

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JANUARY 19, 2012 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on January 19, 2012 at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chair Karson Turner called the meeting to order at 9:02 a.m. and then led an invocation and the Pledge of Allegiance. Administrative Specialist II Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy, Councilwoman Rachel Keesling, Mr. Michael Grant

Collier County: Commissioner Jim Coletta, Commissioner Donna Fiala, Councilwoman Teresa Heitmann, Mr. Bob Mulhere

Glades County: None

Hendry County: Commissioner Karson Turner, Commissioner Daniel Akin, Mr. Melvin Karau

Lee County: Commissioner Ray Judah, Commissioner Frank Mann, Councilman Forrest Banks, Vice Mayor Mick Denham, Ms. Laura Holquist

Sarasota County: Commissioner Christine Robinson, Commissioner Carolyn Mason, Commissioner Tom Jones, Councilman Kit McKeon, Commissioner Willie Shaw

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Phil Flood - SFWMD, Mr. Jon Iglehart - FDEP, Ms. Terri Behling - SWFWMD

MEMBERS ABSENT

Charlotte County: None

Collier County: None

Glades County: Commissioner Kenneth "Butch" Jones, Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Commissioner Al Perry, Commissioner Joseph Miller

Lee County: Mayor John Sullivan, Councilwoman Martha Simons, Councilman Joe Kosinski, Mr. Paul Pass

Sarasota County: Mr. Felipe Colón

Ex-Officio Membership: None

PUBLIC COMMENTS

Chair Turner noted that no public comment cards were submitted. He then stated that if any members of the public wish to speak to fill out a public comment card and submit them to staff.

INTRODUCTIONS

Chair Turner introduced Ms. Margaret Wuerstle as the Council's new Executive Director. Ms. Wuerstle stated that she was glad to be back in Southwest Florida for a couple days and that she has been meeting with staff and trying to understand some of the challenges, issues, programs and projects. There are some very exciting projects which staff is currently working on and she is looking forward to being involved in all of those. She stated to the members that she is going to need their help and would like to meet with each of them to understand what their perspective is and in what direction they would like to see the Council go in.

AGENDA

Mr. Mulhere moved and Councilman McKeon seconded to approve the agenda as presented. The motion carried unanimously.

AGENDA ITEM #6

Minutes of the December 15, 2011 Meeting

Commissioner Tom Jones moved and Councilman McKeon seconded to approve the minutes of the December 15, 2011 Meeting. The motion carried unanimously.

AGENDA ITEM #7

Council Membership - City of Sarasota

Commissioner Tom Jones reviewed the item as presented and introduced City of Sarasota Commissioner Willie Shaw.

Commissioner Shaw gave a brief introduction and stated that he looks forward to being on the Council.

Commissioner Tom Jones moved and Commissioner Robinson seconded to accept the City of Sarasota as a member local government. The motion carried unanimously.

AGENDA ITEM #8 CONSENT AGENDA

Mr. Mulhere moved and Commissioner Judah seconded to recommend approval of the consent agenda: Agenda Item #8(a) Intergovernmental Coordination and Review; Agenda Item #8(b) Financial Statement for December 31, 2011; Agenda Item #8(c) City of Venice Comprehensive Plan Amendment (DEO 11-1ESR); Agenda Item #8(d) South LaBelle Village DRI - Development Order Review; Agenda Item #8(e) Palmer Ranch Increment XVIII DRI - Development Order Amendment Review; and Agenda Item #8(f) North Point DRI - Development Order Amendment Review.

Commissioner Constance stated that he had a question regarding Consent Agenda Item #8(b). He stated that he noticed that it seemed that things were starting to "fall below the line" and he didn't know if those issues were discussed at other meetings.

Councilwoman Heitmann stated that we are aware of the situation and have been following it very closely and she feels that it would be more appropriate for staff to give the report. Commissioner Constance stated that he did review the backup material and noticed that salaries are down and it looks like cost cutting measures are being made. He wanted to understand the full picture of expenses and what we are doing to try to increase our revenues.

Ms. Yell of staff stated that the Council's net income is down by \$69,000 for the first quarter. As near as she can tell by analysis, it is the way that staff is charging. Staff is not charging to funded projects. There is the use of local funds, which has increased from last year and she feels that has a lot to do with it because the local funds basically are the local assessment dues and they are not generating any additional revenue.

Ms. Donley explained that the Budget and Finance Committee met on January 6th and had a lengthy discussion regarding this issue and also what will be happening in February ; an amendment to the Council's budget will be coming forward which will address some of the concerns that we are currently facing. We now have a quarters worth of data for this year and staff will be able to integrate additional changes and tweaking of the budget going forward.

Councilwoman Heitmann asked Ms. Donley to give a brief overview of the meetings which staff has had with the local governments. Ms. Donley explained that staff has been actively meeting with the staff of the Council membership to let our members know what skills and expertise that are available in-house and how we can assist your staff in accomplishing their work. Staff has met with Hendry County, City of North Port, City of Naples, Collier County, and City of LaBelle. Staff will be meeting with the City of Bonita Springs and the City of Sanibel to pursue providing technical assistance for reimbursement to the Council for the services provided. Staff is also pursuing grant opportunities to assist implementing the Strategic Regional Policy Plan (SRPP) and provide necessary services within the region.

Vice Mayor Denham stated that it seems to him that cost cutting is important to balancing our budget. He then said that we need to increase our revenues and at this time when most communities are trying to reduce their costs by outsourcing most of their activities, he feels that

staff should be using any opportunity to see whether any outsourcing of services by various counties or cities are available in order to generate additional revenue.

Councilwoman Heitmann explained that is the reason for staff visiting the cities and counties.

Chair Turner stated that the City of Clewiston was “stunned” that those services existed through the Council, which he feels goes back to our original point of the justification of the Council to be seen in general as we move forward with the Council’s new vision.

Mr. Grant stated that we need to be very cautious that the Council doesn’t start competing with the private sector and make sure that the cities and counties know that it is not the Council’s intent to compete with the private sector on some of these projects. He feels that the Council would be doing itself a long-term disservice by holding that up, there are things that he feels that the Council should do, but he would hate to have the Council seen in competition with the planning consulting services that are out there.

Mr. Mulhere stated that he feels that it would be helpful for staff to review the RFP and RFQ lists that are put out by local governments which relate to planning, keeping in mind what services the Council could provide (i.e., GIS). There may be opportunities to team up with the private sector and groups that are submitting proposals since the Council is a repository of information.

Councilman Banks stated that at the Budget and Finance Committee meeting there was a discussion regarding the DRI funds and he asked if that issue was discussed and resolved among staff as directed by the Committee. Councilwoman Heitmann stated that there was a brief discussion held after the meeting with staff and staff was able to share their concerns.

Mr. Dan Trescott of staff stated that he had made a comment at the Budget and Finance Committee meeting on January 6th regarding reducing the budget for DRIs. Within the last two weeks since the meeting, he has heard about at least three new DRIs coming in and some NOPCs so he doesn’t believe that the DRI budget needs to be reduced by as much as originally proposed. He was going to be prepared to provide a different DRI budget in February based on the latest information. He is estimating that there should be approximately \$105,000 coming in for new projects this year, probably before the middle of the year.

Chair Turner asked Mr. Trescott if he feels that there is an “up tick” in DRI activity. Mr. Trescott replied yes. He explained that the inventory of luxury homes have dried up, so what is being discussed is building more luxury homes by homebuilders and the two projects that he has heard about are two projects on Palmer Ranch in Sarasota County and also some work being proposed around FGCU in Lee County. The developers are preparing for the next “boom”.

Councilwoman Heitmann stated that staff is being proactive in finding a new tenant for the space that is going to be available when the Lee County MPO moves out.

The motion carried unanimously.

AGENDA ITEM #9(a)
December 15, 2011 SWFRPC Meeting Executive Summary

Ms. Donley reviewed the item as presented.

AGENDA ITEM #9(b)
January Staff Activity Summary, Economic Development

Ms. Jennifer Pellechio of staff gave a PowerPoint presentation on the Council's Broadband Project.

Vice Mayor Denham asked if the project involves any infrastructure. Ms. Pellechio replied no, the project is a planning procedure to help assist local governments with possible infrastructure needs in the future. It is really to help the local governments leverage when they are looking for funding resources to be able to state that a plan exists for the region which identifies broadband and technology needs.

Vice Mayor Denham asked what the outcome of the project is. Ms. Pellechio replied that the outcome is going to be planning document, toolkit, and training manual which can be used anywhere with Florida or even within the nation. The idea is that a lot of broadband planning infrastructure is already taking place, but the actual planning side of it has not been done. We are hoping that this project will give the tools to assist Florida and others in developing these types of plans in the future.

Ms. Pellechio stated that simultaneously Charlotte County has been working on an infrastructure plan and there has been other things happening within the State in regards to actual infrastructure.

Commissioner Judah asked what type of infrastructure it involves. Ms. Pellechio explained that the plan does not include infrastructure. Commissioner Judah stated that he got the impression that the plan was coming after the infrastructure. Ms. Pellechio explained that the infrastructure in the FRHEDI area is towers. They are actually installing wireless connections, but a lot of the connections in Southwest Florida which we are discussing are fiber, so it is located in the ground. The Technical Task Force is made up of all of the IT Directors in the region and the region identified is the three counties. So the Technical Task Force is who is actually working on the plan and then as well as those folks and there is also representatives at a higher level from other entities.

Commissioner Judah asked about the FRHEDI project and the infrastructure. Chair Turner explained that there is no vertical construction in the design. It is taking existing facilities that are already in place and putting it onto the net. He then stated that there is a vacuum for broadband in the Heartland area and FRHEDI has received a large grant from the federal government and our Rural Area of Economic Concern (RAEC) is working in conjunction with the North Central Florida RAEC. They have pulled their resources and used what they have done to start the ball rolling and have implemented it into the Heartland area.

Commissioner Judah asked if they are going to co-locate on existing towers. Chair Turner replied yes, on a multitude of existing towers.

Councilman Banks asked if Sarasota County is involved in the process. Ms. Pellechio replied that Sarasota County's IT Director is involved in the process. She explained that Sarasota County is further ahead with the information, but the idea is that the plan would also benefit Sarasota County because any county would be able to take what is produced and implement it.

Ms. Holquist asked how much was the Council given for the project. Ms. Pellechio replied \$423,000 over a two year period.

Ms. Pellechio then gave a brief overview of the Regional Economic Plan, Energy Grant and Brownfields Program.

Ms. Holquist asked what the CEDS is used for. Ms. Pellechio explained that the regional plan required by the Economic Development Administration (EDA) is used for local governments when they apply for any federal funds. It is a way for them to expedite their grant application process. One of the things that are required when you apply for federal funds through EDA is that you need to have your project consistent with the Economic Development Strategy Plan. So by the region having this document it allows funding to come to the local governments more quickly. The plan is updated every five years and we are currently in the five year cycle.

Ms. Holquist asked how much funding does the Council receive. Ms. Pellechio replied \$63,000 annually.

Chair Turner asked the members of the Council if they felt that the Council could be a clearinghouse for grants. Have the staff reach out to the cities and counties and help them with grants which are specific to those cities and counties. Ms. Pellechio stated that it has been discussed. On the <http://www.swflregionalvision.com/> website, staff has started a grants page and is listing information on grants as they come in. This was one of the deliverables in the Broadband Plan to help communities find broadband funding, but staff felt that they would take it a step further and do it not only for broadband, but also for EDA, federal funds, etc.

Commissioner Constance stated what happens if there are two or more stakeholders who all qualify for a particular grant. Are they all treated equally, are the packets prepared equally and do they all go in together. He stated that he just wants it to be a level playing field and that every entity is treated equally in preparing the packets.

Vice Mayor Denham suggested having the cities and counties sharing grant information with other communities.

Commissioner Duffy stated that she feels that it is a positive thing, but will it benefit the rural counties and the smaller counties because they never qualify for many of the grants. Ms. Pellechio stated that she feels that is one of the benefits of the Council. Since the SWFRPC has a working relationship with Central Florida RPC, it helps on certain projects to achieve the numbers needed to include Glades and Hendry Counties in order to receive funding to help those counties.

Ms. Donley suggested putting together collaborative teams that do meet the marks or the certain metrics, because both the Council and CHNEP are legal entities which give us more flexibility of putting together this partnership in order to go after funding.

Councilman Banks stated that during the Economic Development Subcommittee meeting, the EDC Directors stated that the Council could help them write grants because they don't have the staff to write grants.

Mr. Mulhere stated that there is a big upside in collaboration on behalf of the counties and cities that don't have the resources, but also putting together the appropriate team in order to be competitive in the process. We need to enhance or increase the knowledge of this opportunity out there, as well as the level of participation.

AGENDA ITEM #9(c)
Training Events of Interest

Ms. Donley reviewed the item as presented.

AGENDA ITEM #10(a)1
2012 Nominations Committee/Election of 2012 Officers

Mr. Grant gave the 2012 Nominations Committee report. The Nominations Committee recommended that the current 2011 slate of officers continue as the 2012 slate of officers:

- Chair - Commissioner Karson Turner, Hendry County BOCC
- Vice-Chair - Councilwoman Teresa Heitmann, City of Naples
- Secretary - Commissioner Tom Jones, City of North Port
- Treasurer - Mr. Robert "Bob" Mulhere, Collier County Governor Appointee

Mr. Grant moved and Commissioner Duffy seconded to approve the 2012 Nominations Committee recommendation to have the 2011 Officers continue as the slate of Officers for the 2012 Year. The motion carried unanimously.

AGENDA ITEM #10(a)2
Executive Committee

Chair Turner gave the Executive Committee report and explained that the only comment made relative to Ms. Wuerstle's contract was that there was nothing in her contract regarding continuing education and/or certification. All those fees normally would fall under professional development in an upper level managerial contract and Commissioner Tom Jones noted that it was the will of the entire Council to remove that line item from the FY2012 Budget due to the budget constraints. The Executive Committee decided to turn the issue over to the Budget and Finance Committee to discuss the issue in more detail, but have a more complete understanding that there are discretionary funds available for the Executive Director to use if she sees fit. The Executive Committee then unanimously approved Ms. Wuerstle's contract.

AGENDA ITEM #10(a)3
Budget & Finance Committee

Councilwoman Heitmann reviewed the item and stated that most of the issues were already previously discussed under the consent agenda. She then asked staff if the information regarding the lease space has been placed up on the Council's website and/or sent to Council members so that they can have the information for their contacts. Ms. Donley explained that it is still in the works. She is waiting on a more detailed GIS mapping of the exact square footage, because the current graphic doesn't illustrate all of the square footage and network drops. She anticipates that should be completed at the beginning of next week.

Councilwoman Heitmann announced that the Council's audit will be presented in February. She noted that it is the Council's responsibility for the financials and to pay attention even though the staff is managing the finances, it is really the members' responsibility to pay attention to that. She asked that the members review the audit and if they have questions prior to the meeting to call and ask.

Councilwoman Heitmann stated that she is concerned with a \$1,500 charge from Mr. Tuscan when he attended a Budget and Finance Committee meeting. She was shocked to receive the invoice for \$1,500 and will be following up with a letter to Mr. Tuscan with a staff report with his thoughts to this Council for those charges. She wants justification for the charge. Mainly he attended the meeting to review the process due to staff reduction, time and what efficiencies could be put in place so that we could make sure that we were paying attention to those shortfalls and if we could put any practices in place to protect us knowing that a shortfall is coming. The Committee is meeting monthly; however, that charge is something she feels needs to be questioned and what advice was given to staff and recommendations.

Ms. Donley noted that in February the Budget and Finance Committee will be reviewing recommendations of amendments to the FY2012 Budget.

Chair Turner asked the members to pay attention to the budget amendments when they are in the packet and also implement what is decided upon in a timely fashionable manner as possible.

Councilwoman Heitmann asked if there is an update on the MPO's status.

Ms. Donley explained that on Tuesday she received resignation letters from the four RPC staff who provide services to the MPO with their last day of work at the RPC being January 31, 2012. The Staff Services Agreement at this point goes through March 16th, but Mr. Scott has told her informally through emails and meetings that the Lee County MPO plans on leaving the Council's offices on February 1st and starting business as an independent entity at its new location at that time. She has requested from the MPO a document which states that the last day of the Staff Services Agreement is moving from March 16, 2012 to February 1, 2012. Otherwise, we may be obligated to provide services to the MPO under a contract and she doesn't believe the MPO wants to have eight staff people under contract for 45 days. She communicated this concern with the MPO's attorney and has not received a response at this time; the MPO is meeting tomorrow so she is hoping that out of that meeting there will be a resolution to this issue. At this point, the MPO plans on being in their new space on February 1st.

Commissioner Judah asked if the Council was given the opportunity to provide an offer to the MPO during the process. Ms. Donley replied no and explained that a request went out to a limited number of government entities requesting lease space and staff responded back and in that response she stated that it was not her best and final offer and that she was open for discussion. She attended the MPO's Executive Committee meeting, at which time they entertained the Council's offer and the offer from the City of Cape Coral and it was unanimous to take the City of Cape Coral's offer. Commissioner Judah asked what the City offered. Ms. Donley stated that it was \$4.00 square foot and the city stated on the record that at that price, it was at a loss to them. She explained that originally, it was to be a one year lease and now it has been extended to a three year lease. Commissioner Judah stated that from a planning standpoint this is not a good move and somehow it needs to be brought back under the "same tent".

Mr. Mulhere stated that it seems to him that there was more to that decision than the pure financial considerations of the lease. He got the impression that part of it had to do with the desire to be more independent in their operating scheme rather than being tied into the RPC, further exacerbated by the financial issues of the RPC.

Commissioner Tom Jones stated that this issue needs to be clarified. Under statutes, the MPO can only leave the Council if there is not space available at a reasonable price. The price which the Council offered the MPO was higher than what the City of Cape Coral offered them, but overall it was a very reasonable price and as Mr. Mulhere alluded to, there seems to be other motives for the move. He feels that the MPO needs to state what their motives are, because the MPO and Council are meant to work together.

Commissioner Mann clarified that there was far more than the rent issue and he argued unsuccessfully at the MPO meetings against the separation and there was a strong majority will that was very upset with the Council for a majority of reasons. He explained that the Council was amidst rebuilding itself and making substantive changes, but it fell on deaf ears. He feels that it is going to be hard to repair the relationship between the two entities.

Vice Mayor Denham stated that he had some conversations regarding the separation between the RPC and MPO and he was told that there was significant amount of bad blood developed with the previous executive director and the MPO. He said that he would like to see the Council bridge that gap with the MPO.

Mr. Limbaugh explained that the issues with the MPO didn't happen overnight. It has been an ongoing issue for approximately four years. It started with the Staff Services Agreement and the legislation which changed which provided further strengthening of where the MPO is a separate agency under the Florida Statutes. It came down to the Staff Services Agreement and the indirect costs which were being charged to the MPO. There were items within the indirect costs which were not "PL" -- federal planning dollars which go to the MPO -- eligible for reimbursement under Federal Highway Administration's guidelines. We worked with Mr. Heatherington and staff at that time to try to come up with an alternate approach to the indirect, so that those items that weren't eligible wouldn't be charged to the grant, but were unable to reach an accounting agreement of where to separate the indirect rate. He then clarified that through that time period there was a lot of bad blood that was developed going back-n-forth and the CAC for the MPO actually took on

the task looking at the relationship between the Council and the MPO and how the MPO was functioning and came back through the CAC with recommendations for the budget, committee structures and other changes. It doesn't sever the relationship between the MPO and the Council, the MPO will be housed in a different location, but they can interact. The Collier MPO, Charlotte MPO or the Sarasota-Manatee MPO doesn't reside within the Council. They all function well and have relationships with the Council and he hopes that under the new Executive Director that fences can be mended and the working relationship between the Council and MPO can get back to what it used to be.

Mr. Limbaugh indicated that the MPO is moving quicker than previously anticipated. They have had discussions with him and his financial staff to fast track their move to their new offices because they are dealing with some resistance on some of their requests for moving expenses. He was told that the MPO had a need to have some expenses reimbursed and the Council has refused to reimburse those items, such as the moving costs. The MPO has obtained their own line of credit, vendor IDs, federal IDs, etc., everything that is needed to operate as an independent agency. Some of the actions taken by the Council proved a point of why the statute was changed to make the MPO its own separate entity. He then noted the Council's action regarding the furlough days where they overrode what the MPO directed.

Councilwoman Heitmann recommended that this issue not be political any longer. There were concerns which we tried to address them and the MPO didn't feel that they were addressed appropriately. So with the new Executive Director it would be her recommendation that there be a meeting with Executive Committee, Executive Director, Lee County MPO and Mr. Limbaugh to discuss on how to move forward in repairing the relationship between Council and MPO.

Chair Turner stated if the Executive Director wants to initiate that meeting then he will agree to meet with the MPO, but he is a big fan of separation once the divorce occurs.

Councilwoman Heitmann stated that it is appropriate for the Executive Director and for the Council to introduce her to see if she is able to establish relationships or not.

Chair Turner stated that as the Executive Director feels fit, she can come to Executive Committee and we can venture down that path together.

Commissioner Judah stated that he agrees with Councilwoman Heitmann, because he feels that the Council as a body needs to work together. He was always under the impression that it was a damaging audit which caused the problems with the MPO to begin with. He then asked what were the findings of the audit which were suggesting misappropriation of funds, because he feels that this cloud needs to be removed.

Chair Turner stated that there was a lot of assumption and a lot of here say that has gotten to the forefront of the discussion. He doesn't feel comfortable putting this issue on the new Executive Director at this time. Commissioner Judah stated that he feels that the new Executive Director has "broad shoulders" and feels that she can do the job.

Ms. Donley stated to Commissioner Judah that there has never been an audit which showed a misuse of funds and/or misappropriation of funds. In fact, the Council opened their books to the

MPO back in July and at that point, they were supposed to be contacting the State to have someone come in and conduct another independent audit which has not yet occurred. It is her understanding that the MPO had an RFP out to hire someone to conduct audit to assist with the separation and because things have been expedited, the separation of funds will mostly likely occur after the MPO has already left. One of the problems with this situation is language, there is jargon associated with the finances and the accounting with government entities and she feels that people have been using common language in a way that is not appropriate when they are talking about budget and finance matters. So it has gotten out to the public that things have occurred that have not. Any of the funds that the MPO has funneled through the Council have been allocated and spent appropriately, as every year there have been clean audits.

Councilwoman Heitmann moved and Commissioner Judah seconded to have the Executive Director move forward in establishing a relationship with the Lee County MPO in addressing any paths or future concerns.

Commissioner Mann asked what the purpose of the motion is. Councilwoman Heitmann replied is to see if the relationship or concerns can be addressed.

Motion carried unanimously.

AGENDA ITEM #10(a)4 Regional Watersheds Committee

Vice Mayor Denham stated that he would like to have a two-part discussion. First, about the Regional Watersheds Committee and then about the fertilizer issue which has been a dominant part of the Committee's work.

Vice Mayor Denham stated that the Committee has been going on for approximately five years and it has been a significant journey and has achieved a lot. He then noted that he had a discussion with Ms. Donley and due to the Council's current financial crisis and since the Committee is not a funded project, he has decided to abandon the Committee for a certain period of time. This is not because water quality has ceased to be an important issue; he will continue to deal with water quality issues. Ms. Donley suggested that the Committee meet on a quarterly basis, which will relieve staff's workload.

Mr. Mulhere stated that it would be appropriate in staff commitments due to the current budget constraints in having quarterly meetings so we don't discontinue the effort, but we reduce the staff obligation. He then stated that he feels that this may be a perfect example of there being a possibility of grant funds to cover the separate quantified mission, purpose, and costs associated with the Committee.

Councilwoman Heitmann stated that she agrees with Mr. Mulhere about seeking out grants. She then suggested expanding the membership of the Committee. She suggested looking at Audubon. She then noted that it was discussed at the last Committee meeting that if we are going to be active that we need to be active during the legislative session, so it would make more sense to go to quarterly meetings after the legislative issues are on the table. Vice Mayor Denham explained that

the work of the Committee is not just associated with legislative issues. He explained the amount of staff time that is involved with the Committee.

Chair Turner stated that this could be a catalyst for RPC's throughout the State because they probably all have water quality issues and it is a regional issue.

Councilman Banks moved and Commissioner Robinson seconded to have the Regional Watersheds Committee meetings be held on a quarterly basis.

Commissioner Constance asked for clarification that an ad hoc meeting could be set up if a major issue came up. Chair Turner replied yes.

The motion carried unanimously.

Vice Mayor Denham gave a status update on the fertilizer pre-emption ordinance "The Beast". He suggested putting together a Plan B which consists of putting funds together for a PR Campaign. He explained that he approached the City Council of Sanibel with this concept and they accepted it, but it has to be regional.

Commissioner Robinson stated that it is her understanding from Sarasota County's lobbyist that the current issue is that they are going to "exempt all ordinances to death". What she received is that they are going to exempt certified professional applicators from complying with local fertilizer ordinances. Vice Mayor Denham stated that the Florida League of Cities and the Florida Association of Counties, without any regard for the committees that supported them came up with a deal which they worked out with the fertilizer and pest control industry, which most lobbyists are not in support of and do not approve of. The Florida League of Cities has already backed off from this already due to the outcry from its members.

Commissioner Robinson stated that she has a little bit of a legal concern with what is being proposed with Vice Mayor Denham's Plan B proposal because some of the language and statutes regarding counties, municipalities, government entities getting involved in issues, advertizing and advocating for government issues, campaigning, etc. We would really need to check on those issues. Vice Mayor Denham explained that it doesn't involve any campaigning for legislation. It is similar to the tobacco issue; it has to do with public education.

Commissioner Judah thanked Vice Mayor Denham for all of his efforts in the fertilizer pre-emption issue. He then explained that the legal counsel for the Florida League of Cities and the lobbyist for the Florida Association of Counties, since their legislative leadership are hardcore pressed to preempt local home rule on the fertilizer ordinance, they would accept a deal that would basically exempt professional license of fertilizer applicators to continue to apply phosphorus and nitrogen during blackout months (June through September). He argued when he testified, along with many others that tears out the very essence of the fertilizer ordinances that we all understand the problems with phosphorus and nitrogen being applied, even if you have the most responsible professional licensed applicator in the State. With the heavy rains that we receive during those months the phosphorus and nitrogen is going to get into the catch basins, canals, swales, and eventually the estuaries. We were able to convince the Community Affairs Committee to temporarily postpone and that there wasn't a deal that the official acknowledgement from the

Florida Association of Counties was never given, because the lobbyist acted independently as did the legal counsel for the Florida League of Cities. So by temporarily postponing we are hoping that we can eventually kill it, so that local communities can indeed have their own fertilizer ordinances.

Mr. Karau suggested that the Speakers Bureau put together and go around to every Rotary Club, Kiwanis Club, or some kind of civic organization to make available to the speakers. Riverwatch would be a good organization to get involved with and talk about the issue. He also suggested getting it out to the schools in order to get everyone educated on what the importance is on phosphorus and nitrogen. Vice Mayor Denham stated that he has been doing it for four years and probably have a dozen meetings each year talking to fishing clubs, Kiwanis Clubs, Lions Clubs, etc., to as many organizations that will listen, but he feels that it requires more than that.

Councilman Banks stated that he is on the Board of Directors for the Florida League of Cities and said that he will bring this issue up to them.

Commissioner Constance stated that he feels that if the State really wants to take over and preempt local control, then they can pay for the consequences and that can be the number one take home message. We are trying to be the responsible leaders in our local communities with trying to keep our waters clean and if the State is going to decide to go ahead and mess it up when we are trying to get it under control, then down the line we are going to be on the record saying "you know what the State messed it up, so they are going to pay for it". "We are not going to pay for it, they are."

Commissioner Constance stated that as far as the education goes he feels that we need to involve WGPU and FGCU and let's go to the University which is expanding, because it is a vehicle where we can use our local CHNEP footage and they also have staff in their Analytical Chemistry Lab who is working on grants from DEP. Vice Mayor Denham stated that he agrees with Commissioner Constance, but he isn't exactly sure what his Plan B is going to entail. Over the next few months he would like to meet with other community leaders at the county and city level and try to develop what that might be and how it might be accomplished and then come back to the Council with the details.

Mr. Mulhere stated that there are going to be resources needed that we are ultimately going to be attempting to do.

Commissioner Judah stated that he was very impressed with Commissioner Constance's comments and when Lee County found out that they had impaired waters and had to comply with the TMDLs, we have already determined and DEP has already given us approval because we have a fertilizer ordinance in place, we actually receive a five percent credit which equates to \$13 million in savings in Lee County.

AGENDA ITEM #10(b)1 Florida Regional Councils Association (FRCA)

Ms. Holquist gave a verbal report. She explained that both she and a staff member attended the FRCA meeting in Tallahassee and there was a representative from the National Association of Councils from Washington DC who explained to them that funding is being reduced at the

national level and the HUD grant, which the Council applied for this last year, where we were given preferred status which gave us funding for us being able to go for training and increasing our capacity for regional planning, has not been funded for the next session which we would have been in line to receive funding for. MPOs with populations less than 50,000 will be discontinued and also those with populations of between 50,000 and 250,000 will be looked at closely. There is a Senate Bill which has been filed by Senator Bennett which would eliminate the Council's ability to provide technical assistance to the local governments.

Ms. Donley explained that SB842 was not considered yesterday in Committee because they ran out of time. Ms. Holquist asked Ms. Donley to share the aspects of SB842. Ms. Donley explained that the first aspect is that before RPCs can accept any type of grant they have to confirm in a public meeting that they have sufficient resources to take care of all of their statutory required responsibilities and secondly, that RPCs cannot compete to do technical assistance for any of its partners for a project which would then come before the RPCs for review. It would affect the SWFRPC somewhat and very significantly some other RPCs. It could affect our ability to provide technical assistance in the future.

Ms. Holquist noted that this issue was discussed earlier in the meeting and if this bill does pass then staff will not be able to assist the local governments and also the Council will not be able to go after the HUDs grants in the future. She feels that the purpose of filing the bill was to cut off the RPCs and their ability to be able to seek revenues to exist. We need to fight this and she has asked the legislative staff at FRCA to give us talking points. Senator Bennett who filed the bill is within our region and we need to contact him to discuss this issue. She noted that there was a discussion on the fertilizer pre-emption bill and how important it was.

Vice Mayor Denham noted that FRCA was absent at all of the legislative committee meetings. Ms. Holquist stated that Mr. John Wayne Smith and Mr. Ryan Matthews were the two individuals who discussed the fertilizer issue at the meeting.

Ms. Holquist noted that there was a presentation by Florida Economic Office and Demographic Research on Florida's economic outlook which will be posted on FRCA's website (www.flregionalcouncils.org), but the biggest take away from that presentation was that over the next 20 years the population in Florida is going to grow to over 5.1 million people and that 55% of the growth will consist of ages 60 and over and there is also many in the 70 and 80 age group as well.

AGENDA ITEM #10(b)2 Statewide Regional Plan

Ms. Holquist reviewed the distributed handout.

Ms. Holquist explained that the Committee's assignment is to come up with industries, public sector, private sector, civic sector and organizations that should be involved in this project. We are talking to the general public and all of the government organizations, but focusing more on a regional level. She asked for the members to think about those that would be held accountable for meeting the goals and objectives that are formed. The list needs to be submitted to DEO four

weeks prior to March 6th. We need 100 leaders and we are planning on submitting 120 because we plan on having some fall-out. The time line is as follows:

- Send lists to Ms. Nichole Gwinnett at ngwinnett@swfrpc.org by close of business Tuesday, January 24th
- Compile the lists on Friday, January 27th
- Next Committee meeting is scheduled for January 31st everyone is encouraged to participate. We are going to review the lists and put the names with the agencies/organizations.
- By February 3rd we will have created the 120 names
- February 7th the Committee will meet and approve the final list.

Mr. Mulhere asked for clarification that the homework assignment was to submit a list of agencies/organizations which we felt that needed to be represented. Ms. Holquist replied yes and also sectors. Mr. Mulhere stated that he is going to express a little bit of concern as a member of the Committee and Council, the person that selects the 15-20 names who will be representing Collier County. His intent is to go out and ask the community who they feel should be on the list for Collier County and as soon as he does that it is going to raise a whole new level of discussion and timing is short. He feels that there is going to be interest from a number of stakeholder groups for participation in this process, so we need to make sure that we are very inclusive in terms of inviting people.

Ms. Holquist stated that this wasn't an easy task and believes that is why we needed to have this discussion before everyone left today. It is a huge responsibility and we need to take on the challenge. We haven't been given a lot of time and there will be positioning. What we hope to do is use this as a stepping stone to create a regional plan, we are providing input into the State Plan, but all the input that we are providing to the State Plan can be used to create a regional plan for Southwest Florida. We are hoping that from the new direction there will be more emphasis on strategic planning between the Council and FGCU, where they are creating an economic development and strategic planning sub group within the College of Business that we can formulate this going forward. Have a meeting within the following months and bring these people back together or the people that are still interested and open it up to the broader public. Future meetings will include anyone who wants to attend.

Mr. Mulhere stated that the State has had for many years a Statewide Strategic Comprehensive Plan and most folks feel that it is useless because it just sits on the shelf and doesn't accomplish much. One reason is because there really isn't any funding attached to any objectives within the plan and whatever we decide to do here from a regional perspective, as part of the considerations, focus on funding. There is really no reason to have a regional strategic plan if there is no funding to implement the objectives.

Ms. Holquist explained that she had a conversation with Ms. Sheri Coven at FRCA about what they are doing at the state level and she mentioned that they are trying to get funding back for the RPCs. Ms. Holquist said to Ms. Coven that she feels that it would be easier to get funding back for the RPCs if you put what the funding would be used for. If it would be used for creating regional plans, she feels that it would be easier for a legislator to fund than just a broad range of funding for

the RPCs. She then stated that there are grant funds available within the DEO in just working with them. We have developed a good relationship with the staff, because we have jumped on this project quickly as far as setting up the forum and now they are asking for ideas to share with the other RPCs on how we are approaching this.

Councilwoman Heitmann asked if at the FRCA meeting it was mentioned that they are not buying into the six pillars. Ms. Holquist replied that they are 100% with the six pillars approach. Councilwoman Heitmann asked if FRCA addressed the RPC's current comprehensive plan and how to incorporate it. Ms. Holquist explained that all of the plans which are currently in place will be changed. There are two plans which are currently housed at the SWFRPC. The Strategic Regional Policy Plan (SRPP) which will be redone for all of the RPCs throughout the State to align with the six pillars. The second plan is the Comprehensive Economic Development Strategy (CEDS) document which is specific to economic development projects which will also be in alignment with the six pillars.

Commissioner Robinson requested that staff send an email out to the members with the information which is being requested. Chair Turner suggested a one page condensed summary with emphasis on sending names from your area.

Ms. Behling clarified that the members are not being asked to invite anyone, they are just being asked to submit possible names of leaders throughout the region. Ms. Holquist replied yes, the letters will go out from DEO.

Ms. Holquist asked for concurrence from the Council for the Committee to finalize the list of invitees. The Council was in concurrence.

AGENDA ITEM #10(b)3 Strategic Planning Committee Report

Ms. Holquist gave a verbal report on the Committee's activities in conjunction with Agenda Item #10(b)2 Statewide Regional Plan.

Ms. Holquist announced that Congressman Connie Mack's Office has contacted FGCU and asked them to co-host a Western Hemisphere Economic Summit which is tentatively scheduled for the first week in May. This stems from the Governor's visit to Canada and Brazil last year where we were much unrepresented in those trips. Congressmen Mack has decided to make Southwest Florida an area to bring all of those folks in, so these would include the companies, organizations, and industries that they tried to bring together in Canada and Brazil and also all of the other areas within the western hemisphere. All of the Economic Development Directors are involved in the Summit and it is being directed through the Lutgert College of Business.

Councilwoman Heitmann suggested putting the information for the DEO Statewide Strategic Forum on the Council's website (date, time, if it is open to the general public, etc.). Ms. Holquist explained that DEO is handling all of the notifications and they are giving the directions of how they want things done. She noted that there is a link on DEO's website. Councilwoman Heitmann asked isn't this Council's project, so why wouldn't that information be included on the website. Ms. Holquist stated that we are just taking direction from DEO at this time. It is an event

that is being put on by DEO, so we are following their lead with what they are doing with all of the other RPCs at this point.

Ms. Donley explained that the Council is acting as regional staff to DEO for this event.

**AGENDA ITEM #10(a)4 Cont'd
Regional Watersheds Committee**

Commissioner Judah stated that the legislative committee is going to again review the proposal to exempt licensed fertilizer applicators from the four month black period and he would hope that various members from the municipalities would send letters and/or participate at the committee meeting itself, which he feels would be very helpful if elected officials go there and speak. It is incumbent upon us if we are going to save local home rule with regards to fertilizer ordinance.

Chair Turner said that he understands, but Hendry County has drafted a template of what Vice Mayor Denham has sent in regards to keeping it local.

Vice Mayor Denham urged the members to write a letter to the Committee members regarding HB421.

**AGENDA ITEM #10(a)5
Estero Bay Agency on Bay Management**

Mr. Beever reviewed the item as contained in the packet.

Commissioner Judah asked if it is possible to appoint Commissioner Bigelow to continue as the Council's representative even though he is not a member of Council. Mr. Beever replied yes.

Commissioner Judah moved and Vice Mayor Denham seconded to appoint Lee County Commissioner Brian Bigelow as the SWFRPC's representative on the Estero Bay Agency on Bay Management (ABM). The motion carried unanimously.

Vice Mayor Denham moved and Mr. Grant seconded to appoint Commissioner Frank Mann as the SWFRPC's alternate representative on the Estero Bay Agency on Bay Management (ABM). The motion carried unanimously.

Commissioner Judah moved and Commissioner Constance seconded to approve the 2012 Officers for the Estero Bay Agency on Bay Management. The motion carried unanimously.

Mr. Beever gave an overview of the ABM's 2012 Work Plan.

Mr. Grant moved and Commissioner Judah seconded to approve the ABM's 2012 Work Plan. The motion carried unanimously.

Mr. Beever gave an overview of the ABM's budget. The ABM is funded by contributions of four entities (Lee County, FGCU, SFWMD and FDEP) and each year a letter is sent out making a

request for that contribution and this year the ABM hasn't received any funding to date. We have received verbal statements from both FGCU and Lee County that they are intending to provide funding and we are currently working on the invoicing process. We have received verbal statement from SFWMD that they were not going to be able contribute their portion this year and the last that he has heard from FDEP staff that it was being processed through their procedures.

Mr. Beever explained that the proposed budget for the ABM is approximately \$10,000, but the functional budget is approximately half because there is overhead. At this time we do not have any funding in place, but we do expect to have funding forthcoming.

Commissioner Judah stated that he would be happy to intercede to make sure that Lee County follows through with their contribution. Mr. Beever stated that staff is trying to find out where they are to send the invoice in Lee County. Commissioner Judah stated that he will handle that issue because Lee County feels strong about being part of the ABM. He then stated that he was under the impression that legally the other stakeholders are required to provide funding, because this was all part of the development of FGCU. Mr. Beever stated that the funding was by agreement and he isn't sure that the Settlement Agreement requires the entities to provide funding.

Ms. Donley explained that the Settlement Agreement is silent about funding for the ABM after it got through the first set of deliverables that were required.

Commissioner Judah asked to hear from the representatives of the agencies.

Mr. Iglehart stated that FDEP doesn't have on their legislative agenda this year funding for the ABM, so it is unlikely that FDEP will be able to provide funding this year.

Chair Turner asked what is the amount being requested. Mr. Iglehart replied that the request from FDEP was \$2,500.

Mr. Flood stated that it was the same amount for SFWMD which SFWMD contributed last year, but last year the District stipulated that they would be not be able to provide funding in the future and suggested that the ABM look for alternative funding sources. Once again, the SFWMD does not have the funding resources for the ABM.

Commissioner Judah moved and Councilman McKeon seconded to have staff send a letter to the agencies of the ABM reminding them of the Settlement Agreement and how it was critical to the development of the University to ensure that the agencies step up and provide funding for the ABM, whether it comes from their reserves. The letters needs to be sent to the appropriate representatives of the agencies: Secretary of FDEP, Joe Collins - Chair of SFWMD. The motion carried unanimously.

AGENDA ITEM #11 DIRECTOR'S COMMENTS

Ms. Donley thanked the Council for the opportunity to serve as their Interim Executive Director. She also thanked the Council for the high level of participation during the transition period and the speed at which the Executive Director Search process was done.

Vice Mayor Denham stated that he feels that Ms. Donley did an excellent job as Interim Executive Director and thanked her for a job well done.

Ms. Wuerstle stated that she feels confident that she will hit the ground running and is excited about the opportunity to work with everyone.

AGENDA ITEM #12 STATE AGENCIES COMMENTS/REPORTS

FDEP – Mr. Iglehart congratulated the City of Sanibel for being named the number one designation in the world.

SWFWMD – Ms. Behling announced that SWFWMD has completed their reorganization efforts which translate into a \$15 million annual savings. The regulatory efforts have been centralized to the Tampa office, but there will still be a local presence in the Sarasota office. She then announced that Ms. Maya Burke will be the Council's new representative for SWFWMD. Ms. Burke announced that there will be a series of Water Supply Planning Technical Workshops which will focus on how to complete a 10 Year Water Supply Facilities Work Plan using "Community Sheets", a new tool developed by the SWFWMD.

AGENDA ITEM #13 COUNCIL ATTORNEY'S COMMENTS

Ms. Donley announced that Mr. Aaron Cilek with Ave Maria Law School has started as the Council's legal intern. He began working on analyses of bills that are going through the legislature that are relevant to the RPCs and he is then putting together a matrix table with a short explanation. We will be sending that out to the members on a regular basis.

AGENDA ITEM #14 COUNCIL MEMBERS' COMMENTS

Commissioner Tom Jones stated that he couldn't thank Ms. Donley enough for the job that she did as Interim Executive Director. He then welcomed Ms. Wuerstle to the Council. He said that he already submitted a list of names to Ms. Gwinnett for the DEO Stakeholders list.

Commissioner Judah stated that in yesterday's Fort Myers News-Press there was an article about FPL proposing a rate increase of \$7 per month. Not too long ago there was a rate increase approved from PSC that included \$2.20 per month called early cost recovery for two new nuclear reactors which are not even permitted. He doesn't believe that it is fair that FPL is allowed to receive this early cost recovery on monies that if the two new nuclear reactors never get built they get to keep the money, they don't have to return it to the rate payers. He feels that FPL is going off in the wrong direction with nuclear power; the Fukushima disaster has taught us that lesson. He would hope that Council staff would come back and give us a position paper on whether or not it is appropriate to give support by staying silent or get active and suggest that either the PSC reverse its ruling on the \$2.20, specifically which was allowed for the two nuclear reactors, or whether or not we have to go back and change legislation that was approved back in 2006 when the

legislature allowed cost recovery solely for nuclear reactors. He said that he is in support of the upgrading of the current nuclear reactors. What he is not in support of is the money going towards two new nuclear reactors.

Mr. Grant stated that he strongly disagrees. He feels that the mission of the Council is to focus on regional issues, especially planning, economic development issues, etc. If the Council starts getting involved in issues which are very political, we are going to find ourselves in a bit of trouble. He said if the City of Fort Myers, Lee County, City of Sanibel, etc. want to weigh in on that issue at a local level then let them go ahead and do that, but he doesn't feel that the Council is the forum.


Commissioner Judah stated that the Council took on the coal fire generating facility in Glades County and eventually it was defeated. This is one proposal that even venture capitalists and investors don't even support because of the risks involved and that is why FPL has to have all of the rate payers to incur the risks. It is a regional issue, it affects the water supply and also from a business economic standpoint.

Commissioner Duffy stated that there was a lot of discussion about funding and grants and we all know that is critical to the operations of government and providing services. She then stated we have to accept some of the responsibility for the overspending. We need to be very cautious about what we ask for.

Councilwoman Heitmann thanked Ms. Donley for all of her work as Interim Executive Director. She then welcomed Ms. Margaret Wuerstle.

AGENDA ITEM #15 ADJOURN

The meeting adjourned at 11:35 a.m.



Commissioner Tom Jones, Secretary

The meeting was duly advertised in the January 6, 2012 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 38, Number 01.