

6 10. Signatories. It is expressly understood that the terms and
 7 conditions of this agreement shall be effective between and among those
 8 parties signatory hereto; and that the validity, force and effect of their
 9 agreement shall not be affected by one or more of the parties names herein not
 10 joining in this agreement, any other provisions of this agreement to the
 11 contrary notwithstanding.

12
 13 IN WITNESS WHEREOF, the parties have officially adopted and caused this
 14 agreement to be executed and their signatures to be affixed by their
 15 respective Commission Chairman as of the day and year first written above.

17 ATTEST:

18
 19 William F. Wise
 20 CLERK

BOARD OF COUNTY COMMISSIONERS
 OF CALHOUN COUNTY, FLORIDA

BY J. R. Dickey
 CHAIRMAN

21 ATTEST:

22
 23 Robert L. Howell
 24 CLERK

BOARD OF COUNTY COMMISSIONERS
 OF FRANKLIN COUNTY, FLORIDA

BY Eric Varnes
 CHAIRMAN

25 ATTEST:

26
 27 Wayne Harris
 28 CLERK



BOARD OF COUNTY COMMISSIONERS
 OF GADSDEN COUNTY, FLORIDA

BY Lamar Massey
 CHAIRMAN

29 ATTEST:

30
 31 Raymond B. Bruner
 32 CLERK

BOARD OF COUNTY COMMISSIONERS
 OF JACKSON COUNTY, FLORIDA

BY Thomas G. Gyles
 CHAIRMAN

33 ATTEST:

34
 35 Cliff Kallquist
 36 CLERK

BOARD OF COUNTY COMMISSIONERS
 OF LEON COUNTY, FLORIDA

BY J. L. Davis
 CHAIRMAN

1 ATTEST:
2
3 Damon Hooper
4 CLERK

5 ATTEST:
6
7 Carlton Tucker
8 CLERK

BOARD OF COUNTY COMMISSIONERS
OF LIBERTY COUNTY, FLORIDA

BY Richard C. Phipps
CHAIRMAN

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

BY John F. Pegg
CHAIRMAN

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INTERLOCAL AGREEMENT CREATING THE
CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

THIS AGREEMENT, made and entered into this 28th day of February, 1977, pursuant to the authority of Section 163.01, Florida Statutes, by and between DESOTO COUNTY, HARDEE COUNTY, HIGHLANDS COUNTY, OKEECHOBEE COUNTY, and POLK COUNTY, each being a political subdivision of the State of Florida,

WITNESSETH:

WHEREAS, the continuing "Comprehensive State Planning" process described by Chapter 23 of the Florida Statutes includes, but is not limited to the following areas of regional and local development and concern:

1. Economic Development, including agriculture, industry and commerce;
2. Natural Resources Development, including water resources, fish and wildlife, parks and recreation, pollution and environmental health;
3. Social Development, including housing, employment, education, mental and physical health and social welfare, and cultural development, public utilities and services;
4. Transportation Development, including provisions for airports, highways, roads and waterways;
5. Public and Industrial Safety, including the prevention and suppression of fires, explosions and unsafe conditions and practices including the prevention of crime, identification, custody and correction of criminals and those criminally inclined;

WHEREAS, the Environmental Land and Water Management Act, Chapter 380 of the Florida Statutes, grants to

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Regional Planning Agencies the right and duty to study, review and make recommendations concerning "Areas of Critical State Concern" and "Developments of Regional Impact" to local governments and through the Division of State Planning to the Governor and the Cabinet; and

WHEREAS, Rule 22E-1.01 of the Florida Administrative Code requires every State Board, Department, Commission, District, Agency, County and Municipality Agency created by Florida Statutes or laws, except judicial or legislative circuits and districts, to use the eleven (11) multi-county regional planning district boundaries to prepare regional studies, reports, and plans and for programs and budgets, including but not limited to comprehensive planning and land and water management; and

WHEREAS, the Division of State Planning is responsible for conducting a "continual process of State Comprehensive Planning" by considering studies, reports and plans of each Federal, State, Regional and Local Governmental Department, Agency, Institution and Commission and considering existing and prospective resources, capabilities, and needs of State and Local governments based upon the best available data to establish goals, objectives and policies for the long-range guidance for orderly social, economic, and physical growth of Florida; and

WHEREAS, "Comprehensive Regional Planning Districts" are an integral part of "State Comprehensive Planning" as established by Part I of Chapter 23 of the Florida Statutes; and

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantages to provide services and facilities in an effort

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to optimize the employment of geographic, human, economic and natural resources in an effort to optimize economic, natural resource, social, land use, transportation and public safety development; and

WHEREAS, Section 163.01(4) of the Florida Statutes provides that "a public agency of the State of Florida may exercise jointly with any other public agency of the State, or any other State or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately."

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants, benefits to accrue and agreements herein contained and set forth, the parties signatory hereto do hereby establish the "Central Florida Regional Planning Council", hereinafter referred to as Council, as a separate legal entity, and do further agree as follows:

1. Purpose: The purpose of this Agreement is:
 - a. To provide a means of exercising the rights, duties, and powers of a Regional Planning Agency set forth by Chapters 23, 163 and 380 of the Florida Statutes, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal and Local law.
 - b. To serve as a regional coordinator for the members of the Council.
 - c. To exchange, interchange and review various programs of the individual members which have a relationship to regional problems.
 - d. To promote communication between the members for the conservation and compatible development of the member counties.
 - e. To cooperate with Federal, State, Local and non-governmental agencies to accomplish these objectives.

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2. Effective Date, Duration, Termination and Withdrawal:

a. The principal member units of the Council shall be the DeSoto, Hardee, Highlands, Okeechobee, and Polk Boards of County Commissioners.

b. This agreement shall continue from year to year without the necessity of a formal renewal by any party hereto, unless terminated as hereinafter provided.

c. Amendments to this agreement shall be made effective by an affirmative vote of a majority of the voting members of the Council and shall require ratification by a majority of the principal member units. Any amendment to this agreement shall be submitted, in writing, to each regular voting member at least twenty-one (21) days prior to the meeting at which such amendment is to be voted upon.

d. Any party hereto or principal member unit may withdraw its membership by resolution duly adopted by its governing body, and upon giving twelve (12) months written notice of withdrawal to the chairman of the governing body of each other principal member unit without the effect of terminating this agreement.

Contractual obligations of the withdrawing member shall continue until the effective date of the withdrawal.

All property, real or personal, of the Council on the effective date of withdrawal shall remain the property of the Council and the withdrawing principal member unit shall have no rights thereto.

e. In the event there is a complete termination of this agreement which would involve the disposition of the property of the Council, such property shall be liquidated

and each principal member unit shall be entitled to a share of the proceeds bearing the same ratio to the total proceeds as the contribution of the principal member bore to total contributions made by all principal member units during the preceding fiscal year of the Council.

f. In case of a complete termination of this agreement, the non-Federal matching contributions to any approved Federal grant shall be firm, the project shall be completed and the required reports and accounting shall be completed.

g. This agreement may be terminated at any time by resolution duly adopted by the governing body of each principal member unit.

3. Membership: Each principal member unit as defined in Article 2(a) above shall be represented by:

a. Three (3) voting members, each of whom shall be a qualified elector of the county from which he is appointed.

b. One voting member of each county shall be a member of that County's Board of County Commissioners.

c. One voting member shall be either a mayor, city councilman, or other elected municipal official from one of the municipalities within that county.

d. One voting member shall be a layman having special knowledge of areawide and community needs and ability to speak for citizen interests.

e. In addition, there may be one (1) non-voting ex-officio member from each county, who shall be the chief planning officer.

f. All members will be appointed by the Board of County Commissioners of each county. Where possible, the Board

will seek the recommendation of the League of Cities or similar organization in appointing the municipal representatives.

4. Officers: The officers of the Council shall consist of the following:

- a. A Chairman, who shall serve as Chairman of the Council. He shall be an ex-officio member of all subsidiary committees and boards.
- b. A Vice-Chairman, who shall act for the Chairman in his absence. He shall also perform such other functions as the members, from time to time, shall assign.
- c. A Secretary, who shall conduct the correspondence of the Council, approve minutes of the meetings, be custodian of the records, keep the roll of all members and discharge such other duties as may be assigned by the Chairman or the members.
- d. A Treasurer, who shall supervise the financial affairs of the corporation and perform such other duties as usually pertain to that office.
- e. The officers of the Council shall be elected at the annual meeting of the Council and shall hold office for a term of one (1) year or until their respective successors are elected and qualified.

5. Meetings:

- a. The annual election of officers shall be held during the regular December meeting in each year.
- b. Regular monthly meetings shall be held on the days and at the times established by the Council.
- c. Special meetings may be called by the Chairman at his discretion and shall be called by the Chairman when requested by one (1) voting member from each of two-thirds (2/3) of the principal member units.

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d. The place and time of each meeting shall be determined by the membership prior to the adjournment of the previous meeting. In the absence of such a determination, the time and place of meetings shall be determined by the Chairman.

e. A quorum at any meeting shall consist of a majority of the voting members present provided, however, no quorum shall exist unless a voting member is present from each of more than one-half (1/2) of the principal member units. When a quorum has been determined to be present, a majority of those present and voting may take action on all matters presented at the meeting. Each member present shall vote on each question presented to the Council except in the event he disqualifies himself.

f. The Secretary or his nominee shall keep minutes of each meeting and distribute a copy thereof to each voting member.

6. Finances:

a. On or before August 15th of each year, the Region shall adopt a budget and certify a copy thereof to the Clerk of the governing body of each principal member unit. Upon approval thereof by the governing body of the principal member unit, each principal member unit shall include in its annual budget and cause the levy of a millage sufficient to produce an amount sufficient to fund the proportionate share of each principal member unit of the Region's budget.

b. The fiscal year of the Region shall commence on the first day of October and end on the last day of September in each year.

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- c. The Council shall have the right to receive and accept in furtherance of its functions, funds, grants and services from federal, state and local governments or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives.
 - d. The proportionate share of the budget of the Council shall be an amount which bears the same ratio to the total budget as the population of each principal member unit bears to the total population of the Council, all as determined annually by the Department of Administration pursuant to Section 23.019, Florida Statutes, for the year preceding each budget determination.
 - e. The annual contribution of each principal member unit shall be a maximum of twenty cents (20¢) per capita of the population of the principal member unit according to the last available determination under Section 23.019, Florida Statutes.
7. Powers: The Council shall have all powers granted by law, including without limiting the generality of the foregoing:
- a. The powers granted by Chapter 23, 163, and 380 of the Florida Statutes as now existing or as, from time to time, are amended.
 - b. To adopt rules of policy and procedure and by-laws, to regulate its affairs and conduct business.
 - c. To adopt an official seal.
 - d. To maintain an office at such place within the Region as may from time to time be determined.

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- e. To employ staff members and consultants, including an executive director, planning specialists, clerical personnel, attorneys, engineers and other specialists as the Council deems necessary and desirable to the performance of its duties and exercise of its rights and powers.
- f. To utilize staff members employed by principal member units as agreed by the principal member unit and determined by the Council to be desirable to solve regional and local problems and establish Council policies.
- g. To hold public hearings and sponsor public forums whenever deemed necessary or useful in the execution of the functions of the Council.
- h. To acquire, own, operate, maintain, lease and sell real or personal property and hold title thereto in the name of the Council.
- i. To fix and determine by resolution, rules, and regulations relating to advertisement for bids, manner of bidding and a maximum amount, below which same will not be required, to procure goods and services.
- j. To sue and be sued, implead and be impleaded, complain and defend, in all courts and before all administrative boards.
- k. To receive and accept from any Federal or State agency and institutions, grants for, or in aid of, the purposes of the Council.
- l. To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary and incidental to the performance of its duties and the exercise of its powers.
- m. To incur debts, liabilities and obligations which are not the debts, liabilities or obligations of any of the parties to this Agreement.

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8. It is expressly understood that the terms and conditions of, and this Agreement, shall be effective between and among those parties signatory hereto; and that the validity, force and effect of their Agreement shall not be affected by one or more of the parties hereinabove not joining in this Agreement, any other provision of this Agreement to the contrary notwithstanding.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and their signatures to be affixed on the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
DESOTO COUNTY, FLORIDA

By [Signature]
Chairman
Attest [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OKEECHOBEE COUNTY, FLORIDA

By [Signature]
Chairman
Attest [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
HARDEE COUNTY, FLORIDA

By [Signature]
Chairman
Attest [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By [Signature]
Chairman
Attest [Signature]
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

By [Signature]
Chairman
Attest [Signature]
Deputy Clerk

CLERK OF DISTRICT COURT
CLIF BETTS, JR.

1990 SEP 29 PM 12:19

FILED FOR RECORD
OKEECHOBEE COUNTY, FLORIDA

135392

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FIRST AMENDMENT
TO THE
INTERLOCAL AGREEMENT CREATING
THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

THIS FIRST AMENDMENT to the Interlocal Agreement creating the Central Florida Regional Planning Council, made and entered into during September, 1980, by and between DeSoto County, Hardee County, Highlands County, Okeechobee County, and Polk County, each being a political subdivision of the State of Florida,

WITNESSETH:

WHEREAS, the 1980 Legislature enacted Chapter 80-315, amending Sections 160.01 and 160.02 and creating Sections 160.03-160.08 Florida Statutes, which mandate municipal involvement and gubernatorial appointments to Regional Planning Councils, and

WHEREAS, the Central Florida Regional Planning Council has performed valuable planning and coordination services, and

WHEREAS, the parties hereto desire to amend the Interlocal Agreement creating the Council to comply with Chapter 80-315.

NOW, THEREFORE, for and in consideration of the mutual promises, covenants, benefits to accrue, and agreements herein contained and set forth, the parties' signatory hereto do hereby amend the Interlocal Agreement Creating the Central Florida Regional Planning Council as follows:

1. Paragraph 3 is hereby deleted in its entirety and replaced as follows:

3. Membership. The Council shall consist of seventeen (17) voting members. Each principal member unit as defined in Article 2(a) shall be represented by voting members as follows:

a. One voting member from each member County shall be a member of that County's Board of County Commissioners and appointed by that Board.

b. One voting member from each member County shall be either a Mayor, City Councilman, or other elected municipal official from one of the other local general

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT
CREATING THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
Page Two

purpose governments in that County, appointed by agreement of the majority of municipalities within that County.

c. Any municipality in the Region having a population of 25,000 or more may join the Council. They shall have one (1) voting member who is appointed by the governing board of that municipality.

d. There shall be six (6) voting members appointed by the Governor, subject to confirmation by the Florida Senate. Each County shall be represented by one (1) member who is a resident of that County. Polk County, due to its relative size, shall be entitled to have a second resident appointed to the board. In the event that an additional gubernatorial appointment or appointments are added, the appointee shall be a resident of the County with only one (1) representative having the next highest population.

d. In addition, there may be one (1) non-voting ex-officio member from each member unit of government, who shall be the Chief Planning Officer.

2. The Agreement shall otherwise remain unchanged and in full force and effect.

3. This Amendment shall take effect on October 1, 1980, provided that the Agreement shall have been approved and executed by at least three (3) of the member counties and a copy of the agreement filed with the Clerk of the Circuit Court of each member county.

FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT
CREATING THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
Page Three

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed and their signatures to be affixed on the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
DESO TO COUNTY, FLORIDA

By: Stuart Z. Lewis
Chairman

Attest: EE Waldorf
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OKEECHOBEE COUNTY, FLORIDA

By: Donna Estley
Chairman

Attest: Cliff Bette
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
HARDEE COUNTY, FLORIDA

By: Samuel H. Ravel
Chairman

Attest: Hilda A. Friedman
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
POLK COUNTY, FLORIDA

By: Ernie G. Smith
Chairman

Attest: Carolyn Smith
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
HIGHLANDS COUNTY, FLORIDA

By: Carl Smith
Chairman

Attest: Earl Rusk
Deputy Clerk

29F — EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL**CHAPTER 29F-1 — ORGANIZATION**

29F-1.101	Organization.
29F-1.102	Purpose.
29F-1.103	Definitions.
29F-1.104	Membership.
29F-1.1042	Membership Fees.
29F-1.105	Council.
29F-1.106	Council Meeting Agenda.
29F-1.107	Finances.
29F-1.108	Officers, Term of Office and Duties.
29F-1.109	Vacancies.
29F-1.110	Removal from Office.
29F-1.111	Committees.
29F-1.112	Staff
29F-1.113	Plans, Studies, Activities, and Reports.
29F-1.114	Dissolution.
29F-1.115	Information Request.

29F-1.101 — Organization.

There is hereby organized a regional planning council under the authority of Chapter 186, Florida Statutes, which shall be known as the EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, located in Comprehensive Planning District Six, consisting of the counties of Brevard, Lake, Orange, Osceola, Seminole and Volusia. Council headquarters shall be in a central location as determined by a majority vote of the Council. Field offices may be maintained at other locations.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.102 — Purpose.

- (1) To exercise the rights, duties, and powers of a regional planning council as defined in Chapter 186 and Section 403.723, Florida Statutes, and of a regional planning agency as defined in Chapter 23, Section 403.723, and Chapter 380, Florida Statutes, as amended, including those functions enumerated by legislative finding and declarations of Chapter 186, Florida Statutes, and other applicable federal, State and local laws.
- (2) To provide regional coordination for the local governments in the East Central Florida Region.
- (3) To exchange, interchange, and review the various programs referred to it that are of regional concern.
- (4) To promote communication among local governments, public agencies and the private and nonprofit sectors in the Region.
- (5) To identify regional problems and issues and work toward their resolution.
- (6) To ensure the orderly and balanced growth and development of this Region, consistent with the protection of the natural resources and environment of the Region, and to promote safety, welfare and quality of life of the residents of the Region.
- (7) To encourage and promote communications between neighboring regional planning districts in an attempt to ensure compatibility in development and long-range planning goals.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.103 — Definitions.

- (1) Council — the East Central Florida Regional Planning Council.
- (2) Council Member(s) — representatives appointed by the Governor or by a member local government or League of Cities.
- (3) Elected official — a member of the governing body of a municipality or county or a county elected official chosen by the governing body.

Chapter 29F, FAC – East Central Florida Regional Planning Council rules – current as of December 2000

- (4) Department — the Florida Department of Community Affairs.
 - (5) Federal or federal government — the government of the United States of America or any department, commission, agency or instrumentality thereof.
 - (6) Local general-purpose government — any municipality or county created pursuant to the authority granted under Section 1 and 2, Article VIII of the Constitution for the State of Florida.
 - (7) Member government — any county or any association representing a group of municipalities located within the Region.
 - (8) Population — the population according to the current determination by the executive office of the Governor pursuant to Section 186.901, F.S., for revenue sharing purposes.
 - (9) Principal member unit — each of the counties in the Region.
 - (10) Region or East Central Florida Region — the geographical area, including both land and water, within or adjacent to the counties of Brevard, Lake, Orange, Osceola, Seminole and Volusia.
 - (11) State or State government — the government of the State of Florida, or any department, commission, agency or instrumentality thereof.
 - (12) Strategic regional policy plan — a long-range guide for physical, economic and social development of the Region that identifies regional goals, objectives and policies.
- Specific Authority 186.505 FS.
 Law Implemented 186.505 FS.
 History — New 9-22-99.

29F-1.104 — Membership.

- (1) Each county in the Region shall have two (2) voting representatives on the Council, each of whom shall be an elected official as defined in Section 186.503, F.S., provided, however, that in the event the Governor appoints an elected official from a respective county, then, and in that event, such respective county may appoint a lay citizen who is a qualified elector of the county from which that representative is appointed.
- (2) The municipality having the largest population in the Region may appoint one (1) voting representative who shall be an elected official, as defined in Section 186.503(3), F.S., from that municipality.
- (3) Municipalities in Brevard, Lake and Volusia County may caucus through their respective local League of Cities (Space Coast League of Cities, Lake County League of Cities, and Volusia League of Cities), and shall each appoint from their members one (1) voting representative who shall be an elected official, as defined in Section 186.503(3), F.S., from a municipality. In the event a League of Cities does not appoint a representative, then the municipality with the largest population in the county whose municipalities are not represented shall be entitled to a voting representative, unless that municipality is the largest in the region and is already represented pursuant to paragraph (2), above. In that event, the second largest city in that county shall be entitled to a voting representative.
- (4) Municipalities in Orange, Osceola, and Seminole County may caucus through the Tri-County League of Cities and appoint from its members three (3) voting representatives — one from each county, each of whom shall be an elected official, as defined in Section 186.503(3), F.S., from a municipality. In the event the Tri-County League of Cities does not appoint one or more representatives, then the municipality with the largest population in each county whose municipalities are not represented shall be entitled to a voting representative, unless that municipality is the largest in the region and is already represented pursuant to paragraph (2), above. In that event, the second largest city in that county shall be entitled to a voting representative.
- (5) Pursuant to Section 186.504(3), F.S., the Governor of the State of Florida appoints one-third of the voting members of the governing board of the Council.
- (6) Each municipality in the region may appoint one (1) non-voting representative. Such representatives shall have the right to participate in all activities of the Council and may make motions, but shall not have the right to vote or to serve as an officer of the Council and shall not be counted in determining either a quorum or the member balance of elected officials to Governor's appointees.
- (7) Ex officio, nonvoting members as appointed pursuant to Section 186.504(4), F.S., shall have the right to participate in all activities of the Council and may make motions, but shall not have the right to vote or to serve as an officer of the Council and shall not be counted in determining either a quorum or the member balance of elected officials to Governor's appointments.

Specific Authority 186.505 FS.
 Law Implemented 120.53, 120.54, 186.504, 186.505 FS.
 History — New 5-1-99.

29F-1.1042 — Membership Fees.

- (1) There shall be two types of fees, the Annual Assessment and the Special Assessment.
- (2) The Annual Assessment shall be for the purpose of maintaining the general administration and operations of the Council and for satisfying the matching fund requirements of various grant-in-aid programs and shall be set annually by the Council upon adoption of the Annual Budget. The Annual Assessment shall be at a uniform per capita rate for each county member in the Region and shall be in an amount sufficient, when combined with other revenue sources, to satisfy the financial requirements of the adopted Annual Budget.
- (3) The Special Assessment shall be for the purpose of financially supporting any special activities that the Council elects to incorporate in the adopted Annual Work Program. Such special activities shall apply to either the total area of the Region or to a specifically designated geographic or jurisdictional area within the Region. When any special activity is designated to apply to the entire geographic area of the Region each county member shall be assessed at a uniform per capita rate. When any special activity is limited to specified geographic areas or jurisdictions within the Region only those member governments within the specified area or jurisdiction shall be assessed a fee for the special activity.

Specific Authority 186.505 FS.

Law Implemented 120.53, 120.54, 186.504, 186.505 FS.

History — New 5-1-99.

29F-1.105 — Council.

- (1) There shall be a council composed of voting representatives of member local governmental units and gubernatorial appointees.
- (2) The Council shall meet once each month, provided there is business to conduct; the Annual Meeting will be held in September.
- (3) At the Annual Meeting, the Council shall elect the officers and the Executive Committee; adopt the Annual Budget and Work Program; establish a schedule of regular meetings for the upcoming fiscal year; and conduct other business as deemed appropriate. The schedule of meetings may be amended by vote of the Council or by the Chairperson, when the Chairperson, in consultation with the Executive Director, determines that:
 - (a) There is insufficient business to convene a meeting on the regularly scheduled date, in which case the meeting will be postponed to the next regularly scheduled date; or
 - (b) Timely action of the Council is required in order to prevent a missed opportunity that is dependent upon Council action before the next regular meeting.
- (4) The chairperson or any five voting representatives of the Council shall call special meetings of the Council. Calls for special meetings shall be in writing to the Executive Director sufficiently in advance to accommodate the requirements for the publication of public meeting notices in the Florida Administrative Weekly and Rule 29F-1.005(5), F.A.C.
- (5) Written notice of Council meetings shall be mailed to each representative, at the representative's address as it appears on the records of the Council, at least seven (7) days prior to that meeting. The notice shall state the time, place, and the business to be transacted. Business transacted at all meetings shall be confined to the subject stated in the notice, except that business of an emergency nature requiring timely action of the Council may be acted upon provided that the nature of the emergency is first declared by the Chairperson and recorded in the minutes of the Council meeting.
- (6) Representatives entitled to cast one-third (1/3) of the total number of votes on the Council shall constitute a quorum at any Council meeting. When a quorum is present, the majority of the votes cast shall decide any question, other than Rules revision or amendment brought to a vote before the Council.
- (7) The appointing authority may designate a standing alternate for each of their members, who may attend in that member's place. Alternates shall have the same rights as members, including voting.
- (8) Each representative on the Council shall have one (1) vote on all matters under consideration.
- (9) All official meetings of the Council shall be open to the public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes, and shall meet the requirements of the applicable sections of the Florida Administrative Procedures Act, Chapter 120, Florida Statutes.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-14-99.

29F-1.106 — Council Meeting Agenda.

- (1) For each Council meeting the Agenda shall be set in the following manner:

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- (a) The Agenda shall be set ten (10) days prior to each meeting.
- (b) The Executive Director shall be responsible for setting the Agenda. In fulfilling this responsibility, the Executive Director shall consult with the Chairperson. All items requested by the Chairperson shall be placed on the Agenda.
- (c) Any additions, modifications or deletions to the Agenda subsequent to it being set shall be in accordance with the provisions of Chapter 120.525(2), Florida Statutes. In particular, such additions, modifications or deletions must be determined by the Chairperson or other officer designated to preside to be of a critical or emergency nature. Items to be included within the scope of a critical or emergency nature are items that would require Council action prior to a subsequent regularly scheduled meeting at which time the item could be considered, and that by delaying consideration the purpose of the Council would not be reasonably achieved.
- (d) The Agenda shall be considered by the Council at the beginning of each meeting and shall be accepted, or modified and accepted, in accordance with paragraph (c) of this section.
- (2) Any person, individual, or organization may request that an item be placed on the Agenda. All requests shall be considered in the following manner:
 - (a) All requests for placing an item on the Agenda, except those made by the Chairperson, shall be made in writing to the Executive Director stating the following:
 - 1. The subject matter to be considered;
 - 2. The purpose in making the request;
 - 3. The action requested of the Council, if any;
 - 4. The meeting date at which the item would be considered, indicating the reason, if any, for requesting the date.
 - (b) The item requested shall be placed on the Agenda of the next regularly scheduled meeting, provided that:
 - 1. The request is received a minimum of fourteen (14) days prior to the meeting;
 - 2. The Executive Director determines that:
 - a. the subject matter of the request can reasonably be considered to be within the purpose of the Council as set forth in Rule 29F-1.102 of this chapter, and;
 - b. sufficient staff effort and resources are available to properly prepare a report and recommendation on the requested subject, when necessary.

In making these determinations, the Executive Director may confer with the Chairperson. All requests that are not placed on the Agenda shall be brought to the Council's attention by the Executive Director at the next meeting.
 - (c) Should a Council Member wish to have an item, previously considered and acted upon by the Council, reconsidered, the Council Member may request, at any regular Council meeting, that the item be placed on the next meeting Agenda. The request must receive a majority vote of the Council Members present to agenda the item.
- (3) Unless otherwise provided by Chapter 120, Florida Statutes, or provided herein, the most recently published edition of Robert's Rules of Order shall rule.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.107 — Finances.

- (1) The Council's work year and fiscal year shall be the twelve (12) months beginning the first day of October and ending the thirtieth day of September.
- (2) The Council shall adopt a work program and budget for each fiscal year by the beginning of that fiscal year. The Council shall provide, by July 1 of each year, an estimate of the next fiscal year's membership fee to the governing body of each county local government member unit. Each county local government member unit shall include in its annual budget and provide to the Council funds in an amount sufficient to fund its proportionate share of the Council's adopted budget.
- (3) The proportionate share of the Council's budget shall be an amount that bears the same ratio to the local share of the total annual Council budget as the population of each county local government member unit bears to the total population of all participatory counties. The local share is the total annual budget minus funds supplied to the Council under contract with Federal or State agencies.
- (4) The Council, in adopting its annual budget, shall establish a reasonable minimum financial contribution from each county local government member unit.

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- (5) Assessments shall be due in full on October 1.
- (6) Each county local member government that does not remit the assessed amount by November 1 shall lose all voting privileges, both for representatives from the principal member and other appointees from the county, until payment is made.
- (7) The following persons are designated to sign all checks issued by the Council: 1) the Chairperson; 2) the Vice-Chairperson; 3) the Secretary-Treasurer; and 4) the Executive Director of the Council. Additional staff persons shall be designated as signators by the Council to avoid problems associated with time or distance. All checks over \$1,000 are to be signed by two (2) of the above-designated persons.
- (8) The budget and such other changes, amendments or supplements as are necessary to conduct the fiscal affairs of the Council shall be amended by action of the Council provided, however, that the budget may not be amended to increase the annual per capita contribution by the county local government member units.
- (9) The purchase of any single item of either equipment or goods that will require the expenditure of more than three thousand dollars (\$3,000), and that is not included in the current approved budget, must be approved by the Council.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.108 — Officers, Term of Office and Duties.

- (1) At the annual meeting of the Council, the Council shall elect from its membership the following officers: Chairperson, Vice-Chairperson and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until reelected or a successor is elected.
- (2) The newly elected officers shall be declared installed following their election, and shall assume the duties of office.
 - (a) The Chairperson shall be responsible for overseeing the organization of the work of the Council; for seeing that all policies of the Council are carried out; for signing any contract or other instrument that the Council deems in its interest; and for presiding over all Council meetings. The Chairperson, or a designated Council Member, shall be an ex officio member of all committees.
 - (b) The Vice-Chairperson shall act in the Chairperson's absence or inability to act. The Vice-Chairperson shall perform such other functions as may be assigned by the Chairperson or the Council.
 - (c) The Secretary-Treasurer shall be responsible for minutes for the meeting, keeping the roll of members, general oversight of the financial affairs of the Council and such other duties as may be assigned by the Chairperson or the Council.
- (3) There shall be an Executive Committee consisting of the Chairperson, Vice-Chairperson, Secretary/Treasurer and the immediate past Chairperson still in continuous service on the Council. If there is no immediate past Chairperson still in continuous service, the Council shall elect a member to serve on the Executive Committee until such time as there is an immediate past Chairperson still in continuous service.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.109 — Vacancies.

Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.110 — Removal from Office.

Should a Council Member have three (3) consecutive absences from regular meetings or miss more than one-half of the regularly scheduled meetings in a calendar year, the Secretary shall so advise the appropriate member government, or the Governor, and request another appointment. Members shall be removed from the Council by the authority which made the appointment only after written notice of such action has been given to the Council.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

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29F-1.111 — Committees.

- (1) The Council shall establish and maintain such committees as it deems necessary to carry out the purposes and objectives of the Council. Committees shall be created or discontinued by the Chairperson as directed by the Council.
- (2) All committees and chairmen thereof shall be appointed by the Council Chairperson with the approval of a majority of the Council, except that when the need arises between regular meetings of the Council, the Chairperson shall fill vacancies and appoint temporary committee members or a temporary committee Chairperson. Any person so appointed by the Chairperson between regular meetings of the Council shall have full and complete authority to vote and carry out the duties of regular committee members until the next regular Council meeting or such shorter period of time as the Chairperson shall determine. The authority of the person appointed by the Chairperson between regular meetings of the Council may not extend past the next regular meeting unless confirmed by a majority of the Council. If a majority of the Council does not confirm the person appointed for future service on the committee, this shall in no way affect the validity of the actions taken by such person during the period between regular meetings of the Council.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.112 — Staff.

- (1) The Council shall employ and set the compensation of an Executive Director, who shall serve at the pleasure of the Council.
 - (a) The Executive Director may be dismissed by the Council provided, however, that said dismissal shall have been initiated at a regular meeting of the Council in accordance with the following procedure:
 1. The question of dismissing the Executive Director shall be raised by a representative of the Council at a regular meeting of the Council;
 2. The question of dismissal of the Executive Director must be approved by the Council for inclusion on the agenda of the next regular meeting of the Council;
 3. The agenda in which a motion for dismissal is included shall be published not less than 7 days in advance of the regular Council meeting at which the proposal for dismissal shall be considered by the Council;
 4. The notice and agenda of said Council meeting shall be mailed to each Council representative at least 7 days in advance of the meeting;
 5. Any motion for dismissal of the Executive Director must be approved by a majority of Council representatives present at the meeting.
- (2) The Executive Director shall employ and discharge professional, technical, or clerical staff as may be necessary to carry out the purpose of the Council. The Executive Director may make agreements with other agencies, within or without the geographic boundaries of the region, for temporary transfer, loan or other cooperative use of staff employees and, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants.
- (3) The Executive Director shall be responsible to the Council for supervising and administering the work program of the Council, including preparation of a proposed annual budget, for administration and supervision of Council employees, and for acquiring employee benefit coverages.
- (4) The Executive Director shall act as assistant to the Council officers in performing their duties and shall, at the direction of the Secretary- Treasurer, prepare minutes of each meeting and be responsible for distributing copies to members of the Council, and shall perform such other duties and responsibilities as directed by the Council.
- (5) The Executive Director shall be an ex-officio member of all Council committees.
- (6) The Executive Director shall act as agency clerk.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.113 — Plans, Studies, Activities, and Reports.

- (1) In the event one or more governmental units or public agencies within the Region should desire the Council staff to conduct special studies or activities pertaining to a portion of the entire Region, they may make application to the Council by ordinance, resolution, rule or order, wherein the applying entities bind themselves to pay all costs involved in the study or activity. If the Council deems the study or activity feasible, after

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considering the availability of staffing and other necessary resources and the application's consistency with the Council's mission, it shall enter into a separate contract with the particular entity to conduct same.

- (2) The Council shall prepare an annual report on its activities. Copies of this report shall be provided to the appropriate State entities and all general-purpose local governments within the Region. Copies of the report will also be available to interested persons upon payment of the cost to produce the report.
- (3) The Council shall make reports jointly with other regional planning councils to the appropriate legislative committees, as required or requested.
- (4) The Council shall annually prepare an accounting of the receipts and disbursements of all funds received by the Council for its preceding fiscal year. This accounting shall be rendered in accordance with Section 186.505(8).

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.114 — Dissolution.

In the event that the Council is dissolved, any funds remaining on hand belonging to the Council will be repaid to the various member local governments comprising the Council in proportion to their contribution during the year of such dissolution, exclusive of financial obligations incurred by the Council up until the time of dissolution.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

29F-1.115 — Information Request.

- (1) The principal office of the East Central Florida Regional Planning Council is located at 631 N. Wymore Road, Suite 100, Maitland, Florida 32751. All official forms, publications, or documents are available for public inspection at the Council's principal office during regular business hours.
- (2) Copies of the Council's forms, publications and official documents prepared for public dissemination are available as follows:
 - (a) Public agencies, defined as those organizations representing the public government agencies situated in the State of Florida, receive printed Council publications at no charge;
 - (b) Private organizations situated in Florida and all parties outside of Florida can receive printed Council publications at cost;
 - (c) Both private organizations and public agencies can receive Council forms and documents at cost;
 - (d) Council publications out of print or forms and documents are available for public inspection at the Council's principal office. Any person wishing photocopies may receive them at cost.
- (3) Photocopies of other items in the public record of the Council may be obtained at cost.

Specific Authority 186.505 FS.

Law Implemented 186.505 FS.

History — New 9-22-99.

CHAPTER 29F-2 — PRACTICE AND PROCEDURE

- 29F-2.101 General.
- 29F-2.102 Meetings, Hearings and Workshops.
- 29F-2.103 Scheduling Meetings.
- 29F-2.104 Conducting Meetings.
- 29F-2.105 Rule and Policy Making Proceedings.

29F-2.101 — General.

The rules of this chapter provide the practices and procedures to be followed by all persons when dealing with the East Central Florida Regional Planning Council. These rules are in addition to all practices, procedures and definitions imposed by applicable statutes, regulations, and rules.

Specific Authority 120.54(5), 186.505 FS.

Law Implemented 120.54(5), 186.505 FS.

History — New 11-24-99.

29F-2.102 — Meetings, Hearings and Workshops.

- (1) Persons who wish to address the Council on a matter not specifically included on the agenda for the Council's upcoming public meeting, hearing or workshop shall so notify the Chairperson or the Executive Director not less than ten (10) days before the Council's upcoming public meeting, hearing or workshop. The Executive Director, in consultation with the Chairperson, shall include the party on the agenda or notify the party in writing of the reasons for not including the person on the agenda. An opportunity for general public comment will be included in each agenda.
- (2) Persons participating in a public meeting, hearing or workshop of the Council shall be allocated a reasonable amount of time to present oral testimony and offer any appropriate written materials relevant to the person's position. The Chairperson shall instruct all persons as to the amount of time allocated for presentation and as to the appropriateness of written materials offered.

Specific Authority 120.54(5), 185.505 FS.

Law Implemented 120.54(5), 186.505 FS.

History — New 11-24-99.

29F-2.103 — Scheduling Meetings.

All committee and subcommittee meetings will be scheduled by the respective committee chairperson at a time and place of his or her choosing. Logistical support such as preparation and mailing of meeting notices, arranging for a meeting hall, preparation of meeting materials, and the taking and preparation of minutes will be provided by staff person or persons designated by the Executive Director. Upon selection of a meeting time and place by a committee chairperson, staff will comply with the following procedure:

- (1) Reserve a meeting room by contacting the appropriate party.
- (2) If the meeting will be held at other than the customary location, then upon confirmation of reservation, the Executive Director will advise the Mayor of the city in which the meeting is to be held, as well as the appropriate Chairperson of the Board of County Commissioners that a meeting has been scheduled. The notice will indicate the time, place, and subject of the meeting and will extend an invitation to the Mayor and Board Chairperson to attend or send a representative.
- (3) Staff will prepare a meeting notice to be sent to all appropriate committee members. Said notices will include a meeting agenda and will be placed in the mail so that committee members will receive them at least ten days in advance of the meeting.
- (4) Information copies of all meeting notices will be sent to the area media.
- (5) A copy of all meeting notices will be posted on the bulletin board in the Council office.

Specific Authority 186.505 FS.

Law Implemented 120.54, 186.505 FS.

History — New 11-24-99.

29F-2.104 — Conducting Meetings.

- (1) All meetings will be conducted by the Chairperson or Vice-Chairperson. In the absence of the Chairperson and Vice-Chairperson, the membership shall select one of its members to conduct the meeting.
- (2) Minutes will be kept of all meetings. Minutes will be taken by a staff member designated by the Executive Director.

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- (3) Minutes of the Council, Executive Committee, Finance Committee and other committees will be prepared and distributed by the staff at least 7 days in advance of the next meeting.

Specific Authority 186.505 FS.

Law Implemented 120.54, 186.505 FS.

History — New 11-24-99.

29F-2.105 — Rule and Policy Making Proceedings.

Except as otherwise provided herein, administrative policies and policy amendments proposed for adoption by the Council shall be decided by vote of the Council as follows:

- (1) Notice of the proposed policy or amendment shall contain a full statement of the policy or the proposed policy changes;
- (2) The proposed policy or amendment shall be placed on the agenda of the next regularly scheduled meeting;
- (3) The proposed policy or amendment shall be mailed to all Council members at least ten (10) days prior to the meeting at which a vote will be held;
- (4) Council members may propose relevant changes from the floor to any proposed policy or amendment under consideration on the agenda; and
- (5) The proposed policy or amendment shall be approved by a majority vote of the representatives present at the Council meeting.

Specific Authority 120.54(5), 185.505 FS.

Law Implemented 120.54, 186.505 FS.

History — New 11-24-99.

CHAPTER 29F-3 — REGIONAL DISPUTE RESOLUTION PROCESS

29F-3.101	Purpose.
29F-3.102	Definitions.
29F-3.103	Participation.
29F-3.104	Costs.
29F-3.105	Timeframes.
29F-3.106	Public Notice, Records and Confidentiality.
29F-3.107	Pre-Initiation Meeting.
29F-3.108	Situation Assessment.
29F-3.109	Initiation of the Process by Jurisdictions.
29F-3.110	Requests to Initiate Submitted by Others.
29F-3.111	Settlement Meetings.
29F-3.112	Mediation.
29F-3.113	Advisory Decision-Making.
29F-3.114	Settlement Agreements and Reports.
29F-3.115	Other Existing Dispute Resolution Processes.

29F-3.101 — Purpose.

- (1) The purpose of this rule is to establish a voluntary regional dispute resolution process (RDRP) to reconcile differences on planning, growth management and other issues among local governments, regional agencies and private interests. The process consists of two required components: (a) process initiation (initiation and response letters); and (b) settlement meetings; and four optional components: (a) pre-initiation meeting; (b) situation assessments; (c) mediation; or (d) advisory decision-making.
- (2) The RDRP's intent is to provide a flexible process that will: clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; allow flexibility in the order in which the procedures are used; provide for the appropriate involvement of affected and responsible parties; and provide as much process certainty as possible.
- (3) The RDRP may be used to resolve disputes involving extra-jurisdictional impacts arising from: the intergovernmental coordination elements of local comprehensive plans required by s. 163.3177, F.S.; inconsistencies between port master plans and local comprehensive plans; the siting of community residential homes required by s. 419.001(5), F.S.; and any other matters covered by statutes that reference the RDRP.
- (4) The RDRP shall not be used to address disputes involving environmental permits or other regulatory matters unless all the parties involved agree to initiate use of the RDRP.
- (5) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that entity is entitled to such a determination under statutory or common law.
- (6) Participation in the RDRP as a named party or in any other capacity does not convey or limit intervenor status or standing in any judicial or administrative proceedings.
- (7) The RDRP does not supplant local processes established for resolving intra-jurisdictional disputes and is not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations within their jurisdiction.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.102 — Definitions.

- (1) "Situation Assessment" is a procedure of information collection or "fact finding" that may involve review of documents, interviews or an assessment meeting leading to a written or verbal report identifying: the issues in dispute; the stakeholders; information needed before a decision can be made; and a recommendation for appropriate dispute resolution procedures.
- (2) "Pre-Initiation Meeting" is an informal conference with the RPC staff in order to ascertain whether the likely dispute is appropriate for the RDRP.
- (3) "Facilitation" is a procedure in which the facilitator helps the parties design and follow a meeting agenda and assists parties to communicate more effectively throughout the process. The facilitator has no authority to make or recommend a decision.

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- (4) "Mediation" is a procedure in which a neutral person assists disputing parties in a negotiation process to explore their interests, develop and evaluate options, and reach a mutually acceptable agreement without prescribing a resolution. A mediator may take more control of the process than a facilitator and usually works in more complex cases where a dispute is more clearly defined.
- (5) "Advisory Decision-Making" is a procedure aimed at enhancing the effectiveness of negotiations and helping parties more realistically evaluate their negotiation positions. This procedure may include fact-finding, neutral evaluation, or advisory arbitration, or any combination of these in which a neutral party or panel listens to the facts and arguments presented by the parties and renders a non-binding advisory decision.
- (6) Jurisdiction is any local or regional public agency, including a special district, authority or school board.
- (7) "Named Party" shall be any jurisdiction, public or private organization, group or individual who is named in an initiation letter, including the initiating jurisdiction, or is admitted by the named parties to participate in settlement of a dispute pursuant to 29F-3.103. Being a "named party" in the RDRP does not convey or limit standing in any judicial or administrative proceeding.
- (8) "Representative" is an authorized agent who is given guidance by a named party to represent the named party in an RDRP case. Section 29F-3.103(5) sets forth the designation process.
- (9) "Initiation Letter" is a letter from a jurisdiction formally identifying a dispute and asking named parties to engage in this process to resolve the dispute, and, at a minimum, attend the initial settlement meeting. Section 29F-3.110 specifies what must be included in an initiation letter.
- (10) "Response Letter" formally notifies the initiator and other named parties that a party is willing to participate in the RDRP and, at a minimum, attend at least one settlement meeting.
- (11) "Settlement Agreements" are voluntarily approved by the individual or governing body authorized to bind the named party. Agreements shall take the form of memorandums of understanding, contracts, interlocal agreements or other forms mutually agreed to by the signatory parties or as required by law. A settlement may be agreed to by some or all of the named parties.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.103 — Participation.

- (1) Named parties shall automatically be allowed to participate. Other jurisdictions, public or private organizations, groups, or individuals suggested by named parties in response letters or during RDRP meetings or submitting a petition to participate, may become named parties if agreed to by a two-thirds majority of the participating named parties, except as provided for in 29F-3.103(2). Fee allocation agreements will be amended as appropriate.
- (2) All initiation and response letters made in accordance with intergovernmental coordination elements (ICE) of local government comprehensive plans shall only list affected jurisdictions as named parties. The named parties may at the initial settlement meeting or at subsequent RDRP meetings add public or private named parties by mutual agreement of all the current named parties.
- (3) Named parties who do not respond within 21 calendar days of receipt of the initiation letter may not participate in the RDRP unless they submit a petition for participation.
- (4) Jurisdictions, public or private organizations, groups or individuals seeking to become named parties shall submit to the East Central Florida Regional Planning Council (RPC) staff a written petition to participate, including reasons for the request. Such jurisdictions, public or private organizations, groups, or individuals shall become named parties if agreed to by a two-thirds majority of the named party, prior to or during RDRP meetings.
- (5) Each of the jurisdictions, organizations, groups or individuals participating as named parties in this process shall designate a representative, in writing, or be represented by the chief executive officer. Such a representative shall have authority to act, subject to such qualifications imposed by the party as the representative may advise all other named parties in advance, and the responsibility for representing that party's interest in this process and for maintaining communications with that party throughout the process. Jurisdictions are encouraged to designate a representative to participate in the RDRP in advance of initiating or receiving a request.
- (6) Any named party may invite individuals or organizations to attend meetings under this process who can provide information and technical assistance useful in the resolution of the dispute. The parties, by agreement, or the presiding neutral shall determine when and under what circumstances such invited parties may provide input.
- (7) All communications by a named party called for in this process shall be submitted to all other named parties and the RPC staff in writing.

- (8) All named parties who agree to participate in this process commit to a good faith effort to resolve problems or disputes.
- (9) Any named party may withdraw from participation in the RDRP at any time upon written notice to all other named parties and the RPC staff.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.104 — Costs.

- (1) The RPC shall be compensated for situation assessments, facilitation of settlement meetings, mediation, technical assistance and other staff services based on reasonable actual costs. Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.
- (2) The costs of administration, settlement meetings, mediation or advisory arbitration shall be split equally between the parties unless the parties mutually agree to a different allocation. The agreed upon cost allocation shall be documented in a written fee agreement.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.105 — Timeframes.

- (1) The initial meeting of the participating parties shall be scheduled and held within 30 days of the date of receipt of the last response letter or conclusion of the 21 calendar day response period referenced in 29F-3.103(3), whichever occurs first.
- (2) Additional settlement meetings, mediation or advisory decision-making shall be completed within forty-five (45) days of the date of the conclusion of the initial settlement meeting.
- (3) Excepting the 30-day period for the initial meeting, all time frames specified or agreed to in this process may be shortened or extended by mutual agreement of the named parties.
- (4) Where necessary to allow this process to be effectively carried out, named parties should address deferring or seeking stays of judicial or administrative proceedings.
- (5) The participating parties may, by agreement, utilize procedures in the RDRP in any order.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.106 — Public Notice, Records and Confidentiality.

- (1) Named parties should consider appropriate opportunities for public input at each step in this process, such as allowing the submittal of written or verbal comments on issues, alternative solutions and impacts of proposed agreements.
- (2) Applicable public notice, public records, and public meeting requirements shall be observed as required by Chapters 119 and 120 or other applicable Florida Statutes.
- (3) Participants in these procedures agree by their participation that no comments, meeting records, or written or verbal offers of settlement shall be entered by them as evidence in a subsequent judicial or administrative action.
- (4) To the extent permitted by law, mediation under this process will be governed by the confidentiality provisions of applicable laws, which may include Chapter 44, F.S.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.107 — Pre-Initiation Meeting.

A jurisdiction, organization, group or individual contemplating initiation of this process may request an informal pre-initiation meeting with the RPC staff in order to ascertain whether the potential dispute would be appropriate for this process.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.108 — Situation Assessment.

- (1) A jurisdiction, organization, group or individual may request that the RPC staff or other neutral perform a situation assessment at any time, before or after initiation of the process.
- (2) The situation assessment may involve examination of documents, interviews assessment meetings or any combination of these and shall recommend issues to be addressed, parties that may participate, appropriate resolution procedures and a proposed schedule.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.109 — Initiation of the Process by Jurisdictions.

- (1) This process is initiated by an initiation letter from the representative of the governing body of a jurisdiction, other than the regional planning council, to the named parties as provided for in 29F-3.103 and to the RPC staff. The initiation letter must be accompanied by a resolution of the governing body authorizing initiation or by a copy of a written authorization of a representative to initiate requests to use the RDRP.
- (2) Such an initiation letter shall identify: the issues to be discussed; named parties to be involved in the RDRP; the initiating party's representative and others who will attend; and a brief history of the dispute, indicating why it is appropriate for this process.
- (3) Named parties shall send a response letter to the RPC staff and all other named parties confirming their willingness to participate in a settlement meeting within twenty-one (21) calendar days of receiving the initiation letter. This response shall include any additional issues and potential named parties the respondent wishes considered, as well as a brief history of the dispute and description of the situation from the respondent's point of view.
- (4) Upon receipt of a request, the RPC staff shall assess its interest in the case. If the RPC is a named party or sees itself as a potential party, it shall notify the named parties of the nature of its interest and ascertain whether the parties desire an outside facilitator for the initial settlement meeting.
- (5) In instances where the RPC is not a named or potential party, it may, upon its own initiative, recommend that a potential dispute is suitable for this process and transmit its recommendation to potential parties, who may, at their discretion, choose to initiate the RDRP.
- (6) The RPC staff shall schedule a meeting at the most convenient time within the thirty (30) day period provided for in 29F-3.105(1).
- (7) In the event that a dispute involves jurisdictions under two or more regional planning councils, the process adopted by the region of the initiating jurisdiction shall govern, unless the named parties agree otherwise.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.110 — Requests to Initiate Submitted by Others.

- (1) Private interests may ask any jurisdiction to initiate the process.
- (2) Any public or private organization, group or individual may request that the RPC recommend use of this process to address a potential dispute pertaining to a development proposal that would have an impact on an adjacent local government or identified state or regional resources or facilities, in accordance with 29F-3.109(5). Such a request shall be submitted in writing and shall include the information required for an initiation letter in 29F-3.109(2).
- (3) After reviewing the information submitted by, and consulting with, the requesting organization, group or individual, the RPC staff will conduct a situation assessment and respond in writing. The situation assessment shall involve an informal review of provided documents and other information, interviews or meetings as necessary to determine the issues in dispute, the stakeholders, additional information which is needed to reach a decision and an opinion of whether the dispute meets the intent and purpose of the RDRP, as stated in 29F-3.101.
- (4) If the RPC staff determines, through the situation assessment, that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requester. If determined to be suitable for the process, the written determination shall include a recommendation that one or more of the jurisdictions among the potential parties initiate the process. The RPC may also suggest that other processes be used. Any party may request that the staff's determination of the suitability of the dispute for this process be reviewed by the governing board of the RPC at its next regularly

scheduled meeting. Such requests must be made in writing and delivered to the Executive Director of the RPC within 15 days of the date of the staff's written determination. In making its decision, the governing board shall consider the situation assessment report, and other information which may be presented, for conformity with the criteria and intent of this chapter.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.111 — Settlement Meetings.

- (1) Settlement meetings shall, at a minimum, be attended by the named parties' representatives designated pursuant to Section 29F-3.103(3).
- (2) Settlement meetings shall be facilitated by an RPC staff member or other neutral facilitator acceptable to the parties and shall be held at a time and place acceptable to the parties.
- (3) At the settlement meeting, the parties shall: consider adding named parties, consider guidelines for participation, identify the issues to be addressed, present their concerns and constraints, explore options for a solution and seek agreement.
- (4) The parties shall submit a settlement meeting report in accordance with 29F-3.115(4) of this process.
- (5) If an agreed-upon settlement meeting is not held or a settlement meeting produces no agreement to proceed to additional settlement meetings, mediation or advisory decision-making, any party who has agreed to participate in this procedure may withdraw and, if so inclined, proceed to a joint meeting of governing bodies pursuant to Chapter 164, F.S., litigation, administrative hearing or arbitration as appropriate.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.112 — Mediation.

- (1) If two or more named parties submit a request for mediation to the RPC, the RPC shall assist them to select and retain a mediator or the named parties may request that the RPC select a mediator.
- (2) All disputes shall be mediated by a mediator who understands Florida growth management issues, has mediation experience and is acceptable to the parties. Parties may consider mediators who are on the Florida Growth Management Conflict Resolution Consortium rosters or any other mutually acceptable mediator. Mediators shall be guided by the Standards of Professional Conduct, Florida Rules of Civil Procedure, Rule 10, Part 11, Section 020-150.
- (3) The parties shall submit a mediation report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.113 — Advisory Decision-Making.

- (1) If two or more of the named parties submit a request for advisory decision-making to the RPC, the RPC shall assist the parties to select and retain an appropriate neutral, or the parties may request that the RPC make the selection.
- (2) All disputes shall be handled by a neutral who understands Florida growth management issues, has appropriate experience and is acceptable to the parties.
- (3) The parties shall submit an advisory decision-making report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.114 — Settlement Agreements and Reports.

- (1) The form of all settlements reached through this process shall be determined by the named parties. The following are examples of acceptable formats for presenting the settlement: interlocal agreements, concurrent resolutions, memoranda of understanding, plan amendments, deed restrictions.
- (2) Agreements may be reached by two or more parties even if all of the named parties do not agree or do not sign a formal agreement.

Chapter 29F, FAC – East Central Florida Regional Planning Council rules – current as of December 2000

- (3) After settlement meetings, mediation or advisory decision-making under this process, the named parties shall submit a joint report to the RPC staff which shall, at a minimum include:
 - (a) identification of the issues discussed and copies of any agreements reached;
 - (b) a list of potentially affected or involved jurisdictions, organizations, groups or individuals (including those which may not be named parties);
 - (c) a description of agreed upon next steps, if any, including measures for implementing agreements reached;
 - (d) a time frame for starting and ending informal negotiations, additional settlement meetings, mediation, advisory decision-making, joint meetings of elected bodies, administrative hearings or litigation;
 - (e) any additional RPC assistance requested;
 - (f) a written fee allocation agreement to cover the costs of agreed upon RDRP procedures. The report shall include all material any named party wishes to include.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.115 — Other Existing Dispute Resolution Processes.

- (1) The RDRP is a voluntary opportunity for parties to negotiate a mutual agreement. It may be used before, in parallel with or after judicial or administrative proceedings.
- (2) When appropriate, parties may obtain a stay of judicial or administrative proceedings to provide time for RDRP negotiations.
- (3) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that person is entitled to such a determination under statutory or common law.
- (4) Participation in the RDRP as a named party or in any other way does not convey or limit intervenor status or standing in any judicial or administrative proceedings.
- (5) In addition to the RDRP 186.509, F.S., parties may consider the applicability of other resolution processes which exist within Florida Statutes including: Intergovernmental Coordination Element, Section 163.3177(h)(1) & (2), F.S.; Port Master Plans, Section 163.3178, F.S.; Community Residential Homes, Section 419.001(5), F.S.; Cross Acceptance Negotiation Process, Section 186.505(22), F.S.; Location of Spoil Sites, Section 380.32(14), F.S.; Termination of the Development of Regional Impact Program, Section 380.27, F.S.; Administration Procedures Act, Chapter 120, F.S.; Florida Governmental Cooperation Act, Chapter 164, F.S.; Mediation Alternatives to Judicial Action, Chapter 44, F.S.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

CHAPTER 29F-21 — STRATEGIC REGIONAL POLICY PLAN

29F-21.001 Strategic Regional Policy Plan.

29F-21.001 — Strategic Regional Policy Plan.

There is hereby adopted, for the east Central Florida region, the Strategic Regional Policy Plan, dated January 1998, which is incorporated herein by reference. Copies are available at the offices of the East Central Florida Regional Planning Council at 1011 Wymore Road, Suite 105, Winter Park, Florida 32789, between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.

Specific Authority 186.508(1) FS.

Law Implemented 120.535(1), 186.507, 186.508(1) FS.

History — New 8-3-98.

AMENDED
INTERLOCAL AGREEMENT CREATING THE
NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

As Amended on September 24, 2015

THIS AMENDED AGREEMENT, made and entered into this 1st day of June 1975, with subsequent amendments to become effective the 1st day of December 1980, the 1st day of October 1984, the 1st day of March 1990, and the 1st day of January 2016 pursuant to the authority of Section 163.01, Florida Statutes, as amended, by and between the units of general purpose local government passing resolutions to that effect, all of which being located within the North Central Florida Regional Planning Council district as defined in Chapter 186, Florida Statutes, as amended, or as revised pursuant to an executive order issued by the Governor of the State of Florida said district currently being the geographic area including the Counties of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Suwannee, Taylor and Union, hereinafter referred to as the Region.

WITNESSETH:

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantages to provide services and facilities in an effort to optimize the employment of human, economic and natural resources in an effort to optimize economic, natural resources, social, land use, transportation and public safety development and by qualifying under and accepting the powers, duties and responsibilities provided by Chapter 186, Florida Statutes; and

WHEREAS, Section 163.01(4), Florida Statutes provides "a public agency of the State of Florida may exercise jointly with another public agency of the State, or of the United States Government any power, privilege or authority which such agencies share in common and which each might exercise separately."

NOW, THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants, benefits to accrue and agreements herein contained and set forth, the parties signatory hereto do hereby establish the North Central Florida Regional Planning Council, hereinafter referred to as the Council, a separate legal entity, and do further agree, as follows:

1. Purpose: The purpose of this Amended Interlocal Agreement is:
 - a. To provide a means of exercising the rights, duties and powers of a regional planning agency set forth by Chapters 163, 186 and 380, Florida Statutes as amended, as well as those functions enumerated in other applicable, federal, state and local laws;
 - b. To serve as regional coordinator for the Region;
 - c. To exchange, interchange and review various programs of the individual member units of general purpose local government, herein after referred to as member units, which have a relationship to regional problems;
 - d. To promote communication between the member units for the conservation and compatible development of the member counties and member municipalities; and
 - e. To cooperate with federal, state, local and non-governmental agencies to accomplish these objectives.

2. Effective Date, Duration, Termination, and Withdrawal:

a. The member units of the Council will include those units of general purpose local government as may agree into this Amended Interlocal Agreement by resolution, provided such units of general purpose local government (a) are located within the Region; and (b) meet the requirements set forth in Section 3 herein. Officers shall be elected and bylaws adopted and the Council shall be deemed to be in effect at that time. The organizational meeting shall be convened by the Chair of the existing North Central Florida Regional Planning Council as established under Chapter 160, Florida Statutes, and notice of the time and place thereof shall be given the chief elected official of the member units of local government signatory hereto in writing by regular mail postmarked at least ten (10) days prior to the date set for said organizational meeting.

b. This Amended Interlocal Agreement shall be effective for an initial term of one (1) year from the effective date hereof, and shall continue thereafter from year to year without the necessity of a formal renewal by any party hereto, unless terminated as hereinafter provided.

c. Amendments to this Amended Interlocal Agreement shall be made effective by an affirmative vote of not less than three-fourths (3/4) of the governing bodies of the member units.

d. Any member unit party hereto may withdraw its membership, except as provided by Chapter 186, Florida Statutes, as amended, by resolution duly adopted by its governing body, and upon giving ninety (90) days written notice of withdrawal to the Chair of the governing body of each other member unit. Contractual obligations of the withdrawing member unit shall continue until such obligation has been satisfactorily terminated. All property, real or personal, of the Council on the effective date of withdrawal shall remain the property of the Council and the withdrawing member unit shall have no right thereto.

e. In the event there is a complete termination of this Amended Interlocal Agreement which would involve the disposition of the property of the Council, such property shall be liquidated and each current member unit holding membership at the time of termination shall be entitled to a share of the proceeds bearing the same ratio to the total proceeds as the contribution of the member unit bore to total membership dues assessment contributions made by all member units from the time of the creation of the Council; provided, however, the preceding provisions notwithstanding, that in the event a member unit withdraws as a member unit of the Council and subsequently rejoins at a later date, said withdrawing member unit shall be eligible to share in the proceeds of liquidation of property only to the extent of its proportionate share of membership dues assessments made since the date it last became a member unit of the Council.

f. In case of a complete termination of this Amended Interlocal Agreement, the non-federal matching contribution to any approved federal grant shall be firm. The project shall be completed and the required reports and accounting shall be completed.

g. This Amended Interlocal Agreement may be terminated at any time by resolution duly adopted by the governing body of each and every member unit.

3. Membership, Representation, and Voting: All units of general purpose local governments within the Region may become member units of the Council with allotted representation as provided in Paragraph 3.a.(1) and 3.a.(2) and other representatives may be appointed by the appropriate member units as provided in Paragraph 3.a.(3). The Governor of the State of Florida as required by Chapter 186, Florida Statutes, may also appoint representatives as provided in Paragraph 3.a.(4).

a. Type of Membership and Representation

(1) Counties - Each member county within the Region shall have representation, as follows:

- a) One representative for the first 99,999 population, provided that each member county shall have at least one (1) such representative; and
- b) three representatives for a total population of 100,000 or more.

Population shall be determined as stated in Paragraph 4.d. below, and any population represented by a member municipality, shall be deducted, for purposes of computing representation, from the total population represented by the county within which said municipality is located.

(2) Municipalities - Any municipality within the Region may become a member of the Council. Municipal representation on the Council shall be determined, as follows:

- a) One representative for the first 99,999 population, provided that each member municipality shall have at least one (1) such representative; and
- b) three representatives for a total population of 100,000 or more.

(3) Additional Representatives - In order to maintain the proper proportion of local elected officials, the Council shall request selected member units to appoint additional representatives as appropriate, providing:

- a) That such Additional Representative is intended to increase the representation of the appointing member unit and will not be a substitution or replacement for the allocated representation of the member unit;
- b) That the member units requested to appoint such Additional Representatives, if they choose to comply with such request, select the Additional Representative pursuant to requirements specified by the Council; and
- c) That member units may appoint Additional Representatives only if requested to do so by the Council and that the Council shall make such periodic requests in such manner as to ensure broad representation throughout the Region, with consideration being given to proper representation (1) from both counties and cities; and (2) from rural as well as urban areas.

(4) As provided within and in accordance with Chapter 186, Florida Statutes, as amended, the Governor of the State of Florida shall appoint representatives to the Council equaling one-half (1/2) of the total representatives appointed by the member units or one-third (1/3) of the total number of representatives on the Council.

b. Term of Representatives and Representation Composition

(1) Terms - Terms of representatives allotted by Paragraphs 3.a.(1), 3.a.(2), 3.a.(3) and 3.a.(4) shall be as determined by each appointing member unit and the Governor, respectively, with such determination being stipulated to the Council in writing at the time of initial appointments and at such times as such determinations are amended.

(2) Composition - At least two-thirds (2/3) of the representatives serving on the Council shall be local elected officials serving on the governing body of member units of general purpose local government chosen by said governing bodies or the Governor.

c. Voting

Each representative shall have one (1) vote on matters considered by the Council.

4. Finances:

a. On or before July 1st of each year, the Council shall establish the member unit dues assessment for the subsequent fiscal year and shall notify the chief administrative officer of the governing body of the member units of such member unit dues assessment. Each member unit shall include in its annual budget an amount sufficient to pay such member unit dues assessment.

b. The fiscal year of the Council shall commence on the first day of October and end on the last day of September in each year. On or before September 30th of each year, the Council shall adopt a budget for the subsequent fiscal year.

c. The Council shall have the right to receive and accept in furtherance of its functions, funds grants and services from federal, state and local governments or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for attainment of its objectives.

d. Any member unit dues assessment based upon a per capita formula shall use the population being determined annually by the Florida Office of Economic Demographic Research or its successor agency pursuant to Chapter 186, Florida Statutes, as amended, for the year preceding the member unit annual dues assessment; provided, however, that the minimum member unit dues assessment due from any member unit shall be \$750. Any cost incurred by the Council in providing special services to member units shall be the sole responsibility of the member unit receiving such services.

5. Powers: The Council shall have all powers granted by law, including but not limited to the powers granted by Chapters 163, 186 and 380, Florida Statutes as amended, as amended; and furthermore, shall have the specific powers:

- a. To adopt bylaws, for the regulation of its affairs and the conduct of its business and to elect from among its members a chair to serve annually; however, such chair may be subject to reelection;
- b. To adopt an official name and seal;
- c. To maintain an office(s) in an urban center(s) designated as metropolitan statistical area(s) by the United States Office of Management and Budget;
- d. To employ and compensate such personnel, consultants, and technical and professional assistants as it deems necessary to exercise the powers and perform the duties set forth in this Amended Interlocal Agreement. Compensation to staff members shall be consistent with that which is provided in pay plans adopted by general purpose local governmental units in the vicinity of Council's offices having similar positions;
- e. To accept gifts, grants, assistance, funds or bequests;
- f. To hold public hearings and sponsor public forums in any part of the Region whenever the Council deems it necessary or useful in the execution of its other functions;
- g. To acquire, own, hold in custody operate, maintain, lease or sell real or personal property and hold title thereto in the name of the Council;
- h. To dispose of any property acquired through the execution of an interlocal agreement under Section 163.01 Florida Statutes, as amended;
- i. To sue and be sued in its own name;
- j. To accept and receive in furtherance of its functions, funds, grants and services from the federal government or its agencies, from departments, agencies and instrumentalities of municipal or local government, or from private or civic sources;
- k. To receive and expend such sums of money as shall be, from time to time, appropriated for its use by any member unit when approved by the Council and act as an agency to receive and expand federal funds for planning;
- l. To make and enter into all contracts and agreements, necessary and incidental to the performance of its duties and the execution of its powers under this Amended Interlocal Agreement;
- m. To incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of any of the parties of this Amended Interlocal Agreement,
- n. To act in advisory capacity to its constituent local governments in regional, metropolitan, county and municipal planning matters;
- o. To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management;
- p. To fix and collect membership dues, rents, or fees where appropriate;
- q. To conduct studies of the resources of the Region;
- r. To participate with other governmental agencies, educational institutions and private organizations in the coordination or conduct of its activities;
- s. To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the Region and which the Council finds feasible to perform;
- t. To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities;
- u. To provide technical assistance to local governments on growth management matters;
- v. To perform a coordinating function among other regional entities relating to preparation and assurance of regular review of its regional plan, with the entities to be coordinated determined by the topics addressed in its regional plan;
- w. To coordinate land development and transportation policies in a manner that fosters regionwide transportation systems;

x. To use personnel, consultants, or technical or professional assistants of the Council to help local governments within the geographic area covered by the Council conduct economic development activities; and

y. To provide consulting services to a private developer or landowner for a project, if not provided in a review capacity in the future, except that statutorily mandated services may be provided by the Council regardless of its review role.

6. Amendments: It is expressly understood that the terms and conditions of this Amended Interlocal Agreement shall be effective between and among all members of the Council; and that the validity, force and effect of this Amended Interlocal Agreement shall not be affected by one (1) or more of the parties named hereinbefore; not approving this Amended Interlocal Agreement, so long as not less than three-quarters (3/4) of the governing bodies of the member units have affirmatively voted to approve and executed this Amended Interlocal Agreement.

IN WITNESS WHEREOF, the parties have caused this Amended Interlocal Agreement to be executed and their signatures to be affixed on the day and year first above written.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BRADFORD COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF COLUMBIA COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF DIXIE COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF GILCHRIST COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF HAMILTON COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAFAYETTE COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF MADISON COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF SUWANNEE COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF TAYLOR COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, FLORIDA

County Clerk

BY: _____
Chair

ATTEST:

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

City Manager

BY: _____
Mayor

ATTEST:

CITY COMMISSION OF THE
CITY OF ARCHER, FLORIDA

City Manager

BY: _____ Mayor

ATTEST:

CITY COMMISSION OF THE
CITY OF GAINESVILLE, FLORIDA

City Clerk

BY: _____ Mayor

ATTEST:

CITY COMMISSION OF THE
CITY OF HAWTHORNE, FLORIDA

City Manager

BY: _____ Mayor

ATTEST:

CITY COMMISSION OF THE
CITY OF HIGH SPRINGS, FLORIDA

City Clerk

BY: _____ Mayor

ATTEST:

CITY COUNCIL OF THE
CITY OF JASPER, FLORIDA

City Clerk

BY: _____ Mayor

ATTEST:

CITY COUNCIL OF THE
CITY OF LAKE CITY, FLORIDA

City Clerk

BY: _____ Mayor

ATTEST:

CITY COUNCIL OF THE
CITY OF LIVE OAK, FLORIDA

City Clerk

BY: _____ Mayor

ATTEST:

CITY COMMISSION OF THE
CITY OF MADISON, FLORIDA

City Clerk

BY: _____
Mayor

ATTEST:

CITY COMMISSION OF THE
CITY OF NEWBERRY, FLORIDA

City Clerk

BY: _____
Mayor

ATTEST:

CITY COUNCIL OF THE
CITY OF PERRY, FLORIDA

City Manager

BY: _____
Mayor

ATTEST:

CITY COMMISSION OF THE
CITY OF STARKE, FLORIDA

City Clerk

BY: _____
Mayor

ATTEST:

CITY COUNCIL OF THE
CITY OF WALDO, FLORIDA

City Manager

BY: _____
Mayor

REC: 15920PG3244

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FIRST AMENDMENT TO

INTERLOCAL AGREEMENT CREATING A

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

THIS is a First Amendment to the Agreement made and entered into this ____ day of _____, 1993, pursuant to the authority of Section 163.01, Florida Statutes, as amended, by and between the counties of Broward, Dade, and Monroe, each being a political subdivision of the State of Florida,

W I T N E S S E T H:

WHEREAS, Section 163.01(4) of the Florida Statutes provides that "a public agency of the State of Florida may exercise jointly with any other public agency of the State, or any other State, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately"; and

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantage in conducting the regional planning process for the 11th Comprehensive Planning District, and

WHEREAS, the South Florida Regional Planning Council (hereinafter referred to as the "Council") has, since its inception, functioned consistent with and in appreciation for the requirements of Chapters 380, 163, and 186, of the Florida Statutes, in addition to the applicable provisions of the Florida Administrative Code set forth in Rules 9J, 28, and 29J, and such interpretations of same by the State of Florida, Department of Community Affairs; and

WHEREAS, the parties hereto have met, conferred and concluded that it is in the best interests of the parties to amend this Agreement, confirm and ratify the relationship between the parties, and to set forth certain additional terms, conditions and provisions which will guide the Council and the constituent governmental entities made a part hereof, into the future,

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irrespective of House Bill 1061 (1992), and also known as Laws of Florida, 92-182, and codified in Chapter 186, Florida Statutes; and

WHEREAS, certain additional functions and responsibilities of the Council are requested by the parties hereto and the governmental agencies served by the Council are set forth hereinafter to the extent of such requests and obligations; and

WHEREAS, the parties hereto have further reviewed the need for future activities associated with regional planning, local comprehensive planning, large-scale development review (DRI), inter-governmental coordination and review (ICR), hazardous materials planning, urban development strategies, economic development issues, water resources issues, wetlands resources issues, transportation planning requirements, air quality, hurricane preparedness, coastal zone management, solid waste management, capital facilities, social and economic disparities, affordable housing, information management, conflict mediation, educational facility planning, historical/archaeological resources preservation, globalization of the South Florida region, aviation and the precepts set forth in the Regional Plan for South Florida set forth in Rule 29J-2.007, Florida Administrative Code, effective August 14, 1991; and

WHEREAS, the Environmental Land and Water Management Act, Chapter 380 of the Florida Statutes, assigns to regional planning agencies the duty to study, review, and make recommendations concerning "Developments of Regional Impact" and "Areas of Critical State Concern", and

WHEREAS, the Office of Management and Budget, Executive Office of the President, designates comprehensive regional planning agencies as areawide clearinghouses responsible for review and coordination regarding certain Federal programs, and

WHEREAS, the Division of State Planning of the State of Florida, Department of Administration, is required by Part I of Chapter 23, Florida Statutes, to integrate the services and plans of local governments and regional planning agencies into the State planning process to the extent feasible, and

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WHEREAS, Rule 27E-1.003, et seq, of the Administrative Code of the State of Florida established the geographical region of the 11th Comprehensive Planning District, comprising Broward, Dade and Monroe counties; and

WHEREAS, the parties hereto wish to set forth their mutual and collective intent to continue the functions, duties and responsibilities of the Council in accordance with the terms, conditions and provisions hereof and the aforementioned provisions of general law, rules and regulations of the State of Florida;

NOW, THEREFORE, FOR AND IN CONSIDERATION of mutual promises, covenants, benefits to accrue from conduct of a comprehensive regional planning process, and agreements herein contained and set forth, the parties signatory to hereby establish the "South Florida Regional Planning Council", of the 11th Region as a regional planning and coordinating agency, a separate legal entity, and do further delegate such of their powers as are specified herein and agree as follows:

1. Purpose: The purposes of this Agreement are:
 - a. To provide local governments with a means of exercising the rights, duties, and powers of a Regional Planning Agency as defined in Chapters 23, 163, 186 and 380 of the Florida Statutes, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal and local law.
 - b. To provide a means for conducting the comprehensive regional planning process.
 - c. To provide regional coordination for the members of the Council.
 - d. To exchange, interchange, and review the various programs of the individual members which are of the regional concern.
 - e. To promote communication among members and the identification and resolution of common regional-scale problems.

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f. To cooperate with Federal, State, local and non-governmental agencies and citizens to ensure the orderly and harmonious coordination of State, Federal and local planning and development programs in order to assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of the natural resources and environment of the Region and to protect the health, safety, welfare and quality of life of the residents of the Region.

g. To further and enhance the counties' public involvement and responsibilities associated with regional planning, local comprehensive planning, large-scale development review (DRI), inter-governmental coordination and review (ICR), hazardous materials planning, urban development strategies, economic development issues, water resources issues, wetlands resources issues, transportation planning requirements, air quality, hurricane preparedness, coastal zone management, solid waste management, capital facilities, social and economic disparities, affordable housing, information management, conflict mediation, educational facility planning, historical/archaeological resources preservation, globalization of the South Florida region, aviation and the precepts set forth in the Regional Plan for South Florida in Rule 29J-2.007, Florida Administrative Code, effective August 14, 1991.

2. Comprehensive Regional Planning Process:

a. The Council shall prepare and amend from time to time as necessary, a comprehensive plan or portions thereof for its Region. The comprehensive plan shall include a description of the continuous planning process and provide materials in both written and graphic form and in other descriptive form which shall prescribe guidelines for the orderly and balanced economic, social, physical, and fiscal development of the Region to promote

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health, safety, welfare, comfort, order, convenience, and general welfare. The comprehensive plan shall embody the guidelines of the Council and shall include, but not be limited to:

- (1) a statement of the objectives, standards, and principles sought to be expressed in the plan or its elements and the continuous planning process;
- (2) recommended guidelines for the most desirable pattern and intensity of activity within the Region in the light of the best available information concerning natural environmental factors, the present and prospective social, economic and demographic basis of the area, and the relation of activity within the area to activity to the adjoining areas. The activity pattern shall provide for open space as well as urban and rural development, and shall include recommended regional-scale elements of urban and rural activities and systems;
- (3) recommended guidelines for the general circulation system for the area including land, water and air transportation and communication facilities whether used for movement within the area or to and from adjoining and more remote areas;
- (4) recommended guidelines concerning the need for, and proposed general location of federal, state, local and other public and private works and facilities which by reason of their function, size, extent, or for any other cause extend beyond the boundaries of the jurisdiction of any unit of local general purpose government within the Region;
- (5) recommended guidelines for the long range financing and scheduling of capital projects and facilities;

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(6) recommended guidelines for meeting the housing needs of existing and prospective indigenous and immigrant population of the Region;

(7) to the extent possible, recommended guidelines for programs within the Region for adequate economy, including industrial development, commerce, and trade; human resources; health services; management of solid and liquid waste; water supply and distribution; natural resource protection; agriculture' manpower planning, broadened employment opportunity, community facilities; quality education; public utilities and services; parks and recreation; water resources; air and water pollution; environmental health; elimination of poverty; and effective and efficient law enforcement, taking into account the purpose, nature and methods of regional plans and programs; and

(8) such other guidelines and recommendations as the Council may deem appropriate concerning current and impending problems as may affect the Region.

b. In preparing its comprehensive regional plan, the Council shall consider appropriate studies, reports, plans and regulations, and shall take into account the existing and prospective resources, capabilities, needs and efforts of the units of local government located within the boundaries of the Region.

c. The comprehensive plan, portions thereof, and any amendments thereto shall be officially adopted by a majority vote of those members present and voting at a legal meeting after submission to the division of state planning, and to the governing body of each unit of local general purpose government within the Region for a period of not less than thirty days prior to a hearing to be held by the Council thereon after adequate notice.

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d. Subsequent to the date of adoption of the comprehensive plan or element thereof by the Council, it shall not establish any policy or take any action which is not in conformity therewith or amendments thereto.

e. The comprehensive plan may be amended in the same manner as provided for the original adoption, but if the Council determines that a proposed amendment has less than Region-wide effect, such amendment may be submitted only to the governing bodies of those units of local government which the Council shall determine to be affected and to the division of state planning.

f. The Council shall annually, on or before July 1, conduct a hearing to review the comprehensive plan, or completed parts of it, and the progress made for implementation of the plan or parts thereof to determine whether it is advisable to amend the plan. Notice, at least ten days prior to said hearing, shall be given to the division of state planning, all local units of general purpose government, and newspapers of general circulation within the Region.

3. Effective Date, Duration, Termination and Withdrawal:

a. The effective date of the Council will be July 1, 1974.

b. This Agreement shall continue and shall be effective from year to year without the necessity of formal renewal by any party hereto, unless terminated as provided for in Section 3(g) hereinafter.

c. Amendments to this Agreement shall require three-fourths (3/4) vote of principal members in addition to the three-fourths (3/4) vote of the voting members of the Council. Any amendments regarding membership, voting and finances shall be made only by the principal member units. Any amendment to this Agreement shall be submitted, in writing, to each voting member at least

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fifteen (15) days prior to the meeting at which such amendment is to be voted upon.

d. Any party hereto or principal member unit may withdraw its membership by resolution duly adopted by its governing body, and upon giving twelve (12) months written notice of withdrawal to the chairman of the governing body of each principal member unit, without the effect of terminating this agreement. Contractual obligations of the withdrawing member shall continue until the effective date of the withdrawal. All property, real or personal, of the Council on the effective date of such withdrawal shall remain the property of Council and the withdrawing principal member unit shall have no right thereto.

e. In the event there is a complete termination of this agreement which would involve the disposition of the property of Council, such property shall be liquidated and each participatory county shall be entitled to a share of the proceeds bearing the same ratio to the total proceeds as the contribution of the participatory county during the preceding fiscal year of the Council.

f. In case of a complete termination of this Agreement, the non-federal matching contribution required to match any approved Federal or State grant shall be firm. The project(s) shall be completed and the required reports and accounting shall be completed.

g. This Agreement may be terminated at any time by resolution duly adopted by the governing body of each and every principal member unit.

4. Membership:

a. Membership of the Council shall be as provided for in Chapter 380, Florida Statutes, as amended from time to time, and the provisions set forth in Chapter 29J-1, Florida Administrative Code.

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b. The principal members shall be selected by the governing body of the respective principal member units.

c. The Council shall adopt bylaws at its first meeting after the effective date and the bylaws shall specify the procedures for selection of participating members from within each principal member unit. The procedures must provide for the broadest possible representation of municipal interests in each county, and as otherwise provided for in Chapter 29J-1, Florida Administrative Code.

5. Officers: The officers of the Council shall consist of the following:

a. A Chairman, who shall be the chief policy officer, is responsible for overseeing the organization of work of the Council, for seeing that all policies of the Council are carried out, and for presiding over all Council meetings. The Chairman or designated representative shall be ex officio a member of all subsidiary committees and boards.

b. A Vice Chairman, who shall act in the Chairman's absence or inability to act. The Vice Chairman shall perform such other functions as the Council, shall, from time to time, assign.

c. A Secretary, who shall be responsible for minutes of the meeting, keeping the roll of members, and other such duties as may be assigned by the Chairman or the members.

d. A Treasurer, who shall be responsible for the financial affairs of the Council.

e. The original officers shall be as hereinafter provided. Thereafter, the officers shall be elected at the annual meeting of the Council and shall hold office for one (1) year or until their respective successors are elected and qualified.

f. An Executive Committee, consisting of the Chairman, immediate past Chairman, Vice Chairman, Secretary,

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Treasurer, and two other members elected by the Council, to ensure representation from within each participatory county, shall be established to act for the Council when necessary to meet any emergency or to deal with any matters when it would be impossible or inconvenient to convene a meeting of the full Council. The governance of the Executive Committee shall also be as provided for in Rule 29J-1.007, "Officers, Term of Office and Duties", of the Florida Administrative Code, as amended from time to time.

6. Meetings:

- a. There shall be an annual meeting for the election of officers.
- b. Regular meetings shall be held at least once each month.
- c. Special meetings may be called by the Chairman at his discretion and shall be called by the Chairman when requested by voting members from two-thirds (2/3) of the participating counties.
- d. The place and time of each meeting shall be determined by the membership prior to the adjournment of the previous meeting. In the absence of such a determination, the time and place of meetings shall be determined by the Chairman.
- e. A quorum at any meeting shall consist of a majority of the voting members present. When a quorum has been determined to be present, a majority of those present may take action on all matters present at the meeting. Each member present shall vote on each question presented to the Council except in the event that a member requests disqualification for cause and leaves the room. Proxy voting is prohibited.
- f. The Secretary or nominee shall keep minutes of each meeting and distribute a copy thereof to each voting member.

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REC. 15920PC32547. Finances:

a. The Council shall adopt a work program and budget for each fiscal year and shall, on or before September 30, certify a copy thereof to the Clerk of the governing body of each principal member unit. Each principal member unit shall include in its annual budget and provide to the Council funds in an amount sufficient to fund its proportionate or minimum share of the Council's adopted budget.

b. The proportionate share of the budget of the Council shall be an amount which bears the same ratio to the local share of the total annual Council budget as the population of each principal member unit bears to the total population of all participatory counties, based upon the most current annual population estimates provided by the Department of Administration pursuant to Section 23.019, Florida Statutes. The local share is the total annual budget minus funds supplied to the Council under contract with Federal or State agencies.

c. The Council in adopting its annual budget, may establish a reasonable minimum financial contribution from each principal member unit.

d. The Council shall have the right to receive and accept in furtherance of its functions: funds, grants and services from federal, state and local government or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives in accordance with all applicable laws.

8. Powers: The Council shall have all powers granted herein, including:

a. The powers granted by Chapters 23, 163, 186, and 380 of the Florida Statutes as now existing or as from time to time amended.

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- b. To conduct studies of the Regions's resources with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, human resources, natural resources, local government, relative tax effort and fiscal capacity of local governments, and any other matters which are relevant to regional planning.
- c. To adopt rules of procedure and bylaws, to regulate its affairs and conduct business.
- d. To adopt an official seal.
- e. To maintain an office at such place within the region as may from time to time be determined.
- f. To employ and set the compensation of the executive director, who shall serve at the pleasure of the Council. The executive director shall employ and remove professional, technical, clerical or other staff as may be necessary to accomplish the work authorized by the Council. The executive director may make agreements with local planning or other public agencies, within or without the geographic boundaries of the Region, for temporary transfer, loan, or other cooperative use of staff employees and, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants and enter into contracts on behalf of the Council.
- g. To authorize compensation for members of the Council for per diem, travel, and other reasonable expenses for meetings, hearings, and other official business, consistent with the provisions of Chapter 112, Florida Statutes, as amended, from time to time, and such interpretations of same by the State of Florida, Commission on Ethics.
- h. To hold public hearings, sponsor public forums, and conduct other activities whenever deemed necessary or useful in the execution of the functions of the Council.

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- i. To acquire, own, operate, maintain, lease or sell real or personal property and hold title thereto in the name of the Council.
- j. To fix and determine in accordance with applicable laws by resolution, rules and regulations relating to advertisement for bids, manner of bidding and amount below which same will not be required.
- k. To sue and be sued, implead and be impleaded, complain and defend, intervene and appeal in all courts and administrative agencies.
- l. To accept gifts, apply for and use grants or loans of money or other property from the United States, the State, a local unit of government or any person, for any Council purpose and to enter into agreements required in connection therewith, and to hold, use, and dispose of such monies or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.
- m. To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary or incidental to the performance of its duties and the exercise of its powers.
- n. To prescribe all terms and conditions for the employment of officers, employees, and agents including but not limited to the fixing of compensation and classification plans, benefits, and the filing of performance and fidelity bonds and such policies of insurance covering itself and employees as it may deem advisable.
- o. To participate with other government agencies, educational institutions, and private organizations in the coordination of the activities above.
- p. To fix and collect charges or fees for the provision of local assistance services and for reviews and referrals.

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q. To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.

r. To select and appoint by three-fourths (3/4) vote such ex officio, non-voting members to the Council as the Council may deem appropriate.

s. To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the Region and which the Council finds feasible to perform.

9. Definitions:

a. Principal member unit -- a county signatory to this Agreement.

b. Principal member -- a county commissioner representing a principal member unit.

c. Participating member -- an elected municipal official representing municipalities within a principal member unit.

d. Participatory county -- a county signatory to this Agreement whose proportionate share of the local share of the total annual Council budget is paid.

e. Voting member -- an elected local government official representing a participatory county or municipalities within a participatory county.

10. Transfer: The assets, liabilities, contract obligations, operating procedures and the policies, officers, and staff of the agency organized under Chapter 186, Florida Statutes, as amended, from time to time, and heretofore known as the South Florida Regional Planning Council, are hereby transferred to the Council.

11. Severability: If any section, subsection, sentence, clause, phrase or word of this Agreement is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void, such invalidity or unconstitutionality shall not be construed to affect the

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portions of this Agreement not so held to be unconstitutional, void, invalid, or ineffective; any such inapplicable or void portion or portions of this Agreement did not induce its passage, and without the inclusion of any such unconstitutional, illegal, invalid, ineffective or void portions of this Agreement, the signatory parties would have enacted the valid and constitutional portions thereof.

12. It is expressly understood the terms and conditions of, and this Agreement, shall be effective between and among those parties signatory hereto; and that the validity, force and effect of their Agreement shall not be affected by one or more of the parties named herein not joining in this Agreement, any other provision of this Agreement to the contrary notwithstanding.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and their signatures to be affixed as of the day and year hereinafter set forth.

Executed this 25 day of January, 1993 by:

BOARD OF COUNTY COMMISSIONERS
BROWARD COUNTY, FLORIDA

BY: [Signature]
Chairman

BY: [Signature]
Deputy County Attorney

Executed this 9th day of February, 1993 by:

BOARD OF COUNTY COMMISSIONERS
MONROE COUNTY, FLORIDA

BY: [Signature]
Chairman

BY: [Signature]
County Attorney

Executed this 5 day of March, 1993 by:

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

BY: [Signature]
Chairman

(k:\w\sfpc\newgmt.2)
(rev. 10/28/92:01/05/93:01/15/93)

RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD VERIFIED
HARVEY RUVIN
CLERK CIRCUIT COURT

Executed this 26 day of January, 1993 by:

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

BY: [Signature]
Chairman

HARVEY RUVIN, CLERK

By: [Signature]
Deputy Clerk



APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]

Approved as to form:

BY: [Signature] 2/5/93
SFRPC General Counsel

AS TO MONROE COUNTY:
ATTEST: DANNY L. KOLHAGE, CLERK

By: [Signature]
Deputy Clerk 2.2.93

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INTERLOCAL AGREEMENT CREATING A
SOUTH FLORIDA REGIONAL PLANNING COUNCIL

THIS AGREEMENT, made and entered into this 1st day of July, 1974, pursuant to the authority of Section 163.01, Florida Statutes, by and between the counties of Broward, Dade, Martin, Monroe, Palm Beach, and St. Lucie each being a political subdivision of the State of Florida,

WITNESSETH:

WHEREAS, the Environmental Land and Water Management Act, Chapter 380 of the Florida Statutes, assigns to regional planning agencies the duty to study, review, and make recommendations concerning "Developments of Regional Impact" and "Areas of Critical State Concern", and

WHEREAS, the Office of Management and Budget, Executive Office of the President, designates comprehensive regional planning agencies as areawide clearing-houses responsible for review and coordination regarding certain Federal programs, and

WHEREAS, the Division of State Planning of the State of Florida, Department of Administration is required by Part I of Chapter 23, Florida Statutes to integrate the services and plans of local governments and regional planning agencies into the State planning process to the extent feasible, and

WHEREAS, Rule 22E-1.01 of the Administrative Code of the State of Florida established the geographic region of the 10th Comprehensive Planning District, and

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantage in conducting the comprehensive regional planning process for the 10th Comprehensive Planning District, and

WHEREAS, Section 163.01(4) of the Florida Statutes provides that "a public agency of the State of Florida may exercise jointly with any other public agency of the State, or any other State, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately".

NOW, THEREFORE, FOR AND IN CONSIDERATION of mutual promises, covenants, benefits to accrue from conduct of a comprehensive regional planning process, and agreements herein contained and set forth, the parties signatory do hereby establish the "South Florida Regional Planning Council", of the 10th Region as a regional planning and coordinating agency, hereinafter referred to as the Council, a separate legal entity, and do further delegate such of their powers as are specified herein and agree as follows:

1. Purpose: The purposes of this agreement are:

- a. To provide local governments with a means of exercising the rights, duties, and powers of a Regional Planning Agency as defined in Chapters 23, 163, and 380 of the Florida Statutes, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal and Local law.
- b. To provide a means for conducting the comprehensive regional planning process.
- c. To provide regional coordination for the members of the Council.
- d. To exchange, interchange, and review the various programs of the individual members which are of the regional concern.
- e. To promote communication among members and the identification and resolution of common regional-scale problems.
- f. To cooperate with Federal, State, Local and non-governmental agencies and citizens to insure the orderly and harmonious coordination of State, Federal, and Local planning and development programs in order to assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of the natural resources and environment of the Region and to protect the health, safety, welfare and quality of life of the residents of the Region.

2. Comprehensive Regional Planning Process:

- a. The Council shall prepare and amend from time to time as necessary, a comprehensive plan or portions thereof for its Region. The comprehensive plan shall include a description of the continuous planning process and provide materials in both written and graphic form and in other descriptive form which shall prescribe guidelines for the orderly and balanced economic, social, physical, and fiscal development of the Region to promote health, safety, welfare, comfort, order, convenience, and general welfare. The comprehensive plan shall embody the guidelines of the Council and shall include, but not be limited to:

- (1) a statement of the objectives, standards, and principles sought to be expressed in the plan or its elements and the continuous planning process;
- (2) recommended guidelines for the most desirable pattern and intensity of activity within the Region in the light of the best available information concerning natural environmental factors, the present and prospective social, economic and demographic basis of the area, and the relation of activity within the area to activity in the adjoining areas. The activity pattern shall provide for open space as well as urban, and rural development, and shall include recommended regional-scale elements of urban and rural activities and systems;
- (3) recommended guidelines for the general circulation system for the area including land, water, and air transportation and communication facilities whether used for movement within the area or to and from adjoining and more remote areas;
- (4) recommended guidelines concerning the need for, and proposed general location of federal, state, local and other public and private works and facilities which by reason of their function, size, extent, or for any other cause extend beyond the boundaries of the jurisdiction of any unit of local general purpose government within the Region;
- (5) recommended guidelines for the long range financing and scheduling of capital projects and facilities;
- (6) recommended guidelines for meeting the housing needs of existing and prospective indigenous and immigrant population of the Region;
- (7) to the extent possible, recommended guidelines for programs within the Region for adequate economy, including industrial development, commerce, and trade; human resources; health services; management of solid and liquid waste; water supply and distribution; natural resource protection; agriculture; manpower planning, broadened employment opportunity, community facilities; quality education; public utilities and services; parks and recreation; water resources; air and water pollution; environmental health; elimination of poverty; and effective and efficient law enforcement, taking into account the purpose, nature and methods of regional plans and programs; and

(8) such other guidelines and recommendations as the Council may deem appropriate concerning current and impending problems as may affect the Region.

b. In preparing its comprehensive regional plan, the Council shall consider appropriate studies, reports, plans and regulations, and shall take into account the existing and prospective resources, capabilities, needs and efforts of the units of local government located within the boundaries of the Region.

c. The comprehensive plan, portions thereof, and any amendments thereto shall be officially adopted by a majority vote of those members present and voting at a legal meeting after submission to the division of state planning, and to the governing body of each unit of local general purpose government within the Region for a period of not less than thirty days prior to a hearing to be held by the Council thereon after adequate notice.

d. Subsequent to the date of adoption of the comprehensive plan or element thereof by the Council, it shall not establish any policy or take any action which is not in conformity therewith or amendments thereto.

e. The comprehensive plan may be amended in the same manner as provided for the original adoption, but if the Council determines that a proposed amendment has less than Region-wide effect such amendment may be submitted only to the governing bodies of those units of local government which the Council shall determine to be affected and to the division of state planning.

f. The Council shall annually, on or before March 1, conduct a hearing to review the comprehensive plan, or completed parts of it, and the progress made for implementation of the plan or parts thereof to determine whether it is advisable to amend the plan. Notice, at least ten days prior to said hearing, shall be given to the division of state planning, all local units of general purpose government and newspapers of general circulation within the Region.

3. Effective Date, Duration, Termination, and Withdrawal:

a. The effective date of the Council will be July 1, 1974.

b. This agreement shall be effective for an initial term ending July 1, 1975, and shall continue thereafter from year to year without the necessity of formal renewal by any party hereto, unless terminated as provided in 3(g) hereinafter.

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c. Amendments to this agreement shall require three-fourths (3/4) ~~vote~~ of principal members in addition to the three-fourths (3/4) vote of the voting members of the Council. Any amendments regarding membership, voting and finances shall be made only by the principal member units. Any amendment to this agreement shall be submitted, in writing, to each voting member at least fifteen (15) days prior to the meeting at which such amendment is to be voted upon.

d. Any party hereto or principal member unit may withdraw its membership by resolution duly adopted by its governing body, and upon giving twelve (12) months written notice of withdrawal to the chairman of the governing body of each principal member unit without the effect of terminating this agreement. Contractual obligations of the withdrawing member shall continue until the effective date of the withdrawal. All property, real or personal, of the Council on the effective date of such withdrawal shall remain the property of Council and the withdrawing principal member unit shall have no right thereto.

e. In the event there is a complete termination of this agreement which would involve the disposition of the property of Council, such property shall be liquidated and each participatory county shall be entitled to a share of the proceeds bearing the same ratio to the total proceeds as the contribution of the participatory county during the preceding fiscal year of the Council.

f. In case of a complete termination of this agreement, the non-federal matching contribution required to match any approved Federal or State grant shall be firm. The project(s) shall be completed and the required reports and accounting shall be completed.

g. This agreement may be terminated at any time by resolution duly adopted by the governing body of each and every principal member unit.

4. Membership:

a. Each participatory county with a population under 250,000 shall be entitled to have two (2) voting members on the Council and the combined municipalities within each such county shall be entitled to one (1) participating member to represent municipal interests.

b. Each participatory county with a population over 250,000 shall be entitled to have three (3) voting representatives and the combined municipalities within each such county shall be entitled to two (2) participating members to represent municipal interests.

c. The principal members shall be selected by the governing body of the respective principal member units.

d. The Council shall adopt bylaws at its first meeting after the effective date and the bylaws shall specify the procedures for selection of participating members from within each principal member unit. The procedures must provide for the broadest possible representation of municipal interests in each county.

5. Officers: The officers of the Council shall consist of the following:

a. A Chairman, who shall be the chief policy officer, is responsible for overseeing the organization of work of the Council, for seeing that all policies of the Council are carried out, and for presiding over all Council meetings. The Chairman or designated representative shall be ex officio a member of all subsidiary committees and boards.

b. A Vice Chairman, who shall act in the Chairman's absence or inability to act. The Vice Chairman shall perform such other functions as the Council shall, from time to time, assign.

c. A Secretary, who shall be responsible for minutes of the meeting, keeping the roll of members, and such other duties as may be assigned by the Chairman or the members.

d. A Treasurer, who shall be responsible for the financial affairs of the Council.

e. The original officers shall be as hereinafter provided. Thereafter, the officers shall be elected at the annual meeting of the Council and shall hold office for one (1) year or until their respective successors are elected and qualified.

f. An Executive Committee, consisting of the Chairman, immediate past Chairman, Vice Chairman, Secretary, Treasurer, and two other members elected by the Council, to insure representation from within each participatory county, shall be established to act for the Council when necessary to meet any emergency or to deal with any matters when it would be impossible or inconvenient to convene a meeting of the full Council.

6. Meetings:

a. There shall be an annual meeting for the election of officers.

b. Regular meetings shall be held at least once each month.

c. Special meetings may be called by the Chairman at his discretion and shall be called by the Chairman when requested by voting members from two-thirds (2/3) of the participating counties.

d. The place and time of each meeting shall be determined by the membership prior to the adjournment of the previous meeting. In the absence of such a determination, the time and place of meetings shall be determined by the Chairman.

e. A quorum at any meeting shall consist of a majority of the voting members provided, however, no quorum shall exist unless a voting member is present from one-half (1/2) of the principal member units. When a quorum has been determined to be present, a majority of those present may take action on all matters present at the meeting. Each member present shall vote on each question presented to the Council except in the event that a member requests disqualification for cause and leaves the room. Proxy voting is prohibited.

f. The Secretary or nominee shall keep minutes of each meeting and distribute a copy thereof to each voting member.

7. Finances:

a. The Council shall adopt a work program and budget for each fiscal year and shall, before August 1, certify a copy thereof to the Clerk of the governing body of each principal member unit. Each principal member unit shall include in its annual budget and provide to the Council funds in an amount sufficient to fund its proportionate or minimum share of the Council's adopted budget.

b. The proportionate share of the budget of the Council shall be an amount which bears the same ratio to the local share of the total annual Council budget as the population of each principal member unit bears to the total population of all participatory counties, based upon the most current annual population estimates provided by the Department of Administration pursuant to Section 23.019, Florida Statutes. The local share is the total annual budget minus funds supplied to the Council under contract with Federal or State agencies.

c. The Council in adopting its annual budget, may establish a reasonable minimum financial contribution from each principal member unit.

d. The Council, in its bylaws, may provide for payment, by municipalities, of up to one-third (1/3) of the principal member units proportionate share in any county with less than 250,000 population and up to two-fifths (2/5) in any county over 250,000 population.

e. The Council shall have the right to receive and accept in furtherance of its functions: funds, grants and services from federal, state and local governments or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives in accordance with all applicable laws.

8. Powers: The Council shall have all powers granted herein, including:

a. The powers granted by Chapters 23, 163 and 380 of the Florida Statutes as now existing or as from time to time amended.

b. To conduct studies of the Region's resources with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, human resources, natural resources, local government, relative tax effort and fiscal capacity of local governments, and any other matters which are relevant to regional planning.

c. To adopt rules of procedure and bylaws, to regulate its affairs and conduct business.

d. To adopt an official seal.

e. To maintain an office at such place within the region as may from time to time be determined.

f. To employ and set the compensation of the executive director, who shall serve at the pleasure of the Council. The executive director shall employ and remove professional, technical, clerical or legal staff, as may be necessary to accomplish the work authorized by the Council. The executive director may make agreements with local planning or other public agencies, within or without the geographic boundaries of the Region, for temporary transfer, loan, or other cooperative use of staff employees and, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants and enter into contracts on behalf of the Council.

g. To authorize compensation for members of the Council for per diem, travel, and other reasonable expenses for meetings, hearings and other official business.

h. To hold public hearings, sponsor public forums, and conduct other activities whenever deemed necessary or useful in the execution of the functions of the Council.

i. To acquire, own, operate, maintain, lease or sell real or personal property and hold title thereto in the name of the Council.

j. To fix and determine in accordance with applicable laws by resolution, rules and regulations relating to advertisement for bids, manner of bidding and amount below which same will not be required.

k. To sue and be sued, implead and be impleaded, complain and defend, intervene and appeal in all courts and administrative agencies.

l. To accept gifts, apply for and use grants or loans of money or other property from the United States, the State, a local unit of government or any person, for any Council purpose and to enter into agreements required in connection therewith, and to hold, use, and dispose of such monies or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

m. To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary or incidental to the performance of its duties and the exercise of its powers.

n. To prescribe all terms and conditions for the employment of officers, employees, and agents including but not limited to the fixing of compensation and classification plans, benefits, and the filing of performance and fidelity bonds and such policies of insurance covering itself and employees as it may deem advisable.

o. To participate with other government agencies, educational institutions, and private organizations in the coordination of the activities above.

p. To fix and collect charges or fees for the provision of local assistance services and for reviews and referrals.

q. To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.

r. To select and appoint by three-fourths (3/4) vote such ex officio, non-voting members to the Council as the Council may deem appropriate.

s. To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the Region and which the Council finds feasible to perform.

9. Definitions:

a. Principal member unit -- a county signatory to this Agreement.

b. Principal member -- a county commissioner representing a principal member unit.

c. Participating member -- an elected municipal official representing municipalities within a principal member unit.

d. Participatory county -- a county signatory to this agreement whose proportionate share of the local share of the total annual Council budget is paid.

e. Voting member -- an elected local government official representing a participatory county or municipalities within a participatory county.

10. Transfer: The assets, liabilities, contract obligations, operating procedures and the policies, officers, and staff of the agency organized under Chapter 160, Florida Statutes, and heretofore known as the South Florida Regional Planning Council are hereby transferred to the Council.
11. Severability: If any section, subsection, sentence, clause, phrase or word of this agreement is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this agreement not so held to be unconstitutional, void, invalid, or ineffective; any such inapplicable or void portion or portions of this agreement did not induce its passage, and without the inclusion of any such unconstitutional, illegal, invalid, ineffective or void portions of this agreement, the signatory parties would have enacted the valid and constitutional portions thereof.
12. It is expressly understood that the terms and conditions of, and this Agreement, shall be effective between and among those parties signatory hereto; and that the validity, force and effect of their Agreement shall not be affected by one or more of the parties named herein not joining in this Agreement, any other provision of this Agreement to the contrary notwithstanding.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and their signatures to be affixed as of the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
BROWARD COUNTY, FLORIDA

BY: Jack S. Moss
Chairman

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BY: John B. Dunkle
JOHN B. DUNKLE, CLERK - Chairman
Board of County Commissioners
By John B. Dunkle
DEPUTY CLERK
Approved as to legal form and sufficiency by:

Michael B. Small
Michael B. Small
Palm Beach County Attorney

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

BY: R. K. K. K.
COUNTY MANAGER Mayor

BOARD OF COUNTY COMMISSIONERS
MONROE COUNTY, FLORIDA

BY: Mayor
Mayor

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form and
legal sufficiency.
ROBERT L. SHEVIN
ATTORNEY GENERAL

By: John P. Dyle
Assistant Attorney General
Date: 6/24/74



Tampa Bay Regional Planning Council

INTERLOCAL AGREEMENT CREATING A

TAMPA BAY REGIONAL PLANNING COUNCIL

RESTATED*

THIS AGREEMENT, made and entered into this 8th day of September, 1975, pursuant to the authority of Section 163.01, Florida Statutes, by and between the counties of Hillsborough, Manatee, Pasco, Pinellas and the cities of Bradenton, Clearwater, Dunedin, Largo, Pinellas Park, St. Petersburg, St. Petersburg Beach, Sarasota, and Tampa, each being a political subdivision or municipal corporation of the State of Florida.

WITNESSETH:

WHEREAS, it is the desire of the parties hereto to establish an advisory council to constituent local governments in regional, metropolitan, county and municipal planning matters involving land use, water resources, highways, recreational areas, public schools, sewage and garbage disposal, public libraries, urban redevelopment and other matters concerning the acquisition, planning, construction, development, financing, control, use improvement and disposition of lands, buildings, structures, facilities, goods or services in the interest of the public, or for public purposes involving the expenditure of public funds, and

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantage in conducting the comprehensive regional planning process for the Tampa Bay Area, and

WHEREAS, the Office of Management and Budget, Executive Office of the President, designates comprehensive regional planning agencies as areawide clearinghouse responsible for review and coordination regarding certain Federal programs, and

WHEREAS, the Division of State Planning of the State of Florida, Department of Administration is required by Part I of Chapter 23, Florida Statutes to integrate the services and plans of local governments and regional planning agencies into the State planning process to the extent feasible, and

WHEREAS, the Environmental Land and Water Management Act, Chapter 380 of the Florida Statutes, assigns to regional planning agencies the duty to study, review, and make recommendations concerning "Developments of Regional Impact" and "Areas of Critical State Concern," and

WHEREAS, Section 163.01(4) of the Florida Statutes provides that "a public agency of the State of Florida may exercise jointly with any other public agency of the State, or any other State, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately."

WHEREAS, Chapter 160.04(5) of the Florida Statutes, provides that the Regional Planning Council, created by local general purpose governments prior to October 1, 1980, in each of the several comprehensive planning districts and which has agreed to meet membership criteria requirements therein, shall be designated as the Regional Planning Council specified under Chapter 160, Florida Statutes, as amended 1980.

NOW, THEREFORE, FOR AND IN CONSIDERATION of mutual promises, covenants, benefits to accrue from conduct of a comprehensive regional planning process, and agreements herein contained and set forth,

the parties signatory do hereby establish the Tampa Bay Regional Planning Council as a regional planning and coordinating agency, hereinafter referred to as the Council, a separate legal entity, and do further delegate such of their powers as are specified herein and agree as follows:

I. Purpose. The purposes of this agreement are:

a. To provide local governments with a means of exercising the rights, duties and powers of a Regional Planning Agency as defined in Chapters 23, 160, 163.01, 163.02, and 380 of the Florida Statutes as amended, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal and Local law.

b. To provide a means for conducting the comprehensive regional planning process.

c. To provide regional coordination for the members of the Council.

d. To act in an advisory capacity to exchange, interchange, and review the various programs referred to it by the individual members which are of regional concern.

e. To promote communication among members and the identification and resolution of common regional-scale problems.

f. To cooperate with Federal, State, Local and nongovernmental agencies and citizens to insure the orderly and harmonious coordination of State, Federal, and Local planning and development programs in order to assure the orderly, and balanced growth and development of the Region, consistent with the protection of the natural resources and environment of the Region and to protect the health, safety, welfare and quality of life of the residents of the Region.

2. Effective Date, Duration, Termination, and Withdrawal.

- a. The effective date of the Council shall be September 8, 1975.
- b. This agreement shall continue in effect until terminated as provided in 2(g) hereinafter.
- c. Amendments to this agreement shall require a majority vote of the member governments. Any amendment to this agreement shall be submitted, in writing, to each appointed representative at least fifteen (15) days prior to the regular meeting at which such amendment is to be voted upon.
- d. Any member government hereto may withdraw its membership by resolution duly adopted by its governing body, and upon giving twelve (12) months written notice of withdrawal to the chairman or chief elected official of the governing body of each member government without the effect of terminating this agreement. Contractual obligations of the withdrawing member government shall continue until the effective date of the withdrawal. All property, real or personal, of the Council on the effective date of such withdrawal shall remain the property of Council and the withdrawing member government shall have no right thereto.
- e. In the event there is a complete termination of this agreement which would involve the disposition of the property of Council, such property shall be liquidated and each member government shall be entitled to a share of the proceeds bearing the same ratio to the total proceeds as the contribution of the member government during the preceding fiscal year of the Council.
- f. In case of a complete termination of this agreement, the nonfederal matching contribution required to match any approved Federal or State grant shall be firm. The project(s) shall be completed and the required reports and accounting shall be completed.
- g. This agreement may be terminated at any time by resolution duly adopted by the governing body of each and every member government.

3. Membership and Voting.

- a. Each member government shall be represented on the Regional Planning Council by a representative which shall be an elected official of said member government and shall be duly appointed by the governing body of said member government. Each representative shall serve at the pleasure of the governing body of the member unit of government.
- b. Additional representatives which shall constitute no more than one third of the voting representatives shall be appointed by the Governor subject to confirmation by the Florida Senate, and shall reside within the geographic area covered by the Regional Planning Council. No two appointees of the Governor shall have their place of residence in the same county until each county within the region is represented by a Governor's appointee. Each appointed representative shall serve at the pleasure of the Governor.
- c) Any county or municipality contained within or contiguous with the jurisdictional boundary of a member of the Regional Planning Council may be admitted, by a majority vote of the Regional Planning Council, to membership upon resolution of the governing body joining this agreement establishing the Council by the county or municipality requesting such membership.
- d) For the general conduct of business, each representative shall have an equal vote which shall be one vote except as provided below.

Prior to a vote and upon the call of three representatives a weighted vote shall be taken by roll call. The total weighted vote shall consist of the member governments' vote and the Governor appointees' vote. The member governments' vote shall be two-thirds of the total vote and shall be apportioned among the member government representatives in the same proportion as the member governments' population bears to the total population of the region; provided, however, that no portion of the population shall be represented by more than one member government.

The Governor's Appointees' vote shall be one-third of the total vote and that one-third shall be apportioned equally among those Appointees from each resident's County, in the same proportion as the Appointees' resident County population bears to the total population of the region.

4. Officers. The officers of the Council shall consist of the following:

- a. A Chairman, who shall be the chief policy officer, responsible for overseeing the organization of work of the Council, for seeing that all policies of the Council are carried out, and for presiding over all Council meetings. The Chairman or designated representative shall be ex-officio a member of all subsidiary committees and boards.
- b. A Vice-Chairman, who shall act in the Chairman's absence or inability to act. The Vice-Chairman shall perform such other functions as the Council shall, from time to time, assign to him.
- c. A Secretary-Treasurer, who shall be responsible for minutes of the meeting, keeping the roll of members, the financial affairs of the Council, and such other duties as may be assigned by the Chairman or the members.
- d. The original officers shall be as hereinafter provided. Thereafter, the officers shall be elected at the annual meeting of the Council and shall hold office for one (1) year or until their respective successors are elected and qualified.
- e. An Executive Committee may be appointed by the Council and shall at a minimum consist of all officers of the Regional Planning Council and shall exist for the time specified and shall perform those duties delegated to it by the Council.
- f. A Budget Committee shall consist of the Chairman, Secretary-Treasurer and Executive Director, serving ex-officio, and two members to be appointed by the Chairman.

5. Meetings.

- a. There shall be an annual meeting for the election of officers which shall be the December regular meeting of the Council.
- b. The regular meeting of the Regional Planning Council shall be held monthly on the second Monday, each month, or such date as may be specified by the Council.
- c. Special meetings may be called by the Chairman provided that ample notice is given to all members.
- d. A quorum for any meeting shall consist of a simple majority of the membership of the meeting body. A quorum shall be required for the conduct of all official business. Each representative present shall vote on each question presented to the Council except in the event that a representative requests disqualification for cause. Proxy voting is prohibited, notwithstanding however that any elected official of the same member government may serve as alternate for the duly appointed representative of that member government.

e. The Secretary-Treasurer or his nominee shall keep minutes of each meeting and distribute a copy thereof to each voting member.

f. All regular, Executive Committee, and special meetings, workshops or hearings held by the Tampa Bay Regional Planning Council shall be open to the general public.

6.

Finances.

a. The work year and fiscal year of the Regional Planning Council shall be the 12 months beginning the first day of October and ending the 30th day of September.

b. A budget committee, appointed by the Chairman, shall prepare annually a budget to govern financial operations of the Council.

c. Each year upon adoption of the annual budget, the Council shall fix membership assessments for all members in amounts sufficient to provide funds required by the budget. Each member government shall pay basic dues of two thousand dollars (\$2,000.00) per fiscal year. Each member county shall contribute such cash amount per capita on the total population of its county as is required to make up the remainder of each annual budget over and above the total of the members' basic dues. The population base for calculating such pro-rata contribution shall be the most current reported for each county in accordance with the official annual estimate of county population established pursuant to Section 23.019 F.S.

d. Assessments are due in full 30 days after approval by the Council.

e. Any member who does not remit assessed amount within 30 days after the first day of the fiscal year shall lose all voting privileges until payment is made.

f. The Council shall have the right to receive and accept in furtherance of its functions: gifts, grants, assistance funds, bequests, and services from federal, state and local governments or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives in accordance with all applicable laws.

7.

Powers. The Council shall have all powers granted herein, including:

a. The powers granted by Chapters 23, 160, 163.01, 163.02 and 380 of the Florida Statutes as now existing or as from time to time amended.

b. To conduct studies of the region's resources with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, human resources, natural resources, government, and any other matters which are relevant to regional planning.

c. To adopt rules of procedure and bylaws, to regulate its affairs and conduct its business.

d. To adopt an official seal.

e. To maintain office space at such places within the region as may from time to time be required in performance of its duties.

f. To employ and set the compensation of the Executive Director who shall serve at the pleasure of the Council. The Executive Director shall employ and discharge professional, technical or clerical staff as may be necessary to carry out the purposes of the Council. The Executive Director may make agreements with local planning or other public agencies, within or without the

geographic boundaries of the region, for temporary transfer, loan, or other cooperative use of staff employees and, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants and enter into contracts on behalf of the Council.

g. To authorize compensation for members of the Council for per diem, travel, and other reasonable expenses for meetings, hearings and other official business conducted outside the region's boundaries.

h. To hold public hearings, sponsor public forums, and conduct other activities whenever deemed necessary or useful in the execution of the functions of the Council.

i. To acquire, own, operate, maintain, lease or sell real or personal property and hold title thereto in the name of the Council.

j. To fix and determine in accordance with applicable laws by resolution, rules and regulations relating to advertisement for bids, manner of bidding and amount below which same will not be required.

k. To sue and be sued, implead and be impleaded, complain and defend, intervene and appeal in all courts and administrative agencies.

l. To accept gifts, apply for and use grants, assistance funds or bequests of money or other property from the United States, the State, a local unit of government of any person, for any Council purpose and to enter into agreements required in connection therewith, and to hold, use, and dispose of such monies or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

m. To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary or incidental to the performance of its duties and the exercise of its powers.

n. To prescribe all terms and conditions for the employment of officers, employees, and agents including but not limited to the fixing of pay and classification plans, benefits, and the filing of performance and fidelity bonds and such policies of insurance covering itself and employees as it may deem advisable.

o. To participate with other government agencies, educational institutions, and private organizations in the coordination of the activities above.

p. To determine and collect charges or fees for the provision of local assistance for special services, reviews and referrals.

q. To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.

r. To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the region and which the Council finds feasible to perform.

s. To incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of any parties to this agreement.

1. The Council may issue from time to time revenue notes to finance capital improvements. Such notes shall be issued upon such terms, containing such provisions, bearing interest at such lawful rate of rates including variable rates having maturity (not exceeding 31 years from the date issuance), and supported by such other documents, all as may be established by the Council. Such revenue notes shall not constitute "bonds" within the meaning of Article VII, Section 12 of the

Constitution, which must be approved at an election of the qualified electors of the members. The revenue notes shall not constitute a general obligation of any of the members, the State of Florida or any public agency thereof, or a lien upon any property owned by or situated within the territorial limits of any of the members, the State of Florida or any public agency thereof. The holders of the revenue note shall not have the right to require or compel any exercise of the taxing power of any of the members to pay principal of, redemption premium, if any, and interest on the revenue notes or to make any other payments provided for in connection therewith.

2. Debts, liabilities and obligations authorized by the signatories to this agreement, specifically include, but are not limited to, the under-taking of debt up to \$4,000,000 for the purpose of acquiring real and personal property for COUNCIL offices.

- t. To dispose of any property acquired through the execution of interlocal agreement under Section 163.01, Florida Statute.

I. Definitions. As used in this agreement:

- a. "Council" shall mean the Tampa Bay Regional Planning Council composed of the general membership.
- b. "Region" or "Tampa Bay Region" shall mean the area embraced by Hillsborough, Manatee, Pasco and Pinellas counties and such other contiguous counties or municipalities which may be admitted to membership in the Council.
- c. "Member Government" shall mean any county or incorporated municipality located within the "region" as defined herein and a party to this agreement.
- d. "Voting Representative" shall mean a duly qualified representative of a member government or a duly appointed representative of the Governor.
- e. "Regular Meeting" shall mean a meeting of the representatives to the Council held pursuant to the provisions of this agreement.

Transfer. The assets, liabilities, contract obligations, operating procedures and the policies, officers and staff of the agency organized under Chapter 160, Florida Statutes, and heretofore known as the Tampa Bay Regional Planning Council are hereby transferred to the Council.

Severability. If any section, subsection, sentence, clause, phrase or word of this agreement is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this agreement not so held to be unconstitutional, void, invalid, or ineffective; any such inapplicable or void portion or portions of this agreement did not induce its passage, and without the inclusion of any such unconstitutional, illegal, invalid, ineffective or void portions of this agreement, the signatory parties would have enacted the valid and constitutional portions thereof.

II. Signatories. It is expressly understood that the terms and conditions of this Agreement, shall be effective between and among those parties signatory hereto; and that the validity, force and effect of their Agreement shall not be affected by one or more of the parties named herein not joining in the Agreement, any other provisions of the Agreement to the contrary notwithstanding.

IN WITNESS WHEREOF, the parties have officially adopted and caused this Agreement to be executed and their signatures to be affixed by their respective Commission Chairman or Mayor as of the day and year first above written.

BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY, FLORIDA

CITY COUNCIL
BRADENTON, FLORIDA

CITY COMMISSION
CLEARWATER, FLORIDA

CITY COMMISSION
DUNEDIN, FLORIDA

CITY COMMISSION
LARGO, FLORIDA

CITY COUNCIL
PINELLAS PARK, FLORIDA

CITY COUNCIL
ST. PETERSBURG, FLORIDA

CITY COMMISSION
ST. PETERSBURG BEACH, FLORIDA

CITY COMMISSION
SARASOTA, FLORIDA

CITY COUNCIL
TAMPA, FLORIDA

COUNCIL ATTORNEY

ATTORNEY GENERAL
STATE OF FLORIDA

***Restated through April 8, 2002**

As of July 17, 2002, Member Governments:

**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY**

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY**

**BOARD OF COUNTY COMMISSIONERS
PASCO COUNTY**

**BOARD OF COUNTY COMMISSIONERS
PINELLAS COUNTY**

**CITY COUNCIL
BRADENTON**

**CITY COMMISSION
CLEARWATER**

**CITY COMMISSION
DADE CITY**

**CITY COMMISSION
DUNEDIN**

**CITY COUNCIL
GULFPORT**

**CITY COMMISSION
LARGO**

**CITY COUNCIL
NEW PORT RICHEY**

**CITY COUNCIL
OLDSMAR**

**CITY COUNCIL
PALMETTO**

**CITY COUNCIL
PINELLAS PARK**

**CITY COMMISSION
PLANT CITY**

**CITY COMMISSION
SAFETY HARBOR**

**CITY COMMISSION
ST. PETE BEACH**

**CITY COUNCIL
ST. PETERSBURG**

**CITY COUNCIL
SEMINOLE**

**CITY COMMISSION
SOUTH PASADENA**

**CITY COUNCIL
TAMPA**

**CITY COMMISSION
TARPON SPRINGS**

**CITY COUNCIL
TEMPLE TERRACE**

**CITY COMMISSION
TREASURE ISLAND**

1739285 RECORDED IN THE RECORDS OF JEFFREY K BARTON, CLERK CIRCUIT COURT INDIAN
RIVER CO FL, BK: 2013 PG: 852, 03/29/2006 09:31 AM

R2005 2118 OCT 18 2005

AMENDED AND RESTATED
INTERLOCAL AGREEMENT
CREATING THE
TREASURE COAST REGIONAL PLANNING COUNCIL

Prepared by:

Roger G. Saberson
Roger G. Saberson, P.A.
70 SE 4th Avenue
Delray Beach, FL 33483

Return to:

Liz Gulick
Treasure Coast Regional Planning Council
301 East Ocean Blvd, Suite 300
Stuart, FL 34994

**A TRUE COPY
CERTIFICATION ON LAST PAGE
J.K. BARTON, CLERK**

AMENDED AND RESTATED
INTERLOCAL AGREEMENT

CREATING THE TREASURE COAST REGIONAL PLANNING COUNCIL

THIS AMENDED AND RESTATED AGREEMENT, made and entered into this ____ day of November 2004, pursuant to authority of Section 163.01, Florida Statutes, by and between:

INDIAN RIVER COUNTY

MARTIN COUNTY

PALM BEACH COUNTY

and

ST. LUCIE COUNTY

WITNESSETH:

WHEREAS, The Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes, permits local government units to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage; and

WHEREAS, The Treasure Coast Regional Planning Council was created by Interlocal Agreement entered into on August 19, 1976 ("1976 Interlocal Agreement") by and between Palm Beach County, Martin County, St. Lucie County, and Indian River County pursuant to the Florida Interlocal Cooperation Act of 1969; and

WHEREAS, in 1980 the Florida legislature amended the provisions of Chapter 160 of the Florida Statutes pertaining to regional planning councils; and

WHEREAS, the 1980 amendments to Chapter 160 of the Florida Statutes provided that existing regional planning councils organized under the Florida Interlocal Cooperation Act of 1969 would be the designated regional planning council for their area provided the council agreed to meet the membership criteria established therein; and

WHEREAS, Palm Beach County, Martin County, St. Lucie County, and Indian River County entered into an amendment to the 1976 Interlocal Agreement, on November 25, 1980 which complied with the requirements of Chapter 160 of the Florida Statutes, and

WHEREAS, from August 19, 1976 the Treasure Coast Regional Planning Council which was created by the 1976 Interlocal Agreement has continuously been the regional planning council/regional planning agency for Comprehensive Planning District X comprising Palm Beach County, Martin County, St. Lucie County and Indian River County, Florida, and

WHEREAS, the Florida Administrative Procedure Act Section 120.54(4) requires that an agency must have a written description of its organization and general course of its operation which is to be made available to any person who requests it, and in part, this Amended and Restated Interlocal Agreement is to fulfill the foregoing requirement, and

WHEREAS, this Agreement amends, ratifies, confirms and restates, in its entirety, the Interlocal Agreement entered on August 19, 1976, as amended on November 25, 1980, by and among the parties to this agreement pursuant to which the Treasure Coast Regional Planning Council was originally created; and

WHEREAS, the Florida Regional Planning Council Act, mandates the creation of a Regional Planning Council in each of the several comprehensive planning districts of the state; and,

WHEREAS, the Executive Office of the Governor has designated that Comprehensive Planning District X shall be comprised of the counties of Indian River, Martin, Palm Beach and St. Lucie; and

WHEREAS, a declared purpose of the Florida Regional Planning Council Act is to establish a common system of regional planning councils for areawide coordination and related cooperative activities of federal, state and local governments and ensure a broad-based regional organization that can provide a truly regional perspective enhancing the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries; and

WHEREAS, it is the desire of the parties hereto to continue as a regional planning council and regional planning agency; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, contained in Chapter 163, Part II Florida Statutes, assigns to regional planning councils the responsibility to review local government comprehensive plans and comprehensive plan amendments; and

WHEREAS, the Environmental Land and Water Management Act, Chapter 380, Florida Statutes, assigns to regional planning agencies, among other duties, the duty to study, review and make recommendations concerning areas of Critical State Concern, Florida Quality Developments, and Developments of Regional Impact; and

WHEREAS, Governor's Executive Orders 83-150 and 95-359 and Presidential Executive Order 82-12372, designates the comprehensive regional planning agencies as areawide clearinghouses responsible for review and coordination regarding certain Federal programs; and

WHEREAS, Regional Planning Councils are statutorily assigned various responsibilities or functions in Chapter 163, 164, 186, 252, 260, 288, 339, 378, 380, 403, 419, 420, and 985, Florida Statutes and other applicable federal, state and local laws.

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantage in being a member of the Treasure Coast Regional Planning Council and to confer upon the Treasure Coast Regional Planning Council in addition to any statutory powers it currently possesses the additional powers herein set forth.

NOW, THEREFORE, for and in consideration of mutual promises, covenants, benefits to accrue from conduct of a regional planning process, and agreements herein contained and set forth, the member governments do hereby ratify and confirm the establishment and continuation, pursuant to the authority of Section 163.01 and Section 186.501, Florida Statutes, of the Treasure Coast Regional Planning Council located in Comprehensive Planning District X consisting of the counties Indian River, Martin, Palm Beach County, and St. Lucie, hereinafter referred to as the COUNCIL, a separate legal entity, and do further delegate such powers as are specified herein to it and agree as follows:

1. Purposes.

The purposes of this agreement and the Council are:

- (a) To provide local governments with a means of exercising the rights, duties and powers of a regional planning council and regional planning agency as defined in Chapter 186, Florida Statutes and other applicable federal, state and local laws as now existing and/or as from time to time amended.
- (b) To provide a means for conducting and implementing the regional planning process.
- (c) To provide regional coordination for local governments in the Treasure Coast region.
- (d) To have an organization to act in an advisory capacity to exchange, interchange, and review the various programs referred to it which are of regional concern.
- (e) To promote communication among local governments in the region and the identification and resolution of common regional-scale problems.
- (f) To facilitate with Federal, State, local, and non-governmental agencies and citizens to promote the orderly and harmonious coordination of Federal, State, regional and local planning and development programs in order to encourage the orderly, and balanced growth and development of this region consistent with the protection of natural resources and the environment and to enhance the quality of life of the residents of the region and to promote their health, safety, and welfare.
- (g) To encourage and promote communications between neighboring regional planning districts to attempt to assure compatibility in development and long-range planning goals and to coordinate with neighboring regional planning districts whenever possible and to enter into agreements with neighboring regional planning districts pertaining to activities or projects that are of mutual interest.
- (h) To have an organization that will promote areawide coordination and related cooperative activities of federal, state and local governments insuring a broad based-regional organization that can provide a truly regional perspective and enhance that ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.
- (i) To have an organization to review Developments of Regional Impact, Florida Quality Developments and other developments as defined or set forth in Chapter 380, Florida Statutes, which will collect review fees and make recommendations to the local government(s) of jurisdiction for applications to be approved, denied or approved subject to conditions, restrictions or limitations so that development within the region is consistent with adopted Strategic Regional Policy Plan and the applicable Local Government Comprehensive Plans.
- (k) To have an organization to carry out the duties, functions and activities that are to the mutual advantage of the local government units within Comprehensive Planning District X.
- (l) To have an organization to carry out other duties, functions and activities for other public purposes consistent with the powers conferred herein.

2. Definitions.

- (a) Alternate-a policy board member of the Council when serving in the absence of an Appointed Representative.

- (b) Appointed Representative – policy board member of the Council.
- (c) Comprehensive Planning Districts – the geographic areas within the state specified by the Executive Office of the Governor.
- (d) Contribution – any monies received by the Council from a member government.
- (e) Council – the TREASURE COAST REGIONAL PLANNING COUNCIL.
- (f) Elected Official – a member of the Governing Body of a municipality or a county, or a county elected official chosen by a Governing Body.
- (g) Federal or Federal Government – the government of the United States or any department, commission, agency, or other instrumentalities thereof.
- (h) Governing Body – the Board of County Commissioners or City/ Town/Village Council/Commission of any member government.
- (i) Local General Purpose Government – any municipality or county created pursuant to the authority granted under ss. 1 and 2, Article VIII of the State Constitution.
- (j) Participating Member Unit – any incorporated municipality located within a Principal Member Unit.
- (k) Principal Member Unit – any county within the Treasure Coast Comprehensive Planning District X which is a signatory to this interlocal agreement.

3. Effective Date, Duration, Amendment and Termination.

- (a) The effective creation date of the COUNCIL is August 19, 1976.
- (b) This agreement shall continue in effect until terminated as provided in Section 3.d.
- (c) Any amendments to this agreement shall be in writing and set forth an effective date. To put into effect any amendment, each Principal Member Unit shall adopt a resolution authorizing its chairman or chief elected official to execute the amendment.
- (d) This agreement may be terminated by resolution duly adopted by the Governing Body of each Principal Member Unit. The effective termination date shall be after the date said resolutions have been adopted by all Principal Member Units unless contractual obligations of the Council would require a later termination date.
- (e) In the event there is a complete termination of this agreement, as provided for in Section 3.d., which would involve the disposition of the property of the COUNCIL, such property shall be liquidated and each Principal Member Unit shall be entitled to a share of the proceeds bearing the same ratio as the Contribution of that Principal Member Unit to the Council in the most recent fiscal year. Said proceeds from the liquidation of the property of the Council shall be applied to satisfy debts, liabilities and financial obligations of the Council prior to any distribution to the members.
- (f) Further, in the case of a complete termination of this agreement, the non-Federal matching contribution required to match any approved Federal or State grant shall be submitted to the appropriate agency. However, the preceding notwithstanding, if the grant program may be canceled or terminated early (thereby eliminating or reducing the amount of required non-Federal matching contribution), then it shall be terminated and any excess matching funds shall instead be distributed to each Principal

Member Unit with each Principal Member Unit being entitled to a share of such proceeds bearing the same ratio as the Contribution of that Principal Member Unit to the Council in the most recent fiscal year.

4. Membership, Voting and Term of Office.

- (a) Indian River County and Martin County, and St. Lucie County, as Principal Member Units, shall each be represented by two (2) members, and Palm Beach County as a Principal Member Unit shall be represented by three (3) members. All members shall be appointed from the respective elected county Governing Body by such Governing Body.
- (b) In addition to the Principal Member Unit membership referred to in 4.(a) above, Martin County shall be entitled to one (1) municipal member to serve on the Council, St. Lucie County and Indian River County shall be entitled to two (2) municipal members each to serve on the Council, and Palm Beach County shall be entitled to five (5) municipal members to serve on the Council. Such municipal members shall be municipal Elected Officials from a Participating Member Unit who serve on a municipal Governing Body in the respective counties. The municipal members and their alternates shall be appointed by a participating member or members from the respective counties subject to the approval of the Board of County Commissioners of the applicable Principal Member Unit.
- (c) The Governor of the State of Florida shall appoint a maximum of nine (9) voting members as Appointed Representatives. Unless otherwise required by law, the counties in the Region shall be represented by the Governor's voting members in the following manner: Indian River County one (1) representative; Martin County two (2) representatives; St. Lucie County two (2) representatives; and Palm Beach County four (4) representatives.
- (d) Each Principal Member Unit shall appoint an alternate for each Appointed Representative. These alternates shall be Elected Officials and shall be approved by the Governing Body of the Principal Member Unit. In the event that neither the Appointed Representative nor his/her regular alternate is present at a Council meeting and there is another alternate from the same county present (who is not needed to attend for the Appointed Representative for whom he/she is the regular alternate) then this alternate may substitute for the absent Appointed Representative. A person that has been appointed as an alternate for an Appointed Representative from a Participating Member Unit may also serve as an alternate for an Appointed Representative from the same county under the preceding sentence.
- (e) There shall be appointed for each Appointed Representative from a Participating Member Unit one alternate. These alternates shall be municipal Elected Officials from a Participating Member Unit who serve on a municipal Governing Body. In the event that neither the Appointed Representative nor his Alternate is present at a Council meeting and there is another Alternate from the same county present (who is not needed to attend for the Appointed Representative for whom he is the regular Alternate), then this Alternate may substitute for the absent Appointed Representative. A person that has been appointed as an Alternate for an Appointed Representative from a Principal Member Unit may also

serve as an Alternate for an Appointed Representative from the same county under the preceding sentence.

- (f) The names of all of the Appointed Representatives and their Alternates shall be recorded in the Council minutes.
- (g) For the conducting of all business, each Appointed Representative or Alternate serving for an Appointed Representative shall have an equal vote, which shall be one (1) vote each.
- (h) The basic term of office for Appointed Representatives and Alternates appointed by either participating or principal members shall be for one (1) year commencing with the regular December meeting in each year. The representatives appointed by the Governor shall serve a term pursuant to law and as designated by the Governor. All Appointed Representatives shall be eligible for reappointment. All Appointed Representatives and Alternates shall serve until a replacement is appointed by the appropriate appointing authority.
- (i) The Governor of the State of Florida shall designate such ex-officio non-voting members as provided by law. Presently the Governor of the State of Florida shall designate as ex-officio non-voting members the following: a representative of the Florida Department of Transportation, a representative of the Florida Department of Environmental Protection, a representative nominated by Enterprise Florida, Inc. and the office of Trade, Tourism and Economic Development and a representative of the applicable water management district or districts. At the present time, the Governor may also appoint ex officio non voting members representing the appropriate metropolitan planning organizations and regional water supply authorities.
- (j) The South Florida Regional Transportation Authority may appoint an ex officio non-voting member to the Council and such ex officio member shall be a full time employee staff person of the South Florida Regional Transportation Authority.

5. Vacancies.

Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.

6. Removal From Office.

Should a representative have three (3) consecutive absences from regular meetings with or without a justifiable reason, the Secretary-Treasurer shall so advise the appropriate member government, or the Governor, and request another appointment. Should a representative have five (5) absences during any one (1) year period, the Secretary-Treasurer shall so advise the appropriate member government. Members may be removed from the Council by the authority which made the appointment only after written notice of such removal has been given to the Council.

7. Officers, Term of Office and Duties.

- (a) The regular December meeting shall be known as the Annual Meeting of the Council, and shall be for the purpose of electing the new officers and conducting such other business as may come before the members. The Council shall elect from its membership the following officers: Chairman, Vice

Chairman, and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until he is reelected or his successor is elected.

- (b) The newly elected officers shall be declared installed following their election, and shall assume the duties of office upon adjournment of the Annual Meeting.
- (c) The Chairman, who shall be chief policy officer, shall be responsible for overseeing the working organization of the Council, for seeing that all policies of the Council are carried out, for signing with the counter signature of the Executive Director as authorized by the Council any contract or other instruments which the Council deems in its interest, and for presiding over all Council meetings. The Chairman or his designated representative shall be an ex officio member of all committees.
- (d) The Vice Chairman shall act in the Chairman's absence or inability to act. The Vice Chairman shall perform such other functions as the Council may from time to time assign to him.
- (e) The Secretary-Treasurer shall be responsible for minutes of the meetings, keeping the roll of members, the financial affairs of the Council and such other duties as may be assigned to him.

8. Meetings.

- (a) The annual election of officers shall be held during the December meeting in each year.
- (b) Regular meetings shall be held on the days and times established by the Council.
- (c) Special meetings shall be called by the Chairman either at his discretion or when he is requested by at least five (5) Appointed Representatives provided adequate notice shall be given to all Appointed Representatives and Alternates stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting. However, if a determination to hold a special meeting is reflected upon the record of any Council meeting, no additional notice is necessary except as required by law.
- (d) The place and time of each regular meeting shall be determined by the Council prior to the adjournment of the previous meeting. In the absence of such determination, the time and place of the meeting(s) shall be determined by the Chairman. The Council may establish a regular meeting time and place, in which case no special action by either the Council or the Chairman is required, provided the meeting is to be held at the regular time and place.
- (e) Written notice of all Council meetings shall be mailed to each Appointed Representative and Alternate at the address, as it appears on the records of the Council, at least (7) days prior to that meeting, or earlier, if required by law. The notice shall include the date, time, place, subject of the meeting and the agenda. Business transacted at all special meetings shall be confined to the subject stated in the notice.
- (f) All official meetings of the Council shall be open to the public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes.
- (g) A quorum at any meeting shall consist of a majority of the Appointed Representatives (including Alternates for Appointed Representatives when an Alternate or Alternates are serving) on the Council. A quorum shall be required for the conduct of all official business. When a quorum has been determined to be present, a majority of those present and voting may take action in all matters presented at the meeting.

Proxy voting is prohibited; however, it is understood that the vote of an Alternate is not to be considered a proxy.

- (h) The Secretary-Treasurer or his nominee, in accord with Florida's Public Records Law, Chapter 119, Florida Statutes, shall keep minutes of each meeting and distribute a copy thereof to each member government.

9. Finances.

- (a) The work year and fiscal year of the Council shall be the twelve (12) months beginning the first day of October and ending on the thirtieth day of September.
- (b) On or before the regular July Council meeting of each year, the Council shall adopt an annual budget and certify a copy thereof to the Clerk or authorized recipient of the Governing Body of each Principal Member Unit. Each Principal Member Unit shall contribute such cash amount per capita on the total population of its county as is required together with other fees, revenues and charges received by the Council, in such fiscal year, to make the annual budget. The population base for calculating such pro rata Contribution shall be the most current reported for each county in accordance with the annual estimate of population prepared by the Bureau of Economic and Business Research at the University of Florida or any successor bureau or agency thereto designated by the State of Florida.
- (c) Contributions shall be paid in full no later than November 1.
- (d) Each Principal Member Unit who does not remit the assessed amount by November 1 shall lose all voting privileges; both for representatives from the Principal Member Unit and other appointees from the same county (except the governor's appointees), until payment is made.
- (e) The following persons are designated to sign all checks issued by the Council: (1) the Chairman; (2) the Vice-Chairman; (3) the Secretary-Treasurer; (4) the Executive Director of the Council; and (5) a Council member designated by Council from the county in which the Council offices are located. All checks shall be co-signed by two (2) of the above designated persons.
- (f) The budget and such other changes, amendments or supplements as may be necessary to conduct the fiscal affairs of the Council may be amended from time to time by action of the Council; provided, however, that the budget may not be amended to increase the annual per capita Contribution by the Principal Member Units without the consent of the governing bodies of each of the Principal Member Units.
- (g) The purchase of any single item of either equipment or goods which will required the expenditure of more than five thousand dollars (\$5,000) must be approved by the Council.

10. Powers.

The Council shall have all powers granted herein including:

- (a) The powers granted to regional planning councils and regional planning agencies by Chapter 186, Florida Statutes, and other applicable federal, state and local laws as now existing and/or as from time to time amended, and pursuant to Section 163.01, Florida Statutes, the additional powers set forth herein.

- (b) To adopt rules of procedure for the regulation of its affairs and the conduct of its business, and to appoint from among its members a chairman to serve annually, provided that such chairman may be subject to reelection.
- (c) To adopt an official seal utilizing the name of the Council.
- (d) To maintain an office at such place or places within the comprehensive planning district as it may designate.
- (e) To employ and to compensate such personnel, consultants, and technical and professional assistants, as it shall deem necessary to exercise the powers and perform the duties set forth in this agreement.
- (f) To make and enter all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers.
- (g) To hold public hearings and sponsor public forums in any part of the regional area whenever it deems necessary or useful in the execution of its other functions.
- (h) To sue and be sued in its own name.
- (i) To accept and receive, for public purposes, funds, grants and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal or local government; from other public or quasi public entities, and from private or civic sources.
- (j) To receive and expend such sums of money as shall be from time to time appropriated for its use by any county or municipality where approved by the Council and to act as an agency to receive and to expend federal funds for planning and other public purposes.
- (k) To act in advisory capacity to the constituent local governments in regional, metropolitan, county and municipal planning matters.
- (l) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning disaster preparedness and emergency management.
- (m) To fix and collect membership fees, and service charges and fees for planning review and other services provided by Council.
- (n) To acquire, own, hold in custody, operate, maintain, lease or sell real or personal property.
- (o) To incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of any parties to this agreement.
- (p) To accept gifts, grants, assistance, funds, or bequests.
- (q) To enter into agreements with respect to the receipt and expenditures of grants or other funds, including but not limited agreements as to revolving and other loan funds, and to exercise such powers as shall be necessary or appropriate to implement such grants or other funding, which shall include (but not be limited to) the power to hold and manage such funds, to enter into loan agreements or other agreements relating thereto and to enforce and collect loan payments thereunder, and to lend and re-lend such funds for the public purposes to be accomplished with such grant or other funding.
- (r) To conduct studies of the region's resources.

- (s) To participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.
- (t) To conduct planning charettes within and outside the region.
- (u) To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.

11 Staff.

- (a) The Council shall employ and set the compensation of an Executive Director, who shall serve at the pleasure of the Council. The Council shall engage or employ and set the compensation of the general counsel, who shall serve at the pleasure of the Council.
- (b) The Executive Director shall employ and discharge other professional, technical, or clerical staff as may be necessary to carry out the purposes of the Council. The Executive Director, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants.
- (c) The Executive Director shall be responsible to the officers and the Council for supervising and administering the work program of the Council, including preparation of a proposed annual budget, and supervising the professional, clerical and technical employees of the Council.
- (d) The Executive Director shall act as Assistant to the Secretary-Treasurer of the Council and shall, at the direction of the Secretary-Treasurer prepare minutes of each meeting and be responsible for distributing copies to members of the Council, and shall perform such other duties and responsibilities as directed by the Council.

12. Committees.

- a. The Chairman shall establish and maintain such Committees as deemed necessary to carry out the purposes and objectives of the Council. Committees shall be created or discontinued by the Chairman subject to approval of the Council.

There shall be a minimum of two standing committees, and the membership of each shall have at least one representative from each county in the region. The two standing committees shall be:

- (1) Budget/Finance Committee; and
- (2) Personnel Committee.

All Committees and Chairmen thereof shall be appointed by the Council Chairman with the approval of a majority of the Council, except that, between regular meetings of the Council when the need arises the Chairman alone (without any additional authorization other than this provision) may fill vacancies, and/or appoint temporary committee members or chairmen thereof. Any person so appointed by the Chairman between regular meetings of Council, shall have full and complete authority to vote and carry out the duties of regular committee members until the next regular meeting of the Council or such shorter period of time, as the Chairman shall determine. The authority of the person appointed by the Chairman between regular meetings of the Council may not extend past the next regular meeting unless confirmed by a majority of the Council. If majority of Council does not confirm the person appointed for future service on the committee,

this shall in no way affect the validity of the actions taken by such person during the period between regular meetings of the Council.

13. Immunity.

All of the privileges and immunities from liability and exemptions from laws, ordinances and rules which apply to the activities of Local General Purpose Governments or the officials, officers, agents or employees of Local General Purpose Governments shall apply to the Council and officials, officers, agents or employees of the Council when performing their respective functions and duties under the provisions of this Agreement.

14. Limited Liability.

No member shall in any manner be obligated to pay any debts, obligations or liabilities arising as a result of any actions of the Council (except the Principal Member Unit's share of the annual budget), or arising as a result of any actions of any representatives of the Council, its agents, employees, officers or officials. Neither the Council or its agents, employees, officers or officials shall have any authority or power to otherwise obligate the members in any manner.

15. Severability.

If any provision of this agreement or the application of such provisions to any person or circumstance shall be invalid, such invalidity shall not affect other provisions or applications of this agreement which can be given effect without the invalid provisions or applications, and to this end the provisions of this agreement are declared severable.

16. Signatories.

It is expressly understood and agreed that the terms and conditions of this agreement shall be not become effective until approved by the Board's of County Commission of Palm Beach County, Martin County, St. Lucie County and Indian River County.

IN THE WITNESS WHEREOF, the parties have officially adopted and caused this amended and restated agreement to be executed and their signature to be affixed by their respective Chairman as of the day and year first above written.

ATTEST:

Marsha Ewing by [Signature]
Marsha Ewing, Clerk

Sharon R. Bock, Clerk & Comptroller
Palm Beach County, Florida
By [Signature]
Deputy Clerk, Florida

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

[Signature]
Chairman Tony Maslotti

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ST. LUCIE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

[Signature]
Chairman

INDIAN RIVER COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

[Signature]
Chairman

MARTIN COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

[Signature]
Lee Weberman, Chairman

APPROVED AS TO FORM & CORRECTNESS:

[Signature]
Stephen Fry, County Attorney

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

[Signature]
COUNTY ATTORNEY

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY [Signature]
WILLIAM G. COLLINS II
COUNTY ATTORNEY

STATE OF FLORIDA
INDIAN RIVER COUNTY
THIS IS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE.
J.K. BARTON, CLERK



BY [Signature]
DEPUTY CLERK
DATE 3-29-2006

**RULES
of the
WEST FLORIDA REGIONAL PLANNING COUNCIL**

1.001 – NAME. The official name of the agency shall be the West Florida Regional Planning Council, reorganized as of January 1, 1987, under Chapter 186, Florida Statutes.

1.002 – PURPOSE. The Council shall function as the official regional planning council as defined in Chapter 186 of the Florida Statutes, and as the regional planning agency as defined in Chapters 23, 163, and 380, Florida Statutes. The Council shall exercise the powers, duties, and function for conducting planning, review and assistance responsibilities, activities and functions enumerated by the legislature and declarations of Chapters 186 and 380 of the Florida Statutes, and other applicable federal, state and local laws.

1.003 – COUNCIL MEMBERSHIP AND APPOINTMENTS, TERM OF OFFICE,
VACANCIES.

(1) Membership and Appointments

- (a) Escambia, Okaloosa and Bay Counties shall each have two voting representatives on the Council appointed by their respective Board of County Commissioners. The voting representatives shall be elected officials selected from the individual counties. The Cities of Pensacola, Fort Walton Beach, and Panama City shall each have one voting representative on the Council appointed by their respective City Council or Commission. The voting representatives shall be elected officials selected from the individual cities.
- (b) Santa Rosa, Walton, Washington and Holmes Counties shall each have one voting representative on the Council appointed by his or her respective Board of County Commissioners. The voting representatives shall be elected officials selected from the individual counties. The principal city within each of the four counties shall be entitled to one voting representative on the Council appointed by his or her respective City Council. The voting representative shall be an elected official selected from the individual cities.

- (c) Two-thirds of the representatives serving as voting members on the Council shall be elected officials appointed by the cities and counties. The Governor appoints the remaining one-third of the voting members on the Council.
 - (d) In addition to the membership previously specified, any municipality within the jurisdictional boundary of the Council, may be admitted, by a majority vote of the Council, to membership on the Council. Such membership shall be considered on the basis of a municipality's uniqueness and special characteristics. Each municipality so admitted to membership shall have one voting representative on the Council appointed by the respective City Council or Commission. The voting representative shall be an elected official.
 - (e) The Cities of Destin, Callaway, Lynn Haven, Milton, DeFuniak Springs, and Crestview shall have one voting representative on the Council. The voting representative shall be an elected official selected by the City Council.
- (2) Term of Office. Council members shall serve at the pleasure of the appointing authority.
 - (3) Vacancies. Any vacancy shall be filled for the unexpired term in the same manner as the initial appointment.

1.004 – COUNCIL.

- (1) There shall be a Council composed of all voting representatives who have been appointed by local governments and the governor. The Council shall meet monthly unless there is no business to be conducted and the Chairman cancels the meeting. Special meetings of the Council may be called for any appropriate purpose by the Chairman of the Council when a meeting is necessary to conduct business, or when he is requested to do so by at least five Council members. Notice of all Council meetings shall be sent to each member at least 7 days prior to the meeting. The notice shall state the time and place of the meeting and the business to be transacted. Business transacted at a special meeting shall be confined to the subject stated in the notice. All meetings of the Council shall be open to the public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes.
- (2) A quorum at any meeting shall consist of not less than five members including either the Chairman or Vice Chairman and four (4) Council members. When a quorum has been

determined to be present, a majority of those present and voting may take action in all matters presented at the meeting except Council purchases exceeding \$10,000. For consideration of purchases exceeding \$10,000, forty percent of the appointed representatives of the Council shall constitute a quorum. Proxy voting is prohibited. Voting shall be by voice but a member may have his vote recorded in the minutes if he so desires. The Council shall keep minutes of its proceedings and shall keep records of its official actions, all of which shall be filed in the office of the Council and shall be public record.

1.005 – OFFICES, DUTIES, TERM OF OFFICE. The officers of the Council shall be the Chairman and Vice Chairman. The duties and responsibilities usually assigned to a Secretary-Treasurer will be assumed by the Council's Executive Director. The duties of the Chairman and Vice Chairman shall be as follows:

- (1) The Chairman shall preside at meetings of the Council. He shall sign, as authorized by the Council, any contracts or other instruments, which the Council deems to be in its best interest. He shall perform such other duties of the office as may be prescribed by the Council;
- (2) The Vice Chairman shall assist the Chairman in the performance of his duties, and either in the absence of the Chairman or in the event of the Chairman's inability or refusal to act, shall perform the duties of the Chairman.

The term of office shall be for 1 year or until re-elected or until a successor is selected. New officers shall assume the duties of office upon adjournment of the meeting at which they are elected. Vacancies in the office shall be filled by majority vote of the Council for the remainder of the unexpired term.

1.006 – POWERS.

The Council has the following powers:

- (1) To exercise the powers granted by Chapters 23, 186, and 380 of the Florida Statutes;
- (2) To conduct studies of the region's resources with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, human resources, natural resources, government, and any other matters which are relevant to regional planning;

- (3) To adopt rules of procedures and by-laws, to regulate its affairs and conduct its business;
- (4) To adopt an official seal;
- (5) To maintain office space at such places within the region as may from time to time be required in performance of its duties;
- (6) To employ and set compensation of the Executive Director, who shall employ and discharge professional, technical or clerical staff as may be necessary to carry out the purposes of the Council;
- (7) To authorize compensation for members of the Council for per diem, travel, and other reasonable expenses for meetings, hearings and other official business;
- (8) To hold public hearings, sponsor public forums, and conduct other activities whenever deemed necessary or useful in the execution of the functions of the Council;
- (9) To acquire, own, operate, maintain, lease or sell real or personal property and hold title thereto in the name of the Council;
- (10) To fix and determine in accordance with applicable laws by resolution, rules and regulations relating to advertisement for bids, manner of bidding and amount below which same will not be required;
- (11) To sue and be sued, implead and be impleaded, complain and defend, intervene and appeal, before all courts and administrative agencies;
- (12) To accept gifts, apply for and use grants, assistance funds and bequests of money and other property from the United States, the state, local units of government, and any person for any Council purpose and to enter into agreements required in connection therewith, and to hold, use, and dispose of such monies or property in accordance with the terms of the gift, grant, loan or agreement relating thereto;
- (13) To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary or incidental to the performance of its duties and the exercise of its powers;

- (14) To prescribe all terms and conditions for the employment of officers, employees, and agents including, but not limited to the fixing of pay and classification plans, benefits, and the filing of performance and fidelity bonds and such policies of insurance covering itself and employees as it may deem advisable;
- (15) To participate with other government agencies, educational institutions, and private organizations in the coordination of the activities above;
- (16) To determine and collect charges or fees for the provision of assistance for special services and for reviews and referrals;
- (17) To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities;
- (18) To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the region and which the Council finds feasible to perform.

1.007 – BUDGET AND FINANCE.

- (1) The Council shall prepare and approve an annual budget request, which shall be submitted to the participating governmental units no later than the last day of May of each year. The cost of the Council to participating governmental units shall be a base fee plus a per capita calculation.
- (2) Appropriations. The Council shall include, with the budget, a request that monies approved for the Council be paid on or about October 1, or as otherwise requested. A local government that does not remit the assessed amount by December 1 shall lose all voting privileges and will no longer be a member.
- (3) Financial Statements. A monthly financial statement accounting for all Council funds shall be made to the Council.
- (4) Depositories. The Council shall deposit all funds in local depositories. Designation of such depositories shall be the responsibility of the Executive Director of the Council. The Council may maintain checking and savings accounts and both shall be in the name

of the Council. Monies in excess of what would be required to fund the Council's operations for 1 month may be deposited in a savings account.

- (5) Required Signatures. All checks or withdrawals of funds deposited in the Council's accounts shall require two signatures. Those authorized to sign checks or withdraw funds shall be the Executive Director, the Finance Director, and other Department Directors or Senior Planners as designated by the Executive Director.
- (6) Fidelity Bonds. A public official position schedule Fidelity Bond shall be obtained to cover the positions of the Executive Director, the Finance Director, Department Directors, and finance staff. The amount of bond shall not be less than \$100,000.00.
- (7) Mail. The Council shall have a post office box, and only the Executive Director and his/her designees shall have a key to the box. The Executive Director shall be responsible for all mail.
- (8) Deposits. The Finance Director or their designee shall be responsible for the preparation of deposit. Deposits shall not be made by any person other than the Executive Director, Finance Director or their designee.
- (9) Receipts. Receipts shall be issued for all funds received by the Council. A record of all receipts shall be kept by the Executive Director or his/her designee.
- (10) Purchasing of Material and Supplies.
 - (a) The purchasing of material and supplies for the Council shall be the responsibility of the Executive Director. Items in excess of \$10,000.00 shall be on a bid basis. Items in excess of \$10,000.00 shall be approved by the Council.
 - (b) Upon receipt of materials and supplies, the individual who accepts the order shall sign for it. Before payment is made, the Executive Director or other Department Director shall sign the bill.
- (11) Accounting. It shall be the responsibility of the Executive Director to maintain a double-entry set of books for the Council. An annual audit shall be conducted by a firm employed by the Council.

1.008 – COMMITTEES. An Executive Committee is created for the purpose of reviewing issues of importance and making recommendations for Council consideration.

The Committee shall consist of five members to include the Chairman and Vice Chairman in addition to one Council member representing a member County, one Council member representing a member City and a Governor appointee. These members should be from local governments that are not represented by the Chairman and Vice Chairman. In subsequent years, the composition of the committee shall consist of the immediate past chairman. A Governor appointee serving from the Florida School Board Association may serve as the Governor appointee on this committee. Changes in executive committee composition shall coincide with the election of Council officers.

The Committee will meet as necessary prior to the regular monthly Council meeting. The Chairman may schedule special Executive Committee meetings for any appropriate purpose. A quorum shall be three (3) Committee members to include the Chairman or Vice Chairman.

1.009 – PROCEDURE. Unless otherwise provided for herein, Roberts' Rules of Order as revised shall rule.

1.010 – DISCLOSURE. All voting members of the Council shall comply with the provisions of Chapter 112, Part III, Florida Statutes, relating to Standards of Conduct for Public Officials and Employees.

1.011 – AMENDMENTS. These rules may be amended by a majority vote of the Council provided the notice of proposed changes shall contain a full statement of the proposed amendments. The proposed amendments shall be placed on the next regularly scheduled meeting following the presentation. Proposed amendments shall be sent to all Council members at least 7 days prior to the meeting at which time a vote shall be held.

1.012 – WITHDRAWAL OR DISSOLUTION.

(1) Any party hereto or governmental unit may withdraw its membership by resolution duly adopted by its governing body and upon written notice of withdrawal to the chairman of the Council. Contractual obligations of the withdrawing member shall continue until such obligation has been satisfactorily terminated. All property, real or personal, of the Council on the effective

date of withdrawal shall remain the property of the Council and the withdrawing member unit shall have no right thereto.

(2) In the event there is a complete termination of this agreement, which would involve the disposition of the property of the Council, such property shall be liquidated and each unit of local government who were members of the Council within the preceding 5 years shall be entitled to a share of the proceeds proportionate to their contribution during those 5 years.

(3) This agreement may be terminated at any time by resolution duly adopted by the governing body of each and every principal member unit.

1.013 – INFORMATION INQUIRIES. The principal office of the West Florida Regional Planning Council is located at 4081 East Olive Road, Suite A, Pensacola, Florida 32514. The office hours shall be set by the Executive Director with the approval of the Council. All official forms, publications, and documents of the West Florida Regional Planning Council are available for public inspection at the Council's principal office during regular business hours. Persons wishing photocopies may receive same at the prevailing cost per sheet.

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is made pursuant to the authority of section 163.01, *Florida Statutes* (2014), among THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA; THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA; THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA; THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY, FLORIDA; THE BOARD OF COUNTY COMMISSIONERS OF SANTA ROSA COUNTY, FLORIDA; THE BOARD OF COUNTY COMMISSIONERS OF WALTON COUNTY, FLORIDA; THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, FLORIDA (the Counties that are parties to this Interlocal Agreement, together with all other local governmental bodies that hereafter join in this Agreement, are referred to herein as "**Constituents**"); and **WEST FLORIDA REGIONAL PLANNING COUNCIL** (referred to herein as "**RPC**").

1. Section 163.01, *Florida Statutes* (2014), permits local governmental units to make efficient use of their powers by enabling them to enter into Interlocal Agreements to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

2. The Constituents hereby engage RPC to serve the Constituents in an advisory capacity to provide area-wide coordination and related cooperative activities of federal, state and local government and to serve as a broad-based regional organization that can provide a truly regional perspective, enhancing the ability and opportunity for local governments to resolve issues and problems transcending jurisdictional boundaries.

3. POWERS AND AUTHORITY

3.1 RPC is granted the power and authority:

- a. in its own name to make and enter into contracts;
- b. to employ agencies or employees;
- c. to acquire, hold, or dispose of property;
- d. to incur debts, liabilities, or obligations which do not constitute the debts, liabilities, or obligations of any of the Constituents; AND
- e. to employ staff and purchase, lease, or otherwise provide for supplies, material, equipment and facilities for its operations.

3.2 RPC does not possess the power or authority to levy any type of tax within the boundaries of any governmental unit participating in the Interlocal Agreement, to issue any type of bond in its own name, or in any way to obligate financially a Constituent.

3.3 No Constituent shall in any manner be obligated to pay any debts, obligations or liabilities arising as a result of any actions of RPC, its representatives or any other agents, employees, officers or officials of RPC.

3.4 All of the privileges and immunities from liability; exemptions from laws, ordinances, and rules; and pensions and relief, disability, workers' compensation, and other benefits which apply to the activity of officers, agents, or employees of any public agency or employees of any public agency when performing their respective functions within the territorial limits for their respective agencies shall apply to the same degree and extent to RPC's officers, agents and employees and to the performance of the functions and duties of RPC's officers, agents, or employees under this Interlocal Agreement.

3.5 All of the privileges and immunities from liability and exemptions from laws, ordinances, and rules which apply to the municipalities and counties of this state apply to the same degree and extent to RPC.

3.6 This Interlocal Agreement does not authorize any of the Constituents to delegate the constitutional or statutory duties of its officers.

4. GOVERNANCE OF RPC

4.1 Each of the Constituents, by joining in this Agreement, becomes a member of RPC.

4.2 RPC will be governed by a board of directors; all of RPC's powers shall be exercised by or under the authority of, and the business and affairs of RPC shall be managed under the direction of, RPC's board of directors.

4.3 Each of the Constituents may by resolution of its governing body appoint a member of its governing body to be a member of RPC's board of directors. However, each county having a population greater than 149,999 shall be entitled to appoint an additional representative, so that each county having a population greater than 149,999 is entitled to have two representatives on RPC's Board of Directors.

4.4 RPC's board of directors has the power and authority (a) to adopt bylaws to govern RPC's operations and (b) to hire an executive director to serve as RPC's chief executive officer or chief operating officer.

4.5 On or before May 31 of each year, RPC's board of directors shall adopt an annual budget and work program and send the same to each Constituent. Each Constituent

shall contribute such proportionate cash amounts as determined by RPC's board of directors, and approved by the Constituent's governing body.

4.6 RPC shall make an annual public report of its activities to each of the Constituents and shall have its accounts audited annually.

4.7 If a Constituent ("**a Delinquent**") fails to timely pay its required contribution to RPC in accordance with RPC's duly adopted bylaws, rules and resolutions:

(a) the Delinquent remains a member of RPC but the Delinquent's representative on RPC's board of directors shall lose all voting privileges until full payment is made.

(b) However, notwithstanding paragraph 4.7(a), RPC's board of directors may by vote of a majority of directors constituting a quorum, involuntarily terminate the Delinquent's membership in RPC and remove the Delinquent's member of RPC's board of directors, effective as of the date stated in such resolution of the board of directors.

5. TERMINATION

5.1 Any Constituent may voluntarily terminate its rights and obligations under this Interlocal Agreement by resolution duly adopted by its governing body, and upon giving written notice of such termination to (i) RPC and (ii) the Chairman or chief elected official of the governing body of each Constituent. Any such termination will have no effect on the rights and obligations under this Agreement of the remaining Constituents and such termination shall only be effective as of the next September 30, with all funding and contractual obligations of the terminating Constituent continuing until that date. A terminating Constituent shall have no claim to the assets of RPC.

5.2 This Interlocal Agreement may be terminated in its entirety by resolution duly adopted by the governing bodies of all Constituents. In that event, the effective termination date shall be the later of (i) the date specified in the resolution or (ii) the date of completion of RPC's then-existing contractual obligations.

5.3 In the event there is a complete termination of this Agreement, RPC's property shall be liquidated and the proceeds will be disbursed as follows:

(a) First, to satisfy RPC's debts, liabilities, and financial obligations, including the non-Federal matching contribution required to match any approved Federal or State grant unless and to the extent that RPC's participation in the program may be canceled or terminated early;

(b) Second, each Constituent then in good standing shall be entitled to a share of the remaining proceeds equal to the Constituent's total historical contributions to RPC divided by the total historical contributions to RPC of all Constituents then in good standing.

IN WITNESS WHEREOF, the undersigned parties have executed this Interlocal Agreement on behalf of the referenced legal entities and hereby establish the RPC.

AMENDED AND RESTATED
INTERLOCAL AGREEMENT
CREATING
THE
NORTHEAST FLORIDA REGIONAL COUNCIL
EFFECTIVE July, 2003

AMENDED AND RESTATED
INTERLOCAL AGREEMENT
CREATING THE NORTHEAST FLORIDA
REGIONAL COUNCIL

THIS AMENDED AND RESTATED AGREEMENT, made and entered into this 30th day of April 2003,
pursuant to authority of Section 163.01, Florida Statutes, by and between:

BAKER COUNTY

CLAY COUNTY

DUVAL COUNTY

FLAGLER COUNTY

NASSAU COUNTY

PUTNAM COUNTY

and

ST. JOHNS COUNTY

WITNESSETH:

WHEREAS, The Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes,
permits local government units to make the most efficient use of their powers by enabling them to
cooperate with other localities on the basis of mutual advantage; and

WHEREAS, this Agreement amends, ratifies, confirms and restates the Interlocal Agreement
entered on February 14, 1977, by and among the parties to this agreement pursuant to which the Northeast
Florida Regional Council was originally created; and

WHEREAS, the Florida Regional Planning Council Act, Section Chapter 186.501, Florida Statutes, mandates the creation of a Regional Planning Council in each of the several comprehensive planning districts of the state; and,

WHEREAS, the Executive Office of the Governor has designated that Comprehensive Planning District IV shall be comprised of the counties of Baker, Clay, Duval, Flagler, Nassau Putnam, and St. Johns; and

WHEREAS, the declared purpose of the Florida Regional Planning Council Act is to establish a common system of regional planning councils for areawide coordination and related cooperative activities of federal, state and local governments and ensure a broad-based regional organization that can provide a truly regional perspective enhancing the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries; and

WHEREAS, it is the desire of the parties hereto to establish a regional planning council to serve in an advisory capacity to the constituent local governments in regional, metropolitan, county and municipal planning matters; and

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantage in conducting the comprehensive regional planning process for the area within this comprehensive planning region; and,

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II Florida Statutes assigns to regional planning agencies the responsibility to determine the relationship and effect of a local government's plan or element thereof to or on the strategic regional policy plan and extra jurisdictional impacts; and,

WHEREAS, the Environmental Land and Water Management Act, Chapter 380, Florida Statutes, assigns to regional planning agencies the duty to study, review and make recommendations concerning areas of critical state concern , Florida quality developments, and developments of regional impact; and,

WHEREAS, Governor's Executive Orders 83-150 and 95-359 and Presidential Executive Order 82-12372, designates the comprehensive regional planning agencies as areawide clearinghouses responsible for review and coordination regarding certain Federal programs; and,

WHEREAS, Regional Planning Councils are statutorily assigned various responsibilities in Chapter 163, 186, 240, 260, 282, 288, 339, 373, 380, 403, 419, 420, 427, and 985, Florida Statutes and other applicable federal, state and local laws.

NOW, THEREFORE, for and in consideration of mutual promises, covenants, benefits to accrue from conduct of a regional planning process, and agreements herein contained and set forth, the member governments to hereby establish, pursuant to the authority of Section 163.01 and Section 186.501, Florida Statutes, the NORTHEAST FLORIDA REGIONAL COUNCIL located in Comprehensive Planning District IV consisting of the counties Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns, hereinafter referred to as the COUNCIL, a separate legal entity, and do further delegate such powers as are specified herein and agree as follows:

1. Purpose.

The purposes of this agreement are:

- (a) To provide local governments with a means of exercising the rights, duties and powers of a regional planning council as defined in Chapter 186, Florida Statutes and other applicable federal, state and local laws.
- (b) To provide a means for conducting the regional planning process.
- (c) To provide regional coordination for local governments in the Northeast Florida region.
- (d) To act in an advisory capacity to exchange, interchange, and review the various programs referred to it which are of regional concern.
- (e) To promote communication among local governments in the region and the identification and resolution of common regional-scale problems.
- (f) To cooperate with Federal, State, local, and non-governmental agencies and citizens to insure the orderly and harmonious coordination of Federal, State, and local planning and development programs in order to insure the orderly, and balanced growth and development of this region, consistent with protection of the natural

- resources and environment of the region, and to promote safety, welfare and to enhance the quality of life of the residents of the region.
- (g) To encourage and promote communications between neighboring regional planning districts in attempt to insure compatibility in development and long-range planning goals.
- (h) To establish an organization that will promote areawide coordination and related cooperative activities of federal, state and local governments ensuring a broad based-regional organization that can provide a truly regional perspective and enhance that ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.
- (i) To establish an organization to review Developments of Regional Impact, Florida Quality Developments and other developments defined in Chapter 380, Florida Statutes, which will collect review fees and make recommendations to the local government(s) of jurisdiction for application approval/disapproval in order to insure that quality development within the region is consistent with adopted Strategic Regional Policy Plan and Local Government Comprehensive Plans.
- (j) To establish an organization to carry out the duties, functions and activities that are to the mutual advantage of one or more of the local government units within Comprehensive

Planning District IV. 2. Definitions.

- (a) Appointed Representative – policy board member of the Council.
- (b) Comprehensive Planning Districts – the geographic areas within the state specified by the Executive Office of the Governor.
- (c) Strategic Regional Policy Plan –a plan containing goals and policies that address, at a minimum, affordable housing, economic development, emergency preparedness, natural resources of regional significance and regional transportation.
- (d) Contribution – any monies received by the Council from a member government or otherwise.
- (e) Council – the NORTHEAST FLORIDA REGIONAL COUNCIL.

- (f) Elected Official – a member of the governing body of municipality or county or a county elected official chosen by the governing body.
- (g) Federal or Federal Government – the government of the United States or any department, commission, agency, or other instrumentalities thereof.
- (h) Governing body – the Board of County Commissioners or City /Town Council/Commission of any member government.
- (i) Local General purpose government – any municipality or county created pursuant to the authority granted under ss. 1 and 2, Article VIII of the State Constitution.
- (j) Member Government – any county within the Northeast Florida Comprehensive Planning District IV which is a signatory to this interlocal agreement.
- (k) Participating Member Unit – any incorporated municipality located within a member government.
- (l) Actual cost – for the purpose of project review actual cost shall be calculated on the basis of reasonably anticipated expenses related to a project review and monitoring, shall include but not be limited to, the cost of staff and other associated direct and indirect costs.
- (m) Development of Regional Impact – A development is defined to be a development of regional impact based upon the criteria in Chapter 380, Florida Statutes and Chapter 28-24, Florida Administrative Code.

3. Effective Date, Duration, Amendment, Withdrawal, and Termination.

- (a) The effective creation date of the COUNCIL is February 14, 1977.
- (b) This agreement shall continue in effect until terminated as provided in Section 3.e.
- (c) Any amendments to this agreement shall be in writing and set forth an effective date. To put into effect any amendment, each member government shall adopt by a majority vote of its governing body a resolution authorizing its chairman or chief elected official to execute the amendment.
- (d) Notwithstanding the provisions of Chapter 186, Florida Statutes, any member government hereto may withdraw its membership by resolution duly adopted by its

governing body, and upon giving written notice of withdrawal to the Council and the Chairman or chief elected official of the governing body of each member government, without the effect of terminating this agreement. The withdrawal shall only be effective at the fiscal year (September 30), with all funding and contractual obligations of the withdrawing member government continuing until that date. All property, real or personal, of the COUNCIL on the effective date of such withdrawal shall remain the property of the COUNCIL and the withdrawing member governments shall have no rights thereto.

- (e) This agreement may be terminated by resolution duly adopted by the governing body of all member governments. The effective termination date shall be after the date of said resolution unless contractual obligation would require a later termination date.
- (f) In the event there is a complete termination of this agreement, as provided for in Section 3.e., which would involve the disposition of the property of the COUNCIL, such property shall be liquidated and each member government shall be entitled to a share of the proceeds bearing the same ratio as the contribution of that member government. Said proceeds from the liquidation of the property of the Council shall be applied to satisfy debts, liabilities and financial obligations of the Council prior to any distribution to the members.
- (g) Further, in the case of a complete termination of this agreement, the non-Federal matching contribution required to match any approved Federal or State grant shall be submitted to the appropriate agency. However, the preceding notwithstanding, if the program may be canceled or terminated early, then it shall be distributed and any excess matching funds contributed by the COUNCIL shall be distributed, to each member government.

4. Membership, Voting and Term.

- (a) Each member government shall have four (4) appointed representatives of which at least three (3) shall be locally appointed representatives, including, two (2) of which shall be elected representatives of the governing body of each of the member governments; however, each member government shall have the option of appointing a person who resided within the boundaries of the member government to represent one of the positions who is not an elected representative of the governing body of that member government nor compensated by that governing body; one (1) of which shall be an elected municipal representative of a participating member unit from each member government; however, each municipality which is represented shall have the option of recommending a person who resides within the boundaries of the municipality to represent them who is not an elected municipal representative. No less than one (1) additional representative from each member government who shall be a gubernatorial appointee, pursuant to Section 186.504 Florida Statutes. The total number of appointed representatives of the COUNCIL shall be thirty-one (31) inclusive of the ten-(10) gubernatorial appointees.
- (b) Municipal representatives from the participating member units shall be appointed by the governing body of the member government. The municipal representative shall be appointed from among the recommendations provided by the governing bodies of each municipality making such recommendation. In any event, the appointment of municipal representative from each member government shall be at the sole discretion of the governing body of member government.
- (c) The Governor of the State of Florida shall appoint a maximum of ten (10) voting members. Each member government in the region shall have at least one (1) representative appointed by the Governor.
- (d) The Governor of the State of Florida shall designate ex-officio non-voting members representing the Florida Department of Transportation, Florida Department of Environmental Protection, the St. Johns River Water Management District and Enterprise Florida, Inc.

- (e) The names of all the appointed representatives shall be recorded in the COUNCIL minutes.
- (f) For the conducting of all business, each appointed representative shall have an equal vote which shall be one (1) vote for each appointed representative. In those instances where the COUNCIL may have under consideration a matter which will impact only one member government and a vote of the COUNCIL on this matter is needed or required, then a weighted vote may be taken on the question according to the following procedure:
 - 1. Weighted Vote Procedure – a weighted vote may be invoked when the majority of the representatives of two (2) or more member governments request the same before a vote on the subject question is called. When weighted vote has been called for, then the procedure for voting shall be as follows:

Each representative shall have one vote except that the county which is solely impacted by the subject under consideration shall have an additional four (4) votes per representative. The total votes available on a weighed vote question shall then equal forty-four (44) votes. A majority vote of these present and voting is needed to pass a weighed vote question. Once a vote on a weighed vote questions has been taken, then it may be set aside only by two-thirds (2/3) vote of the member governments wherein each representative of a member government shall cast one (1) vote only.
- (g) The basic term of office for appointed representatives of the COUNCIL shall be set by the respective appointing authority. All representatives shall serve until a replacement is appointed by the appropriate appointing authority.

5. Officers. The officers of the COUNCIL shall consist of:
- (a) A President, who shall be responsible for overseeing the working organization of the COUNCIL, for seeing that all policies of the COUNCIL are carried out, and for presiding over all COUNCIL meeting. The President or a designated representative shall be ex officio member of all subsidiary committees and boards.
 - (b) A Vice- President who shall preside in the chairman's absence or inability to act. The Vice President shall perform such other functions as the COUNCIL may from time to time assign.
 - (c) A Second Vice President, who shall preside in the chairman and vice-chairman's absence or inability to act. The Second Vice-President shall perform such functions as the COUNCIL may from time to time assign.
 - (d) A Secretary-Treasurer, who shall be responsible for minutes of the meeting, keeping the roll of members, the financial affairs of the COUNCIL and such other duties as may be assigned.

6. Meetings.
- (a) The annual election of officers shall be held during the September meeting in each year. The terms of officers shall commence with their installation at the October meeting.
 - (b) Regular meetings shall be held on the days and times established by the COUNCIL.
 - (c) Special meetings shall be called by the President either at his/her discretion or when she/he is requested by at least three (3) appointed representatives, none of which may be from the same member government; provided adequate notice shall be given to all appointed representatives stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting.
 - (d) The place and time of each meeting shall be determined by the membership prior to the adjournment of the previous meeting. In the absence of such determination, the time and place of the meeting(s) shall be determined by the chairman.

- (e) All meeting of the COUNCIL shall be open to the public.
- (f) The Secretary-Treasurer or his/her designee shall keep minutes of each meeting and distribute a copy thereof to each member government.

7. Finances.

- (a) The work year and fiscal year of the COUNCIL shall be twelve (12) months beginning the first day of October and ending the thirtieth day of September.
- (b) On or before July 15 of each year, the COUNCIL shall adopt an annual budget and certify a copy thereof to the Clerk or authorized recipient of the governing body of each member government. Each member government shall contribute such proportionate cash amounts as determined by the COUNCIL, and approved by its governing body.
- (c) Contributions for each fiscal year shall be payable in installments as provided by the rules of the COUNCIL.
- (d) Each member government who does not remit the contribution amounts in accordance with Rules of the COUNCIL shall lose all voting privileges until payment is made.

8. The COUNCIL shall have the right to receive and accept in furtherance of its function; gifts, grants, assistance funds, bequeaths, and services from Federal, State and local governments or their agencies and from private and community sources, and to expend there from such sums of money as shall be deemed necessary from time to time for the attainment of its objectives in accordance with all applicable laws. The COUNCIL shall have all powers granted herein including:

- (a) The powers granted to regional planning councils or regional planning agencies by Chapter 186, Florida Statutes, and other applicable federal, state and local laws as now existing and/or as from time to time amended.
- (b) To adopt rules of procedure for the regulation of its affairs and the conduct of its business, and to appoint from among its members a chairman to serve annually, provided that such President may be subject to reelection.

- (c) To adopt and official name and seal.
- (d) To maintain an office at such place or places within the comprehensive planning district as it may designate.
- (e) To employ and to compensate such personnel, consultants, and technical and professional assistants, as it shall deem necessary to exercise the powers and perform the duties set forth in this act.
- (f) To make and enter all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.
- (g) To hold public hearings and sponsor public forums in any part of the regional area whenever it deems necessary or useful in the execution of its other functions.
- (h) To sue and be sued in its own name.
- (i) To accept and receive, in furtherance of its functions, funds, grants and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal or local government; or from private or civic sources. The regional planning councils shall, no later than January 30 of each year, render an accounting of receipt and disbursement of all funds received by them to the Secretary of the Department of Community Affairs.
- (j) To receive and expend such sums of money as shall be from time to time appropriated for its use by any county or municipality where approved by the council and to act as an agency to receive and to expend federal funds for planning.
- (k) To act in advisory capacity to the constituent local governments in regional, metropolitan, county and municipal planning matters.
- (l) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning disaster preparedness.
- (m) To fix and collect membership fees, rents or fees where appropriate.
- (n) To acquire, own, hold in custody, operate, maintain, lease or sell real or personal property.

- (o) To incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of any parties to this agreement.

1. The Council may issue from time to time revenue notes to finance capital improvements. Such notes shall be issued upon such terms, containing such provisions, bearing interest at such lawful rate of rates including variable rates having maturity (not exceeding 31 years from the date issuance), and supported by such other documents, all as may be established by the Council.

Such revenue notes shall not be constitute "bonds" within the meaning of Article VII, Section 12 of the Constitution, which must be approved at an election of the qualified electors of the members. The revenue notes shall not constitute a general obligation of any of the members, the State of Florida or any public agency thereof, or alien upon any property owned by or situated within the territorial limits of any of the members, the State of Florida or any public agency thereof. The holders of the revenue note shall not have the right to require or compel any exercise of the taxing power of any of the members to pay principal of, redemption premium, if any, and interest on the revenue notes or to make any other payments provided for in connection therewith.

2. Debts, liabilities and obligations authorized by the signatories to this agreement, specifically include, but are not limited to, the undertaking of debt up to \$2,200,000 for the purpose of acquiring real and personal property for COUNCIL offices.

- (p) To dispose of any property acquired through the execution of interlocal agreement under Section 163.01, Florida Statute.
- (q) To accept gifts, grants, assistance, funds, or bequests.
- (r) To conduct studies of the region's resources.
- (s) To participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.

(t) To select and appoint such advisory bodies as the COUNCIL may find appropriate for the conduct of its activities.

9. Immunity

All of the privileges and immunities from liability and exemptions from laws, ordinance and rules which apply to the activity of the officials, officers, agents or employees of the members shall apply to the officials, officers, agents of employees of the Council when performing their respective functions and duties under the provisions of this Agreement.

10. Limited Liability

No member shall in any manner be obligated to pay any debts, obligations or liabilities arising as a result of any actions of the Council, the representatives of any other agents, employees, officers or officials of the Council to have any authority or power to otherwise obligate the members in any manner.

11. Severability.

If any provision of this agreement or the application of such provisions to any person or circumstance shall be invalid, such invalidity shall not affect other provisions or applications of this agreement which can be given effect without invalid provisions or applications, and to this end the provisions of this agreement are declared severable.

12. Signatories.

It is expressly understood that the terms and conditions of this agreement shall be effective between and among those parties signatory hereto; and that the validity, force and effect to their agreement shall not be affected by one or more of the parties named herein not joining in this agreement any other provisions of this agreement to the contrary notwithstanding.

IN THE WITNESS WHEREOF, the parties have officially adopted and caused this amended and restated agreement to be executed and their signature to be affixed by their respective Chairman or chief official as of the day and year first above written.

Execution of parties follows on next page.

Agenda Item

7d

Quorum Requirement

7d

7d

SWFRPC Resolution #2017-02

**A RESOLUTION TO CHANGE QUORUM REQUIREMENT OF SOUTHWEST FLORIDA
REGIONAL PLANNING COUNCIL**

Summary

This resolution is designed to amend the Bylaws and Interlocal Agreement of the Southwest Florida Regional Planning Council ("Council") to alter the requirements for establishing a quorum at Council meetings.

WHEREAS, the Bylaws and Interlocal Agreement of Council require a majority of voting members and presence of at least four of six counties;

WHEREAS, the existing threshold has resulted in difficulty establishing a quorum at some meetings;

WHEREAS, the majority of Florida Regional Planning Councils have established less onerous quorum requirements,

NOW, THEREFORE, BE IT RESOLVED that Council changes its quorum requirement to one-third of voting members and at least two of six counties are required to be present.

IMPLEMENTATION: This resolution, upon adoption by this Council, shall take effect immediately.

DULY ADOPTED by the Southwest Florida Regional Planning Council on the ____ day of _____, 2017.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Councilman James Burch, Chair

Margaret Wuerstle, Executive Director

--- Agenda --- Item

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USDA Home Repair
Community Outreach
Meeting Flyer

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The United States Department of Agriculture and Southwest Florida Regional Planning Council will be hosting a community outreach meeting to provide information on home repair grant and loans available to senior citizens and low-income homeowners through the USDA Section 504 Home Repair Program.

USDA Public Outreach Meetings:

Housing Repair Grants and Loans

Wednesday, May 31st

6:00 PM to 7:30 PM

Careersource Center

750 South 5th Street

Immokalee, FL 34142

Thursday, June 1st

6:00 PM to 7:30 PM

John Boy Senior Citizen Community Center

1200 S. WC Owens Avenue

Clewiston, FL 33440

Tuesday, June 6

6:00 PM to 7:30 PM

Dallas B. Townsend Agricultural Center

1085 Pratt Boulevard

LaBelle, FL 33935

Tuesday, June 13

6:00 PM to 7:30 PM

Doyle Connor Building

900 US-27

For More Information Contact Jason Stoltzfus:
239.938.1813 x241

What does this program do?

This program provides loans to very-low-income homeowners to repair, improve, or modernize their homes or provides grants to elderly very-low-income homeowners to remove health and safety hazards.

Who may apply for this program?

To qualify, you must:

- Be the homeowner and occupy the house
- Be unable to obtain affordable credit elsewhere
- Have a family income below 50 percent of the area median income
- For grants, be age 62 or older and not be able to repay a repair loan

How may funds be used?

- Loans may be used to repair, improve, or modernize homes or to remove health and safety hazards.
- Grants must be used to remove health and safety hazards.

How much money can I get?

- Maximum loan is \$20,000.
- Maximum grant is \$7,500.
- Loans and grants can be combined for up to \$27,500 in assistance.

What are the terms of the loan or grant?

- Loans can be repaid over 20 years
- Loan interest rate is fixed at 1%.

A USDA representative will provide an overview of the 504 Home Repair Program, answer questions, and provide information on the application process.



Big Issues...Real Solutions

*Building Prosperity, High Paying Jobs, Vibrant
Communities and Global Competitiveness*



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FRCA April 2017 Report

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MONTHLY ACTIVITY REPORT: April 2017

RESOURCE DEVELOPMENT/CAPACITY BUILDING and OUTREACH

- Organized and distributed the April 2017 Florida Regional Councils Association (FRCA) Newsletter; began collecting articles for the May 2017 Newsletter.
- Continue to work with the Florida Association of Counties (FAC) to further develop the email listserv for the more than 2,500 individuals who receive the FRCA Newsletter.
- To enhance partnerships and strengthen the relationship between regional planning councils and their state and federal partners, participated in or attended the following meetings and shared information:
 - Rural Economic Development Initiative
- Assisted the Florida Division of Emergency Management with updating the State Hazard Mitigation Plan regarding the role of regional planning councils in disaster recovery and mitigation.
- Assisted the Florida Office of Economic and Demographic Research and the U.S. Census Bureau on coordinating with regional planning councils, the Florida Association of Counties and the Florida League of Cities on the Local Update of Census Addresses.
- Supported the RPC Comprehensive Economic Development Strategy Update Committee with webinar and conference call held April 4th.
- Assisted EDA with coordinating a technical workshop to be held in Orlando on August 16, 2017.

ASSOCIATION MANAGEMENT

- Prepared for and participated in the April 13, 2017 Executive Directors Advisory Council (EDAC) held in Tallahassee.
- Continue to prepare for the June 2017 FRCA EDAC and Policy Board meetings including coordinating logistics with FAC staff, securing speakers, developing agendas and drafting meeting materials.
- Coordinated logistics with the Florida League of Cities staff for August FRCA EDAC and Partners meetings
- Coordinated with Florida Chamber Foundation staff for September EDAC and Partners meetings.
- Prepared quarterly report to the Department of Economic Opportunity on economic activities in each regional planning council area.
- Registered for the Florida American Planning Association Annual Conference
- Distributed legislative updates weekly.

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Staff Summaries

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Agenda Item

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Grant Activity Sheet
(Information Only)

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Status	Type	Funding Agency	Grant Name	Project Mgr.	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Date Contract Signed	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
App In Progress	Grant	EDA - Economic Development Administration	Public Works and Economic Adjustment Program	Jason Stoltzfus	Management of Promise Zone Initiative	N/A				\$ 187,200	\$ 131,040			Management and coordination of the Southwest Florida Promise Zone initiative.	\$56,160
App In Progress	Grant	EDA - Economic Development Administration	Economic Adjustment Program	Jason Stoltzfus	SWFL Enterprise Center Commerical Kitchen	N/A				1\$1.2M	\$ 20,000			Commercial Culinary Kitchen	
Pending	Grant	EPA - Environmental Protection Agency	Wetland Program Development Grants	Jim Beever	Expanding and Calibrating the ECOSERVE Method to the Wetlands of North Florida and Georgia	3/1/2017				\$ 233,013	\$ 173,013			Replicating the ECOSERVE Method in North Florida and Georgia	\$60,000
Pending	Grant	Florida Department of Environmental Protection	DEP 319 Grant	Margaret Wuerstle	Redwing Grove Taiwater Recovery/Water Recycling Pilot Project		4/4/2014			\$ 1,604,000.00	\$ 20,000.00				
Pending	Grant	USDA - US Dept. of Agriculture	Farmers Market and Local Food Promotion Program	Jason Stoltzfus	Clewiston Regional Farmers Market	5/12/2016	42502			\$ 100,000.00	\$ 100,000.00				
Pending	Grant	USDA - US Dept. of Agriculture	Farm to School Grant Program	Jason Stoltzfus	Opportunity Buy Program	12/8/2016	12/6/2016			\$ 128,856.00	\$ 88,696.00			Develop and coordinate an Opportunity Buy Program for Collier, Glades, and Hendry County school districts.	\$40,160
Awarded & Ongoing	Grant	EDA - Economic Development Administration	Economic Development Support for Planning Organizations	Margaret Wuerstle	2017-2019 EDA Planning Grant	N/A	12/1/2016	1/6/2017		\$ 300,000.00	\$ 210,000.00	1/1/2017	12/31/2019	CEDS Plan, Annual Reports, CEDS Working Committee	\$90,000
Awarded & Ongoing	Contract	DEP-Department of Environmental Protection	City of Cape Coral Climate Change Resiliency Strategy	Jim Beever	City of Cape Coral Climate Change Resiliency Strategy			8/25/2016	8/25/2016	\$30,000	\$15,600	10/1/2016	9/30/2017	The City of Cape Coral Climate Change Vulnerability Assessment and The City of Cape Coral Climate Change Resiliency Strategy (CCRS) Plan	\$15,000
Awarded & Ongoing	Grant	CTD - FL Commission for the Transportation Disadvantaged		Nichole Gwinnett	FY16-17 TD Planning Agreement		5/19/2016			\$60,349	\$60,349	10/1/2016	12/31/2017	TDSP Update, LCB, CTC Evaluation, Quarterly Reports, etc.	\$0
Awarded & Ongoing	Contract	Pelican Cove	N/A	Jim Beever	Pelican Cove Climate Adaptation Plan	N/A	8/30/2016		9/27/2016	\$20,000	\$20,000	N/A	N/A	1: Vulnerability Assessment; 2: Climate Adaptation Plan	\$0
Awarded & Ongoing	Grant	EPA - Environmental Protection Agency	Wetland Program Development Grants	Jim Beever	Wetland Mitigation Strategy	4/30/2016	4/28/2016	6/15/2016	10/6/2016	\$220,000	\$220,000	1001/2016	9/30/2018	Development of a regional improved model watershed scale master wetland mitigation strategy for restoration, protection and public projects.	\$55,000
Awarded & Ongoing	Grant	FDEO - Florida Department of Economic Opportunity	Community Planning Technical Assistance Grant	Margaret Wuerstle	City of Labelle Tourism Marketing Brochure		5/2/2016			\$20,000	\$30,000	1/1/2017		Design, create, and distribute a tourism marketing brochure.	\$0
Awarded & Ongoing	Grant	DEM - FL Div. of Emergency Management		Nichole Gwinnett	FY16-17 HMEP Planning and Training Grant				10/1/2016	\$60,390	\$60,390	10/1/2016	9/30/2017	HMEP related projects and trainings	\$0
Awarded & Ongoing	Grant	EPA- Environmental Protection Agency		Jim Beever	Developing a Method to Use Ecosystem Services to Quantify Wetland Restoration Successes	3/17/2015	3/17/2015	8/5/2015	9/15/2015	\$234,071	\$174,071	10/1/2015	9/30/2016	Products of the study will include updated valuations of the ecosystem services provided by existing conservation lands in the CHNEP; an updated conservation lands mapping of the project study area; a documentation and quantification of the ecosystem services provided by each habitat type, etc.	\$60,000

Status	Type	Funding Agency	Grant Name	Project Mgr.	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Date Contract Signed	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
Awarded & Ongoing	Contract	Glades County		Tim Walker	Glades County Small Quantity Generators (SQG)				5/17/2012	\$3,900	\$3,900	5/17/2012	5/16/2017	The goal of the assessment, notification, and verification program is to inform Small Quantity Generators (SQGs) of their legal responsibilities, limit the illegal disposal of hazardous waste, and identify the location of waste operators for an update to State officials. Also, local knowledge of hazardous wastes is useful for land development planning, emergency protective services, health care and water quality management.	\$0
Awarded & Ongoing	Contract	EPA/CHNEP - Charlotte Harbor National Estuary Program		Jim Beever	Mangrove Loss Project	4/4/2014	4/4/2014	12/19/2014		\$243,324	\$60,000	Oct 2014	Dec-16	Report, transect information, presentations, articles	\$63,800
Awarded & Ongoing	Grant	DEM - FL Div. of Emergency Management		Tim Walker	Collier Hazard Analysis FY16-17				42552	\$9,693	\$9,693	8/16/2015	6/30/2016		
Awarded & Ongoing	Grant	HUD-U.S. Department of Housing and Urban Development		Jason Stoltzfus	Promise Zone Designation	2/23/2016	2/23/2016			Technical Assistance	Technical Assistance	6/1/2016	5/30/2026	Rural designation of a Promise Zone for Immokalee in Collier County, Glades County, and Hendry County	\$0
Complete	PO	SFRPC- South Florida Regional Planning Council		C.J. Kammerer	Train the Trainers Grant				1/25/2016	\$10,000	\$10,000	1/1/2016	3/31/2017	Trainers and Tools: Building Coastal Flood Hazard Resiliency in Florida's Regional Planning Council Communities.	\$0
Complete	Grant	DEM - FL Div. of Emergency Management		Nichole Gwinnett	FY15-16 LEPC Agreement	6/30/2015	5/15/2015	6/11/2015	6/11/2015	\$48,000	\$48,000	7/1/2015		Staff support to the LEPC, Plan Development and Exercise, Technical Assistance and Training Coordination/Planning.	\$0
Complete	PO	USDA - US Dept. of Agriculture	Rural Business Development Grant (RBDG)	Jason Stoltzfus	City of Clewiston Utilities Relocation Project	11/30/2016			10/27/2016	\$300,000	\$300,000	10/27/2016	11/30/2016		
Complete	Grant	EDA - US Economic Development Administration		Margaret Wuerstle	EDA Planning Grant	1/22/2013	12/18/2013	4/18/2014	4/21/14	\$270,000	\$189,000	1/1/2014	12/31/2016	CEDS Plan, Annual Reports, CEDS Working Committee	\$81,000
Complete	PO	EDA - Economic Development Administration		Jennifer Pellechio	Immokalee Culinary Accelerator	5/20/2016	5/19/2016			\$1,600,000	\$5,000				N/A
Complete	PO	SBA - Small Business Administration	Program for Investment in Microentrepreneurs (PRIME)	Jason Stoltzfus	Southwest Florida Enterprise Center Commercial Kitchen Bakery	5/18/2016	5/18/2016				\$5,000	5/5/2016	5/18/2016		N/A
Complete	PO	DOE - Department of Energy	SOLSMART	Jennifer Pellechio	SolSmart Advisors		5/18/2016			N/A	N/A				
Complete	Grant	DEM - FL Div. of Emergency Management		Nichole Gwinnett	FY16-17 LEPC Agreement	6/30/2016	4/6/2016			\$59,000	\$59,000	7/1/2016	6/30/2016	Staff support to the LEPC, Plan Development and Exercise, Technical Assistance and Training Coordination/Planning.	\$0
Complete	Grant	CTD - FL Commission for the Transportation Disadvantaged		Nichole Gwinnett	FY15-16 Glades-Hendry TD Agreement			7/1/2015		\$38,573	\$38,573		6/30/2016	Update of TDSP, CTC Evaluation, Staff Support, LCB Quarterly Meetings, Committee Meetings, Update By-Laws and Grievance Procedures.	\$0

Status	Type	Funding Agency	Grant Name	Project Mgr.	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Date Contract Signed	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
Complete	Grant	DEM - FL Div. of Emergency Management		Nichole Gwinnett	FY15-16 HMEP Planning and Training Grant				9/28/2015	\$73,922	\$73,922	10/1/2015	9/30/2016	HMEP related projects and trainings	\$0
Complete	PO	USDA - US Dept. of Agriculture	Rural Business Development Grant	Jason Stoltzfus	Immokalee Culinary Accelerator		3/29/2016			\$120,000	\$3,000				N/A
Complete	Grant	DEO - FL Dept. of Economic Opportunity		Margaret Wuerstle	Community Planning Technical Assistance Grants- City of Fort Myers		6/15/2015			\$30,000		10/1/2015	5/31/2016	Educational Program Curriculum, Community Preference Analysis and Visual Preference Assessment, Report results	
Complete	PO	FDEO - Florida Department of Economic Opportunity	Community Planning Technical Assistance Grant	Jennifer Pellechio	Murdock Village Community Redevelopment Plan		5/2/2016			\$40,000	\$500			A vision, market analysis and graphical representations of economic GIS maps that will be incorporated in the Murdock Village Community Redevelopment Plan and Comprehensive Plan.	\$0
Complete	PO	Northeast Florida Regional Council	Statewide Regional Evacuation Study Program	Tim Walker	Statewide Regional Evacuation Study Program Update						\$14,200	4/15/2016	6/30/2017	An updated summary document that includes key information on demographics, vulnerability and hazard risk, using a document template and map templates provided to ensure consistency around the state.	N/A
Complete	Grant	Visit Florida		Jennifer Pellechio	OUR CREATIVE ECONOMY Marketing	2/9/2015	2/9/2015	6/25/2015	6/26/2015	\$5,000	\$2,500	7/1/2015	6/15/2016	TBD	\$2,500
Complete	Grant	City of Bonita Springs		Jim Beever	Spring Creek Restoration Plan					\$50,000	\$50,000	Jan 2015	May 2016	The Spring Creek Vulnerability Assessment and The Spring Creek Restoration Plan	\$0
Complete	Grant	DEO - FL Dept. of Economic Opportunity		Margaret Wuerstle	Clewiston Main Street Revitalization Plan		6/16/2015	8/3/2015		\$25,000			5/31/2016	Outreach materials, Public meetings, Develop community vision, Identify low cost strategies for improvement, Final report	
Complete	Grant	DEM - FL Div. of Emergency Management		Tim Walker	Collier Hazard Analysis FY15-16				7/1/2015	\$9,693	\$9,693	8/16/2015	6/30/2016		
Complete	Grant	DEO - FL Dept. of Economic Opportunity		Jennifer Pellechio	Southwest Florida Rail Corridor Preservation Plan		6/16/2015	8/3/2015		\$39,000			5/31/2016	Comprehensive Plan language, GIS maps of the rail corridor, Stakeholder meetings and public involvement activities	
Complete	PO	TBRPC - Tampa Bay Regional Planning Council		Rebekah Harp	2016 Disaster Planning Guide			1/28/2016		\$4,000	\$4,000	2/5/2015	4/30/2016	2015 Disaster Planning Guide for 8 counties English and Spanish	\$0
Complete	Contract	DOE - US Dept. of Energy		Rebekah Harp	Solar Ready II		3/22/2013	7/18/2013		\$140,000	\$90,000	7/1/2013	1/1/2016	Recruit local governments to review and adopt BMPs. Host stakeholder meetings and/or training programs, providing technical assistance to local governments as needed, and tracking any policy adoptions and local government feedback.	\$50,000
Complete	Grant	DEM - FL Div. of Emergency Management		Nichole Gwinnett	FY14-15 HMEP Planning Grant Modification			9/11/2015		\$13,000	\$13,000	10/1/2015	12/13/2015	Trainings	\$0

Status	Type	Funding Agency	Grant Name	Project Mgr.	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Date Contract Signed	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
Complete	Grant	EDA - US Economic Development Administration		Jennifer Pellechio	Advanced Manufacturing in West Central Florida An Ecosystem Analysis Supporting Regional Development		12/26/2013	9/3/2014		\$116,514	\$58,257			SWOT Analysis, Web Survey, REMI, Regional website, branding strategy, brochures	\$30,584
Complete	Grant	EPA - US Environmental Protection Agency		Jim Beever	A Unified Conservation Easement Mapping and Database for the State of Florida	4/15/2013	4/8/2013	6/3/2013		\$294,496	\$148,996	10/1/2013	9/30/2015	GIS database with Conservation Easements	\$145,500
Complete	Grant	EPA - US Environmental Protection Agency		Jim Beever	WQFAM					\$160,000	\$160,000	10/1/2011	9/30/2015	Extension 2014-2015	\$0
Complete	Grant	DEM - FL Div. of Emergency Management		Nichole Gwinnett	FY14-15 HMEP Planning				2/4/2015	\$22,000	\$22,000	10/1/2014	9/30/2015	Major Planning Project; travel coordination for LEPC Chairman; LEPC program coordination and quarterly reports.	\$0
Complete	Contract	NADO- National Association of Development Organizations		Jennifer Pellechio	CEDS Resiliency Section Technical Assistance										
Complete	Grant	CTD - FL Commission for the Transportation Disadvantaged		Nichole Gwinnett	Glades-Hendry TD Planning Agreement FY2014-15			5/16/2014		\$38,573	\$38,573	7/1/2014	6/30/2015	Update of TDSP, CTC Evaluation, Staff Support, LCB Quarterly Meetings, Committee Meetings, Update By-Laws and Grievance Procedures.	\$0
Complete	Contract	DEM - FL Div. of Emergency Management		Nichole Gwinnett	Title III (LEPC) FY14-15			7/1/2014	9/24/2014	\$42,000	\$42,000	7/1/2014	6/30/2015	LEPC Program Coordination; attendance during four (4) local quarterly meetings; attendance during four (4) state quarterly meetings; quarterly reports; quarterly news articles/updates; annual LEPC plan update; industry compliance support; housing of chemical data, meeting minutes; exercise coordination; publishing of public availability notice; etc. .	\$0
Complete	Grant	DEM - FL Div. of Emergency Management		Tim Walker	Collier Hazard Analysis			12/5/2014		\$8,042	\$8,042	12/23/2014	6/15/2015	There are 4 deliverables stipulated with the contractual agreement.	\$0
Complete	PO	TBRPC - Tampa Bay Regional Planning Council		Rebekah Harp	Tampa Bay RPC Graphics and Publications			10/21/2014	10/21/2014			10/21/2014	5/29/2015	As needed publication and graphic design, including FOR (Future of the Regions) award materials and annual report.	\$0
Complete	Grant	Visit Florida		Margaret Wuerstle	Our Creative Economy: Video - Southwest Florida Regional Strategy for Public Art	2/18/2014	2/18/2014	5/14/2014	7/17/14	\$10,000	\$5,000	7/1/2014	5/31/2015		\$5,000
Complete	Grant	DEO - FL Dept. of Economic Opportunity		Margaret Wuerstle	Agriculture Tours to Promote Assets and Economic Development in the City of LaBelle	6/6/2014	5/7/2014	8/26/2014		\$25,000	\$20,000	12/1/2014	5/31/2015	City of LaBelle Agriculture Tour Plan	\$0

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Complete	PO	TBRPC - Tampa Bay Regional Planning Council		Rebekah Harp	2015 Disaster Planning Guide			1/28/2015		\$4,000	\$4,000	2/5/2015	3/1/2015	2015 Disaster Planning Guide for eight counties in English and Spanish.	\$0
Not Awarded	Grant	FDEO - Florida Department of Economic Opportunity	Community Planning Technical Assistance Grant	Margaret Wuerstle	Strategic Economic Opportunity Plan for the Southwest Florida Rail Corridor		5/2/2015			\$39,000	\$39,000			steps for implementing the goals and objectives identified within the plan for protecting the corridor and bringing economic growth to the community.	\$0
Not Awarded	Grant	NEA - National Endowment for the Arts	Our Town	Jason Stoltzfus	Fish-on-Parade	9/26/2016	9/26/2016			\$ 94,884.00	\$ 94,884.00			"Fish on Parade" initiative, fush sculptures and fish banners.	\$94,885
Not Awarded	Grant	EPA-Environmental Protection Agency	FY17 Brownfields Assessment Program	Jason Stoltzfus	Southwest Florida Brownfields Coalition	12/22/2016	12/22/2017			\$ 600,000.00	\$ 600,000.00			Brownfield assessments and cleanup planning throughout Promise Zone region.	\$0
Not Awarded	Grant	NOAA - National Oceanic and Atmospheric Administration	NOAA RESTORE Act Science Program	Jim Beever	Mangrove Impacts and Restoration	9/27/2016	9/27/2016			\$ 174,959.00	\$ 174,959.00	10/1/2016	9/30/2017	Mapping, chapters in final report, location of mangrove heart attack areas.	
Not Awarded	Grant	NEA - National Endowment for the Arts	Art Works	Jason Stoltzfus	A Regional Strategy for Enhancing Public Art & Cultural Venues	7/28/2016	7/28/2016			\$75,000	\$75,000				\$75,000
Not Awarded	Grant	USDA - US Dept. of Agriculture	Farmers Market and Local Food Promotion Program	Jason Stoltzfus	Clewiston Regional Farmers Market	5/12/2016	5/12/2016			\$100,000	\$100,000			Products of this study will include a market analysis, site assessment, vendor outreach, site assessment, financial analysis, and a written plan.	\$0
Not Awarded	Grant	FDEO - Florida Department of Economic Opportunity	Community Planning Technical Assistance Grant	Jennifer Pellechio	City of Cape Coral Development Opportunity Map		5/2/2016			\$40,000	\$40,000			The creation of an economic development interactive opportunity map for the City of Cape Coral. The map will include shovel ready commercial and industrial sites with relevant information.	\$0
Not Awarded	Grant	FDEO - Florida Department of Economic Opportunity	Community Planning Technical Assistance Grant	Margaret Wuerstle	Economic Impact Study of Lake Okeechobee Discharges		5/2/2016			\$28,000	\$28,000			A report on the direct and indirect economic impact of Lake Okeechobee discharges on Lee County tourism and the impact on declines in Lee County residential property values and consumer spending.	\$0
Not Awarded	Grant	FDEO - Florida Department of Economic Opportunity	Community Planning Technical Assistance Grant	Margaret Wuerstle	City of Clewiston Downtown District Façade Program		5/2/2016			\$30,000	\$30,000			An inventory of all downtown structures, identification of key structures in need of façade improvements, development of criteria for selecting buildings for improvements, work with property owners to coordinate, design and implement renovations.	\$0
Not Awarded	Grant	Aetna Foundation		Jason Stoltzfus	Cultivating Healthy Communities	4/14/2016	4/13/2016			\$100,000	\$100,000			Implement portions of the Clewiston Neighborhood Revitalization plan, including: street lighting, awnings, painting and landscaping.	\$0
Not Awarded	Grant	EPA- Environmental Protection Agency		Jennifer Pellechio	Brownfields 2016	12/18/2015	12/18/2015			\$280,000	\$280,000			10 ASTM-AAI compliant Phase I ESAs, 1 Generic Quality Assurance Project Plan, 4 SQAPPs, 4 Phase II ESAs, 4 ABCAs	
Not Awarded	Grant	USDA - US Dept. of Agriculture		Margaret Wuerstle	Farm to School	5/20/2015	5/20/2015	11/19/2015							

Status	Type	Funding Agency	Grant Name	Project Mgr.	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Date Contract Signed	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
Not Awarded	Grant	DEO - FL Dept. of Economic Opportunity		Jennifer Pellechio	Growing Markets for Small Farmers		6/17/2015				\$25,000			Identify needs of local farmers, identify sellers for the market, produce a map and marketing materials, Implement action plan	
Not Awarded	Grant	Wal-Mart		C.J. Kammerer	GoodWheels	7/17/2015	7/16/2015	9/10/2015			\$50,000			Run transpiration routes between Clewiston and Belle Glade	
Not Awarded	Grant	DEO - FL Dept. of Economic Opportunity		Jennifer Pellechio	SWF "Know Your Zone" Public Education Campaign		6/17/2015	8/7/2015			\$30,000			Design a logo, Prepare education program and curriculum, introduce campaign and schedules, Create Disaster Planning Guide, Present to schools	
Not Awarded	Grant	DEO - FL Dept. of Economic Opportunity		Jennifer Pellechio	Strategic Opportunity Plan for Immokalee		5/26/2015	8/7/2015			\$25,000			Task 1: Demographics & Economic Study; Task 2: Community Vision & Stakeholder Engagement ; Task 3: Goal Development (with Steering Committee) ; Task 4: Implementation Guide and Strategic Action Plan (3 – 5 years)	
Not Awarded	Grant	DEO - FL Dept. of Economic Opportunity		Jennifer Pellechio	Hendry County Regional Laborshed/Workforce Assessment		6/17/2015	8/7/2015			\$25,000			Hire consultant, Meeting with Hendry County, Draft Material for Hendry presentation, Final assessment and recommendations	
Not Awarded	Grant	EDA - US Economic Development Administration		Jennifer Pellechio	EDA- North Port	6/12/2015	6/12/2015	8/3/2015							
Not Awarded	Grant	NOAA - National Oceanic and Atmospheric Administration		Jim Beaver	Measuring and Forecasting Future Ecosystem Services in the CHNEP Study Area	3/17/2015	3/17/2015			\$400,000				Products of the study will include updated valuations of the ecosystem services provided by existing conservation lands in the CHNEP; an updated conservation lands mapping of the project study area; a documentation and quantification of the ecosystem services provided by each habitat type, etc.	
Not Awarded	Grant	Florida Humanities Council		Jennifer Pellechio	Public Art Field Guide and Map Viewer for Lee County	3/11/2015	3/5/2015	5/11/2015		\$15,000	\$15,000			TBD	\$0
Not Awarded	Grant	Artplace America		Margaret Wuerstle	ArtPlace - "OUR CREATIVE ECONOMY"	3/12/2015	3/11/2015			\$3,000,000	\$3,000,000			TBD	\$0
Not Awarded	Grant	EPA - US Environmental Protection Agency		John Gibbons	Environmental Workforce Development Job Training	2/3/2015	2/3/2015			\$200,000	\$200,000			OSHA 29 CFR 1910.120 40-Hour HAZWOPER and other training.	\$0
Not Awarded	Grant	NEA - National Endowment for the Arts		Margaret Wuerstle	Our Creative Economy - A Regional Strategy for Southwest Florida's Public Art and Cultural Venues	1/15/2015	1/14/2015			\$400,000	\$200,000			• Asset Mapping • A Regional Strategy for Enhancing Public Art: A SWOT • Southwest Florida's Public Art and Cultural Venues Field and Tour Guide	\$113,472
Not Awarded	Contract	NACo - National Association of Counties		Jennifer Pellechio	NACo County Prosperity Summit	10/3/2014	10/3/2014			\$0	\$0			Summit	\$0
Not Awarded	Grant	EPA - US Environmental Protection Agency		Dottie Cook	Southwest Florida Brownfields Coalition	12/19/2014	12/19/2014	5/27/2015		\$600,000	\$600,000				\$0

Status	Type	Funding Agency	Grant Name	Project Mgr.	Project Name	App Due Date	Date Submitted	Date Awarded/Denied	Date Contract Signed	Project Total	RPC Amt	Start Date	End Date	Deliverables	Total Match Amt-RPC
Not Awarded	Grant	Southwest Florida Community Foundation		Nichole Gwinnett	SWFRPC & RC&DC Collaboration	9/30/2014	9/30/2014			\$25,000	\$25,000			Provide information to the non-profit community about collaborative models that have succeeded in our area and to share proven effective practices for non-profits working together.	\$0
Not Awarded	Grant	USDA - US Dept. of Agriculture		Dottie Cook	Southwest Florida Rural Promise Zone	11/21/2014	11/21/2014			Technical Assistance	Technical Assistance			Rural designation of a Promise Zone for Immokalee in Collier County, Glades County, and Hendry County	\$0
Not Awarded	Grant	Dreyfus Foundation - The Max and Victoria Dreyfus Foundation		Beth Nightingale	"Our Creative Economy - A Regional Strategy for Southwest Florida Public Art, Festivals and Cultural Venues"					\$20,000	\$20,000			1. complete the Lee County public art descriptions (name of artist, year of creation, material, and significance); 2. provide QR Codes for Lee County's public art assets which will drive traffic to the Guide and direct users to other public art assets and venues; and 3. Create and promote a photo share site to encourage making art (photography) from art (public art assets and venues).	\$0
Not Awarded	Grant	The Awesome Foundation		Barbara Hawkes	2015 Zombicon Festival: Documentary Video	10/15/2014	10/2/2014							WGCU Public Media, an affiliate of Florida Gulf Coast University (FGCU), in Fort Myers, FL will create a documentary regarding the ZombiCon festival.	
Not Awarded	Grant	NEH - National Endowment for the Humanities		Jay McLeod	ZombiCon: Dying for the Arts	8/13/2014	8/13/2014	2/3/2015		\$75,000	\$45,000			Film Script/Storyline developed, in collaboration with humanities scholars.	\$0
Not Awarded	Grant	Atilus, LLC		Rebekah Harp	RC&DC Website	9/30/2014	9/30/2014	12/31/2014		\$20,000	\$20,000			New website, 2-year hosting, Adwords setup, and BoardMa tool (50 licenses).	
Not Awarded	Grant	DEO - FL Dept. of Economic Opportunity		Jennifer Pellechio	Economic Development Plan for Immokalee		10/22/2014	10/1/2014		\$25,000	\$25,000			TBD	\$0
Not Awarded	Grant	Bloomberg Philanthropies		Margaret Wuerstle	Painting with Sunlight	12/15/2014	12/15/2014	3/5/2015		\$1,275,000	\$900,000			Each of the six host cities will be provided an application that is unique to their site. The project highlights new opportunities for renewable energy by using solar energy to highlight and promote the arts.	\$61,875

Agenda Item

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Consent Agenda

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Consent Agenda Summary

Agenda Item #10(a) – Hendry County Comp Plan Amendment (DEO 17-4ESR)

Florida Power & Light Company (FPL) is requesting to amend the Hendry County Comprehensive Plan to allow the “Hendry Clean Energy Center”, an electrical generating facility on the subject property located on CR 833 that consists of 4,692.51 acres +/- . Petition CPA16-0003 requests a text amendment to the Hendry County Comprehensive Plan Future Land Use Element to add a Subarea Policy 1.1.14.2 in accordance with the requirements outlined in the EGF Future Land Use Category (FLUC).

CPA16-0004 is a Future Land Use Map (FLUM) amendment to change the future land use map designation for the subject property from Agriculture (AG) FLUC to Electrical Generating Facility (EGF) FLUC. This amendment is a companion petition to the Subarea petition CPA16-0003.

Staff finds this amendment regionally significant with regards to character. Staff also recommends that Hendry County follow the recommendations raised in the attached review.

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Hendry County.

Agenda Item #10(b) – Lee County Comp Plan Amendment (DEO 17-3ESR)

Lee County DEO 17-3ESR consists of two amendments:

CPA2016-00006 (Troyer Brothers Map 14): Amend Map 14 to add lands within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b).

CPA2016-00010 (Troyer Brothers Conservation Lands): Redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands to Conservation Lands on the Future Land Use Map.

The total size of the property is 1,804± Acres (907.6 acres will be added to Map 14, and 453.32 acres will be redesignated to the Conservation Lands future land use category). The subject property is located in Southeast Lee County about 7 miles to the east of Daniels/Gunnery Road on the south side of State Route 82. The property is zoned agricultural (AG-2) to accommodate agricultural row crops and an agricultural processing facility and the FLU Category is Density Reduction/Groundwater Resource (DR/GR) and wetlands. With the exception of the properties within the Lehigh Acres Planning Community, located north of the subject property, the surrounding properties are located in the DR/GR or Wetlands future land use categories and are zoned AG-2.

Staff finds this project is regionally significant in regards to location. This project is located in the DR/GR which is an ecologically important resource. Staff also finds this project conditionally consistent with the SRPP given the recommendations above are followed and the results of the applicant’s modeling show no adverse impacts on surface and groundwater levels and water quality.

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.

Agenda Item

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Hendry County DEO 17-4ESR

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LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS HENDRY COUNTY

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Hendry County Comprehensive Plan (DEO 17-4ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Factors of Regional Significance				
<u>Proposed</u> <u>Amendment</u>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 17-4ESR	No	No	Yes	(1) Regionally Significant (2) Consistent with SRPP

RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Hendry County

05/2017

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

COMPREHENSIVE PLAN AMENDMENTS

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

HENDRY COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 17-4ESR)

DATE RECEIVED: APRIL 20, 2017

Summary of Proposed Amendment

Florida Power & Light Company (FPL) is requesting to amend the Hendry County Comprehensive Plan to allow the “Hendry Clean Energy Center”, an electrical generating facility on the subject property located on CR 833 that consists of 4,692.51 acres +/- . Petition CPA16-0003 requests a text amendment to the Hendry County Comprehensive Plan Future Land Use Element to add a Subarea Policy 1.1.14.2 in accordance with the requirements outlined in the EGF Future Land Use Category (FLUC).

CPA16-0004 is Future Land Use Map (FLUM) to change the future land use map designation for the subject property from Agriculture (AG) FLUC to Electrical Generating Facility (EGF) FLUC. This amendment is a companion petition to the Subarea petition CPA16-0003.

Florida Power & Light proposes a state of the art electrical generating facility, powered by either natural gas or solar photovoltaic energy, or a combination of both. Known as the Hendry Clean Energy Center, electricity is proposed to be generated in an integrated compound of buildings and power generating equipment. The proposed project will not be powered by nuclear or coal energy sources.

The maximum height of structures will not exceed one-hundred and fifty feet (150'). The natural gas power generation units are proposed to be located in the northeast quadrant of the property and will be set back from County Road 833 by a minimum of 1000 feet. The maximum area for buildings related to the natural gas plant will be within a development area not to exceed 500 acres in area, which is located in Area 1 as illustrated on the proposed General Concept Plan. Area within this 500 acre footprint not utilized for the natural gas electrical generating facilities may be utilized for solar photovoltaic facilities.

An extensive wildlife conservation/natural habitat corridor encompasses approximately 2,265.7 acres of the Property. The attached General Concept Plan (in Attachment 3) illustrates the location of the natural gas and solar areas, as well as the natural conservation areas/buffer. Narrow strips of land located in the southeastern area of the property will be included as conservation area. Areas labeled as conservation may be used for access, storm water management, linear utilities or facilities and incidental passive activities.

On April 12, 2016 the BCC adopted a comprehensive plan amendment establishing a new FLUC Electrical Generating Facility (EGF). This FLUC created specific performance standards for an EGF that requires a comprehensive plan amendment for a “Subarea” and a map amendment that will create site specific standards. In addition, PUD rezoning is required that provides even more specificity and conditions of approval to ensure the project will be consistent with the comprehensive plan and all other local, state and federal regulations.

A fiscal and economic impact analysis and report, The Fiscal and Economic Impacts of FPL’s Hendry Clean Energy Center, has been prepared by Fishkind & Associates, Inc., dated September 19, 2016. The Fishkind report estimates, during the 10-year construction period, the project will produce an economic

output of nearly \$317 million. At project buildout, the on-going economic impact to the County is projected to be \$46.5 million per year. The project is located in a remote rural area of the County, and its construction and operation will have no negative impact on existing agricultural operations or other economic activities in the County including ecotourism activities. Once, constructed, the project will have a large, positive fiscal impact on the County, the School District and other taxing authorities, as it substantially increases the County's overall tax base while requiring very few governmental services.

Regional Impacts

Due to the unique, large-scale type of use that the energy center would provide, staff finds this project regionally significant due to character. The SWFRPC's environmental planner has reviewed the amendment package and provided comments beginning on the next page. Several recommendations are provided on the project.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Conclusion

No significant adverse effects on regional resources or facilities and no extra-jurisdictional impacts have been identified. Staff finds that this project is regionally significant in regard to character. Staff also recommends that Hendry County follow the recommendations raised in the following review.

Recommended Action

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Hendry County.

Review by SWFRPC's James Beaver

Introduction

Florida Power & Light Company (FPL) has submitted two comprehensive plan amendment petitions in order to site their “Hendry Clean Energy Center”, an on 4,692.51 Acres +/- located on CR 833 north of the Big Cypress Seminole Indian Reservation.

Petition CPA16-0003: The applicant is requesting to amend the Hendry County Comprehensive Plan Future Land Use Element text to add a Subarea policy, Policy 1.1.14.2, which identifies specific details applicable to the proposed Hendry Clean Energy Center that will include a natural gas power plant and solar photovoltaic electrical generating facility.

Petition CPA16-0004: The applicant is requesting to amend the Hendry County Comprehensive Plan Future Land Use Map by changing the future land use designation from Agriculture (AG) to Electrical Generating Facility (EGF). This amendment is a companion petition to the Subarea petition CPA16-0003

Project Description

The proposed project is a electrical generating facility, powered by either natural gas and/or solar photovoltaic (PV) energy. It is titled as the “Hendry Clean Energy Center”. Electricity will be generated in an integrated compound of buildings and power generating equipment. The natural gas plant will utilize available and reliably tested commercial emissions control technology. The electrical generating facility will include up to three (3) combined cycle, natural gas power generation units. Each combined cycle unit will be constructed with three (3) combustion turbines, with stacks having a maximum height of one-hundred and fifty feet (150'). The natural gas power generation units are proposed to be located in the northeast quadrant of the subject property and will be set back from County Road 833 by over 1,000+/- feet. The maximum area for buildings related to the natural gas plant shall be within a building envelope not to exceed five-hundred (500) acres in area, which is located in Area 1 as illustrated on the proposed Conceptual Master Plan (Exhibit M) in the application. The secondary energy source, solar photovoltaic (PV), will be produced on 1,927 acres of the property located in the northern half of the site (Exhibit M). Generating electricity from natural sunlight, multiple arrays of solar photovoltaic panels will be installed on the ground within the dedicated areas. The majority of areas dedicated for the installation of the solar photovoltaic panels have been historically used for farming and pastureland. Solar photovoltaic panels are passive structures that do not utilize any fuel source (other than light), do not require water and do not produce emissions or waste products of any kind during energy production. The overall solar energy system also includes ancillary, or supportive, electrical equipment. Electricity is conducted from the solar photovoltaic panels through collector cables to an electric inverter prior to being injected into nearby transmission lines. The proposed Hendry Clean Energy Center will also include ancillary activities, facilities, equipment and other related site improvements, which may be located within the Development Envelopes (Exhibit M), subject to review and approval by the applicable permitting agencies. Stormwater management facilities, linear utilities/facilities and vehicular access may cross or occur within those areas designated as conservation areas.

A north-south and east-west wildlife conservation/natural habitat corridor encompasses approximately 2,265.7+/- acres of the property. The attached General Concept Plan (Exhibit M) illustrates the location of the natural gas and solar areas, as well as the natural conservation areas/buffer. Narrow strips of land located in the southeastern area of the property will be included as conservation area (Exhibit M). Areas labeled as conservation may be used for access, storm water management, linear utilities or facilities and incidental passive activities. Additional landscaped buffering is proposed along the northern 6,400 feet of the Property's eastern boundary, outside the conservation area, along the eastern 200 feet of the northern property boundary, and along the eastern 3,300 feet of the northern boundary of the McDaniel enclave (Exhibit M). Fencing may be provided in Areas 1 and 2 (Exhibit M) concurrent with development, subject to the approval of the applicable permitting agencies. To promote wildlife connectivity, fencing will not be provided where Conservation Area B abuts the exterior property boundary.

The subject property is located on the west side of County Road 833 (Sam Jones Trail), and north of the previously approved Hendry Next Generation Clean Energy Center which is a solar only electrical generating facility. The subject property is located approximately thirty three (33) miles southwest of the City of Clewiston. The property is located within a rural area of unincorporated Hendry County. The immediate surrounding area is characterized by farm fields, pastures lands and scattered large lot single family residential development.

The Big Cypress Seminole Indian Reservation, a reservation of the Seminole Tribe of Florida, is located approximately 2.5 miles to the south of the Property and primarily includes farm fields, open lands and rural residential uses. The Reservation also includes the Billie Swamp Safari tourist attraction, a museum, schools, religious facilities, a public safety complex and other community offices and facilities, a water tower, a truck stop, restaurants, RV resort, rock mining area and a small airport.

Wetlands and Wildlife

Past wildlife surveys, data from USAFWS and FWC, and prior correspondence on the project site by the USFWS identified Florida panther, Audubon's crested caracara, and the wood stork, as being present and using the site. The following listed species were documented as occurring on-site during the Listed Species Assessment by the applicant's consultant: American Alligator, Audubon's Crested Caracara, Burrowing Owl, Limpkin, Little Blue Heron, Roseate Spoonbill, Snowy Egret, Tricolored Heron, White Ibis, Wood Stork, and the Snail Kite.

A revised analysis of potential impacts to wetlands and wildlife has been completed by Kleinfelder and is dated February 1, 2017 (Appendix F). The site plan for the Hendry Clean Energy Center proposes the development area on lands that have historically been utilized primarily for agricultural activities. Large portions of the site categorized as natural communities or wetlands have been conserved pursuant to the proposed General Concept Plan.

Kleinfelder conducted a listed species assessment in February 2016. The conservation areas identified on the site have been established with an understanding of the habitats on site, the

listed species documented as occurring on site, and areas of five (5) acres or more dominated by 50% or more of native vegetation (Policies 1.10.4 and 6.2.7, Hendry County Comprehensive Plan). The current site plan proposes the conservation of 100% of the total native habitat acreage on-site. The conservation area incorporates a majority of the habitat that is used by listed species, particularly habitat used by the Florida Panther.

The majority of the high quality wetlands on site are also located within areas that will be designated as conservation areas. Any proposed impacts to wetlands or listed species within the property boundaries will be addressed during the Power Plant Siting Act (PPSA) process, if applicable, or other local, State and Federal review processes, as appropriate.

Per Policies 6.1.2 (c) and (d), HCCP, potential development within wetlands has been avoided and minimized to the greatest extent possible, and all uses within wetlands will meet applicable state and federal regulations and permitting requirements. All compensatory wetland mitigation will occur in Hendry County per Policy 1.9.3 and 6.1.4, HCCP. The proposed Project minimizes the direct impacts to the Florida Panther by avoidance of the Florida Panther Primary Zone and concentrating development activities within the Secondary Zone, except potential stormwater management areas and linear utilities to support the Project.

Pre-construction monitoring of the crested caracara and other state and federally listed avian species may be required to confirm that future development minimizes impacts to listed species. Prior to commencement of construction of any future development or alterations to the surface water management system, additional surveys and monitoring will be performed. Pre-construction monitoring of the nesting activity will be completed and FPL will work with the appropriate agencies to establish habitat management plans that are consistent with the conservation goals for these species. The proposed conservation areas will provide perpetual nesting and foraging habitat for this and other species as applicable. Consultation with the FWCC and USFWS will be required to ensure the proposed Project minimizes any adverse effects to these species.

Overall the proposed Project minimizes potential development within native vegetation areas, wetlands and the portion of the Florida Panther Primary Zone within the Property. In addition, the proposed conservation area provides connectivity with the conservation area located on the FPL-owned parcel located to the south of the subject Project (Hendry Solar Energy Center), thereby increasing the amount of conserved land and ensuring the development of natural corridors for the region.

Recommended Conditions: According to the Power Plant Siting Act ss. 403.501-.518, F.S. the "Hendry Clean Energy Center" will apply for a certification which replaces local and state permits. At that time, local governments and state agencies within whose jurisdiction the power plant is to be built will participate in the process. This certification process includes listed species review and permitting. Federal review will occur during this process as detailed within ss. 403.506 (c) of the Power Plant Siting Act. In addition to the review of federally listed species impacts a review of impacts to state-listed species should occur. The recommendations of the USFWS and FWC should be implemented with regard to wildlife and listed species. The determination of how the connectivity of the proposed on-site wildlife corridors to wildlife

habitats off-site including the need for wildlife underpasses on CR 833 determined by the USFWS and FWC should be addressed in coordination with the USFWS and FWC.

Air Quality, Noise and Light

Potential effects to air quality, noise, and light may occur as a result of the operation of the natural gas combined cycle (NGCC) units that were evaluated against the definition of “pollution” under the Hendry County Comprehensive Plan. For air quality, the effects evaluated included the air quality impacts resulting from the operation of the power plant and the atmospheric effects of the cooling towers associated with the power plant.

Air quality modeling analyses using methods and procedures approved by the US Environmental Protection Agency (EPA) and Florida Department of Environmental Protection (FDEP) were conducted to evaluate the potential air quality impacts of a power plant located on the property. The results of an air quality modeling analysis determined that the air emissions from a natural gas fired power plant located on FPL’s property can comply with all applicable federal and state air quality standards. The analysis demonstrates that a power plant would not have adverse impacts on air quality to surrounding properties and not result in “pollution” as defined in the Hendry County Comprehensive Plan.

A NGCC power plant will require the use of wet cooling towers that can result in visible water vapor plumes and deposition of aerosols containing minerals in the cooling water. Several analyses were conducted to determine the frequency of the visible vapor plumes and the amount of minerals deposited. The potential for visible plumes from the cooling towers were determined to be infrequent and retained within the Property, and, therefore, not result in pollution as defined by the Hendry County Comprehensive Plan. Cooling tower deposition was determined to produce very low mineral additions to the surrounding soils, and the quantity would be significantly less than impact thresholds to vegetation. As a result, the effects of cooling tower deposition will not result in “pollution” as defined in the Hendry County Comprehensive Plan because deposition rates from the Project will not be harmful or injurious to plant life or property.

Noise levels from the operation of a NGCC unit, two simple cycle units and the solar fields were evaluated using noise modeling conducted for similar FPL facilities. The potential noise levels were determined to comply and be lower than the numerical noise limits specified in the Hendry County Noise Ordinance. As a result, the potential noise levels generated from the Project will not have adverse noise impacts and will not result in “pollution” as defined in the Hendry County Comprehensive Plan.

Outdoor lighting for electric generating facilities will be necessary for safety and security requirements. FPL will incorporate nationally recognized mitigation features in the design and operation of the lighting systems to mitigate the potential for light pollution on adjacent properties. FPL's design objectives for mitigation of the lighting system's impacts will be to shine light only where needed, direct light downward and reduce light intensity and glare.

Recommended Condition: To the extent possible the use of “Dark Skies” lighting should be utilized in the project.

Archaeological/Historical

Phase I Cultural Resource Assessment Surveys (CRAS) of the Hendry Clean Energy Center project were prepared by Lizbeth Carlson, PhD, RPA, with the consulting firm SEARCH. Surveys were conducted in 2008 and 2016 (Appendix D). Dr. Carlson's assessment documented five (5) previously unrecorded archaeological and historical sites on the subject 4,692.51 acre property. All five (5) unrecorded archaeological and historical sites are located within areas designated as conservation on the General Concept Plan (Exhibit M). Four sites will be preserved as conservation areas (8HN148, 8HN149, 8HN150, 8HN151). A minimum 50 foot buffer will be provided around these protected sites. The fifth site (8HN721) is located within the southern area of the site, also within a conservation area. The southernmost archaeological site is located within the 330' electrical transmission corridor. Because of the potential for impacts due to maintenance of the transmission corridor and installation of future linear facilities (e.g. gas lines, storm water facilities, etc), conservation of the southernmost site may not be feasible. That site will be conserved to the greatest extent possible. If avoidance is not practicable, additional work in the form of Phase II archaeological evaluations will be completed to formally evaluate the site's NRHP eligibility. One linear resource, the Deer Fence Canal, has been identified and will be protected through the Project's setbacks on the northern property boundary.

The Seminole Tribe of Florida (STOF) has identified portions of three (3) historic trails within the Project boundary. These trails are being further evaluated by the Tribe. The trails were mapped on a 1944 plat map drawn by Copeland, and are mainly located within areas of the Property that are currently fallow agricultural fields. Preliminary investigation, both subsurface and shovel testing, was conducted along the trail by SEARCH. No sites were identified within the fifty (50) meter corridor of the mapped historic trails. In addition, no physical remnants of the trails could be identified; therefore, none of the trails have been recorded as either an archaeological site or a linear historic resource.

FPL will avoid disturbance and/or removal of human remains, wherever possible. An archaeologist will be located on-site during the initial ground disturbance related to the construction of the Project.

Recommended Conditions: There are archaeological sites that are potentially eligible for listing. These sites will be assessed at time of a PUD for preservation. It is the recommendation that prior to any ground-disturbing activity on the project parcel additional testing and metal detecting be conducted at all affected hammock islands, both at hammocks with known sites as well as those that yielded no cultural material during previous testing. Potential adverse effects to any known sites will be averted or mitigated in accordance with regulatory statutes. For example, the proposed energy center footprint can be positioned after a final review of any possible cultural resource constraints to a location that will avoid such resources. If avoidance is not feasible then the segment of the historic trail affected by power plant or other development can be mitigated by a comprehensive metal detection survey along its length combined with providing interpretive signage that marks the trail, including points of egress across any developed areas. The large size of the parcel with its many hammocks affords the likelihood that other archaeological sites may occur on the parcel. It is likely that many of the prehistoric sites

have historic components, specifically Seminole activity areas that often include habitation sites and agricultural plots. If such cultural materials are encountered during development, then the consultant archaeologist and Florida's Division of Historic Resources should be notified.

The discovery of human remains in association with any site will require fulfillment of the provisions of Florida Statute 872.05, the Unmarked Human Burials Act, and consultation with two federally recognized tribes: the Seminoles and Miccosukees. The archaeological sites that are potentially eligible for listing in the National Register of Historic Sites that are not in the reserve areas depicted on Exhibit "M" should be considered for preservation. County Staff will require additional assessments at the time of a PUD zoning to determine the appropriateness of their preservation and how they will be addressed.

Fire Protection

Fire protection and emergency medical services (EMS) are provided by the Hendry County Public Safety Department. It is our understanding that currently Hendry County does not have plans to address fire prevention and response protection for a natural gas fueled electrical generation plant. FP&L will need to work with the county to develop a plan and options to achieve adequate response time. Fire protection will be an important part of the site design and will be in strict compliance with the Power Fire Protection Plant Siting Act (PPSA).

Non-Potable Water

The 2013 SFWMD LEC water supply plan has incorporated a proposed power plant in Hendry County. "Another potential FPL plant may be sited in the LEC Planning Area, possibly in Hendry County where FPL has purchased land. The demand associated with this future plant is 22.8 MGD in 2030" (2013 SFWMD Lower East Coast Water Supply Plan, page 35).

"A Water Rights Compact Among the Seminole Tribe of Florida, the State of Florida and the South Florida Water Management District" was ratified by the United States Congress and the Florida Legislature and became Federal and State Law on October 29, 1987. The Compact recognizes Tribal water rights, provides a procedural forum for the settlement of water disputes, provides due process for all affected parties, and ensures that prior existing users will not experience water related adverse impacts as a result of development of Tribal lands. The Compact provides (Part III c) that the Tribe be given a preference in approval of Tribal work plans (Tribal water use through work plans are reviewed under the compact, no permits are involved) involving groundwater resources underlying the Reservations and Tribal Trust lands. The Tribe is entitled to a preference when its proposed use conflicts with a proposed non-Tribal use and the Tribe is entitled to a preference to a reasonable share of available resources when it's proposed use conflicts with a pending application by a non-Tribal user to renew or increase authorized use. The Compact further restricts draw downs in confined aquifers to no more than 20 feet at the boundary of the Reservation unless specific written authority with the Tribe is reached through landowner agreements. One aspect of Tribal water rights is the quantification of the amount and timing of the delivery of the Tribe's entitlement from surface waters available to the Big Cypress Reservation (C (2)(a)). The Compact provides for the Tribe to withdraw from any surface water resource on the Big Cypress Reservation that percentage of the water available

within the South Hendry County\L-28 Gap Water Use Basin as the lands of the Big Cypress Reservation bear to the total land acreage within the Basin. Tribal lands comprise 13% of the land in the South Hendry County/L28 Gap Water Use Basin.

The applicant states that the withdrawals from a 22 mgd facility located along the northern property boundary would result in a maximum predicted drawdown of 9 feet at the well field with draw downs in excess of 1 foot extending almost radially for 1.5 miles. The predicted drawdown at the south boundary canal is 0.5 feet.

Recommended Conditions: The non-potable use permit review will be done by the SFWMD. This will include consideration of the “A Water Rights Compact Among the Seminole Tribe of Florida, the State of Florida and the South Florida Water Management District”. The conditions specified in that SFWMD permit should be implemented as part of the project.

Potable Water and Sanitary Sewer

Public potable water and public sanitary sewer service are not available to the site. If necessary, the proposed facility will be served by onsite wells and a temporary and permanent wastewater and sanitary sewage system, in accordance with the County’s Health Department rules and regulations. A Memorandum, prepared by Rock Aboujaoude, and dated September 23, 2016, discusses the potable water and sanitary sewer components of the Project (See Appendix A, Comprehensive Plan Text Amendment Application, CPA 16-0003). A letter from the Hendry County Department of Health, dated June 27, 2016, was submitted with the aforementioned comprehensive plan amendment application. The letter acknowledges discussions with the applicant/developer and further confirms requirements to adhere to the rules and regulations outlined in the Florida Administrative Code. All wells, limited use water systems, and individual onsite sewage treatment disposal systems proposed on the property must be permitted, constructed, and approved in accordance with State and local regulations and standards.

The project site is located in an area where centralized sewer systems are not available, and are not included in Hendry County’s Five- and 10-Year Capital Improvement Plans. Policy 7.A.1.2 of the INFRASTRUCTURE ELEMENT (Chapter 5) of the Hendry County Comprehensive Plan allows for appropriately designed septic tanks or package treatment plants to be utilized to support development in areas where centralized sewer systems are not available or cost effective, as long as the soils are adequate to support such alternative systems. Adequacy of soils shall be determined using applicable state standards for septic systems. A sanitary septic tank or package treatment plant system for the project will be designed in accordance with the appropriate State and local rules and regulations, including those of the Hendry County Health Department and Rule 64E-6, F.A.C. The provision of public facilities for sewer is not required for the proposed project.

The underground injection control wells will dispose of treated non-hazardous construction-related water and treated non-hazardous industrial wastewater from operation of the electrical generating facility. Wastewater from operation of the facility will include cooling system and steam cycle blow down, water treatment system reject and plant and equipment drains. The

underground injection control wells and any discharges will be reviewed and permitted through the Power Plant Siting Act and/or federal processes.

Drainage/Storm Water Management/Floodplain

An analysis of the floodplain and storm water characteristics of the project was conducted and is included in the Memorandum, prepared by Rock Aboujaoude, dated September 23, 2016 (See Appendix A, Comprehensive Plan Text Amendment Application, CPA 16-0003). The provision of public facilities for storm water management are not required for the proposed electrical generating facility, as a stormwater management system will be designed and constructed in accordance with all applicable Federal, State and local rules and regulations. Pursuant to the referenced report, the majority of the subject property is located outside of Flood Zone A (100-year flood area), as illustrated on the Flood Insurance Rate Maps (FIRMs) for Hendry County, prepared by the Federal Emergency Management Agency (FEMA) and recently adopted by the Hendry County Board of County Commissioners (Exhibit O), effective July 6, 2015. Any proposed development within the 100-year floodplain will provide appropriate compensatory storage, as applicable. Development activities on the subject property are currently regulated by SFWMD Permit No. 26-00623-P-03 (Exhibit R).

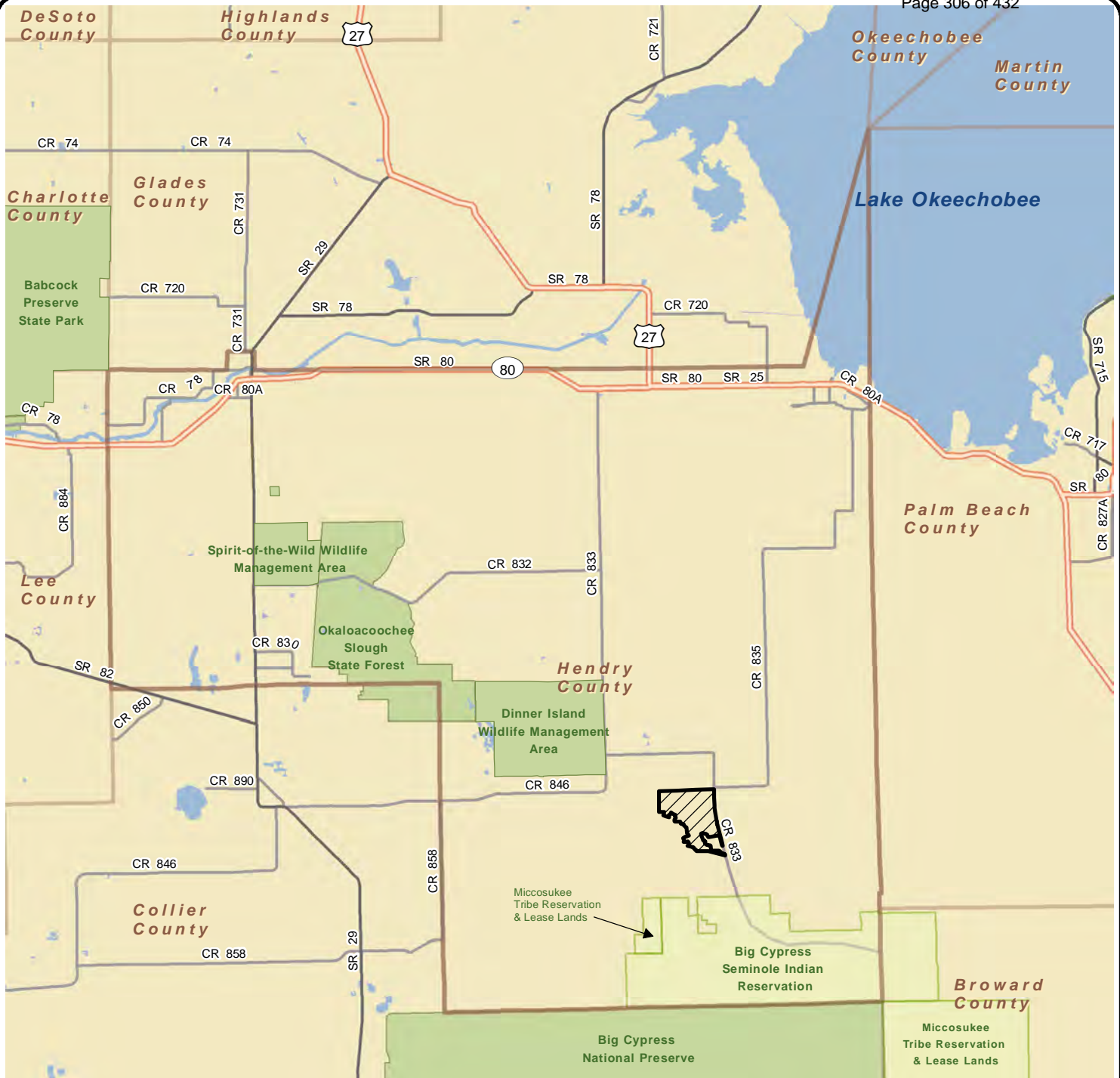
MAPS

Hendry County



DEO 17-4ESR

Growth Management Plan

Comprehensive Plan Amendment



Legend

-  Subject Property
-  Hendry County
-  County Boundaries

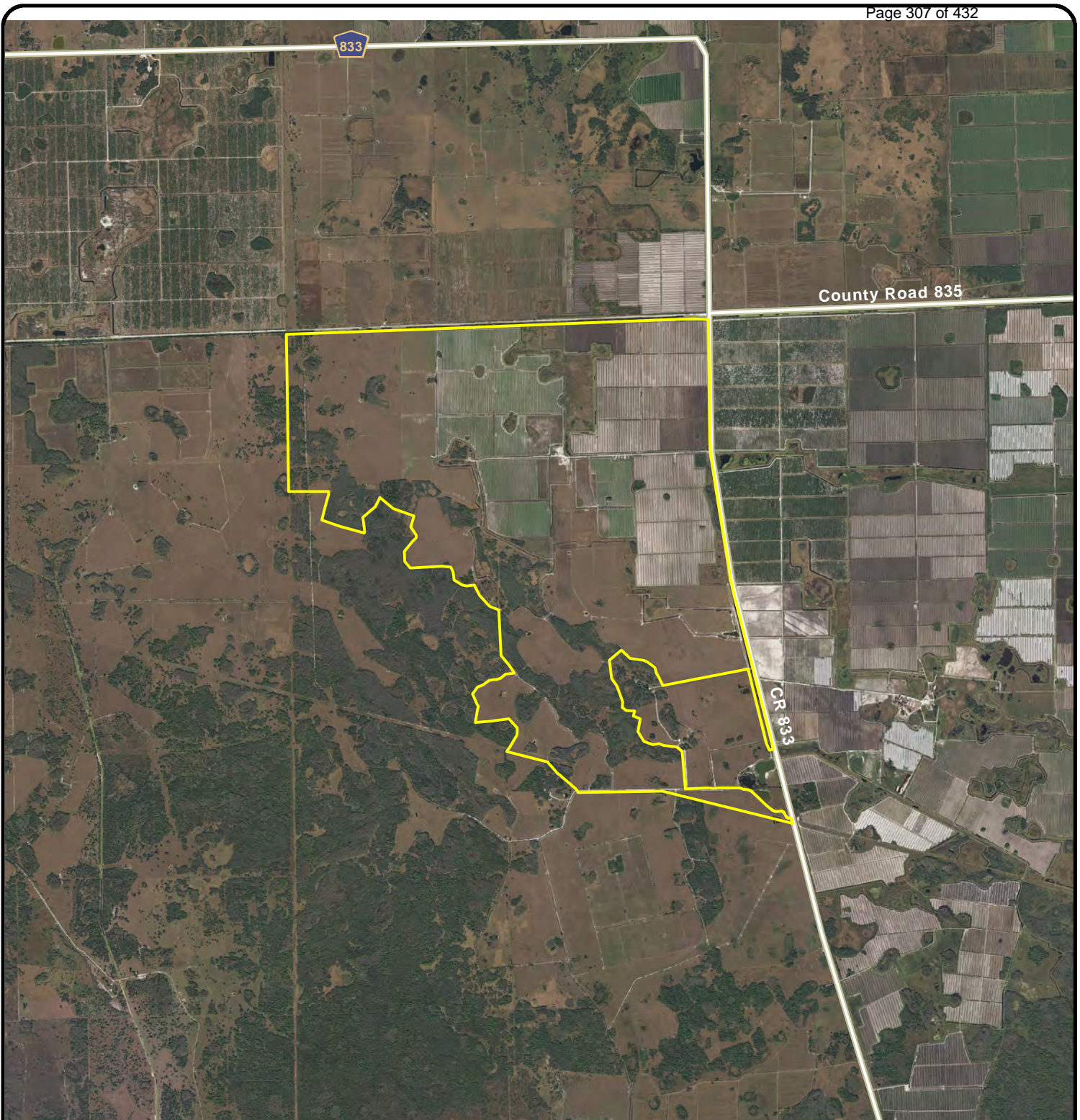


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Exhibit H
FPL Hendry Clean Energy Center
General Location Map
CPA Application
Hendry County, Florida

Sources:
FPL Subject Property per BBL Surveyors Boundary Survey (ALTA/ACSM Land Title Survey), Dated 09/09/16.
Seminole Tribe of Florida Reservation per U. S Census Bureau 2010 Tiger/Line GIS.
Miccosukee Tribe per Miccosukee Tribe of Indians of Florida, Map Produced by Real Estate Services May 2016.
Base Map per ESRI GIS Data, Dated 2015.
Florida Natural Areas Inventory, Dated December 2015.

 **ENGELHARDT, HAMMER & ASSOCIATES**
Land Planning - GIS - Expert Testimony
P.O. Box 759, Odessa, FL 33556
Telephone (813) 889-8100, Fax (813) 889-8811

**Legend**

 Subject Property

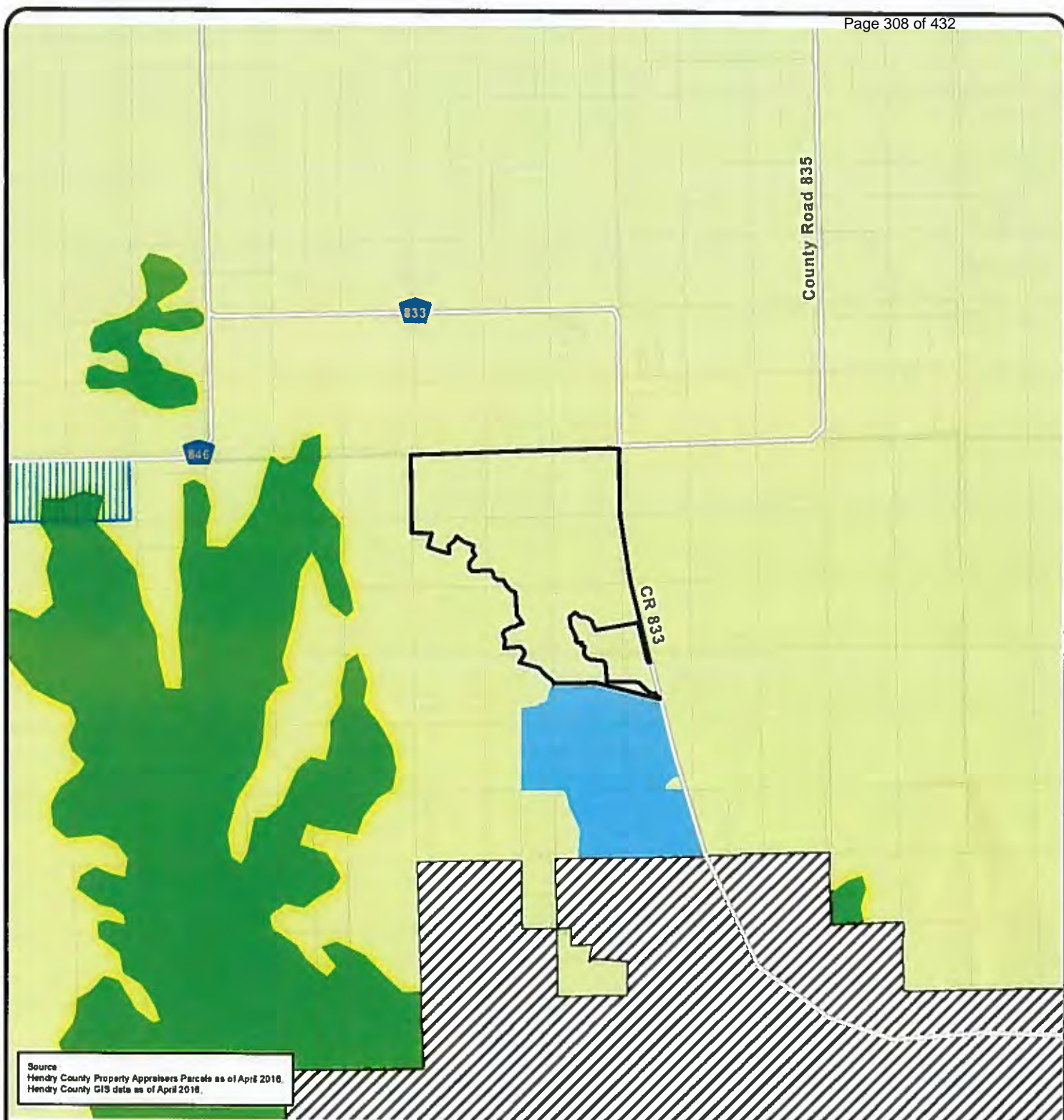


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Exhibit G2
FPL Hendry Clean Energy Center
Aerial Photograph
CPA Application
Hendry County, Florida

Sources:
FPL Subject Property per BBL Surveyors Boundary Survey
(ALTA/ACSM Land Title Survey), Dated 09/09/16.
Hendry County Property Appraisers Parcel Data as of August 2016.
Hendry County Planning Department GIS Data as of August 2016.
2014 FDOT Aerial Photograph.


ENGELHARDT, HAMMER & ASSOCIATES
Land Planning - GIS - Expert Testimony
P.O. Box 759, Odessa, FL 33556
Telephone (813) 889-8100, Fax (813) 926-0659



Source
Hendry County Property Appraisers Parcels as of April 2018.
Hendry County GIS data as of April 2018.

Legend

- Subject Property
- Southwest Hendry County Sector Plan
- Big Cypress Indian Reservation
- Future Land Use**
- Agriculture
- Agriculture Conservation
- Electrical Generating Facility

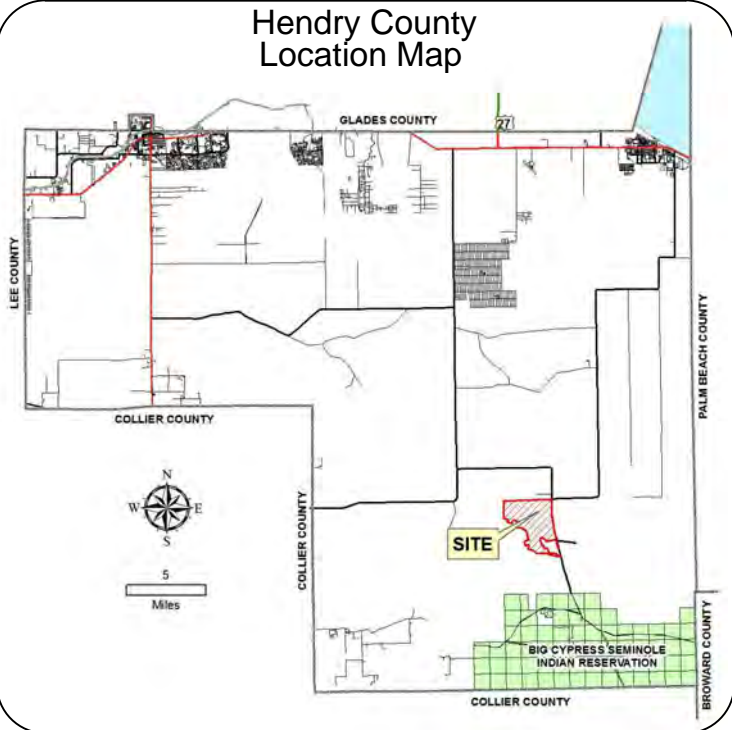


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Exhibit B
Future Land Use Map
Hendry County, Florida


ENGELHARDT, HAMMER & ASSOCIATES
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P.O. Box 759, Odessa, FL 33556
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Hendry County
Location Map



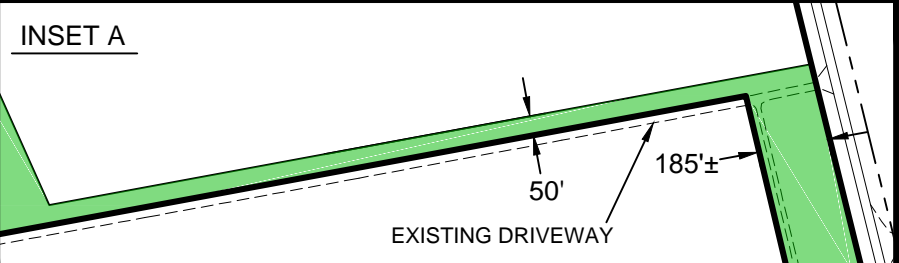
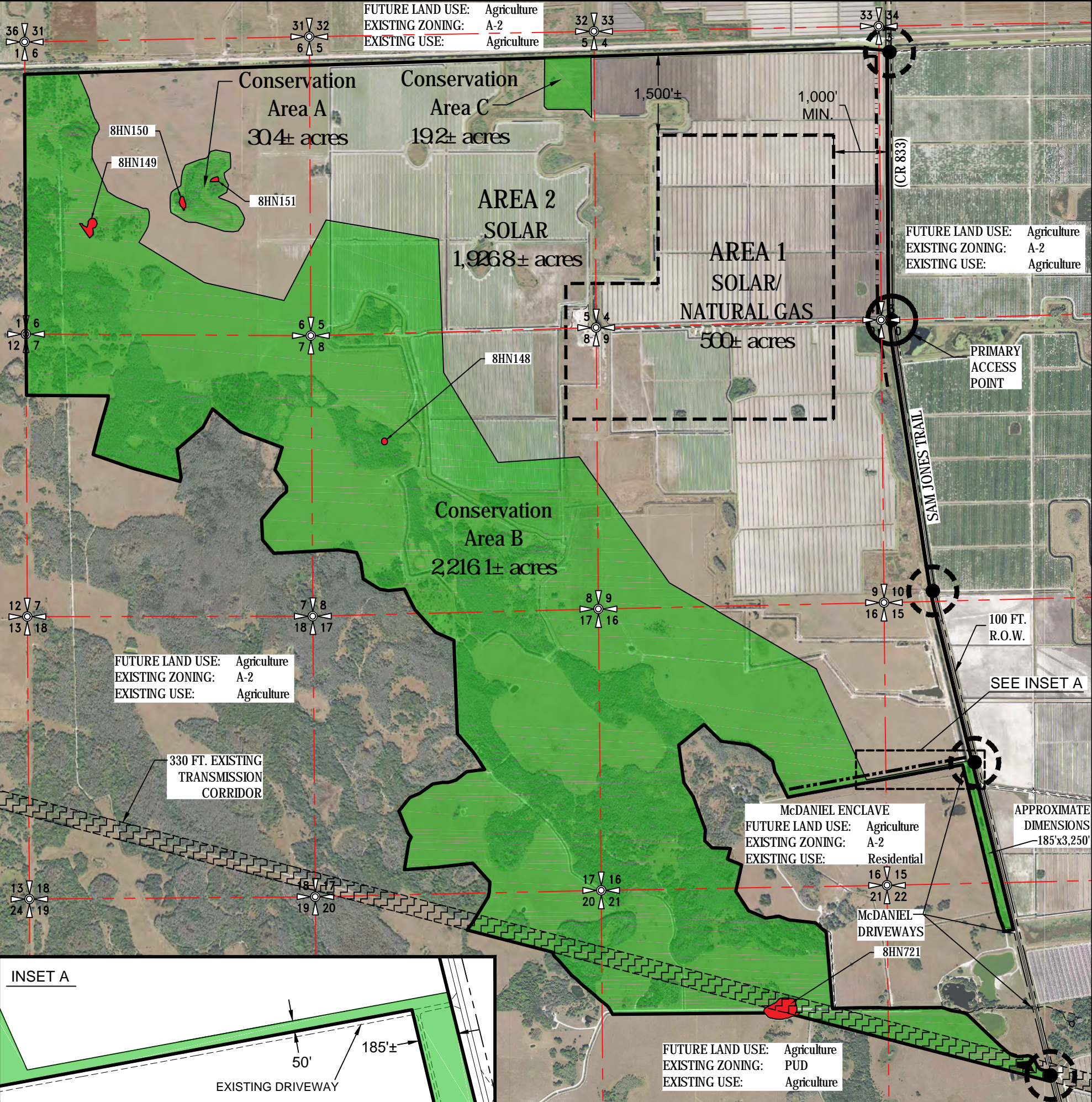
Site Data

Total Site Area	(\bar{z} -8)-5W
Existing Zoning	A-2
Proposed Zoning	PUD
Existing Future Land Use	Agriculture
Proposed Future Land Use	Electric Generating Facility
Existing Use	Agriculture
Max. Natural Gas (N.G.) Facility Height	150 Feet
Max. Solar Panel Height	20 Feet
Development Area	88.8%-5W 51.72%
Area 1: Solar/Natural Gas	SS-5W
Area 2: Solar	88.8%-5W
Conservation Area A:	S-5W 0.65%
Conservation Area B:	88.8%-5W 47.22%
Conservation Area C:	%-5W 0.41%
TOTAL	4692.5± Ac. 100%

Legend

	Transmission Lines		Section Line
	Existing Primary Access & Proposed Signage Location		Archaeological sites (See Note # 3)
	Existing Secondary Access & Possible Signage Location		Section Corner
	Buffer		Landscape Material: Cedar Trees, 30 gal., min. 5' tall One row 25' O.C. N.G. Development: Two staggered rows, 25' O.C., offset 15' from each other

- Notes:
- Areas labeled "Conservation" may be used for access, storm water management, linear utilities or facilities and incidental passive activities. Legal descriptions to be established at the appropriate permitting stage.
 - Accessory or support uses that are ancillary to the principal use may be located within Areas 1 & 2.
 - Locations and sizes of archeological sites are approximate subject to survey.



Page 309 of 482
Project Team

Applicant / Property Owner:
Florida Power & Light Company
c/o Sean Miller,
FPL Development
700 Universe Blvd., B2C/JB
Juno Beach, FL 33408

Planner:
Engelhardt, Hammer & Associates
19825 Angel Lane
Odessa, FL 33556
813-889-8100
Contact: Ethel Hammer

Civil Engineer:
Rock Enterprises, Inc.
870 W. Hickpochee Ave., Ste 100
LaBelle, FL 33935
863-612-0011
Contact: Rock Aboujaoude, P.E.

Legal Counsel:
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Law Department
Florida Power & Light Company
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Juno Beach, FL 33408

Linda Loomis Shelley, Esq.
Buchanan Ingersoll & Rooney, PC
101 N. Monroe St., Suite 1090
Tallahassee, FL 32301
850-681-4260

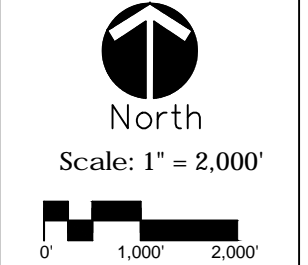
Surveyor:
BBL Surveyors, Inc.
8860 Terrene Court
Bonita Springs, FL, 34135
239-597-1315
Contact: Brett Bishop

Hendry Clean
Energy Center

GENERAL
CONCEPT PLAN
Hendry County, Florida

9/26/16

REVISIONS	
Date	Description
1/9/17	Per County RAI



ENGINEERING CONSULTANTS
870 W. Hickpochee Ave., Ste. 100
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T (863) 612-0011
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EXHIBIT M

9b

Lee County DEO 17-3ESR

9b

9b

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfRPC.org

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS LEE COUNTY

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 17-3ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Factors of Regional Significance

<u>Proposed</u> <u>Amendment</u>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 17-3ESR	Yes	No	No	(1) Regionally significant (2) Conditionally consistent with SRPP

RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County

05/2017

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

COMPREHENSIVE PLAN AMENDMENTS

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 17-3ESR)

Summary of Proposed Amendment

Lee County DEO 17-3ESR consists of two amendments:

CPA2016-00006 (Troyer Brothers Map 14): Amend Map 14 to add lands within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b).

CPA2016-00010 (Troyer Brothers Conservation Lands): Redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands to Conservation Lands on the Future Land Use Map.

The total size of the property is 1,804± Acres (907.6 acres will be added to Map 14, and 453.32 acres will be redesignated to the Conservation Lands future land use category). The subject property is located in Southeast Lee County about 7 miles to the east of Daniels/Gunnery Road on the south side of State Route 82. The property is zoned agricultural (AG-2) to accommodate agricultural row crops and an agricultural processing facility and the FLU Category is Density Reduction/Groundwater Resource (DR/GR) and wetlands. With the exception of the properties within the Lehigh Acres Planning Community, located north of the subject property, the surrounding properties are located in the DR/GR or Wetlands future land use categories and are zoned AG-2.

Lee Plan Goal 33 and its subsequent Objectives and Policies are based on the July 2008 Dover, Kohl & Partners' Prospects for Southeast Lee County and the July 2009 Dover, Kohl & Partners' Natural Resource Strategies for Southeast Lee County. These studies underscore the importance of finding a balance between Southeast Lee County's predominate uses – agricultural, resource extraction (water and aggregate), residential, and conservation. While the 2008 study acknowledges possible impacts of mining activities, it also recognizes the need for aggregate limerock materials:

"The DR/GR is a central part of one of only six areas in the State of Florida that are believed to contain high quality, sub-surface limestone that can be economically processed for use in road construction. Crushed stone, often known as aggregate, is also an important raw material in the construction of buildings. Aggregate is considered to be a geographically limited essential resource for economic development and growth in Florida."

In recognizing the need for a balance, Lee County implemented the Future Limerock Mining Overlay through the adoption of Map 14 and Objective 33.1. Objective 33.1 provides that the County will designate on Map 14 sufficient land for continued limerock mining to meet regional demands through the Lee Plan's planning horizon and Policy 33.1.1 recognizes that by allowing rezonings for new and expanded limerock mines only in the areas identified in Map 14, limerock resources will be more fully utilized and the spread of limerock mining impacts will be precluded until such time as there is a clear necessity to do so and Map 14 is amended accordingly. As such, in determining when and where land should be added to the Future Limerock Mining Overlay the need for additional land and the location of the additional land are required to be evaluated and considered.

On December 20, 2016, in compliance with Policy 33.1.4, the Board adopted the 2016 Southeast Lee County DR/GR Mining Study. The Study demonstrates that there is insufficient land designated on Map 14 to meet the regional limerock demands through the 2040 Planning horizon. In addition, during the Lee Plan

amendment application process, the Applicant provided their own analysis that concluded there is a deficit of limerock supply through the 2030 planning horizon. The Applicant further indicated, assuming all required approvals are obtained, mining excavation would not occur on the subject property prior to 2020, well after the Lee Planning horizon update. Lee County Staff finds that there is a clear necessity that additional land needs to be added to the Future Limerock Mining Overlay to meet demand through the year 2040. In accordance with the recommendations made in the 2016 Southeast Lee County DR/GR Mining Study, Staff is recommending that the Board review applications on a case-by-case basis for inclusion within the Future Limerock Mining overlay rather than the County initiating its own analysis and unilaterally designating land on Map 14.

The application materials provide that the proposed mine will access State Route 82. No access to Corkscrew Road is proposed. Access locations to the subject property will be verified and likely conditioned through the MEPD zoning process. The subject site is located on the south side of State Route 82 east of Homestead Road. State Route 82 is currently an east/west two lane undivided arterial roadway on the Strategic Intermodal System maintained by and under the jurisdiction of FDOT. The applicant proposes to use the existing farm operation access to State Route 82. Lee Plan Map 3A reflects the Lee County Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP). This map shows six-laning of State Route 82 from Homestead Road to Colonial Boulevard as a cost feasible project, and four-laning of State Route 82 from the Hendry County Line to Homestead Road as a needs plan project. The FDOT 5-year work program has multiple projects to widen State Route 82 from Colonial Blvd to County Line. The MPO 2040 LRTP was adopted in December 2015. The updated LRTP includes the four-laning of State Route 82 from the Hendry County Line to Homestead Road as a cost feasible project. Staff is preparing an amendment to Map 3A to incorporate the MPO's 2040 Cost Feasible and Highway Needs Plans.

State Route 82 Improvement Schedule

Segment	Improvement	Construction Funding Year
Colonial Blvd to Shawnee Rd	Widen to 6 lanes	2016/2017
Shawnee Rd to Alabama Rd	Widen to 6 lanes	2021/2022
Alabama Rd to Homestead Rd	Widen to 6 lanes	2017/2018
Homestead Rd to County Line	Widen to 4 lanes	2017/2018

Although County staff is recommending the proposed amendment be transmitted, findings that the mine will be "compatible with maintaining surface and groundwater levels" and that the proposed mine will "minimize or eliminate adverse effects" on surrounding conservation uses cannot be made until the applicant provides the modeling required as part of the concurrent MEPD. If the modeling demonstrates that the proposed mine does not have adverse impacts on surface and groundwater levels and water quality, findings will be made at the adoption hearing regarding surface and ground levels and effects on conservation lands. If this cannot be demonstrated, the proposed amendment to add land to the Future Limerock Mining Overlay should not be adopted.

Regional Impacts

Since the restoration post-mining is not completed until after the site has been impacted and would not commence until the future, in approximately 2040 or later, a performance bond to pay for the restoration is recommended to guarantee that the site would be restored even if the mining company(s) who undertake the impacts declare bankruptcy or no longer exist before that time.

The proposal extends the Map 14 Mining Overlay further east than any current projects or entitlements for mining. The configuration extends across 5 and one half sections (miles) of land between SR82 and Corkscrew Road blocking the northeast to southwest flowways of this part of the DR/GR and bisecting these northeastern portions of the DR/GR. The application asserts that these flow paths are currently blocked by agricultural ditching and that upon the future completion of the project the flowways would be restored through the remnant mining pit. Given the hydrotropic behaviors of mining pits in southwest Florida it is unlikely the flows will cross across the pit since the pit will form a hydrological low in the surficial aquifer and capture water for some distance around the pit particularly during the dry season. So it is unlikely the proposed flowway restoration will be effective.

The project site is in an area of documented Florida panther use with telemetry points on the site. Other federal and state listed species can be found on the site. We recommend that in addition to the review of federally listed species impacts, a review of impacts to state-listed species should occur. The recommendations of the USFWS and FWC should be implemented with regard to wildlife and listed species. The determination of how the connectivity of the proposed on-site wildlife corridors to wildlife habitats off-site including the need for wildlife underpasses within on the site, on SR 82 and Corkscrew Road should be addressed in coordination with the USFWS and FWC.

Staff finds this project is regionally significant in regards to location. This project is located in the DR/GR which is an ecologically important resource. Staff also finds this project conditionally consistent with the SRPP given the recommendations above are followed and the results of the applicant's modeling show no adverse impacts on surface and groundwater levels and water quality.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Conclusion

Staff finds this project is regionally significant in regards to location and conditionally consistent with the SRPP given the recommendations above are followed and the results of the applicant's modeling show no adverse impacts on surface and groundwater levels and water quality.

Recommended Action

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

RACHEL D. CONE
INTERIM SECRETARY

May 12, 2017

Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398

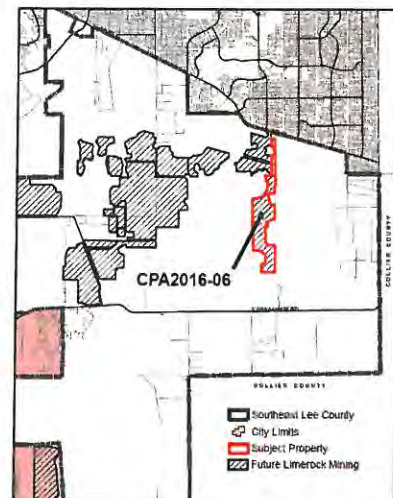
RE: Lee County 17-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Technical Assistance Comments

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-3ESR Proposed Comprehensive Plan Map Amendment (CPA). The CPA proposal package was transmitted under the Expedited State Review process by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The Lee County 17-3ESR CPA includes two separate amendments for land within the 1,804± acres Troyer Brothers site, located in Southeast Lee County (about 7 miles to the east of Daniels/Gunnery Road, and on the south side of State Route 82). The CPAs are summarized below:

- CPA2016-00006, Troyer Brothers Map 14: This amendment includes two primary changes, as summarized below:
 - Amend Map 14 (Future Limerock Mining Overlay) to add 907± acres within the Troyer Brothers property to the Future Limerock Mining Overlay; and
 - Add the corresponding 907± acres to Table 1(b) for Year 2030 Allocations under Industrial acreage, within the Southeast Lee County planning area.



Per the staff report, the limerock mining operation will generate 313 trips (passenger-car equivalent trips) in the AM peak hour, 205 trips in the mid-day peak hour, 46 trips in the PM peak hour, and 2,092 daily trips. The staff report also identifies four widening projects along SR 82, which will provide adequate transportation facilities for a Limerock mine at this location. Each

widening project is included in the FDOT Adopted 5-Year Work Program, and are listed in the following table:

Segment	FM #	Improvement	Construction/ Funding Year
SR 82 from CR 884/ Colonial Blvd. to Shawnee Rd.	425841-1	Widen to 6 lanes	2017
SR 82 from Shawnee Rd. to Alabama Rd.	425841-2	Widen to 6 lanes	2022
SR 82 from Alabama Rd. to Homestead Rd.	425841-3	Widen to 4 lanes	2018
SR 82 from Homestead Rd. to County Line	425841-4	Widen to 4 lanes	2018

- CPA2016-00010, Troyer Brothers Conservation Lands: Amend the Future Land Use (FLU) Map (Map 1) to redesignate 453± acres within the Troyer Brothers property, from the Density Reduction/Groundwater (DR/GR) and Wetlands FLU designation to Conservation Lands.

Per the staff report and consistent with Lee Plan Policies 1.4.3 (DR/GR) and 1.4.6 (Conservation Lands), the DR/GR FLU category allows residential development up to 10 dwelling units (DUs) per acre totaling 45 residential DUs, while the Conservation Lands FLU category does not allow residential densities. The proposed Conservation Lands FLU areas represent native habitat that will be preserved during the Mine Excavation Planned Development (MEPD) process to allow mining in the adjacent Map 14 Amendment area.

FDOT Technical Assistance Comments, CPA2016-00006:

*The trip generation results included in the Staff Report (page 9 of 18) represent the trip generation from an older Traffic Impact Analysis report. The revised Traffic Impact Analysis, dated February 9, 2017, shows slightly different numbers for the AM and PM peak hours (352 AM and 81 PM peak hour trips). **Please revise the trip generation volumes to reflect the latest Traffic Impact Analysis in the Adoption package, for consistency.***

The proposed changes to add land from the subject property to Map 14 for future mining activities, and the addition of 907± acres allocated to industrial uses in Table 1(b) do not create adverse capacity impacts to State or Strategic Intermodal System (SIS) facilities due to the widening of SR 82 (an Emerging SIS facility) in current and future years. Therefore, FDOT offers no capacity comments on CPA2016-00006. FDOT encourages the property owners to coordinate with District One Permitting/Access Management staff to evaluate the existing driveway permit in terms of the land use change to assure the safe and efficient operation of SR 82 at the connection of SR 82/Troyers Bros Road.

Brandon Dunn
Lee County 17-3ESR Proposed CPA – FDOT Technical Assistance Comments
May 12, 2017
Page 3 of 3

FDOT Technical Assistance Comments, CPA2016-00010:

The proposed FLU Map change from DR/GR to Conservation Lands reduces the development potential on the subject properties making up the 453± acres. Therefore, FDOT offers no comments on CPA2016-00010.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions or need to discuss these comments further, please contact me at (239) 225-1981 or sarah.catala@dot.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Sarah Catala', with a stylized flourish at the end.

Sarah Catala
SIS/Growth Management Coordinator
FDOT District One

CC: Mr. Ray Eubanks, Florida Department of Economic Opportunity

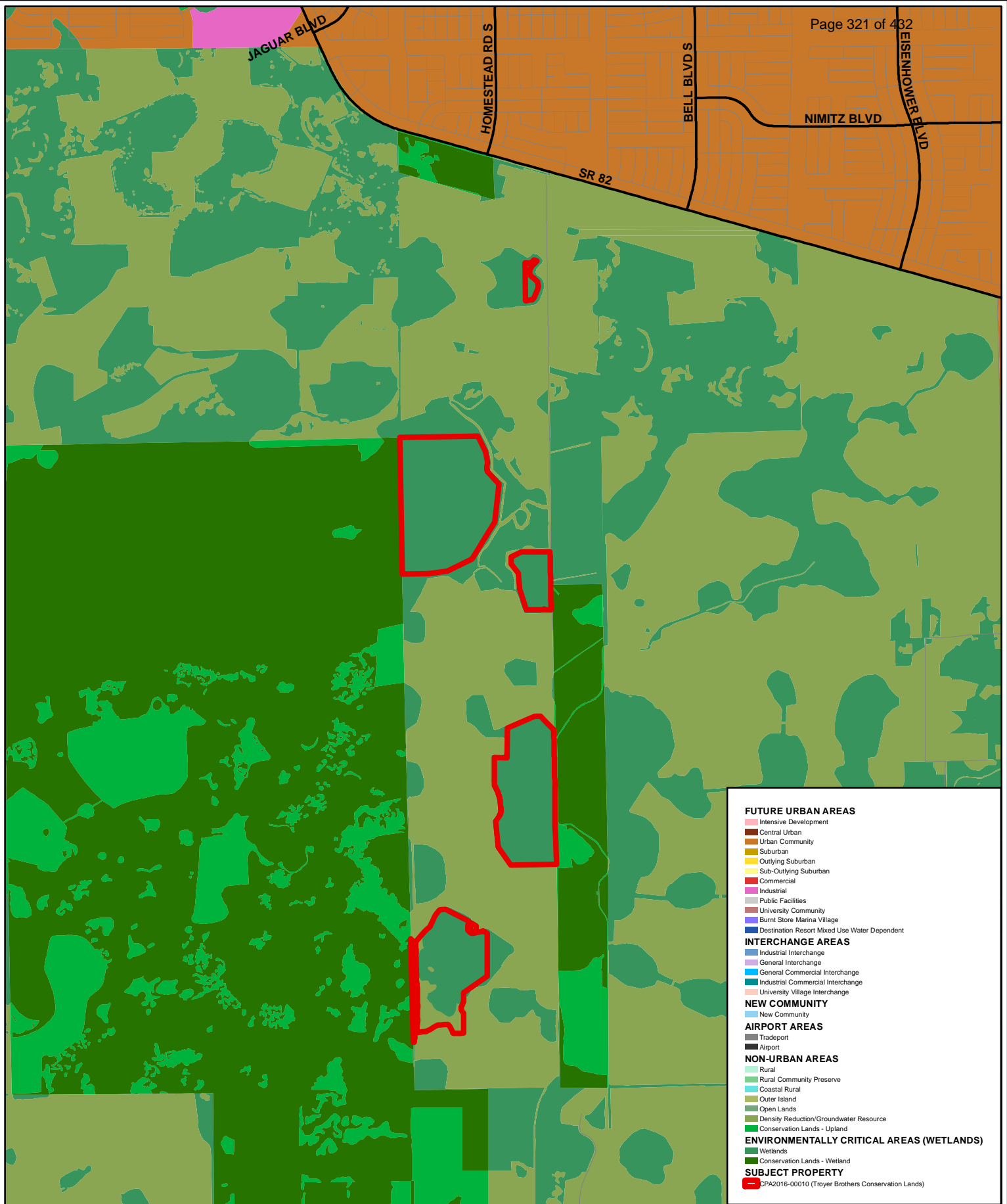
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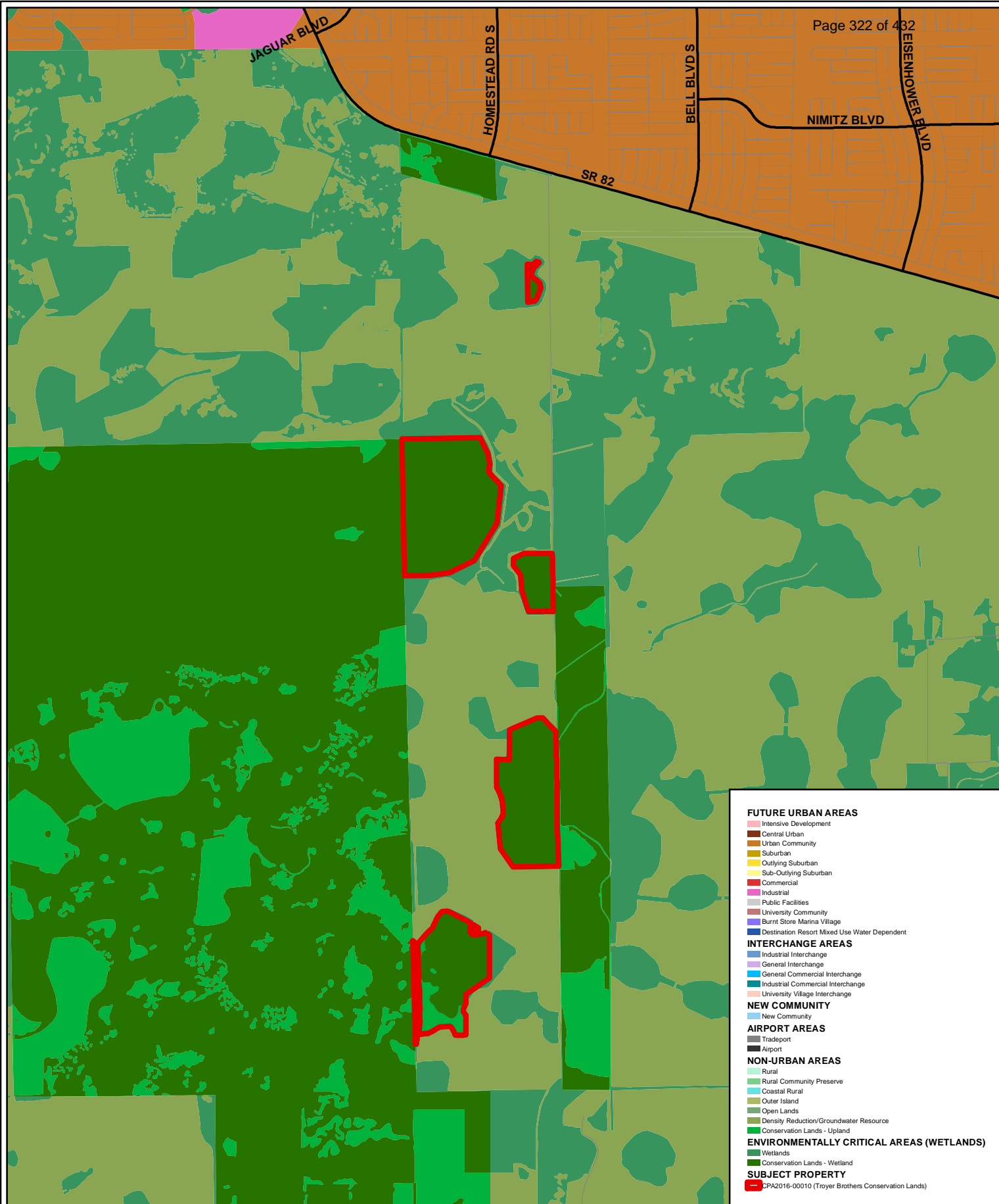
Lee County

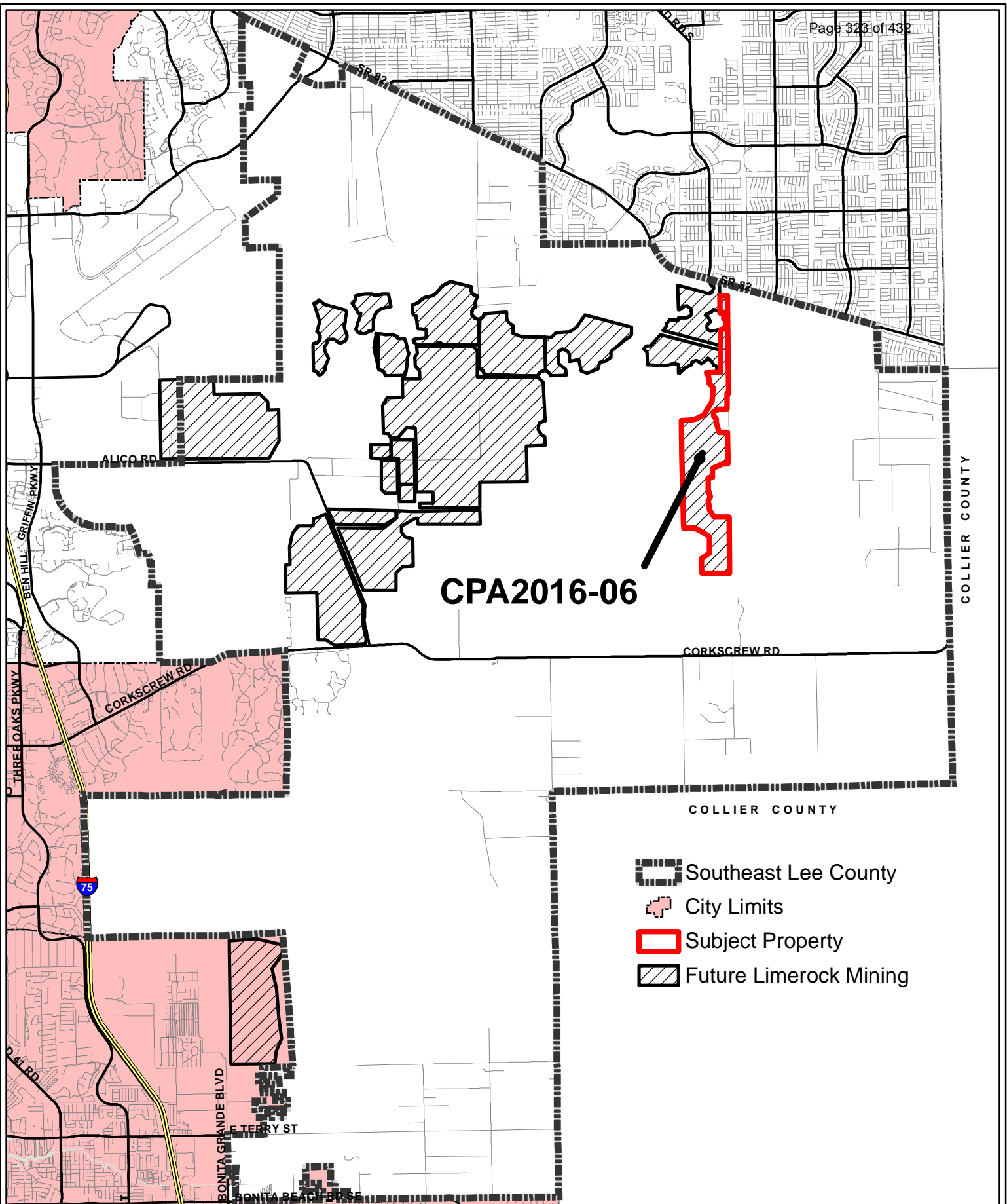
DEO 17-3ESR

Growth Management Plan

Comprehensive Plan Amendment











-  Southeast Lee County
-  City Limits
-  Subject Property
-  Future Limerock Mining

TABLE 1(b)
Year 2030 Allocation
CPA2016-00006

Future Land Use Category		Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/ Airport	Daniels Parkway
		Existing	Proposed											
Residential By Future Land Use Category	Intensive Development	1,376	1,376				20		27		250			
	Central Urban	14,801	14,801				225				230			
	Urban Community	18,084	18,084	520	485		637						250	
	Suburban	16,623	16,623				1,810				85			
	Outlying Suburban	3,849	3,849	30			40	20	2	500				1,552
	Sub-Outlying Suburban	1,548	1,548				367							
	Commercial													
	Industrial	79	79								39		20	
	Public Facilities	1	1							1				
	University Community	850	850											
	Destination Resort Mixed Use Water Dependent	8	8											
	Burnt Store Marina Village	4	4					4						
	Industrial Interchange													
	General Interchange	125	125										11	32
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	900	900										900	
	Airport													
	Tradeport	9	9										9	
	Rural	8,313	8,313	1,948			1,400	636						1,500
	Rural Community Preserve	3,100	3,100											
	Coastal Rural	1,300	1,300											
	Outer Island	202	202	5			1			150				
	Open Lands	2,805	2,805	250				590						120
	Density Reduction/ Groundwater Resource	6,905	6,905	711									94	
	Conservation Lands Upland													
	Wetlands													
	Conservation Lands Wetland													
Unincorporated County Total Residential		80,955	80,955	3,464	485		4,500	1,250	29	651	604		1,284	3,204
Commercial		12,793	12,793	57	52		400	50	17	125	150		1,100	440
Industrial		13,801	14,708	26	3		400	5	26		300		3,100	10
Non Regulatory Allocations														
Public		82,313	82,313	7,100	421		2,000	7,000	20	1,961	350		7,500	2,477
Active AG		17,027	16,120	5,100			550	150						20
Passive AG		45,585	45,585	13,549			2,500	109					1,241	20
Conservation		81,933	81,933	2,214	611		1,142	3,236	133	1,603	748		2,798	1,733
Vacant		22,841	22,841	1,953			226	931	34		45		300	136
Total		357,248	357,248	33,463	1,572		11,718	12,731	259	4,340	2,197		17,323	7,967
Population Distribution (unincorporated Lee County)		495,000	495,000	5,090	1,531		30,861	3,270	225	530	5,744		15,115	16,375

TABLE 1(b)
Year 2030 Allocation
CPA2016-00006

Future Land Use Category		Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County		North Fort Myers	Buckingham	Estero	Bayshore
								Existing	Proposed				
Residential By Future Land Use Category	Intensive Development				660	3	42			365		9	
	Central Urban	375	17		3,140		8,179			2,600			
	Urban Community	850	1,000		860	500	12,422				110	450	
	Suburban	2,488	1,975		1,200	675				6,690		1,700	
	Outlying Suburban	377				600				382		454	
	Sub-Outlying Suburban		25							140	66		950
	Commercial												
	Industrial	5	5		10								
	Public Facilities												
	University Community		850										
	Destination Resort Mixed Use Water Dependent	8											
	Burnt Store Marina Village												
	Industrial Interchange												
	General Interchange							45	15	31		6	30
	General Commercial Interchange												
	Industrial Commercial Interchange												
	University Village Interchange												
	Mixed Use Interchange												
	New Community												
	Airport												
	Tradeport												
	Rural		90			190	14			500	50	635	1,350
	Rural Community Preserve										3,100		
	Coastal Rural					1,300							
	Outer Island	1				45							
	Open Lands									45			1,800
	Density Reduction/ Groundwater Resource							4,000	4,000				2,100
	Conservation Lands Upland												
	Wetlands												
	Conservation Lands Wetland												
Unincorporated County Total Residential		4,104	3,962		5,870	3,313	20,657	4,045	4,015	10,753	3,326	3,254	6,230
Commercial		1,100	1,944		2,100	226	1,420	68	68	1,687	18	1,700	139
Industrial		320	450		900	64	300	7,246	8,153	554	5	87	5
Non Regulatory Allocations													
Public		3,550	3,059		3,500	2,100	15,289	12,000	12,000	4,000	1,486	7,000	1,500
Active AG						2,400		7,171	6,264	200	411	125	900
Passive AG						815		18,000	18,000	1,532	3,619	200	4,000
Conservation		9,306	2,969		188	14,767	1,541	31,359	31,359	1,317	336	5,068	864
Vacant		975	594		309	3,781	8,697	470	470	2,060	1,000	800	530
Total		19,355	12,978		12,867	27,466	47,904	80,329	80,329	22,103	10,201	18,234	14,168
Population Distribution (unincorporated Lee County)		34,538	36,963		58,363	13,265	160,405	1,270	1,270	71,001	6,117	25,577	8,760

Agenda

Item

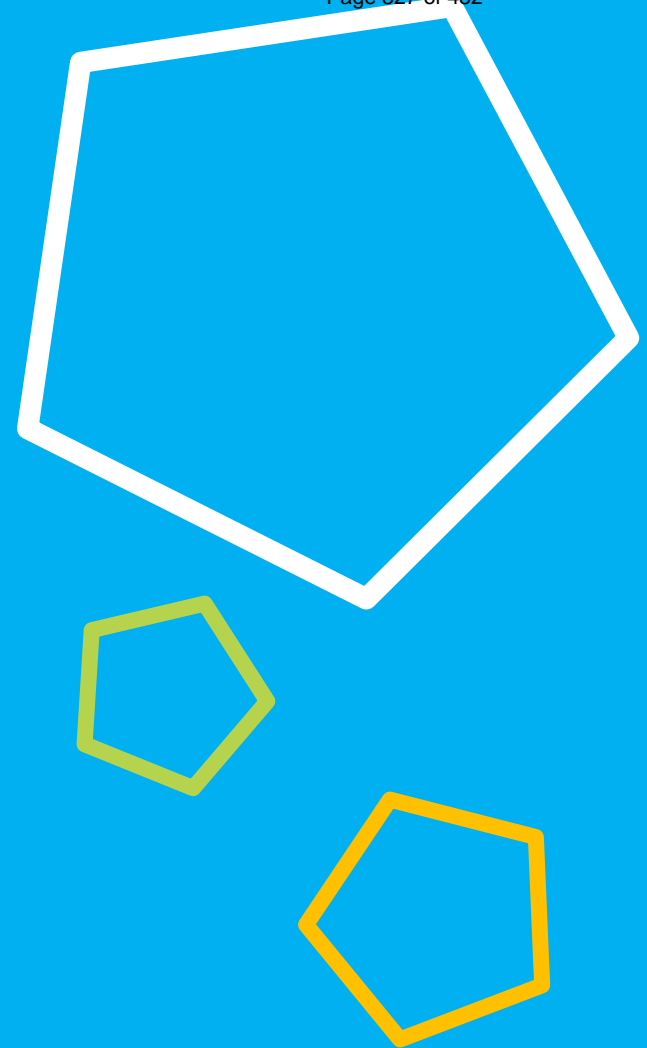
10

Regional Impact

10

10

GROWTH MANAGEMENT PROGRAM

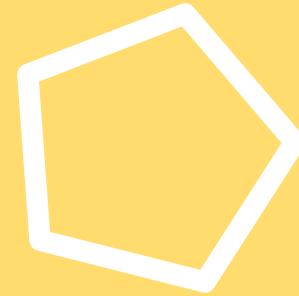


GROWTH MANAGEMENT PLANNING

Funding for the reviews that Council will see today was funded through local jurisdiction dues and Applicant Fees.



COMP PLAN AMENDMENTS



Charlotte County

DEO 17-2ESR

Description:

PA-17-03-08-LS: Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; this request is to amend Future Land Use (FLU) Appendix I: Land Use Guide by revising the criteria for “Neighborhood Residential” and the “Special Provisions” set forth in Murdock Village Mixed Use (MVMU) Land Use Map designation

PA-17-01-02-LS: Transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment; this request is to amend Future Land Use (FLU) Policy 1.2.7: Transfer of Density Units (TDU) Program Intent; FLU Policy 1.2.9: TDU Sending Zones; FLU Policy 1.2.10: Restrictions on Sending Zones; FLU Policy 1.2.11: TDU Receiving Zones; and FLU Policy 1.2.12: Prohibited Receiving Zones

Charlotte County

DEO 17-2ESR

County Proposed Language:

FLU Policy 1.2.12: Prohibited Receiving Zones

Density shall not be transferred into:

3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical or archeological resource structure that is to be integrated into a development will not need to be buffered. When a portion of the property contains environmentally sensitive resources, the area containing environmentally sensitive resources may receive density only if impacts have been approved through an environmental resource permit or applicable State or Federal permit, or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit. Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources.

Charlotte County

DEO 17-2ESR

RPC Staff Proposed Revision:

3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical or archeological resource structure that is to be integrated into a development will not need to be buffered. When a portion of the property contains environmentally sensitive resources, ~~the area containing environmentally sensitive resources may receive density only if impacts have been approved through an environmental resource permit or applicable State or Federal permit, or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit. Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources.~~ that have been approved to be removed or eliminated by the appropriate local, State, and Federal permits and the environmentally sensitive resources have been removed, then the area formerly occupied by the environmentally sensitive resource may receive density and any formerly required 100 foot buffers are removed and these former buffer areas may receive density. Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources.

Charlotte County

DEO 17-2ESR

Recommendation:

Staff finds this project regionally significant in regards to location and character. Staff finds this project conditionally consistent with the SRPP given that County staff amends FLU Policy 1.2.12 (3) in line with the Council staff's suggested language.

--- Agenda --- Item

10a

Charlotte County DEO 17-2ESR

10a

10a

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LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS CHARLOTTE COUNTY

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Charlotte County Comprehensive Plan (DEO 17-2ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Factors of Regional Significance

<u>Proposed</u> <u>Amendment</u>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 17-2ESR	Yes	No	Yes	(1) Regionally significant (2) Conditionally consistent with SRPP

RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Charlotte County.

5/2017

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

COMPREHENSIVE PLAN AMENDMENTS

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

CHARLOTTE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 17-2ESR)

Summary of Proposed Amendment

Charlotte County DEO 17-2ESR consists of two amendments:

PA-17-01-02-LS: Transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State review agencies for review and comment; this request is to amend Future Land Use (FLU) Policy 1.2.7: Transfer of Density Units (TDU) Program Intent; FLU Policy 1.2.9: TDU Sending Zones; FLU Policy 1.2.10: Restrictions on Sending Zones; FLU Policy 1.2.11: TDU Receiving Zones; and FLU Policy 1.2.12: Prohibited Receiving Zones

The 2050 Comprehensive Plan, adopted in 2010, includes ten policies specifically related to the TDU program. These policies address the intent of the TDU program, criteria for the TDU sending and receiving zones, possible TDU bonus programs, TDU waivers, and a program for providing incentive density for revitalizing neighborhoods. As part of this revision, the Infill Area and Suburban Area, established in the 1997-2010 Comprehensive Plan, were replaced with a Neighborhood Framework that established the planning vision for the County. The adopted plan policies are more restrictive than the adopted TDU ordinance, which has been successfully implemented since 1994. During the implementation of the 2050 Comprehensive Plan, staff discovered that some of the new policies do not truly reflect the overall vision and intent which were established in the 2050 Comprehensive Plan. It is staff's professional opinion that the TDU related policies must be revised in order to truly implement the vision of the Comprehensive Plan as a whole.

In order to solicit public comments and suggestions regarding revisions to the TDU related policies and the existing TDU code, between June and November of 2016, the Community Development Department hosted six roundtable meetings and worked with the public step by step to make revisions to the TDU related policies.

This text amendment was presented to the Planning and Zoning Board on March 13, 2017. "Excess Density" and "Development vs. Wetlands" were greatly discussed. The Planning and Zoning Board voted 4-0 to forward this petition to the Board of County Commissioners with a recommendation of approval for transmittal to the DEO and state review agencies for review and comment with two conditions as follows:

- Deleting Policy 1.2.9, sub 10 and possibly changing that language to an incentive for developers to move excess density to another project, and
- Including a date certain (date of the ordinance) to identify referenced storm surge map.

If the Board of County Commissioners approves this text amendment, it will ensure that the TDU program is used to move density from areas less suited for development to areas more suited for development including away from the CHHA, away from Barrier Islands, away from agricultural areas, and away from sensitive natural resources while at the same time maximizing the use of existing and future public facilities and services.

PA-17-03-08-LS: Pursuant to Section 163.3184(3), Florida Statutes, transmit a Large Scale Plan Amendment to the Department of Economic Opportunity (DEO) and other State agencies for review and comment; this request is to amend Future Land Use (FLU) Appendix I: Land Use Guide by revising the criteria for “Neighborhood Residential” and the “Special Provisions” set forth in Murdock Village Mixed Use (MVMU) Land Use Map designation

This is a large-scale text amendment to amend the standards of the Murdock Village Mixed Use Future Land Use Map designation. The amendment proposes removing the requirement for a Town Center within Murdock Village, removing the requirements for transportation connectivity between and among development within Murdock Village, and the requirement of a mixture of uses.

Regional Impacts

The two proposed policy amendments below have been requested to be deleted or altered by the Conservancy of Southwest Florida and Spikowski Planning Associates (acting on behalf of Friends of Cape Haze, Inc. and Gasparilla Island Conservation and Improvement Association, Inc.). The Charlotte County Planning and Zoning Board also recommended deleting FLU Policy 1.2.9 (10) and expressed concern that FLU Policy 1.2.13 (3) may cause a potential loss of wetlands.

FLU Policy 1.2.9: TDU Sending Zones

The following sending zones are recognized by the County:

10. It is located within the Urban Service Area and a building permit and/or Certificate of Occupancy has been issued to develop a school, place of worship, park, cemetery or mausoleum subsequent to December 3, 2007.

The concern with this policy is that it allows for “excess density” to be moved around without providing a methodology for how the density will be calculated. The policy could allow landowners to choose one land use option for a lot and then come back and claim additional development rights while retaining the original land use choice. A landowner whose site had been developed commercially or institutionally would now be able to claim the residential density that would have been allowed on that site and then transfer that density to other sites.

Charlotte County planning staff’s response is that this language was approved in 2007 by the Board of County Commissioners to be added to the County’s TDU program via Ordinance Number 2007-083 as a sending zone criteria. This is a planning tool to provide additional flexibility. However, the County has not received any applications to use this TDU criteria.

FLU Policy 1.2.12: Prohibited Receiving Zones

Density shall not be transferred into:

3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical or archeological resource~~structure~~

that is to be integrated into a development will not need to be buffered. When a portion of the property contains environmentally sensitive resources, the area containing environmentally sensitive resources may receive density only if impacts have been approved through an environmental resource permit or applicable State or Federal permit, or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit. Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources.

This proposed policy states that environmentally sensitive resources, including wetlands, can be receiving zones as long as the destruction of environmentally sensitive area is approved through an environmental resource permit or applicable State or Federal permit. The County should not rely on State and Federal protection as they are unable to address local conditions, such as the contribution of coastal wetlands to local fisheries, to reducing storm surges, and to dampening hurricane winds. One of the original intents of the TDU program was to preserve environmentally sensitive areas by directing growth towards locations better suited for development.

The County planning staff provides the following rebuttal to the potential loss of wetlands:

According to Future Land Use (FLU) Appendix III: Definitions, “Environmentally Sensitive or “Environmentally Sensitive Resource” means that an environmentally sensitive resource can be any wetland, any natural community ranked G1, G2, S1, S2, or S3 in the most recent edition of the Guide to Natural Communities of Florida, or any land area wherein a wildlife or plant species listed by the State of Florida or the United States as endangered or threatened is living; this also includes any land within the ½ mile of the creek system of the Reservoir Protection Overlay District and any land within the Prime Aquifer Recharge Area; this also includes lands encompassing historic flowways.”

Example



Figure 1

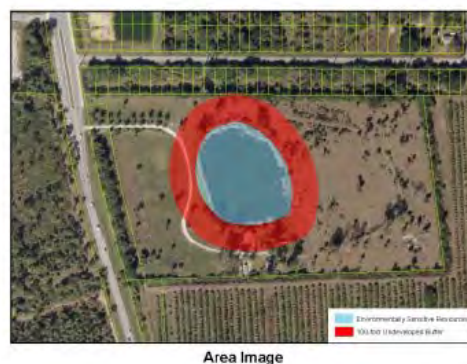


Figure 2

There is a site currently containing 20 acres and zoned RSF-1. The area highlighted in light blue (Figure 1) contains environmentally sensitive resources such as wetlands or gopher tortoises. In order to develop 20 units on the site, the owner/developer would only need to go through the site plan review process, and the development must comply with all goals, objectives, and policies set forth in the County's Comprehensive Plan such as those related to natural resources and wetland protections. According to

ENV Policy 3.1.2: Indicators of Wetlands, “Impacts within Category II wetlands shall first be avoided. Impacts that cannot be avoided may be mitigated as permitted by State and Federal permitting agencies.” If the site contains Category II wetland, during the site plan review process, such wetland may be mitigated as permitted by State and Federal permitting agencies. The site is located within an Emerging Neighborhood, which is qualified as a receiving zone. If the Board approved a rezoning to RSF-2, the owner/developer is allowed to develop up to 40 units on the site with 20 units of transferred density. Based on the current policy, in order to develop 40 units on the site, an undeveloped buffer at least 100 feet wide (highlighted in red in Figure 2) shall be established around the environmentally sensitive resource area in addition to complying with all objectives and policies related to natural resources and wetland protections.

Increase of density on a piece of property only gives an owner/developer more residential development rights, and does not authorize any actual development, nor destroy environmentally sensitive resources. Any residential development more than three units or other development must comply with the goals, objectives, and policies set forth in the County’s Comprehensive Plan, including protecting natural resources. The Comprehensive Plan must be implemented as a whole; no single policy can be considered in isolation. At the same time, staff fully understands some citizens’ concerns. Therefore, staff is proposing to add the following additional language to this policy to make sure that environmentally sensitive resources are protected:

Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources.

Due to the fact that these proposed amendments may negatively affect wetlands, Council staff finds this amendment regionally significant due to location and character.

Council staff recommends the following revised language for FLU Policy 1.2.12 (3):

Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical or archeological resource structure that is to be integrated into a development will not need to be buffered. ~~When a portion of the property contains environmentally sensitive resources, the area containing environmentally sensitive resources may receive density only if impacts have been approved through an environmental resource permit or applicable State or Federal permit, or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit. Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources. that have been approved to be removed or eliminated by the appropriate local, State, and Federal permits and the environmentally sensitive resources have been removed, then the area formerly occupied by the environmentally sensitive resource may receive density and any formerly required 100 foot~~

buffers are removed and these former buffer areas may receive density. Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Conclusion

Staff finds this project regionally significant in regards to location and character. Staff finds this project conditionally consistent with the SRPP given that County staff amends FLU Policy 1.2.12 (3) in line with the Council staff's suggested language above.

Recommendation

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Charlotte County.



MEMORANDUM

DATE: February 25, 2017, Revised on April 18, 2017

TO: Honorable Board of County Commissioners
Planning and Zoning Board

FROM: Claire Jubb
Community Development Department Director

RE: **A Large Scale Plan Amendment Petition Number PA-17-01-02-LS**

Staff Recommendation

Approve transmittal of Petition No. PA-17-01-02-LS to the Department of Economic Opportunity (DEO) and other state agencies for review and comment, based on the findings and analysis in the Comprehensive Planning Division staff memorandum dated February 25, 2017 and revised on March 24, 2017, and any evidence presented at the public hearing.

The Planning and Zoning Board Recommendation

This petition was presented to the Planning and Zoning Board on March 13, 2017. "Excess Density" and "Development vs. Wetlands" were greatly discussed. The Planning and Zoning Board voted 4-0 to forward this petition to the Board of County Commissioners with a recommendation of approval for transmittal to the DEO and state review agencies for review and comment. However, the Planning and Zoning Board recommended approval with two conditions as follows:

1. Deleting Policy 1.2.9, sub 10 and possibly changing that language to an incentive for developers to move excess density to another project, and

Staff's Response:

The proposed Item 10, which states that *"It is located within the Urban Service Area and a building permit and/or Certificate of Occupancy has been issued to develop a school, place of worship,*

COMMUNITY DEVELOPMENT DEPARTMENT

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park, cemetery or mausoleum subsequent to December 3, 2007”, was approved in 2007 by the Board of County Commissioners (Board) to be added to the County’s TDU program via Ordinance Number 2007-083 as a sending zone criteria. This is a planning tool to provide additional flexibility. However, the County has not received any applications to use this TDU criteria.

Proposed Item 11 states that “It is located within the Urban Service Area and the owner wishes to retain an allowed residential density below the base density”. This proposed language is one of the sending zone criteria in the existing TDU program, which has allowed property owners/developers to move excess density to a receiving zone. It is staff’s opinion that the proposal already addresses the Planning and Zoning Board’s recommendation regarding possibly changing language to an incentive for developers to move excess density to another project. Therefore, no changes to this item have been made.

2. Including a date certain (date of the ordinance) to identify referenced storm surge map.

Staff’s Response:

The existing TDU program and the County’s Comprehensive Plan have always allowed density to be transferred within the Coastal High Hazard Area (CHHA), but certain criteria established in the existing TDU code must be met in order to make sure the potential density transfers will not create negative impacts. During the roundtable meetings, there was a great deal of discussion about potential density transfers within the CHHA. The proposed language clarifies and ensures that “no transfers of density may occur in the CHHA from a less to a more restrictive storm surge or flood zone west of the Myakka River and Charlotte Harbor”. The proposed language and the existing restrictions in the TDU code have provided sufficient protection within the CHHA and the updating of the storm surge map is managed by the Department of Emergency Management, not the County. The storm surge map may be changed in the future, which will cause CHHA boundary changes. However, the proposal will only allow density within the CHHA to be transferred out of the CHHA or within the CHHA with very strong restrictions. It is staff’s opinion that the Planning and Zoning Board’s recommendation is unnecessary and the policy should be to deal with all properties within the CHHA equally instead of treating potential properties added to the CHHA due to the storm surge map changes differently from properties within the exiting CHHA.

During the Planning and Zoning Board meeting, the following proposed revisions to item 3 under FLU Policy 1.2.12: Prohibited Receiving Zones were greatly discussed:

3. *Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical or archeological resource that is to be integrated into a development will not need to be buffered. When a portion of the property contains environmentally sensitive resources, the area containing environmentally*

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sensitive resources may receive density only if impacts have been approved through an environmental resource permit or applicable State or Federal permit, or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit.

One position was that the language would cause the potential loss of wetlands within the County. Staff does not agree with this position.

According to Future Land Use (FLU) Appendix III: Definitions, “Environmentally Sensitive or “Environmentally Sensitive Resource” means that an environmentally sensitive resource can be any wetland, any natural community ranked G1, G2, S1, S2, or S3 in the most recent edition of the Guide to Natural Communities of Florida, or any land area wherein a wildlife or plant species listed by the State of Florida or the United States as endangered or threatened is living; this also includes any land within the ½ mile of the creek system of the Reservoir Protection Overlay District and any land within the Prime Aquifer Recharge Area; this also includes lands encompassing historic flowways.”

Example



Area Image

Figure 1



Area Image

Figure 2

There is a site currently containing 20 acres and zoned RSF-1. The area highlighted in light blue (Figure 1) contains environmentally sensitive resources such as wetlands or gopher tortoises. In order to develop 20 units on the site, the owner/developer would only need to go through the site plan review process, and the development must comply with all goals, objectives, and policies set forth in the County's Comprehensive Plan such as those related to natural resources and wetland protections. According to ENV Policy 3.1.2: Indicators of Wetlands, “Impacts within Category II wetlands shall first be avoided. Impacts that cannot be avoided may be mitigated as permitted by State and Federal permitting agencies.” If the site contains Category II wetland, during the site plan review process, such wetland may be mitigated as permitted by State and Federal permitting agencies. The site is located within an Emerging Neighborhood, which is qualified as a receiving zone. If the Board approved a rezoning to

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Port Charlotte, FL 33948

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RSF-2, the owner/developer is allowed to develop up to 40 units on the site with 20 units of transferred density. Based on the current policy, in order to develop 40 units on the site, an undeveloped buffer at least 100 feet wide (highlighted in red in Figure 2) shall be established around the environmentally sensitive resource area in addition to complying with all objectives and policies related to natural resources and wetland protections.

Increase of density on a piece of property only gives an owner/developer more residential development rights, and does not authorize any actual development, nor destroy environmentally sensitive resources. Any residential development more than three units or other development must comply with the goals, objectives, and policies set forth in the County's Comprehensive Plan, including protecting natural resources. The Comprehensive Plan must be implemented as a whole; no single policy can be considered in isolation. At the same time, staff fully understands some citizens' concerns. Therefore, staff is proposing to add the following additional language to this policy to make sure that environmentally sensitive resources are protected:

Any development shall comply with Federal, State and local regulations to protect environmentally sensitive resources.

Data and Analysis

1. History of Transfer Density Units (TDU) Program

The 1988 Comprehensive Plan adopted policies that called for the preservation of natural, historical, archeological and cultural resources. In order to implement these policies, in 1994, the County adopted the original Transfer of Development Rights (TDR) ordinance (see Attachment 1: Transfer of Development Rights, Ordinance Number 94-37). The ordinance allowed residential development rights to be severed from properties containing natural, historical, archeological and cultural resources and transferred to properties more suitable for development.

Policies addressing the transfer of development rights were first added to the 1997-2010 Comprehensive Plan to address the platted lots issue. The platted lots issue generally means that there are too many platted standard and substandard lots inside or outside of the Urban Service Area, and supply of buildable lots far exceeds the demand for them, which resulted in an over-extended infrastructure system. Policies also addressed using the transfer of development rights as an incentive to development when wetlands were preserved or density moved out of the Coastal High Hazard Area (CHHA), with density bonus (see Attachment 2: Policies Related to TDU Set Forth in the 1997-2010 Comprehensive Plan).

In 2004, the TDR ordinance was replaced by a Transfer Density Units (TDU) ordinance (see Attachment 3: Article XX, Transfer of Density Units, and Ordinance Number 04-067). In addition to protecting ecologically valuable, historic and archeological resources as the TDR ordinance did, the TDU ordinance also directed growth away from areas less suited for development toward areas better suited

COMMUNITY DEVELOPMENT DEPARTMENT

18400 Murdock Circle

Port Charlotte, FL 33948

Phone: 941.764.4909 | Fax: 941.764-4108



Protecting Southwest Florida's unique natural environment and quality of life ... now and forever.

April 21, 2017

Sent via email

Bill Truex, District 3, Chair
Ken Doherty, District 1, Vice-Chair
Christopher Constance, District 2
Stephen R. Deutsch, District 4
Joseph Tiseo, District 5
Re: Proposed Changes to TDU Policies

Dear Chair Truex and Commissioners:

On behalf of the Conservancy of Southwest Florida and our over 6,000 supporting families, we are writing to comment regarding the proposed changes to the Transfer of Development Units (TDU) policies in the comprehensive plan.

We would like to thank staff for the process by which the changes were made. The roundtables were helpful in soliciting input from stakeholders, and allowed a high level of community involvement and participation.

For the most part, we support the proposed changes. However, we do have two areas of significant concern.

Our first issue of concern is FLU Policy 1.2.9.10: TDU Sending Zones which states that land can be a sending zone if "[i]t is located within the Urban Service Area and a building permit and/or Certificate of Occupancy has been issued to develop a school, place of worship, park, cemetery or mausoleum subsequent to December 3, 2007".

This policy is troubling. It allows for what is being called "excess density" to be moved around. Unfortunately, we have not been provided with a methodology for how this density will be calculated. Thus, we are concerned both about the amount of potential density that can be created as well as the possibility of "double dipping", meaning if the land is being utilized fully by the school, place of worship, park, cemetery or mausoleum, there would be no excess density to transfer. We also have not been provided with sample calculations with how this policy could work. It seems unwise to adopt such an amorphous and ambiguous policy, and we urge you to recommend against the transmittal of 1.2.9.10.



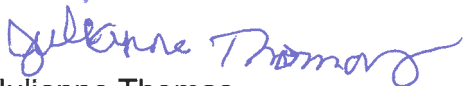
Conservancy of Southwest Florida has been awarded Charity Navigator's prestigious 4-Star top rating for good governance, sound fiscal management and commitment to accountability and transparency. Charity Navigator is America's largest and most respected independent evaluator of charities.

We are also concerned about FLU Policy 1.2.12.3 which states that areas with environmentally sensitive resources, like wetlands, can be receiving lands so long as destruction of environmentally sensitive area is approved through an environmental resource permit or applicable State or Federal permit. One of the original intents of the TDU program was to preserve environmentally sensitive areas by directing growth toward locations better suited for development. Wetlands and environmentally sensitive areas are not locations better suited for development. This language is in direct opposition to that intent.

We understand that some environmentally sensitive areas can be lawfully disturbed or destroyed via environmental resource permits, or other applicable State or Federal permits. However, the County should not want to encourage that type of activity by allowing destroyed environmentally sensitive areas to become receiving areas for higher densities. These areas should not be potential receiving areas. We urge you to recommend against transmitting the newly proposed last sentence to FLU Policy 1.2.12.3: "[w]hen a portion of the property contains environmentally sensitive resources, the area containing environmentally sensitive resources may receive density only if impacts have been approved through an environmental resource permit or applicable State or Federal permit, or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit."

Please feel free to contact me for more information, or if you have any questions. I can be reached at juliannet@conservancy.org or 239-262-0304 x 252. Thank you for your time and consideration of our concerns regarding this amendment.

Sincerely,



Julianne Thomas

Senior Environmental Planning Specialist

Cc: Claire Jubb, Charlotte County Community Development Director
Shaun Cullinan, Charlotte County Planning and Zoning Official
Joshua Moye, Charlotte County Assistant County Attorney
Jie Shao, Charlotte County Principal Planner
Matthew Trepal, Charlotte County Principal Planner



April 18, 2017

Commissioner Bill Truex, Chairman
Board of County Commissioners
18500 Murdock Circle, Suite 536
Port Charlotte, FL 33948

RE: AMENDMENTS TO TDU POLICIES IN COMPREHENSIVE PLAN, PA-17-01-02-LS

Dear Commissioner Truex:

Please consider the thoughts and suggestions in this letter before your board amends the Comprehensive Plan regarding Transfer of Density Units (TDU). I have prepared this letter on behalf of Friends of Cape Haze, Inc. and Gasparilla Island Conservation and Improvement Association, Inc.; these groups retained me last year as a professional advisor about the potential effects of these amendments.

There are three areas where these amendments would not serve the citizens of Charlotte County:

- **DENSITY IN COASTAL AREAS COULD INCREASE.** Charlotte County has been a statewide leader in transferring development rights away from sensitive areas. Despite many successes, the proposed amendments could weaken the TDU program through careless policy language that could transfer development rights in the wrong direction – **toward** vulnerable coastal areas instead of **away** from them – and could open up other loopholes.
- **NEW DENSITY WOULD BE CREATED AT RANDOM LOCATIONS.** County officials have struggled to overcome past decisions where development rights have been assigned carelessly, for instance in coastal areas where full evacuation is impossible. In a complete reversal of recent planning, these amendments would create new development rights in seemingly random locations; these rights may or may not be transferred in a manner that furthers Charlotte County's goals.
- **VALUABLE PROTECTION OF WETLANDS WOULD BE ABANDONED.** Wetlands are very difficult to develop, and in their natural state they serve as storm buffers, support valuable fisheries, and provide habitat to wildlife. Charlotte County has a proud history of protecting wetlands, yet the proposed amendments would abandon and even reverse critical portions of existing protections by allowing development rights to be transferred **into wetlands** instead of away from them.

These three subjects are explained on the following pages. I have attached suggested revisions to the proposed amendments that would solve each problem.

Chairman Bill Truex
 April 18, 2017
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DENSITY IN COASTAL AREAS COULD INCREASE

Charlotte County has become a statewide leader in transferring development rights away from sensitive areas after beginning its TDU program about twenty years ago.

PROBLEM: Despite considerable successes, the proposed amendments could inadvertently weaken the TDU program through careless policy language that could allow transfers in the wrong direction – **toward** vulnerable coastal areas instead of **away** from them.

The Comprehensive Plan has stated unequivocally since 2010 that the TDU program's intent is to "Prevent density increases within the Coastal High Hazard Area (CHHA)...". New language now being proposed would modify this intent to prevent only "**net**" density increases (so that transfers could be made within the CHHA, as long as they're made **away from** the most sensitive coastal areas). This is admirable because it would move some development from a riskier coastal location to a safer coastal location, which could be seen as prohibited by the current unequivocal language.

SUGGESTION: The current wording of the proposed amendments could cause unintended effects. We are comfortable with the term "net" being added as long as this policy includes clearer wording about density transfers in the Coastal High Hazard Area being allowed only from a riskier to a safer location (e.g. from a more restrictive to a less restrictive storm surge or flood zone). No unintended loopholes would be created with the clearer language we are suggesting.

Our suggested revisions in Attachment A would revise intent statement #6 in Policy 1.2.7. We also suggest adding some critical details as #8 and #9 in Policy 1.2.12.

NEW DENSITY WOULD BE CREATED AT RANDOM LOCATIONS

County officials have struggled to overcome past decisions where development rights have been assigned carelessly, for instance in coastal areas where full evacuation is impossible, and on pre-platted lots of a single type and size in quantities that may never be absorbed by the market. The resulting problems are clear in hindsight when local officials try to manage the impacts of growth with very limited revenues. Nearly unsolvable problems have been created in Charlotte County for planning hurricane evacuations, protecting wetlands, and providing water and sewer service in a cost-effective manner.

PROBLEM: In a complete reversal of recent planning, the proposed amendments would create new development rights on land in seemingly random locations. These rights would be transferable to land elsewhere – but those transfers may or may not further Charlotte County's goals.

Your zoning and land development regulations give landowners many choices for using their land, with the option to select a different use at any time. Never before has Charlotte County, or any county or city I am aware of, allowed landowners to choose one option for a lot and then come back and claim additional development rights while retaining the original choice.

I was completely baffled when I first read this proposal – it's about as ill-advised as if the owners of a buffet restaurant encouraged their customers to come back the

Chairman Bill Truex
 April 18, 2017
 Page 3 of 4

following week and pick up a refund for the chicken and fish they could have eaten on their initial visit, if only they hadn't eaten their fill of shrimp and steak instead.

That is essentially what is being proposed by county staff, under a novel concept they call "excess density." A landowner whose site had been developed commercially or institutionally would now be able to claim the residential density that would have been allowed on that site, and then transfer that density to other sites – even onto wetlands! This is also inconsistent with state law, which requires Charlotte County to decide in advance the allowable density and safe locations for future development.

The staff proposal is likely to create so much "excess density" that it would flood the TDU market and drive the values of all TDUs downward, imperiling Charlotte County's entire TDU program:

- The original TDU program's purpose was to direct growth away from areas less suited for development toward areas that are better suited.
- The revised TDU program would enrich some owners of developed land by hurting other owners of vacant land. The owners of vacant sensitive lands would have less ability to move their development rights to safer locations because the value of the county's TDU incentives would be greatly diminished.

SUGGESTION: The county staff's "excess density" conceptual experiment is contrary to sensible planning and is inconsistent with the remainder of the Comprehensive Plan and with state law. This experiment should be abandoned before investing any more time trying to counteract its most harmful effects.

Attachment A contains our suggestion for abandoning this effort. The amendments to Policy 1.2.9 would no longer include items #10 and #11 as proposed by staff. Density transfers would be certified by the County Commission at a public hearing; see our suggested wording in #11 of Policy 1.2.10.

VALUABLE PROTECTION OF WETLANDS WOULD BE ABANDONED

Wetlands are very difficult to develop, and in their natural state they serve as storm buffers, support valuable fisheries, and provide habitat to wildlife. Charlotte County has a proud history of protecting its wetlands even during periods where state and federal protections have waned.

PROBLEM: The proposed amendments would abandon critical portions of existing protections, leaving Charlotte County at the mercy of whatever the state and federal government decide is appropriate for our entire state or nation.

SUGGESTION: State and federal wetland protection is valuable because it provides consistent and predictable rules across the entire state and nation. The shortcoming of such rules is their inability to address local conditions, such as the contribution of coastal wetlands to local fisheries, to reducing storm surges, and to dampening hurricane winds. Also, state and federal rules can be overturned by simple acts of the legislative or executive branches which may not understand the impacts of such a decision on natural resources that can be important in different ways across the state and nation.

Charlotte County's TDU program sensibly has never allowed development rights to be transferred to wetlands or to historic or archaeological sites. In fact, these very areas

Chairman Bill Truex
 April 18, 2017
 Page 4 of 4

are explicitly listed as land where development rights should be ***moved away*** from. However, the proposed language changes this 180 degrees; TDUs would now be transferable ***to those same sensitive areas*** if a state or federal permit doesn't also protect them.

The language proposed by county staff would override Charlotte County's careful delineation of wetlands and many prior efforts to protect wetlands without unduly burdening their owners. The new language is internally inconsistent with policies in the Natural Resources Element of your Comprehensive Plan, and it violates state law that governs all Comprehensive Plans. County staff is aware of the internal inconsistency; they have already prepared amendments to the Natural Resources Element that would essentially eliminate all of Charlotte County's wetlands protection in favor of whatever protection the state and federal government finds acceptable at any point in time.

Under current state and federal rules, wetlands destruction can be authorized if mitigating efforts are offered on other land — yet there are no mitigation banks anywhere in Charlotte County. It is of little consolation to your residents that damage to their hurricane protection, water quality, and fisheries might be offset by mitigation performed in other counties. State and federal regulators believe that out-of-county mitigation is 'good enough'; you should not.

Attachment A contains our suggestion for avoiding this situation; the amendments to Policy 1.2.12 would no longer include the harmful language in item #3.

On behalf of the Friends of Cape Haze, Inc. and Gasparilla Island Conservation and Improvement Association, Inc., I urge you to consider these suggestions and make the revisions shown in Attachment A before approving amendments to your Comprehensive Plan. My background for this analysis includes the past 25 years as a planning consultant to local governments in Florida and Texas, following my planning career in Lee County government where I served as Growth Management Director until 1992. My credentials can be reviewed at www.spikowski.com.

Thank you for your consideration.

Very truly yours,



Bill Spikowski, FAICP

cc: All County Commissioners
 County Attorney Janette Knowlton
 County Administrator Ray Sandrock
 Zoning & Planning Official Shaun Cullinan
 Percy Angelo – Friends of Cape Haze Inc.
 Misty Nichols – Gasparilla Island Conservation and Improvement Assoc. Inc.

Attachment A – Page 1 of 2, April 18, 2017

FLU Policy 1.2.7: Transfer of Density Units (TDU) Program Intent

The County shall employ a transfer of density units (TDU) program whereby the development rights of property may be severed in perpetuity and transferred to designated locations that are more appropriate for development. The TDU program identifies sending and receiving zones. The intent is to create a TDU process that will:

1. Assist and encourage the removal of old, outdated, platted lots and subdivisions throughout the County.
2. Assist and encourage the replacement of an unsustainable and inefficient form of development with compact, higher density, mixed use development that is more sustainable and efficiently utilizes resources.
3. Incentivize the retention of long-term agricultural activities and the clustering of rural development densities, ~~as an alternative to rural large lot sprawl in order to reduce the premature conversion of rural lands and preserve rural character and viewsheds.~~
4. Incentivize the voluntary preservation of environmentally sensitive lands.
5. Help preserve archeological and historic sites.
6. Prevent net density increases within the Coastal High Hazard Area (CHHA). West of the Myakka River and Charlotte Harbor, provided that no transfers of density may occur in the CHHA only from a less to a more restrictive to a less restrictive storm surge or flood zone adopted by Charlotte County, e.g. never from an AE to a VE flood zone, never from a lower (less restrictive) to a higher (more restrictive) base flood elevation, and never from a Category 1 to a Tropical Storm surge zone. If Charlotte County adopts maps that expand the Coastal High Hazard Area after January 1, 2017, density from the added land may only be transferred outside the Coastal High Hazard Area including any areas of expansion, west of the Myakka River and Charlotte Harbor.

FLU Policy 1.2.9: TDU Sending Zones

The following sending zones are recognized by the County:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Rural Service Area (FLUM Series Map #3) retaining a bona fide agricultural use or consisting of substandard platted lots.
3. Lands within the Resource Conservation and Preservation FLUM categories.
4. Land within the Coastal High Hazard Area (FLUM Series Map #14).
5. Any land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources.
6. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).
7. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
8. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7).
9. Land designated as a Wildlife Corridor Critical Linkage (FLUM Series Map #22). These lands may sever density at one unit per five acres, gross, if designated as Agriculture or Burnt Store Limited Development on the FLUM, and two units per five acres if designated Rural Estate Residential on the FLUM.
- ~~10. It is located within the Urban Service Area and a building permit and/or Certificate of Occupancy has been issued to develop a school, place of worship, park, cemetery or mausoleum subsequent to December 3, 2007.~~
- ~~11. It is located within the Urban Service Area and the owner wishes to retain an allowed residential density below the base density.~~

KEY: Existing policy language

Language staff has proposed to add
New language we suggest adding

~~Language staff has proposed to delete~~
~~Proposed staff language we suggest deleting~~

Attachment A – Page 2 of 2, April 18, 2017

FLU Policy 1.2.10: Restrictions on Sending Zones

The County shall apply the following restrictions to sending zone sites:

1. through 10. *[no further changes suggested]*

11. The County Commission will certify these sending zone sites at a properly noticed public hearing provided they meet all provisions of the Comprehensive Plan and Land Development Regulations.

FLU Policy 1.2.12: Prohibited Receiving Zones

Density shall not be transferred into:

1. Lands within Managed Neighborhoods (FLUM Series Map #2).
2. Lands within the Resource Conservation and Preservation FLUM categories.
3. Land containing historical or archeological resources, or land deemed to contain environmentally sensitive resources; except that when a portion of a property contains these resources, that area deemed not to contain resources may receive density if it meets one of the criteria of a receiving zone, a conservation easement will be required over the resource along with an undeveloped buffer of at least 100 feet. An historical or archeological resource structure that is to be integrated into a development will not need to be buffered. ~~When a portion of the property contains environmentally sensitive resources, the area containing environmentally sensitive resources may receive density only if impacts have been approved through an environmental resource permit or applicable State or Federal permit, or may have the required 100-foot buffer reduced only if approved through an environmental resource permit or applicable State or Federal permit.~~
4. Lands within the Prime Aquifer Recharge Area (FLUM Series Map #6).
5. Lands within the one-half mile setback of the Watershed Overlay District and Tippen Bay and Long Island Marsh (FLUM Series Map #4).
6. Land within a Public Water System Wellhead Protection Area (FLUM Series Map #7) unless public potable water and sanitary sewer services are available.
7. Land on a barrier island, except that density may be transferred within Manasota Key or Sandpiper Key.
8. For land west of the Myakka River and Charlotte Harbor that is within the FEMA-designated floodplain, density may not be transferred from land designated by Charlotte County's adopted FEMA maps with a lower (less restrictive) base-flood elevation to land with a higher base-flood elevation, or from an AE zone to a VE zone.
9. For land west of the Myakka River and Charlotte Harbor that is within the Coastal High Hazard Area, density may not be transferred from land in Charlotte County's adopted storm surge zones that are vulnerable only to weaker storms into zones that are vulnerable to stronger storms (e.g., no transfers from the Category 1 storm surge zone into the Tropical Storm zone). If Charlotte County adopts maps that expand the Coastal High Hazard Area after January 1, 2017, density from the added land may only be transferred outside the Coastal High Hazard Area including any areas of expansion.

KEY: Existing policy language

Language staff has proposed to add
New language we suggest adding

~~Language staff has proposed to delete~~
~~Proposed staff language we suggest deleting~~

Agenda Item

11

SWFRPC Committee Reports

11

11

Agenda Item

11a

11a

Budget & Finance Committee

11a

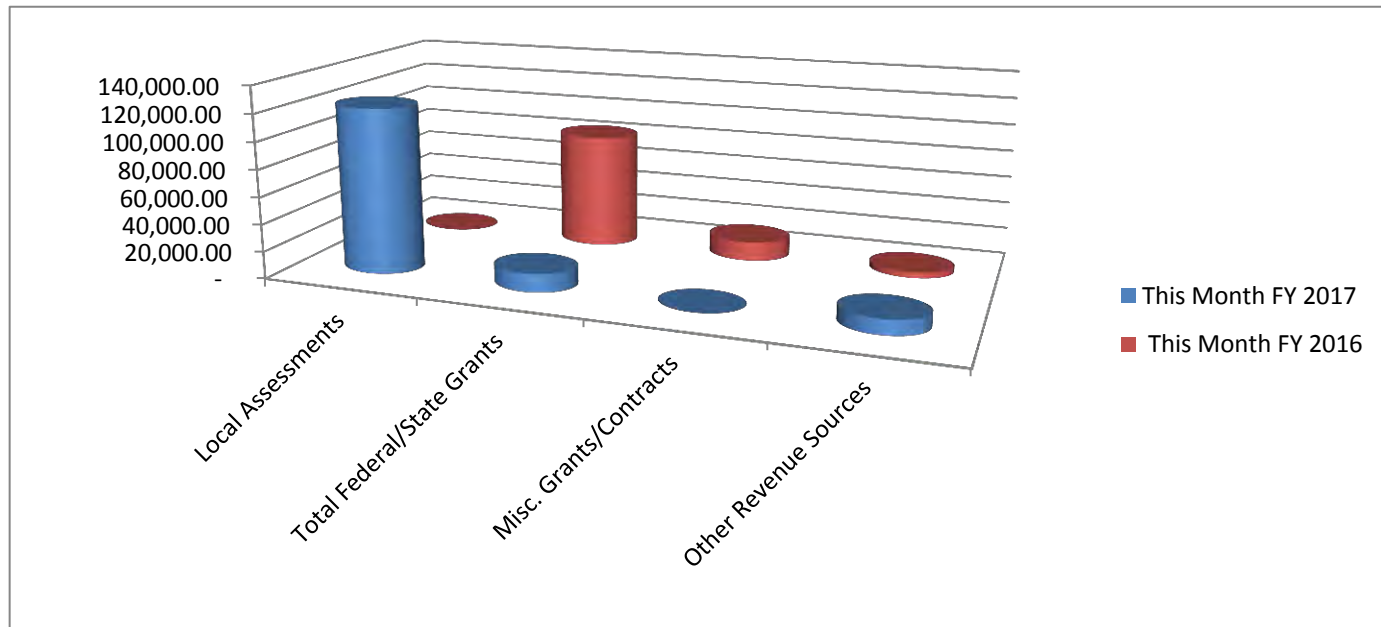
2016 - 2017 Workplan & Budget Financial Snapshot

Apr-17

Revenues

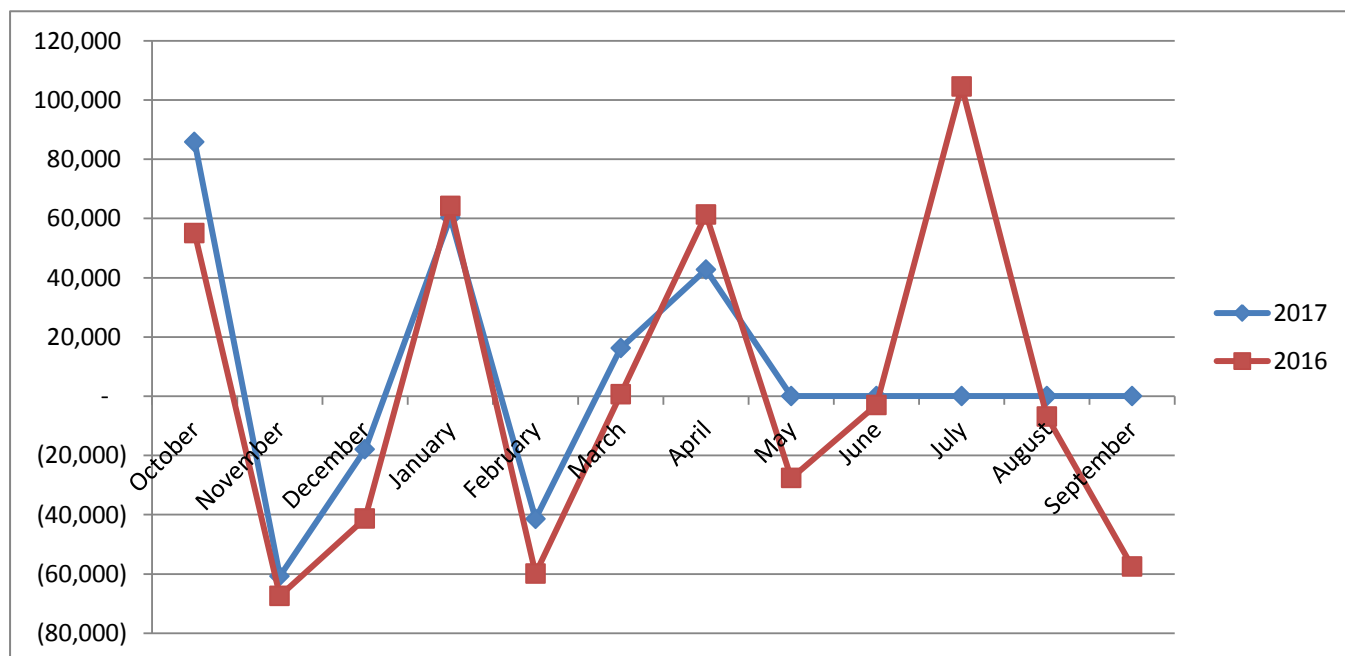
Local Assessments
Total Federal/State Grants
Misc. Grants/Contracts
Other Revenue Sources

Monthly Revenues



Notes: Local Assessments billed at the beginning of each quarter: October, January, April and July
State/Federal Grants billed quarterly: LEPC, HMEP, TD, EPA, and ED
Misc. Grants/Contracts billed by deliverable: SQG, Interagency PO'S
Other(DRI) billed /recorded monthly as cost reimbursement

Monthly Net Income (Loss)



YTD: Net Income \$42,741 Unaudited

SWFRPC

Detail of Reserve

As of APRIL 30, 2017

Cash and Cash Equivalents:

Petty Cash	\$ 200
FineMark Operating Funds	175,902
2016 Fiscal Year Carryover	<u>22,258</u>
<i>Total Cash and Cash Equivalents</i>	<i>\$ 198,360</i>

Investments:

FineMark Money Market	\$ 536,182
Local government Surplus Trust Fund Investment Pool (Fund A)	<u>137,062</u>
<i>Total Investments</i>	<i>\$ 673,244</i>

Total Reserves	<u><u>\$ 871,604</u></u>
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SWFRPC INCOME STATEMENT

COMPARED WITH BUDGET

FOR THE ONE MONTH ENDING APRIL 30, 2017

	Current Month	Year to Date A	FY 2016-2017 Approved Budget B	% Of Budget Year to Date	Budget Remaining
REVENUES					
LOCAL ASSESSMENTS					
CHARLOTTE COUNTY	\$ 12,536	\$ 37,608	\$ 50,142	75%	\$ 12,534
COLLIER COUNTY	25,785	77,355	103,141	75%	25,786
GLADES COUNTY	964	2,892	3,856	75%	964
HENDRY COUNTY	2,857	8,571	11,429	75%	2,858
LEE COUNTY	27,571	82,713	110,282	75%	27,569
CITY OF CAPE CORAL	12,488	37,464	49,952	75%	12,488
CITY OF FORT MYERS	5,430	16,289	21,719	75%	5,430
TOWN OF FORT MYERS BEACH INC	470	1,410	1,879	75%	469
BONITA SPRINGS	3,493	10,479	13,970	75%	3,491
CITY OF SANIBEL	488	1,464	1,951	75%	487
SARASOTA COUNTY	29,407	88,221	117,627	75%	29,406
TOTAL LOCAL ASSESSMENTS	\$ 121,489	\$ 364,466	\$ 485,948	75%	\$ 121,481
FEDERAL / STATE GRANTS					
DEM -Title III - LEPC 16/17	\$ -	\$ 34,257	\$ 44,250	77%	9,993
DEM HMEP PT 16/17	\$ 13,400	\$ 15,784	60,349	26%	44,565
FL CTD - TD Glades/Hendry 16/17	-	23,917	28,880	83%	4,964
DEM - Collier Hazard Analysis 16/17	-	3,624	8,054	45%	4,430
DEO Labelle	-	15,000	20,000	75%	5,000
Ecosystem Services - EPA	-	36,634	36,634	100%	0
Wetland Mitigation Strategy - EPA	-	27,500	110,000	25%	82,500
Economic Development Planning 14/16	-	15,750	15,750	100%	-
Economic Development Planning 17/19	-	17,500	70,000	N/A	52,500
TOTAL FEDERAL / STATE GRANTS	\$ 13,400	\$ 189,966	\$ 393,917	48%	\$ 203,951
MISC. GRANTS / CONTRACTS/CONTRACTUAL					
GLADES SQG	-	-	3,900	0%	3,900
Cape Coral CCRS	-	10,000	30,600	33%	20,600
Pelican Cove CCAP	-	10,000	20,000	50%	10,000
Train the Trainers	-	5,000	5,000	100%	-
Mangrove Loss	-	1,000	1,000	100%	-
Clewiston RBDG TA	-	3,000	3,000	100%	-
TOTAL MISC. GRANTS/CONTRACTS	\$ -	\$ 29,000	\$ 63,500	46%	\$ 34,500
DRIS/NOPCS/MONITORING					
DRI MONITORING FEES	\$ -	\$ 950	\$ -		\$ (950)
DRIS/NOPCS INCOME	10,500	25,823	35,000	74%	9,177
TOTAL	\$ 10,500	\$ 26,773	\$ 35,000	76%	\$ 8,227

	Current Month	Year to Date A	FY 2016-2017 Approved Budget B	% Of Budget Year to Date	Budget Remaining
Program Development (Unsecured Grants/Contract)					
*Program Development (Unsecured	-	-	-		
2017 Brownfield Symposium	-	4,562	-	N/A	(4,562)
TOTAL PROGRAM DEVELOPMENT	\$ -	\$ 4,562	\$ -	N/A	\$ (4,562)

OTHER REVENUE SOURCES					
ABM SPONSORSHIPS	-	-	-	N/A	-
CELA TEGA SPONSORSHIPS	-	1,600	-	N/A	(1,600)
Misc. Income	192	192	6,000	3%	5,808
INTEREST INCOME - Money Market	132	933	-	N/A	(933)
Fund A Investment Income	124	760	-	N/A	(760)
TOTAL OTHER REVENUE SOURCES	\$ 448	\$ 3,485	\$ 6,000	58%	\$ 2,515
<i>Fund Balance</i>	<i>\$ -</i>	<i>\$ -</i>	<i>\$ 588,437</i>		
TOTAL REVENUES	\$ 145,837	\$ 618,252	\$ 1,572,802		\$ 366,112

EXPENSES

PERSONNEL EXPENSES					
SALARIES EXPENSE	\$ 32,715	\$ 232,278	\$ 476,748	49%	244,470
FICA EXPENSE	2,419	17,177	36,471	47%	19,294
RETIREMENT EXPENSE	4,949	21,626	47,715	45%	26,089
HEALTH INSURANCE EXPENSE	(19)	32,711	63,090	52%	30,379
WORKERS COMP. EXPENSE	218	1,418	3,687	38%	2,269
UNEMPLOYMENT COMP. EXPENSE	-	-	-	N/A	0
TOTAL PERSONNEL EXPENSES	\$ 40,282	\$ 305,210	\$ 627,711	49%	322,501

OPERATIONAL EXPENSES					
CONSULTANTS	\$ 21,184	\$ 83,488	\$ 108,600	77%	25,112
GRANT/CONSULTING EXPENSE	13,400	17,485	37,049	47%	19,564
AUDIT SERVICES EXPENSE	18,000	19,000	25,000	76%	6,000
TRAVEL EXPENSE	2,361	17,014	29,620	57%	12,606
TELEPHONE EXPENSE	197	2,406	5,100	47%	2,694
POSTAGE / SHIPPING EXPENSE	50	673	1,725	39%	1,052
EQUIPMENT RENTAL EXPENSE	445	3,792	7,190	53%	3,398
INSURANCE EXPENSE	579	8,139	10,566	77%	2,427
REPAIR/MAINT. EXPENSE	-	851	1,700	50%	849
PRINTING/REPRODUCTION EXPENSE	20	2,339	4,146	56%	1,807
UTILITIES (Elec, Internet)	1,388	10,511	24,900	42%	14,390
ADVERTISING/LEGAL NOTICES EXP	67	964	1,750	55%	786
OTHER MISC. EXPENSE	34	(14)	4,837	0%	4,851

	Current Month	Year to Date A	FY 2016-2017 Approved Budget B	% Of Budget Year to Date	Budget Remaining
BANK SERVICE CHARGES	-	-	-	0%	0
OFFICE SUPPLIES EXPENSE	675	2,544	5,211	49%	2,667
COMPUTER RELATED EXPENSE	-	18,093	21,671	83%	3,578
DUES AND MEMBERSHIP	-	13,184	25,310	52%	12,126
PUBLICATION EXPENSE	-	-	100	0%	100
PROF. DEVELOP.	719	991	1,000	99%	9
MEETINGS/EVENTS EXPENSE	22	3,811	4,750	80%	939
CAPITAL OUTLAY - OPERATIONS	-	-	5,000	0%	5,000
CAPITAL OUTLAY - BUILDING	-	-	1,000	0%	1,000
LEASE LONG TERM	3,675	25,375	43,750	58%	18,375
UNCOLLECTABLE RECEIVABLES	-	-	-	N/A	N/A
FUND BALANCE			\$ 588,437		
OPERATIONAL EXP.	\$ 62,814	\$ 230,645	\$ 958,412	24%	139,330
ALLOCATION FOR FRINGE/INDIRECT (CAPTURED BY GRANTS)			\$ -		
UTILIZED RESERVE			\$ (13,322)		
TOTAL OPERATIONAL EXP.			\$ 945,090		
TOTAL CASH OUTLAY	\$ 103,096	\$ 535,856	\$ 1,572,802		
NET INCOME (LOSS)	\$ 42,741	\$ 82,397			

SWFRPC
Balance Sheet
April 30, 2017

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ASSETS

Current Assets		
Cash - Florida Prime	\$	137,061.78
Cash - FineMark Oper.		175,902.37
Cash - FineMark MM		536,181.99
Petty Cash		200.00
Accounts Receivable		127,114.84
		<hr/>
Total Current Assets		976,460.98
Property and Equipment		
Property, Furniture & Equip		237,172.31
Accumulated Depreciation		(197,201.57)
		<hr/>
Total Property and Equipment		39,970.74
Other Assets		
Amount t.b.p. for L.T.L.-Leave		40,634.44
FSA Deposit		2,881.29
Rental Deposits		3,500.00
Amt t.b.p. for L.T.Debt-OPEB		65,074.00
		<hr/>
Total Other Assets		112,089.73
		<hr/>
Total Assets	\$	<u><u>1,128,521.45</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Accounts Payable	\$	113.28
Deferred NorthPoint NOPC_5328		662.23
Deferred Pelican Marsh_5329		468.69
Deferred Commons NOPC_5337		1,500.00
Deferred BRC Master NOPC_5338		1,899.11
Deferred BRC Incr 1 NOPC_5339		1,918.14
Deferred Tern Bay NOPC_5340		1,126.43
Deferred PR Parcel 9E DRI_5342		19,169.99
Deferred Pine Air NOPC_5343		1,437.12
Deferred PR XXVII DRI_5344		30,000.00
Deferred PR XXVI DRI_5345		30,000.00
FICA Taxes Payable		174.92
Federal W/H Tax Payable		(0.14)
United way Payable		(28.00)
FSA Payable		(79.44)
LEPC Contingency Fund		305.25
		<hr/>
Total Current Liabilities		88,667.58
Long-Term Liabilities		
Accrued Annual Leave		40,634.44
Long Term Debt - OPEB		65,074.00
		<hr/>
Total Long-Term Liabilities		105,708.44
		<hr/>
Total Liabilities		194,376.02
Capital		
Fund Balance-Unassigned		297,777.76
Fund Balance-Assigned		514,000.00
FB-Non-Spendable/Fixed Assets		39,970.74

Unaudited - For Management Purposes Only

SWFRPC
Balance Sheet
April 30, 2017

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Net Income	<u>82,396.93</u>	
Total Capital		<u>934,145.43</u>
Total Liabilities & Capital	\$	<u><u>1,128,521.45</u></u>

Agenda Item

11b

11b

Economic Development
Committee

11b

Agenda Item

11c

11c

Energy & Climate Committee

11c

Agenda Item

11d

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Estero Bay Agency on Bay
Management Committee

11d

Estero Bay Agency on Bay Management

The May 8, 2017 of the Estero Bay Agency on Bay Management was not held since previously arranged presenters postponed their presentations to a future date.

The **next Meeting Time and Place**, for EBABM is Monday, June 12, 2017 9:30 AM, SWFRPC.

Recommended Action: Information only.

Agenda Item

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Executive Committee

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Agenda Item

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Legislative Affairs Committee

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Agenda Item

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Quality of Life & Safety
Committee

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Agenda Item

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Regional Transportation
Committee

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Agenda Item

11i

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Interlocal Agreement/Future
of the SWFRPC Committee

11i



BUILDING RESILIENCY

(adjective) able to withstand or recover quickly from difficult conditions



FISCAL YEAR 2014 - 2015

WORKPLAN AND BUDGET

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

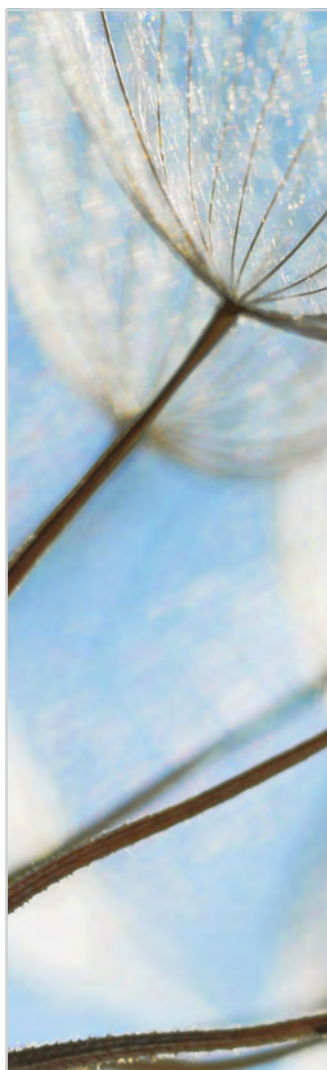
Revised: 8/5/14

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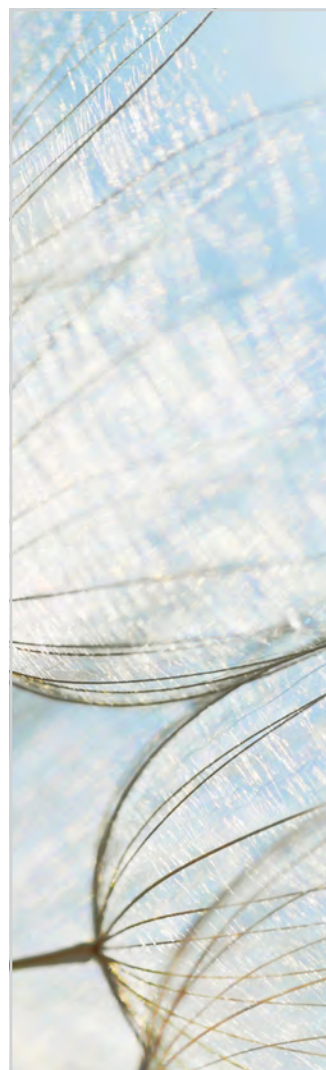
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2014
ACCOMPLISH-
MENTS



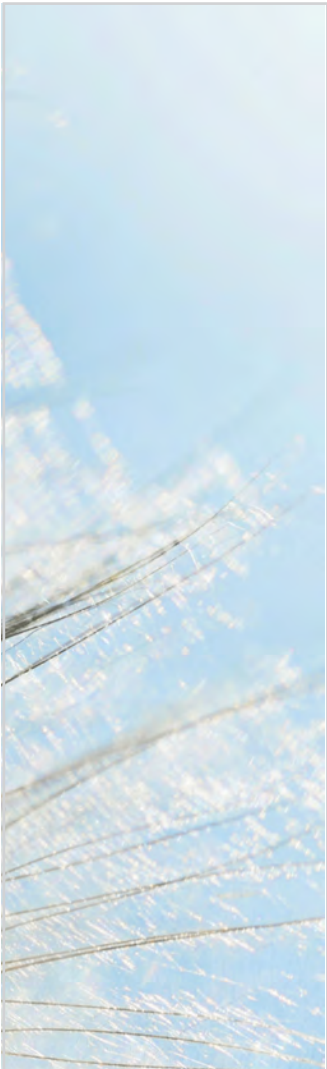
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PRIORITY 01
BUILDING
RESILIENCY



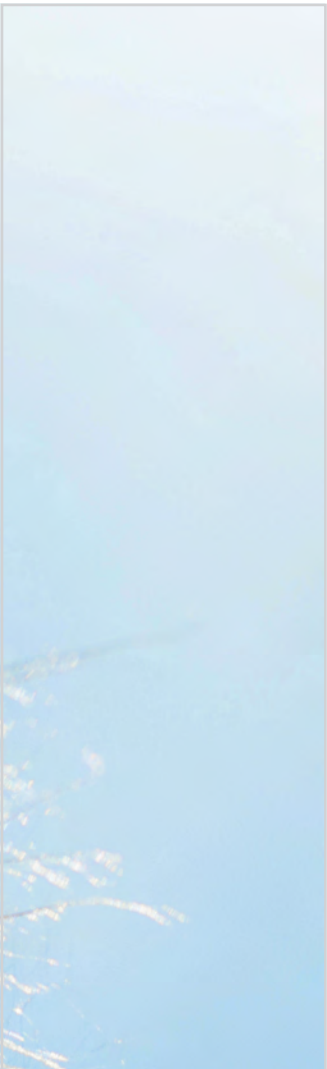
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MESSAGE

Over the last three years, the journey of the Southwest Florida Regional Planning Council has been tumultuous but progressively improving. We have transitioned programs to align with the needs of our communities while stabilizing operations. Our recovery can be evidenced by a positive fund balance at the end of each year and an increasing reserve balance. It is now time to build on this successful foundation and branch out with nontraditional programs that will support and enhance the public assets that sustain our communities.

Fiscal Year 2014-2015 will focus on *Building Resiliency*. Resiliency is the ability to anticipate risk, limit impact, and bounce back rapidly in the face of turbulent change. Resilient communities are the foundation of the Southwest Florida region. Whether our communities need to recover from a major storm event, withstand the loss of a business, or deal with crime and safety issues, we will work with our 22 local governments to ensure that they can respond to and recover quickly from whatever unique challenges, disruptive crisis or vulnerability that may arise. The SWFRPC can provide expert resources for emergency management, evacuation planning and studies, hazardous materials training, sea level rise, climate change, economic development issues, and geographic information, as well as general technical assistance. Working with our stakeholders, committees, elected officials and national experts, the SWFRPC will focus on providing programs and reliable information to ensure resilient, livable communities in the Southwest Florida region.

As we build community resiliency, we will continue to promote economic development in four specific areas: Arts and Culture, Agricultural Sustainability and Food Security, Manufacturing Competitiveness and Brownfield Redevelopment. Significant progress was made in the previous year in these four program areas. We will continue to focus and expand upon the work we started last year. These are programs that require multiple phases and attention for several years. As we continue our focus on these four areas, we will remain open and flexible to the changes, challenges and opportunities that the current economic recovery may present and adapt to these challenges, ensuring that the SWFRPC remains a trusted source for reliable information and technical analysis.

The strength of the SWFRPC also depends on our ability to meet our fundamental obligations. Therefore, along with



economic development and building community resiliency, our priorities must include continued success in addressing our fundamental obligations, as follows:

- **Regulatory Responsibilities:** Developments of Regional Impact, Notices of Proposed Change, Substantial Deviations, Monitoring Reports, and Comprehensive Plan Amendment Reviews;
- **Regional Planning:** Development of Plans and Strategies, Best Practices on local issues, Project Facilitation;
- **Emergency Management:** Hazardous Waste Site Inspections, Chemical Inventories, Government and Emergency Responder Trainings; Emergency Management Planning;
- **Environmental Research, Planning and Education:** Research on environmental issues that impact the economic viability of our region and public education;
- **Transportation Planning:** Administration of the Transportation Disabled program in Hendry and Glades Counties, Research and Preparation of studies

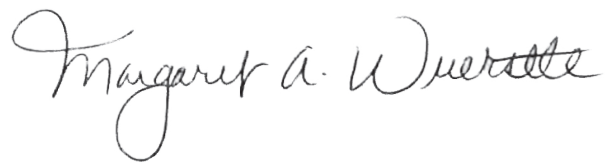
- on public transit connectivity;
- **Public Outreach:** Council Orientations, Partnership Development, Regional Collaboration and Public Education;
- **Clearinghouse & Technical Assistance:** Research and Grant Writing, GIS Mapping & Modeling, Demographic Analysis, Economic Views, REMI Economic Modeling and data/information assistance;
- **Enhanced Administration:** Solid financial reporting, operations and policies, Financial management of programs and resources, Skilled Human Resources, and Building maintenance.

Building resiliency will help protect our communities' assets, enhance business stability, and create a more stable economic future for our region. The Southwest Florida Regional Planning Council is committed to helping our communities thrive, no matter what happens, and will continue to build resiliency by expanding our expertise and programs to meet the needs of the 22 local governments that comprise the Southwest Florida Region.

Many thanks are owing to the motivated members of the Southwest Florida Regional Council who have devoted their time, talent and wisdom to the Council and its subcommittees. This commitment to the Regional Planning

Council has turned a struggling organization around and helped us create a path to success. Equally important is the cooperation and collaboration provided by so many of our local governments that recognize the value of working regionally. Henry Ford once said, "Coming together is a beginning, keeping together is progress, working together is success." Together we can build resiliency for the enduring prosperity of the Southwest Florida Region.

EXECUTIVE DIRECTOR
Margaret Wuerstle



MISSION

"To work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share for the benefit of our future generations."**"**



2014 ACCOMPLISHMENTS BY FOCUS AREA

FOCUS AREA: ECONOMIC DEVELOPMENT

1. A Business plan for a regional economic development entity in southwest Florida was completed with a DEO grant.
2. Ten meeting were held with the economic development leaders in our region.
3. The federal EDA Economic Development Planning grant was awarded to continue work on the Comprehensive Economic Development Strategy (CEDS) for the region.
4. A grant was submitted to DEO to incorporate economic resiliency into the CEDS document.
5. A grant application was submitted to DEO for Agricultural tours to promote assets and economic development in the City of Labelle.

FOCUS AREA: BROWNFIELD REDEVELOPMENT

1. A Brownfield grant was submitted to EPA for site identification and assessment.
2. Staff partnered with DEP to host the 2nd Annual Brownfield Conference.

FOCUS AREA: ARTS AND CULTURE

1. A logo was developed for the Our Creative Economy project through a grant from VISIT FLORIDA.
2. The public art assets in Lee County were mapped and an interactive map completed through a grant from the Southwest Florida Community Foundation.
3. A DEO grant was submitted to start mapping public art assets in Charlotte County.
4. A grant was submitted to the National Endowment for the Arts to develop a regional plan to enhance public art assets.

W I N N I N G L O G O S



1st Place



2nd Place



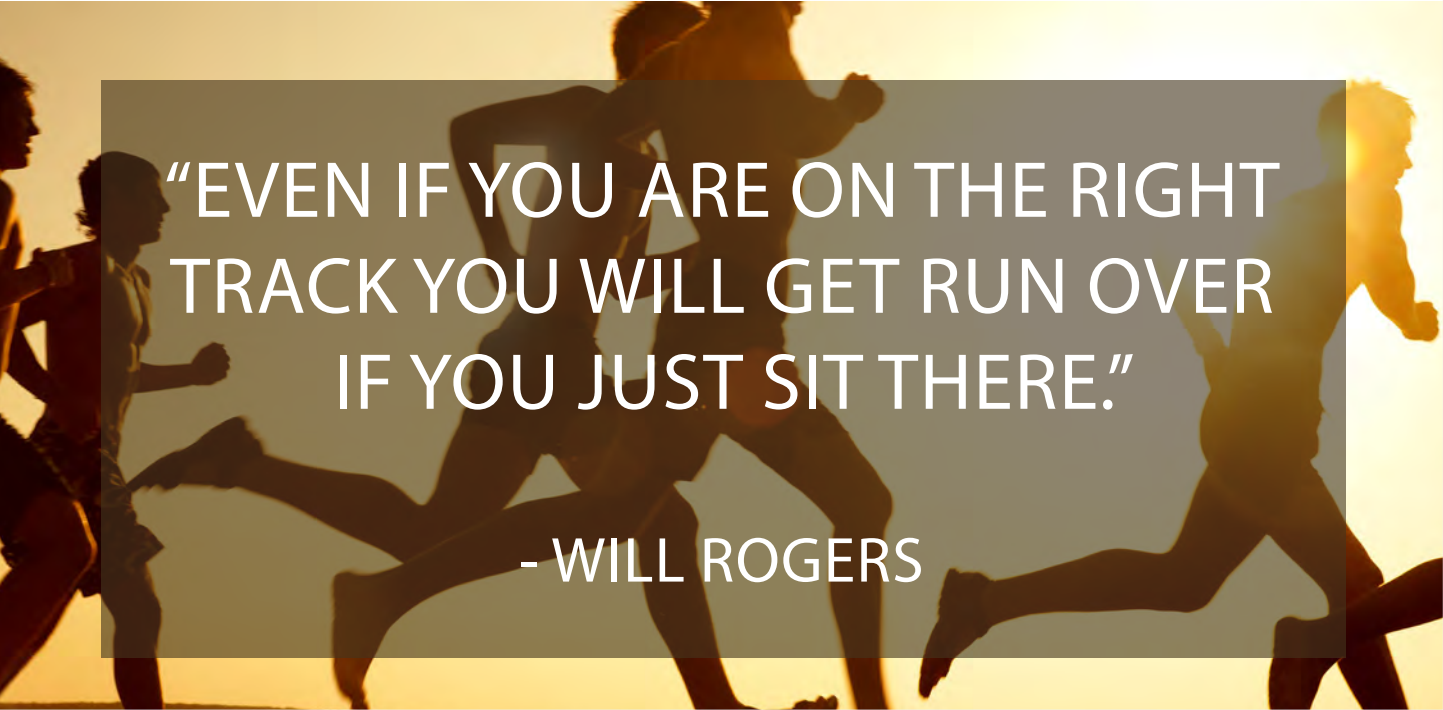
3rd Place

FOCUS AREA: AGRICULTURAL SUSTAINABILITY

1. A Farms-to-School grant was submitted to USDA in collaboration with the Hendry, Collier, Glades and Lee County School Districts along with IFAS, the Gulf Citrus Growers Association, Harry Chapin Food Bank and the Roots Heritage Urban Food HUB to develop a Smart Process Food Hub.
2. A Farms to school grant was submitted to USDA in collaboration with the Hendry, Collier, Glades and Lee County School Districts along with IFAS, the Gulf Citrus Growers Association, Harry Chapin Food Bank and the Roots Heritage Urban Food HUB to create a coordinator position that would identify "opportunity buys" for the school districts.
3. A grant was submitted to USDA for a mobile food vehicle/community garden project through the Roots Heritage Urban Food HUB.

FOCUS AREA: MANUFACTURING COMPETITIVENESS

1. An application was submitted to EDA through the Investing in Manufacturing Communities Partnership Designation. This application resulted in the development of a regional strategy for a medical manufacturing corridor along I-75 from Tampa to Miami.
2. A Manufacturing Competitive grant was submitted to EDA for a cluster analysis for medical manufacturing in the Southwest Florida and the Tampa Bay Regional Planning Council Regions.



"EVEN IF YOU ARE ON THE RIGHT TRACK YOU WILL GET RUN OVER IF YOU JUST SIT THERE."

- WILL ROGERS

2014 ACCOMPLISHMENTS FOR OUR FUNDAMENTAL OBLIGATIONS



01 REGULATORY RESPONSIBILITIES

- Nine NOPCs were processed.
- Seventeen Amendments to Comprehensive Plans were processed and approved by the Council.
- Seven DRI Development Order Revisions were processed.
- Nine clearing house Reviews were completed.
- Six hundred and nine Emergency Responders and industry representatives were trained in responding to chemical incidences.
- Housed chemical data for over 1000 chemical sites at the SWFRPC pursuant to the State and Federal Emergency Plan Community Right To Know Act.
- Five workshops were held for both private and public organizations on sheltering in place procedures for chemical and other emergencies.
- Conducted 65 Hazardous waste site inspections.



02 COMMUNITY COLLABORATION

Public outreach and community collaboration are essential to ensure that local governments and the public are kept informed on issues impacting our region and the importance of working together.

1. A Vision and Implementation Plan for the Hendry County Education Improvement Task force was completed through a grant from DEO.
2. 20 presentations were made to various organizations on the programs provided by the SWFRPC and environmental issues in the region including Leadership Bonita Economic Development Day, Collier County Board of Commissioners, LaBelle Rotary, WGCU-FM, Greater LeHigh Acres Chamber of Commerce, Charlotte Co Economic Development Luncheon.



05 ENHANCED ADMINISTRATION

1. The Fiscal Year 2012-2013 audit showed a net income \$165,507. The reserves were at the required levels resulting in an audit that found no material weakness.
2. It is predicted that the 2013-2014 Fiscal Year will end with a net fund balance of over \$100,000.
3. New software for timekeeping and project management has been implemented that allows for more accurate accounting of the cost of doing business.
4. Orientation for new council members is now conducted on an annual basis.



06 GRANTS

Grant funding allows the SWFRPC to provide research, studies, and plans that assist our local governments in meeting their goals. Sixty grant applications were submitted for various projects. Fourteen of the grants were approved totalling \$445,826. Twelve grants are pending totalling \$2,358,450 and 7 grant application are under development. Details on the grants are provided in the work plan under the grants section.



03 REGIONAL PLANNING

1. A Regional Coordination Study on Transportation Access for Veterans and their Families was completed through a Veterans Transportation and Community Living Initiative Grant in collaboration with LeeTran.
2. As a result of the finding in the Veterans Study, a grant was submitted to USDOT to develop a public/ private regional connectivity plan in the six county region to address the transportation barriers for veterans as well as the general public.
3. A grant was submitted to DEO to update the Zoning Maps in Hendry County.
4. The Solar Ready II project was funded and is currently underway to assist local governments with best practices for promoting the use of solar energy.
5. The Directional Storm Surge Maps were updated giving county officials a more accurate tool to help evacuate and protect citizens.
6. Florida Planning and Zoning Association presented staff an award for the Florida Energy Resiliency Report.



04 ENVIRONMENTAL RESEARCH PLANNING AND EDUCATION

1. A grant was awarded for a Unified Conservation Easement Mapping and Database project for the State of Florida. The conservation easements for Southwest Florida have been updated and work is underway to update the conservation easements throughout the remainder of the State. Work is expected to be completed in 2015.
2. A \$50,000 grant was awarded by Bonita Springs for a Spring Creek Restoration Plan.
3. Assistance was provided to the City of Punta Gorda for implementation of their Adaptation Plan through a grant from The Nature Conservancy.
4. A study for Estimating and Forecasting Ecosystem Services within Pine Island Sound, Sanibel Island, Captiva Island, North Captiva Island, Cayo Costa Island, Useppa Island, and other Islands of the Sound was completed.
5. A Watershed Analysis of Permitted Coastal Wetland Impacts and Mitigation Assessment Methods within the Charlotte Harbor National Estuary Program was published in *Florida Scientist* 76(2): 311- 328.
6. A Report to the Southwest Florida Audubon Society on the Estimate of the Ecosystem Services of Existing Conservation 2020 Lands in Lee County Florida was completed.
7. A Report to the Collier County Land Acquisition Advisory Committee on the Estimate of the Ecosystem Services of Existing Conservation Collier Lands in Collier County Florida was completed.
8. Fourteen presentations were given to various organizations on issues pertaining to the environment.

07 TECHNICAL ASSISTANCE

Instances of Technical Assistance Provided Included:

- Public Assistance: 45
- Assistance to SWFRPC member governments: 15
- Assistance to governmental entities: 375
- REMI economic models: 3
- Automatic Response System Loaned: 6
- Grant assistance provided for local governments: 17

2014-2015 WORKPLAN PRIORITIES

PRIORITY 01

BUILDING RESILIENCY

Resiliency is the ability to anticipate risk, limit impact, and bounce back rapidly in the face of turbulent change. In many places these risks are projected to increase substantially due to rising sea levels and evolving development patterns, affecting the safety, health and economy of entire communities.

Building Resiliency is rebuilding and protecting economic assets, including downtowns and key industries; targeting growth to safe locations and encouraging walkable, mixed-use design; providing recovery funding and preparedness training to businesses; upgrading infrastructure; encouraging economic diversification; and promoting regional partnerships and coordinated planning.

There is no one-size-fits all approach to building resiliency, because the challenges our communities face vary from place to place. Local governments define their own goals based on local priorities. The following have been identified as some of the priority actions needed in response to predicted future extreme weather, energy, and economic challenges.

1 PREPARE FOR EXTREME WEATHER AND CLIMATE CHANGE

- ◆ Evaluate local vulnerabilities to extreme weather and a changing climate, from heat waves and air pollution to droughts and floods.
- ◆ Adopt and implement preparedness policies that protect vulnerable populations and natural resources from extreme weather and other climate impacts.
- ◆ Assist local communities with climate change mitigation planning.

2 EXPAND RENEWABLES AND ENERGY EFFICIENCY

- ✓ Transition to a renewable energy future to achieve greater energy independence, protect communities from price spikes, and ensure more reliable power during heat waves and other disruptions. Create new jobs in the process.
- ✓ Implement energy efficiency programs that help residents, businesses, and municipal government save money and energy, lower carbon emissions, and reduce demand on the grid during severe weather events.
- ✓ Diversification of energy resources for solar, wind, and bio-fuels.

3 RENEW AND STRENGTHEN INFRASTRUCTURE

- ⌋ Upgrade or protect critical infrastructure against extreme weather and other threats.
- ⌋ Create new models to finance improvements and manage risks to community assets through engagement with the private sector.
- ⌋ Harness innovations in information technology and green infrastructure to optimize performance and reduce costs through more efficient operation.

4 STRENGTHEN THE LOCAL ECONOMY

- \$ Work to retain and attract investment by safeguarding businesses from extreme weather and ensuring reliable access to energy, water, and other key resources.
- \$ Support the private sector in creating more diversified local economies that are more resilient to economic downturn, through job creation in sectors such as clean energy, advanced manufacturing, and local agriculture.
- \$ Work to attract industries to the region that do not permanently extract non-renewable resources.

IN FISCAL YEAR 2014-2015 THE SWFRPC WILL FOCUS ON:

- ➔ **Education and outreach** to our local governments for community resiliency planning.
- ➔ Developing an application for the **National Disaster Resilience Competition**.
- ➔ Identifying funding sources for our local governments to develop **Community Resiliency Plans**.
- ➔ Developing innovative, data-driven, and community led approaches to **recover from disasters and increase resilience** to future threats.
- ➔ Seeking to **lower the cost of solar energy** as an alternative energy source.
- ➔ Assisting local governments in **analyzing local comprehensive plans** to improve community resiliency.

Building the resilience of businesses and regional economies to natural disasters calls for a creative mix of land use, hazard mitigation, capital improvement, economic development, and other approaches. The SWFRPC can provide expert resources for:



Emergency Management



Evacuation Planning & Studies



Hazardous Materials Training



Sea Level Rise



Climate Change



Economic Development Issues



Geographic Information



General Technical Assistance

"Resilient Communities provide the support, knowledge, insight, and encouragement needed to help individuals and communities thrive, no matter what happens."

- RESILIENT COMMUNITIES
<http://www.resilientcommunities.com>

2014-2015 WORKPLAN PRIORITIES

PRIORITY 02

ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT DISTRICT(EDD/CEDS):

We have expanded and improved our skills and outreach efforts as we continue the transition to providing more knowledgeable services in our new role of assisting the implementation of the State Department of Economic Opportunity Five Year Economic Development Strategy. Regional Planning Councils are problem solvers and implementers. Our goal is to convert regional and local plans and strategies into real world actions and results.

- Manage implementation of the CEDS
- Collaborate with existing local Economic Development Agencies
- Improve Collection and Delivery of Economic Data
- Expand Distribution of Economic Views Publication

BROWNFIELD REDEVELOPMENT:

Environmental contamination, whether actual or perceived, is a hindrance to community revitalization. A brownfield site is property which may be complicated by actual or perceived environmental contamination during the expansion, redevelopment, or reuse of the property. The reuse of property is an important component of sound land use policy. Productive reuse of urban land helps prevent the premature development of farmland, open space and natural areas, and reduces the public cost for installing new water, sewer and highway infrastructure

and can be a significant element in community revitalization. Additional benefits of brownfield redevelopment include: eliminating health and safety hazards; eliminating eyesores; bringing new jobs into the community; bringing new investment into the community; increasing the productivity of the land; increasing property values and tax receipts by local and state governments.

- Develop inventory of Brownfield sites within jurisdiction of the SWFRPC
- Identify funding for site assessments and remediation
- Manage the Brownfield Program for the region

OUR CREATIVE ECONOMY:

Southwest Florida has a very diverse, yet too often overlooked, world of public art and cultural venues. Media types range from modern dance, street theater, murals and electronic performance art to Native American exhibits, Holocaust memorials, notable architecture and formal gardens. In 2010, Lee County's non-profit arts and culture industry alone generated \$68.3 million, yielding \$9.4 million in government revenues and 2,000 full-time equivalent jobs. A comprehensive regional strategy for public art and cultural venues would improve awareness of and visits to the region's public art and cultural venues, thereby promoting the arts as a legitimate industry that has a significant impact on our local economies.



- Asset Mapping: Regional workshops to organize research among local governments, art leagues, interested organizations, and the Miccosukee and Seminole tribes for the creation of maps that document existing public art and cultural venues in Charlotte, Lee, Sarasota, Collier, Hendry and Glades Counties.
- Develop a Regional Strategy for Enhancing Public Art
- A Southwest Florida's Public Art and Cultural Venues Field and Tour Guide in both print and electronic media for use on smartphones, etc. sortable by search engines according to categories such as location, medium, and time of year available.

AGRICULTURAL SUSTAINABILITY AND FOOD SECURITY:

Florida's Agriculture Commissioner Adam Putnam recently reported that Florida's agriculture generates about \$100 billion of economic impacts and employs nearly one million people. He described this centuries-old industry as a "critical pillar" of Florida's economy. Florida's agricultural industry needs to be enhanced and supported as a critical pillar of the state's economy to reverse the trend of declining acreage.

- Creation of a working committee consisting of stakeholders from the six county region including the water management districts, IFAS, the Farm Bureau, Natural Resources Conservation Service, local government representatives, and agriculturists.
- Identification of issues including development pressures, farming constraints, diversification, adaptation to climate change, trade and export opportunities, shifts in markets, transportation infrastructure, commodity pipes and financing.



- A Strengths, Weakness, Opportunities, and Threats (SWOT) analysis.
- Mapping of existing agricultural lands.
- Mapping of conservation easements and constraints.
- Research best land use practices for agricultural sustainability.
- Development of recommendations for enhancing and preserving prime agricultural lands.
- Develop programs for addressing food deserts.

MANUFACTURING COMPETITIVENESS:

We must foster favorable conditions for creation of a global high-tech manufacturing network tailored to the central and southwestern counties in Florida. Diversifying the employment base in our region is critical to smooth out the cyclical peaks and valleys of the dominant tourism and construction sectors. Additionally, high tech manufacturing creates significant job multipliers, helping to further diversify the employment base.

- Prepare a manufacturing analysis to determine which employment would be best suited for each county using the REMI PI+ econometric model and Quarterly Census of Employment and Wages (QCEW).
- Prepare inventory and implementation analyses to analyze existing production and identify gaps in the supply chain of the existing and desired employment sectors.
- Refine the I-75 medical manufacturing corridor strategy.
- Prepare a cluster analysis for the medical manufacturing sector.



AWARDED GRANTS

GRANT MANAGEMENT

AWARDED GRANTS
AVAILABLE FOR FY 2014-2015
\$445,826

A Visit Florida	\$5,000	H Transportation Disadvantaged	\$38,573
B EPA - Conservation Easements	\$95,944	I Small Area Data - Evac Study *	\$7,000
C Solar Ready II *	\$45,000	J DEM - Title III LEPC	\$40,909
D Glades SQG	\$3,900	K EDA - ED Planning *	\$63,000
E EPA - WQFAM *	\$36,000	L DEM - HMEP Planning	\$20,000
F Estero Bay ABM	\$2,500	M DEM - HMEP Training	\$38,000
G EPA - Saltwater Wetland Loss *	\$30,000	N Spring Creek Restoration *	\$20,000

* Multiple year grant, amount estimate for FY14-15

AWARDED GRANTS

A	B	C	D
Name: Visit Florida	Name: EPA - Mapping Conservation Easements	Name: Solar Ready II	Name: Small Quantity Generators (SQG) Glades County
Amount: \$5,000	Amount: \$95,944	Amount: \$45,000	Amount: \$3,900
Duration: 7/01/2014 to 6/30/2015	Duration: 10/01/2013 to 09/30/2015	Duration: 7/1/2013 to 1/1/2016	Duration: 6/1/2011 to 6/30/2016
Project Manager: Rebekah Harp	Project Manager: Jim Beever	Project Manager: Rebekah Harp	Project Manager: John Gibbons
Deliverable: To develop a video for the Our Creative Economy project.	Deliverable: GIS mapping of all conservation easements in the State of Florida.	Deliverable: Solar friendly best practices for local governments.	Deliverable: Notification, verification, inspection and assessment of potential Hazardous Waste Facilities in Glades County.

<p>E</p> <p>Name: EPA - Water Quality Functional Assessment Method</p> <p>Amount: \$36,000</p> <p>Duration: 10/01/2011 to 09/30/2015</p> <p>Project Manager: Jim Beever</p> <p>Deliverable: New method for formal acceptance by state as one tool in Basin Management Action Plan arsenal.</p>	<p>F</p> <p>Name: Estero Bay Agency on Bay Management</p> <p>Amount: \$2,500</p> <p>Duration: 10/01/2013 to 09/30/2014</p> <p>Project Manager: Jim Beever</p> <p>Deliverable: The EBABM collects and maintains data and reviews and comments to regulatory agencies on issues affecting the watershed.</p>	<p>G</p> <p>Name: EPA - Identifying Saltwater Wetland Loss</p> <p>Amount: \$30,000</p> <p>Duration: 08/01/2014 to 06/30/2016</p> <p>Project Manager: Jim Beever</p> <p>Deliverable: Identifying and diagnosing locations of ongoing and future saltwater wetland loss. Report, transect information, presentations, articles.</p>	<p>H</p> <p>Name: Transportation Disadvantaged - Glades/ Hendry</p> <p>Amount: \$38,573</p> <p>Duration: 07/01/2014 to 06/30/2015</p> <p>Project Manager: Nichole Gwinnett</p> <p>Deliverable: Update of TDSP, CTC Evaluation, Staff Support, LCB Quarterly Meetings, Committee Meetings, Update By-Laws and Grievance Procedures.</p>
<p>I</p> <p>Name: Small Area Data for the 2014 Hurricane Evacuation Study</p> <p>Amount: \$7,000</p> <p>Duration: 07/01/2014 to 12/12/2014</p> <p>Project Manager: Tim Walker</p> <p>Deliverable: Data collection for the 2014 Hurricane Evacuation Study.</p>	<p>J</p> <p>Name: DEM - Title III Local Emergency Planning Committee</p> <p>Amount: \$40,909</p> <p>Duration: 7/1/2014 to 6/30/2015</p> <p>Project Manager: John Gibbons</p> <p>Deliverable: Staff Support, Update LEPC, liaison for SERC, technical assistance during vulnerability, biennial exercise LEPC plan.</p>	<p>K</p> <p>Name: EDA - Economic Development Planning</p> <p>Amount: \$63,000</p> <p>Duration: 01/01/2014 to 12/31/2016</p> <p>Project Manager: Jennifer Pellechio</p> <p>Deliverable: Develop Regional CEDS Plan, Annual Reporting, and Coordination of CEDS Working Committee.</p>	<p>L</p> <p>Name: DEM - HMEP Planning</p> <p>Amount: \$20,000</p> <p>Duration: 07/1/2014 to 09/30/2015</p> <p>Project Manager: John Gibbons</p> <p>Deliverable: Allow Local Emergency Planning Committees a tool to implement planning objectives in their jurisdictions.</p>
<p>M</p> <p>Name: DEM - HMEP Training</p> <p>Amount: \$38,000</p> <p>Duration: 07/1/2014 to 09/30/2015</p> <p>Project Manager: John Gibbons</p> <p>Deliverable: Provide Hazmat training opportunities to emergency responders of the State and Nation.</p>	<p>N</p> <p>Name: Spring Creek Restoration Plan</p> <p>Amount: \$20,000</p> <p>Duration: 10/01/2014 to 12/31/2015</p> <p>Project Manager: Jim Beever</p> <p>Deliverable: Produce a Restoration Plan that will include plans for restoration of hydrology, water quality, habitat, and navigation using public participation processes.</p>		

PENDING GRANTS

\$2,358,450

A FDEP - RESTORE project	\$500,000	G USDA - Farmers Market	\$97,792
B USDA - Mobile Market	\$298,605	H USDA - Farms to Schools HUB	\$98,729
C DEO - Charlotte County Arts	\$25,000	I USDA - Farms to Schools Coordinator	\$99,848
D DEO - Ag Tours in LaBelle	\$25,000	J Nutritional Oasis	\$15,000
E DEO - Hendry Zoning Mapping	\$25,000	K DEO - CEDS & Resiliency	\$25,000
F USDOT - Transportation Connectivity Plan	\$1,148,476	L EDA - Manufacturing	\$58,257

PENDING GRANTS

A Name: FDEP Resilient and Consistent Coastal Elements for the Gulf Coast (RESTORE project) Amount: \$500,000 Project Manager: Jim Beever Deliverable: Compile, review, and summarize the Coastal Elements of the 23 Florida Gulf Coast Counties' Comprehensive Growth Management Plans for continuity and consistency in natural resource and community infrastructure protection to aid in Gulf of Mexico restoration and resiliency.	B Name: USDA - Mobile Market: A Nutritional Oasis for Food Markets of SWFL Amount: \$298,605 Project Manager: Margaret Wuerstle Deliverable: Address the food desert in the Dunbar neighborhood of the City of Ft. Myers and identify additional food deserts throughout Lee County.	C Name: DEO - Charlotte County Arts Project: Our Creative Economy Asset Mapping Amount: \$25,000 Project Manager: Margaret Wuerstle Deliverable: A field guide to the Public Art in both electronic and print media.	D Name: DEO - Ag Tours to Promote Assets and Economic Development in LaBelle Amount: \$25,000 Project Manager: Nichole Gwinnett Deliverable: City of LaBelle Agriculture Tour Plan.
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E Name: DEO - The Zoning Mapping Project for Hendry County <hr/> Amount: \$25,000 <hr/> Project Manager: Jennifer Pellechio <hr/> Deliverable: Update the framework for zoning in Hendry County. Enhance existing database and update all parcels with 2015 data.	F Name: USDOT - Public/Private Regional Transportation Connectivity Plan <hr/> Amount: \$1,148,476 <hr/> Project Manager: Margaret Wuerstle <hr/> Deliverable: Public/Private Regional Transportation Connectivity Plan.	G Name: USDA - Fort Myers Food Desert Farmer's Market <hr/> Amount: \$97,792 <hr/> Project Manager: Nichole Gwinnett <hr/> Deliverable: Establish year-round daily farm stand and weekend Farmer's Market offering affordable, fresh, local produce.	H Name: USDA - Farms to Schools: Smart Process Food HUB <hr/> Amount: \$98,729 <hr/> Project Manager: Rebekah Harp <hr/> Deliverable: Host regional stakeholder meeting; Hire and train two food service processors; Secure warehouse rental space; Distribute food from HUB to school districts.
I Name: USDA - Farms to Schools: Opportunity Buy Program Coordinator <hr/> Amount: \$99,848 <hr/> Project Manager: Nichole Gwinnett <hr/> Deliverable: Hire coordinator to manage program over a two year period. After stabilization pass to school districts for their continued usage.	J Name: Presbyterian Committee - A Nutritional Oasis for Marginalized Individuals <hr/> Amount: \$15,000 <hr/> Project Manager: Margaret Wuerstle <hr/> Deliverable: Training for individuals released from jail, prison and rehabilitation centers to grow fresh produce to be sold at the farmers market as a means of gaining self sufficiency while helping to address the needs of a food desert in Fort Myers, FL.	K Name: DEO - Incorporate Economic Resiliency into CEDS <hr/> Amount: \$25,000 <hr/> Project Manager: Jennifer Pellechio <hr/> Deliverable: In-depth analysis based on the federal change requirements to the document incorporating economic vulnerabilities as it related to jobs and employers.	L Name: EDA - Advanced Manufacturing in West Central FL: An Ecosystem Analysis Supporting Regional Development <hr/> Amount: \$58,257 <hr/> Project Manager: Jennifer Pellechio <hr/> Deliverable: Develop a SWOT analysis, web survey, and utilize economic modeling.

GRANTS UNDER DEVELOPMENT

\$1,880,000



A NEH - ZombiCon Documentary	\$30,000
B HUD Resiliency Plan	\$600,000
C EPA - FY15 Brownfields	\$600,000
D NEA - Our Creative Economy	\$200,000
E NSF - Long Term Research in Environmental Biology	\$450,000
F Promise Zones	Designation

GRANTS UNDER DEVELOPMENT

A Name: NEH: ZombiCon Documentary Amount: \$30,000 Description: Develop a full length film (20-30 minutes) history of ZombiCon. ZombiCon is a Fort Myers festival celebrating pop culture, with some proceeds going to support children's art programs.	B Name: HUD - Statewide Resiliency Plan Amount: \$600,000 Description: Develop vulnerability and resiliency plans for every county in Florida.	C Name: EPA - FY15 Brownfields Amount: \$600,000 Description: Brownfields Assessment Grants provides funds to inventory, characterize, assess, and conduct planning and community involvement related to brown-field sites.	D Name: NEA - Our Town: Our Creative Economy Regional Strategy for Public Art Amount: \$200,000 Description: Map Existing Assets, Develop a Regional Strategy for Enhancing Public Art and Cultural Venues, and Publish SWFL's Public Art and Cultural Venues Tour Guide as a Computer Application.
E Name: NSF - Long Term Research in Environmental Biology Amount: TBD Description: Develop a research program and dataset related to long-term monitoring of sea grass beds.	F Name: Promise Zones Amount: Designation Description: Promise Zone Designation for a struggling region in Southwest Florida to promote revitalization.		

“

IF EVERYONE IS MOVING
FORWARD TOGETHER,
T H E N S U C C E S S
TAKES CARE OF ITSELF.

”

- HENRY FORD



PERFORMANCE MEASURES

■ Priority 01: Building Resiliency
■ Priority 02: Economic Development

■ Regional Planning
■ Emergency Management

PRIORITY 01

BUILDING RESILIENCY	#	DELIVERABLES	Benefit/Value
Public Outreach & Education (# of individuals reached)			
Submission of National Disaster Resilience Competition Application			
# Of communities improving solar energy regulations			
Analysis assistance given to local communities for improving community resiliency in Comp Plans			
Funding opportunities identified for local governments to develop Community Resiliency Plans			

PRIORITY 02

ECONOMIC DEVELOPMENT	#	DELIVERABLES	Benefit/Value
# Of Vital Projects from CEDS Plan Under Development			
Amount of Federal, State and Local investment			
# Of Technical Assistance Requests Completed			
Annual Meeting with EDC Directors			
Our Creative Economy Plan			
Agriculture Sustainability			
Manufacturing Competitiveness			
Brownfields			

FUNDAMENTAL OBLIGATIONS

REGIONAL PLANNING	#	DELIVERABLES	Benefit/Value
# Of DRIS, NOPCs & Substantial Deviations Processed			
# Of Comprehensive Plan Amendments Processed			
# Of Technical Assistance Calls			
Annual Meeting with Planning Directors			
EMERGENCY MANAGEMENT	#	DELIVERABLES	Benefit/Value
# Of Hazardous Waste Site Inspections			
# Of Government/Emergency Responder Trainings			
# Of Chemical Inventory Received			

- Environmental Research, Planning and Education
- Public Outreach
- Grants Clearing House
- Transportation Planning
- Information Services
- Enhanced Administration

FUNDAMENTAL OBLIGATIONS

ENVIRONMENTAL RESEARCH, PLANNING & EDUCATION	#	DELIVERABLES	Benefit/Value
# Of Major Research Studies Completed			
# Of Presentations to Organizations			
TRANSPORTATION PLANNING	#	DELIVERABLES	Benefit/Value
# Of Trips Provided Through TD Program			
PUBLIC OUTREACH	#	DELIVERABLES	Benefit/Value
# Of individuals Attending Educational Workshops			
# Of Presentations Made on RPC Projects and Programs (Speaker's Bureau)			
# Of Contacts with 22 Local Governments			
Orientation Meeting for New SWFRPC Members			
INFORMATION SERVICES	#	DELIVERABLES	
# Maps Requested			
# Data Requests			
# Of Website Views			
# Of Website Project Views			
GRANTS CLEARING HOUSE	#	DELIVERABLES	Benefit/Value
# Of Grants in Development			
# Of Grants Submitted			
# Of Grants Awarded			
# Of Local Governments Assisted with Grants			
Amount of Funding Brought into the Region			
ENHANCED ADMINISTRATION	#	DELIVERABLES	Benefit/Value
Financial Reporting is Transparent			
# Of Grants Completed on Time & On Budget			

CHALLENGES



LACK OF FUNDING FOR TECHNOLOGY UPGRADES

As technology changes we need to stay current. Funding is extremely limited for needed equipment.



BUILDING MAINTENANCE

As funds become available the following items need to be addressed:

- The parking lot needs to be resurfaced.
- The air conditioner needs to be replaced.
- The building needs to be reorganized to allow for rental space.



STAFF EXPERTISE

We are in the process of cross-training staff to cover operations, services and programs in case of an emergency. Due to an aging staff we need to continue to build staff skills and areas of expertise to address retirements.



“

**CHALLENGES ARE WHAT MAKE
LIFE INTERESTING
AND OVERCOMING THEM
IS WHAT MAKES
LIFE MEANINGFUL.**

”

- JOSHUA J. MARINE

BUDGET



22

FY15
Proposed
Budget



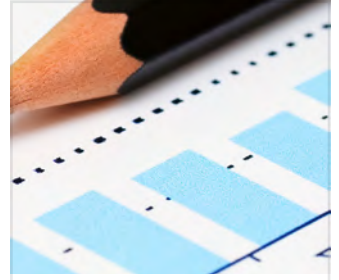
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FY15
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5 Year
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APPENDIX H
Monthly Financials

FY15 PROPOSED BUDGET

PROPOSED BUDGET

OCTOBER 1, 2014
TO
SEPTEMBER 30, 2015

FY15 PROPOSED BUDGET

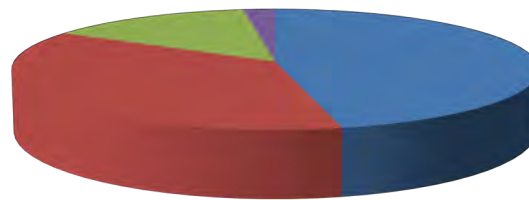
Revenues	SWFRPC General Fund	SWFRPC Special Revenue	2015 Budget Totals
Assessments	472,941		472,941
Federal/State Grants		377,796	377,796
Contractual		145,900	145,900
Rental/Interest/Misc	22,500		22,500
Carry Over Fund Balance*	708,484		708,484
Total Income	1,203,925	523,696	1,727,621
Expenditures			
Direct:			
Salaries (A)	307,031	422,494	729,525
FICA	55,809		55,809
Unemployment	-		0
Workers Compensation	2,329		2,329
Retirement	58,766		58,766
Health Insurance (B)	128,579		128,579
Total Personnel Services	552,514	422,494	975,008
Consultant Fees (C)	14500		14,500
Contractual (D)		54396	54,396
Audit Fees	20000	20000	40,000
Travel	6300	18870	25,170
Telephone	5100		5,100
Postage	2750	37	2,787
Equipment Rental	7015		7,015
Insurance (E)	22500		22,500
Repair/Maint. (Grounds/Bldg/Equip)	15000		15,000
Printing/Reproduction	1500	690	2,190
Utilities (Elec, water, garb)	23200		23,200
Advertising	750	1704	2,454
Other Miscellaneous	4500		4,500
Bank Service Charges	2700		2,700
Office Supplies	5000	175	5,175
Computer Related Expenses (F)	27010	60	27,070
Publications	250		250
Dues and Memberships (G)	27000	2700	29,700
Professional Development	9836	420	10,256
Meetings/Events	1303	2150	3,453
Capital Outlay-Operations	7500		7,500
Capital Outlay-Building	35150		35,150
Long Term Debt	128000		128,000
Reserve for Operations Expense	708,484		708,484
Allocation of Fringe/Indirect	(423,937)		-423,937
Total Cash Outlays	1,203,925	523,696	1,727,621
Net Income/Loss	0	-	0

FY15 REVENUE SOURCES

REVENUE SOURCES

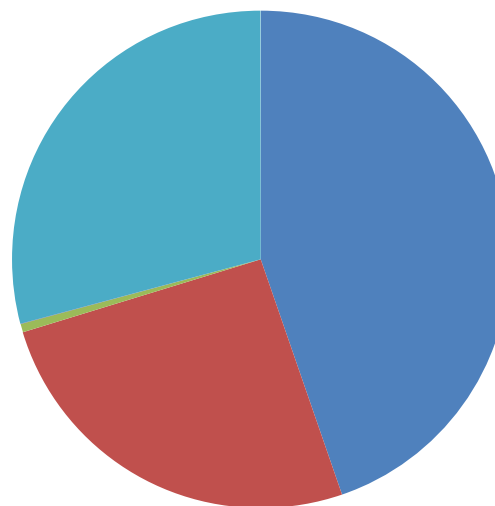
OCTOBER 1, 2014
TO
SEPTEMBER 30, 2015

Budget Revenues	Amount
County/City Assessments	472,941
Federal/State Grants	377,796
Contractual	145,900
Misc.	22,500
Total Revenue	1,019,137



- County/City Assessments
- Federal/State Grants
- Contractual
- Misc.

Fund Balance	Amount
Iberia Bank - CD	316,665
Local Government Surplus - Fund A	181,168
Local Government Surplus - Fund B	3,850
Petty Cash	200
Bank of America - Operating	206,604
Total Fund Balance	708,487



- Iberia Bank - CD
- Local Government Surplus - Fund A
- Local Government Surplus - Fund B
- Petty Cash
- Bank of America - Operating

FY15 REVENUE SOURCES

General Revenues		Special Revenues	
Rental/Interest/Misc.	22,500	Federal/State Grants	377,796
Assessments	472,941	Contractual	145,900
	495,441		523,696
		Total Revenues	1,019,137
		Prior Year Fund Balance	708,484
		Total Budget	1,727,621

Member	Population	Assessment
Charlotte County	163,679	49,104
Collier County	333,666	100,100
Glades County	12,658	3,797
Hendry County	37,808	11,342
Lee County	518,265	155,480
City of Fort Myers	67,081	20,124
Town of Fort Myers Beach	6,323	1,897
City of Bonita Springs	45,229	13,569
City of Sanibel	6,469	1,941
Sarasota County	385,292	115,588
Total Assessments	1,576,470	472,941.00
Rental/Interest/Misc.		20,000.00
ABM-Sponsorship		2,500.00
Total General Revenues		492,941.00

Special Revenues	Federal/State Grants	Contractual	Total
DEM - Title III	40,909		40,909
DEM-HMEP Planning& Training	58,370		58,370
Economic Development	63,000		63,000
FL CTD-Glades/Hendry TD	38,573		38,573
MARC	45,000		45,000
EPQA-CE	95,944		95,944
EPA-FAMQ	36,000		
City of Bonita Springs- Spring Creek		20,000	
Visit Florida		5,000	
NERRC		7,000	5,000
SQG-Glades		3,900	3,900
DRI/NOPC Fees and Monitoring		60,000	60,000
Total RPC Special Revenues	377,796	95,900	410,696
CHNEP		50,000	
Total Special Revenues	377,796	145,900	523,696

* Assessments based upon official Bureau of Business and Economic Research population estimates.

Assessments are estimated at 30 cents/capita as provided for in the Council's Interlocal Agreement, adopted November 8, 1973.

5 YEAR BUDGET COMPARISON FY 11 -15

5 YEAR BUDGET COMPARISON

FISCAL YEAR 11

TO

FISCAL YEAR 15

5 YEAR BUDGET COMPARISON - FY11 - FY15

	Actual FY 2011	Actual FY 2012	Actual FY 2013	Current FY 2014	Current FY 2014 (Amended)	Proposed Budget FY 2015
Revenues						
Assessments	466,669	459,517	462,218	469,711	469,711	472,941
Federal/State/Local Funds/Contractual	2,591,297	1,890,422	1,839,113	1,479,877	1,587,627	377,796
Contractual						88,400
DRIs	215,357	93,546	42,625	45,000	35,000	60,000
Interest/Misc	14,813	9,565	24,732	20,000	5,000	5,000
Rental Income			28,750	15,000	15,000	15,000
Carry Over Fund Balance	519,868	542,977	708,484	542,977	708,304	708,484
				83,679	33,429	
Total Income	3,808,004	2,996,027	3,105,922	2,656,244	2,854,071	1,727,621
Expenditures						
Direct:						
Salaries - Total	1,785,396	1,165,861	1,006,838	955,552	991,556	729,525
FICA/Workers Comp/Unemployment	135,632	101,321	83,783	76,796	76,796	58,138
Retirement	170,332	60,395	63,019	94,535	94,535	53,766
Health Insurance	176,024	127,272	118,764	138,194	138,190	128,579
Total Personnel Services	2,267,385	1,454,849	1,272,403	1,265,077	1,301,077	970,008
Legal fees				15,000	0	0
Consultant Fees	64,094	59,430	87,014	51,336	51,336	14,500
Contractual						54,396
NEP Contractual	233,995	275,454	326,993	348,358	348,358	0
NEP-Other				26,500	26,500	0
MPO Contractual	246,699	89,523			0	0
Audit Fees	46,220	44,430	43,543	40,000	40,000	40,000
Travel	39,442	32,500	42,369	37,870	47,870	25,170
Telephone	12,093	6,754	8,224	6,540	6,540	5,100
Postage	23,767	30,524	19,925	4,100	4,100	1,787
Equipment Rental	29,253	21,961	7,016	8,750	8,750	7,015
Insurance	19,820	21,559	25,091	22,500	22,500	22,500
Repair/Maint. (Grounds/Bldg/Equip)	20,937	15,668	17,497	15,000	15,000	5,000
Printing/Reproduction	93,224	53,373	73,954	1,500	3,000	2,190
Utilities (Elec, water, garb)	24,411	22,572	22,226	22,000	22,000	23,200
Advertising	16,558	10,018	3,218	3,600	3,600	2,454
Other Miscellaneous	4,491	9,897	3,979	4,500	4,500	1,500
Uncollectable Receivables		19,000				
Bank Service Charges		1,133	2,745	2,280	2,280	2,700
Office Supplies	17,637	13,695	13,870	12,186	12,186	5,175
Computer Related Expenses	56,993	39,155	40,011	38,500	38,500	27,070
Publications	2,476	1,496	226	1,250	1,250	250
Dues and Memberships	38,109		32,659	28,800	28,800	29,700
Professional Development		37,486	3,225	10,120	10,120	7,256
Meetings/Events	54,966	22,333	20,580	3,000	3,000	3,453
Capital Outlay-Operations	8,037	15,056	27,792	4,000	4,000	5,000
Capital Outlay-Building		4,324	8,185	12,500	12,500	24,650
Long Term Debt (Building Loan)	127,751	127,751	127,751	128,000	128,000	128,000
Events			1,436			
Reserve for Operations Expense	519,868	542,977	708,484	542,977	708,304	708,484
Fringe/Indirect Allocation						-423,937
Total Cash Outlays	3,968,226	2,972,919	2,940,415	2,656,244	2,854,071	1,727,621
Net Income/(Loss)	-160,222	23,109	165,507	0	0	0

APPENDIX A

SALARY EXPENSES

APPENDIX A

Position Title Classification	Classification Level	10/1/2014 Salary Range	Hourly Rate	Annual Salary
Executive Director	Exempt	As determined by Council	53.85	\$112,008
Regional Counsel	Exempt	as needed		\$15,000
Deputy Director/Economic Development Program Mgr.	Exempt	31.08 - 42.62	31.70	\$65,936
*Grants Writer (vacant)	Exempt		24.25	\$50,440
Planner IV (Comp Planning)	Exempt	27.53 - 39.89	34.67	\$30,510
Planner IV (Haz Material)	Exempt	27.53 - 39.89	38.68	\$64,364
Planner IV (Environmental)	Exempt	27.53 - 39.89	31.70	\$65,936
Planner III	Exempt	23.00 - 35.72	26.45	\$55,016
Planner II	Exempt	20.07 - 31.74	22.83	\$47,486
Planner I	Exempt	18.90 - 27.31	24.25	\$50,440
GIS Manager	Exempt	20.26 - 32.99	31.08	\$64,646
Administrative Services Coordinator	Exempt	20.26 - 32.99	31.39	\$65,291
Administrative Clerk (vacant)	Hourly	10.50 - 16.44	10.50	\$21,840

Planner IV-Comp Planning through 2/15

\$708,913

Planner IV-Haz mat 32 hour week

3% Increase \$20,612.19

Administrative Clerk (vacant)

\$729,525

Grants Writer (vacant)

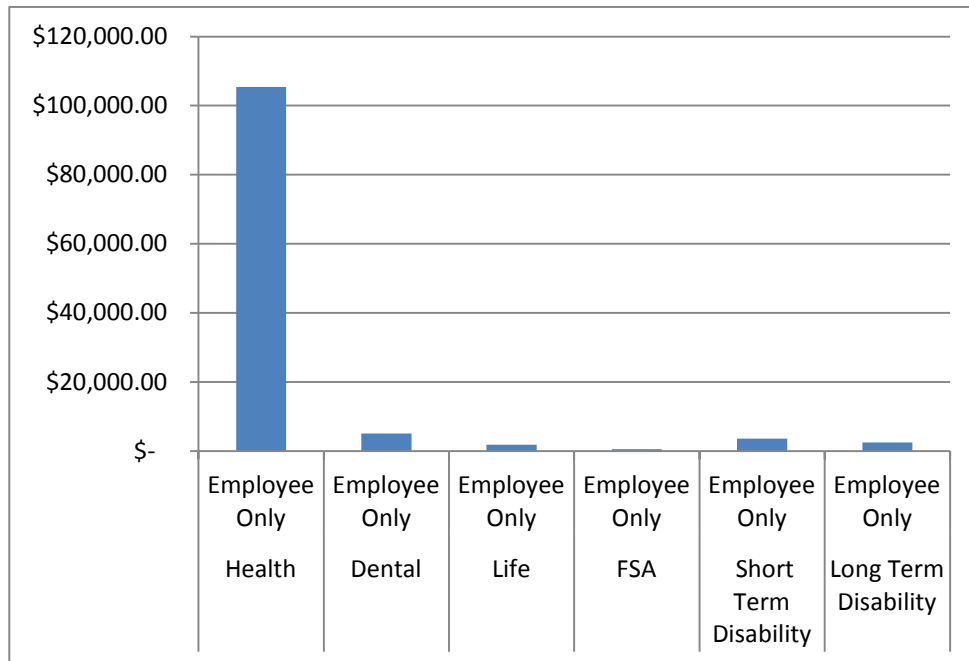
APPENDIX B

HEALTH INSURANCE EXPENSES

APPENDIX B

Budget 2013 Health Insurance Expenses

Insurance	Type	Premium
Health	Employee Only	\$105,408.00
Dental	Employee Only	\$5,092.00
Life	Employee Only	\$1,872.00
FSA	Employee Only	\$540.00
Short Term Disability	Employee Only	\$3,600.00
Long Term Disability	Employee Only	\$2,448.00
Current Rates		
Total		\$118,960.00
Budget Increase		\$128,579.00



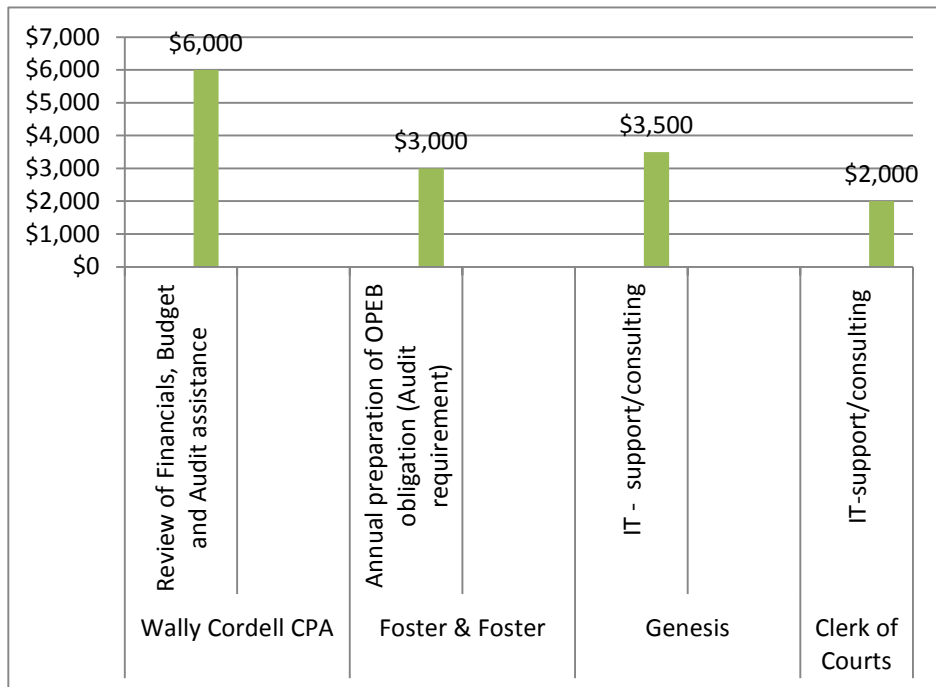
APPENDIX C

CONSULTANT FEES EXPENSES

APPENDIX C

Budget 2014 Consultant Fees Expenses

Name	Description	Amount
Wally Cordell CPA	Review of Financials, Budget and Audit assistance	\$6,000
Foster & Foster	Annual preparation of OPEB obligation (Audit requirement)	\$3,000
Genesis	IT - support/consulting	\$3,500
Clerk of Courts	IT - support/consulting	\$2,000
Total		\$14,500



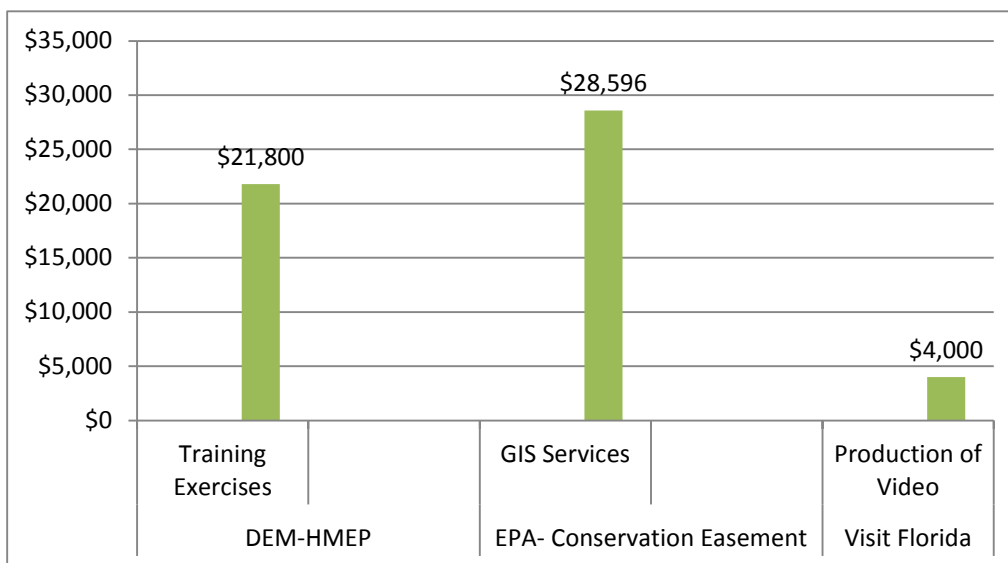
APPENDIX D

CONTRACTUAL EXPENSES

APPENDIX D

Budget 2014 Contractual Expenses

Grant/Project	Description	Amount
DEM-HMEP	Training Exercises	\$21,800
EPA- Conservation Easement	GIS Services	\$28,596
Visit Florida	Production of Video	\$4,000
Total		\$54,396



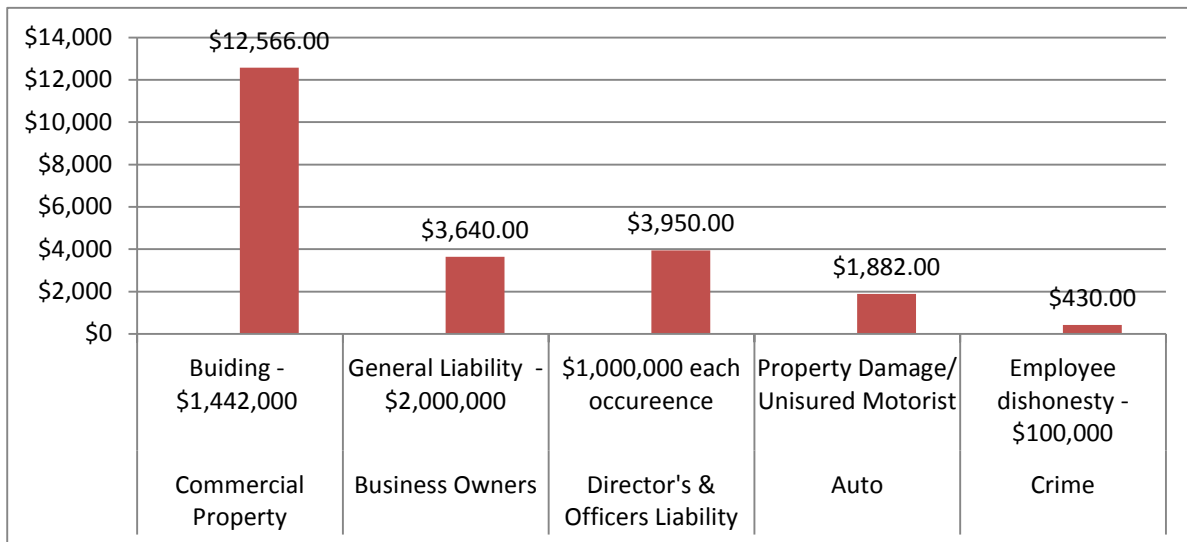
APPENDIX E

INSURANCE EXPENSES

APPENDIX E

Budget 2014 Insurances Expenses

Policy	Description	Premium
Commercial Property	Building - \$1,442,000	\$12,566.00
Business Owners	General Liability -\$2,000,000	\$3,640.00
Director's & Officers Liability	\$1,000,000 each occurrence	\$3,950.00
Auto	Property Damage/ Uninsured Motorist	\$1,882.00
Crime	Employee dishonesty - \$100,000	\$430.00
Total		\$22,468.00



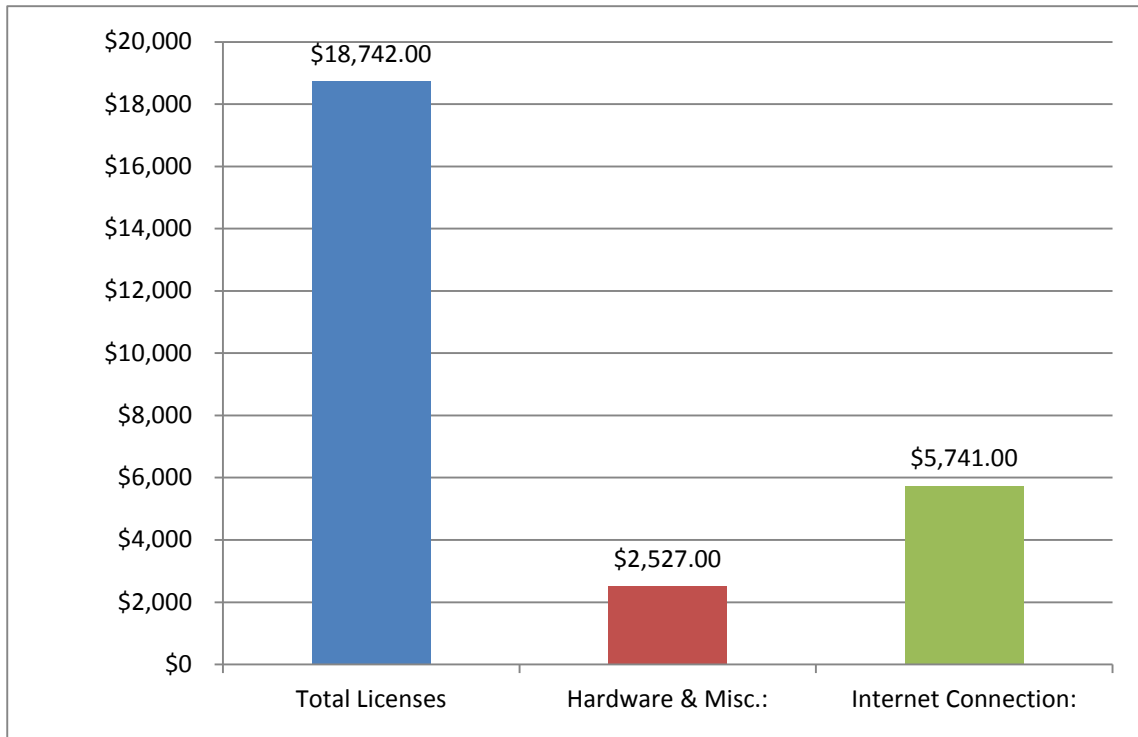
APPENDIX F

COMPUTER RELATED EXPENSES

APPENDIX F

Budget 2014 Computer Related Expenses

Licenses	Annual Cost
Peachtree (Accounting Software)	\$1,339.00
REMI (Modeling Software)	\$6,903.00
ArcView (GIS)	\$8,300.00
VM	\$1,000.00
Bill Quick	\$1,200.00
Total Licenses	\$18,742.00
Hardware & Misc.:	\$2,527.00
Internet Connection:	\$5,741.00
Total Expenses	\$27,010.00



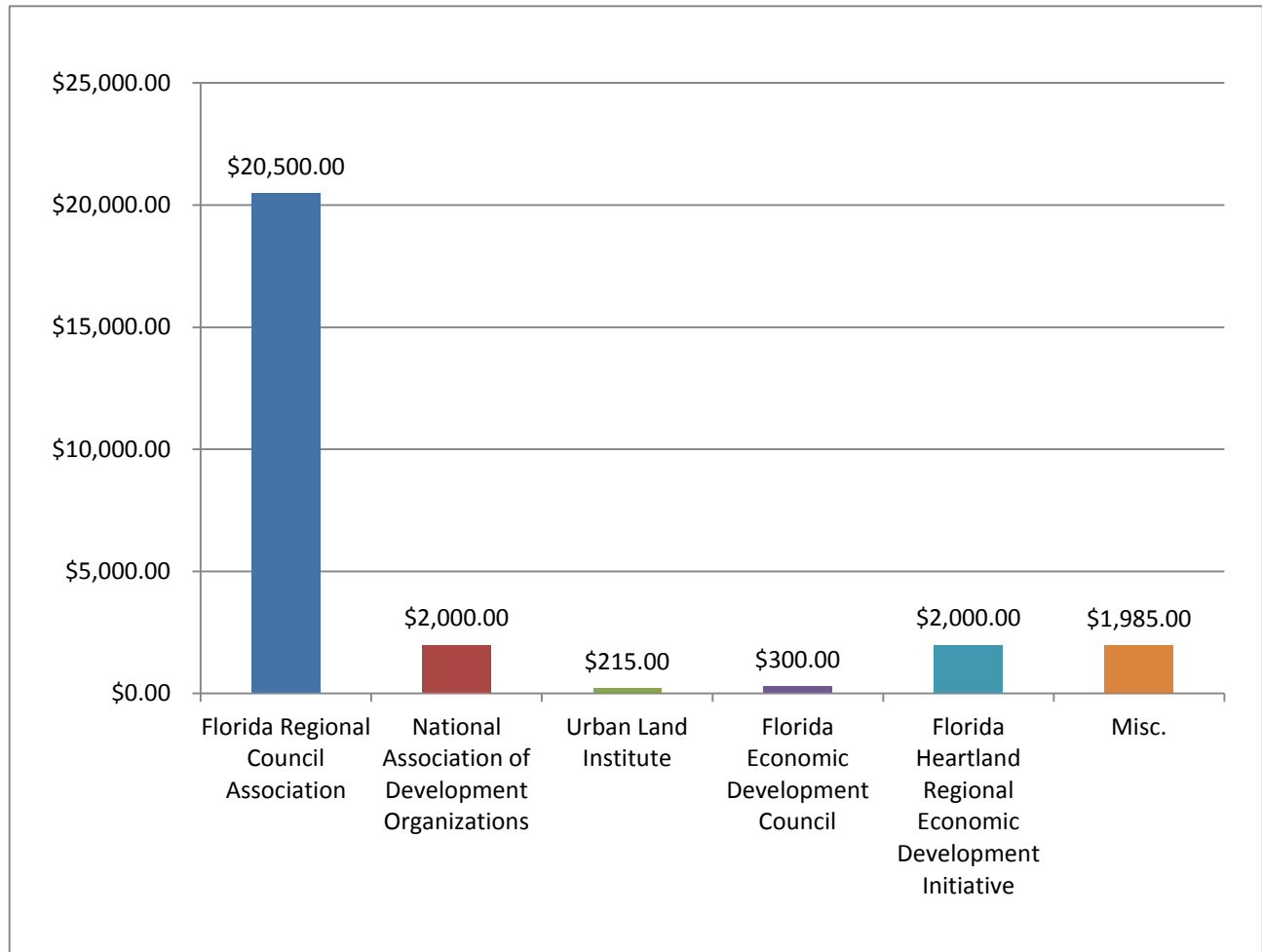
APPENDIX G

ORGANIZATIONAL DUES AND MEMBERSHIPS

APPENDIX G

Budget 2014 Organizational Dues and Memberships Expenses

Organization		Annual Dues
FRCA	Florida Regional Council Association	\$20,500.00
NADO	National Association of Development Organizations	\$2,000
ULI	Urban Land Institute	\$215.00
FEDC	Florida Economic Development Council	\$300.00
FHREDI	Florida Heartland Regional Economic Development Initiative	\$2,000.00
Misc.	Misc.	\$1,985.00
		\$27,000.00
	Grant Related	\$2,700.00
Total		\$29,700.00



APPENDIX H

MONTHLY FINANCIALS



www.swfrpc.org

FISCAL YEAR 2014 - 2015

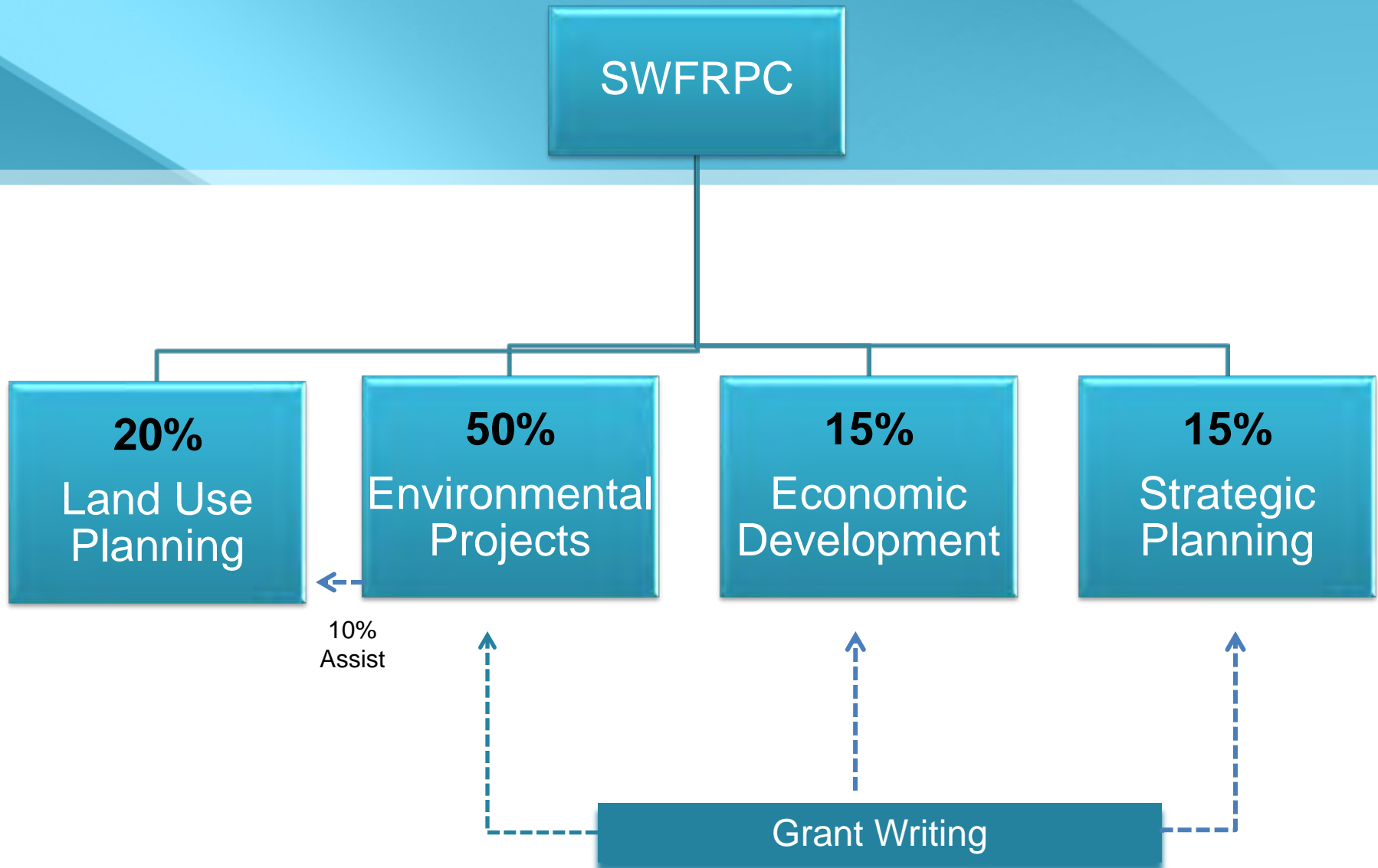
WORKPLAN AND BUDGET

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

1926 Victoria Avenue | Fort Myers | FL | 33901 | (P) 239.338.2550 | (F) 239.338.2560



SWFRPC FUTURE DIRECTION



LAND USE PLANNING

- DRI
- Comprehensive Plans*

*Assessment funded

ENVIRONMENTAL PROJECTS

- National Estuary Program
- Other grant funded projects
- Technical Assistance*
- Community Outreach*

*Assessment funded, remainder grant or user funded

ECONOMIC DEVELOPMENT

- Manager of Federal Economic Development District*
- Creates Comprehensive Economic Development Strategy Plan
- Provides technical assistance in grant writing, & partnering project identification*
- Information Clearing House*
- Data Collection & Dissemination*

*Assessment funded, remainder grant or user funded

STRATEGIC PLANNING

- Strategic Regional Policy Plan-State*
- Collaboration Grant Project
- Federal HUD Sustainable Communities Grant
- Six Pillars Regional Planning Platform

*Assessment funded, remainder grant or user funded

Strategic Regional Policy Plan

Community Developed Plan

- Unfunded State Mandate

Affordable Housing

Emergency Preparedness

Natural Resources

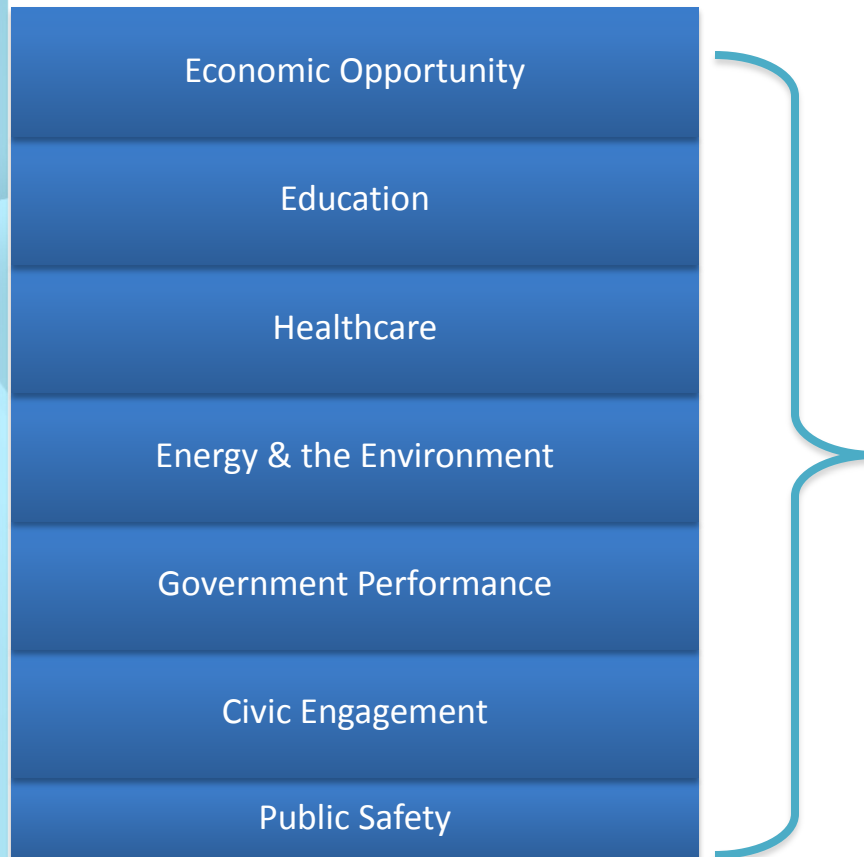
Economic Development

Regional Transportation

Promotes

Collaboration Project

- \$388,000 – two year grant
- Generate template for how to create a community collaboration effort to be used as a tool kit item for projects that require broad community collaboration.



***Promotes
Quality
Place to
Live, Work
& Play***

Sustainable Communities Grant

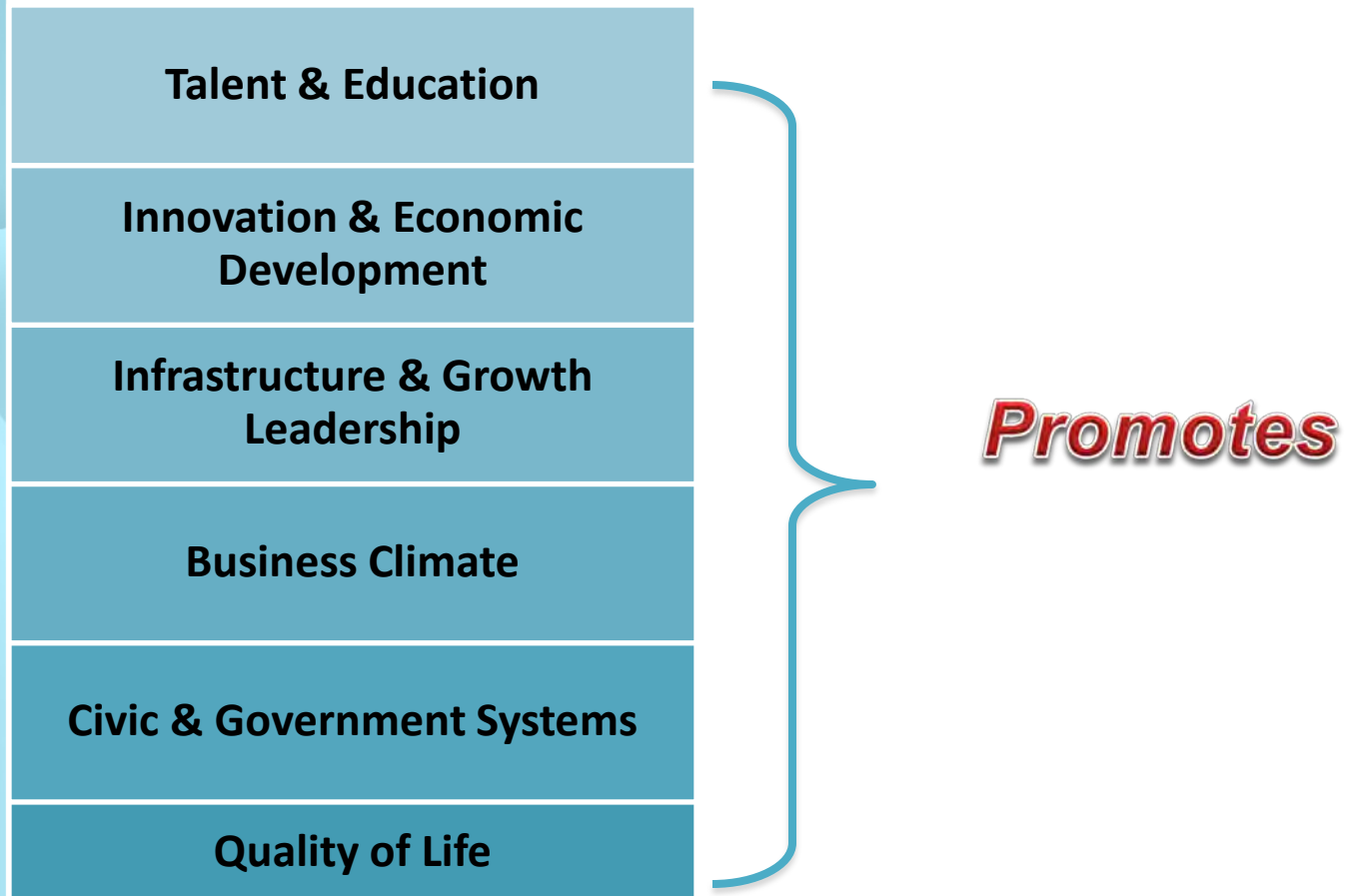
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- HUD Grant to Develop Regional Plan for Sustainable Development through Intense Community Collaboration.



Six Pillars Regional Platform

- Promote stronger economy for the State and within Regions. RPC can create/house 501C3.



CONCLUSIONS

- Land Use Planning is a small part of overall RPC activities, RPC will not go away if DRI and comp plan reviews are discontinued by the State.
- Regional community would like stronger Economic Development function with leadership on Economic Development District management, Comprehensive Strategy Plan creation, data collection / dissemination, and technical assistance in identifying projects and grant writing.
- Communication on RPC functions and role within the region is lacking, strengths are misunderstood. Need better information sharing.
- Regional strategic planning is insufficient and significantly behind other regions in State, grant money is available to expand this function if region has the capability to perform.
- Grant writing is a core competency that needs to be recognized, rewarded and potentially expanded.

RECOMMENDATIONS

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- Increase support for economic development activities to meet regional needs.
- Expand strategic planning activities:
 - Continue Collaboration Grant and HUD Sustainable Communities Grant, if awarded
 - Explore implementing Florida Chamber Six Pillars platform in region as lead or through partnering with other organizations.
 - Promote regional plans through community involvement.

RECOMMENDATIONS

- Hire executive director with strong communication, leadership, and collaboration skills, who can readily gain respect and trust in the region at all levels.
- Change structure of RPC meetings to better reflect council activities and improve information sharing and communication.
- Continue to support environmental projects related to estuaries, data collection, & outreach projects.

Agenda Item

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Water Quality and Water
Resources Management

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