

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MARCH 15, 2012 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on March 15, 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 9:01 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, Mr. Michael Grant

Collier County: Councilwoman Teresa Heitmann, Mr. Bob Mulhere

Glades County: Commissioner Kenneth "Butch" Jones, Mr. Thomas Perry

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, Councilman Chris Chulakas-Leetz, Councilwoman Martha Simons, Ms. Laura Holquist

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

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP

MEMBERS ABSENT

Charlotte County: Commissioner Tricia Duffy, Councilwoman Rachel Keesling

Collier County: Commissioner Jim Coletta, Commissioner Donna Fiala, Mr. Alan Reynolds

Glades County: Commissioner Robert Giesler, Councilwoman Pat Lucas

Hendry County: Commissioner Al Perry, Commissioner Joseph Miller

Lee County: Councilman Joe Kosinski, Mr. Paul Pass

Sarasota County: None

Ex-Officio Membership: Mr. Phil Flood - SFWMD, Ms. Maya Burke - SWFWMD

INTRODUCTIONS

Chair Turner introduced the following new members of the Council: Mr. Thomas Perry, Glades County Governor Appointee and Councilman Chris Chulakas-Leetz, City of Cape Coral.

AGENDA ITEM #4 PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #5 AGENDA

Commissioner Tom Jones moved and Commissioner Butch Jones seconded to approve the agenda as presented. The motion carried unanimously.

AGENDA ITEM #6 Minutes of the February 16, 2012 Meeting

Commissioner Judah moved and Commissioner Tom Jones seconded to approve the minutes of the February 16, 2012 Meeting. The motion carried unanimously.

AGENDA ITEM #7 DIRECTOR'S COMMENTS

Ms. Wuerstle reviewed the distributed handouts. She explained the issue with the North Port Gardens DRI and noted that the applicant does have legitimate complaints about the document that was submitted. She said that the biggest concern is that the applicant received the DRI Assessment at 7:30 p.m. the night before the meeting and that is tough for them to digest everything and be able to respond to it. So based on some of their concerns, she is recommending to the Council that the fees be reduced to \$5,000 in order to move forward.

Vice Mayor Denham asked Ms. Wuerstle in reference to revenues, what was her confidence level that the Council would meet its revenue goals for the year (i.e., DRIs). Ms. Wuerstle replied that she felt that the Council is still walking a very tight line. If the revenues come in from the DRIs then the RPC will end the year in the black. If the Governor doesn't veto the funding, the RPCs then we will be in the black. However, at this time she can't count on those funding revenues to come in. She took a very conservative look at what the projections are for the end of the year and feel that we may be able to maintain a \$4,000 surplus, but anything can shift it to the other side. Vice Mayor Denham asked if there is a possibility to make additional revenue. Ms. Wuerstle replied that she didn't know, only if those DRI revenues were to come in. Mr. Trescott has spoken to a number of people of what is in the pipeline and what is anticipated to come in.

Commissioner Tom Jones asked Ms. Wuerstle for more detail on the North Port Gardens DRI issue. He said that it is his understanding that the applicant was billed for \$25,000 and he is not

sure if Ms. Wuerstle is asking for the Council to consider a \$5,000 reduction or a \$5,000 payment. Ms. Wuerstle replied that she is asking for the Council to consider reducing the amount by approximately \$20,000, so the balance would be \$5,000. The Council may counter that offer. However, it is based on what they feel some of the flaws might be in the document and the timing of the document. Finance has sent out numerous notices that payment is due and the next step would be to go to collections and/or court. If we have to take those next steps it will take additional money and she felt that the applicant had legitimate concerns and that the RPC needed to do better with customer service in getting the documents out in a timely manner. Some of the delay had to do with the turmoil that was happening at the time within this agency, but she felt that a client should not be caught in the middle of the agency's internal issues. This is why she was recommending that this issue be addressed and put behind us.

Mr. Mulhere asked if the \$5,000 was the applicant's proposal. Ms. Wuerstle replied yes. Mr. Mulhere said that he agrees with Ms. Wuerstle in the principal that if the Council failed to provide the kind of services that the client should have received that it sends a good message that we are honest and fair about that. However, he is not sure about the amount being reduced from \$25,000 to \$5,000. Ms. Wuerstle said that she would leave it to the Council's judgment.

Commissioner Constance asked if it is a time sensitive issue. Ms. Wuerstle replied that it did not need to be decided today, the issue has been hanging out there for a long time. There are a number of issues which need to be addressed so the Council can move forward. Commissioner Constance stated that his only regard to waiting is if there is more background material that the Council can review such as, of the hours that have been put in, what "like" work was done, what other entities have paid their fees, etc. In other words, if the Council has provided services at a certain level and had gotten what most others have gotten, but maybe it wasn't as timely and maybe there were some issues and loss that the Council can look at and adjudicate and say that is reasonable. He wanted a fair reduction versus a "blanket reduction" because that was what the client was asking for and we want to play nice. He doesn't want to have the Council reduce the fees to the client's asking price and then in the future other clients ask for the same reduction because the Council did it already once without any negotiations. He wants to see some consistency. He feels that if the Council has proper information, then the Council will be able to make the proper decision.

Chair Turner stated that he agrees with Commissioner Constance. He then requested that it be placed on the next agenda. He asked the Council if they would like to have the Executive Committee review the issue first and then make a recommendation to the full Council.

Mr. Mulhere moved and Commissioner Tom Jones seconded to have the Executive Committee review the information and make a recommendation to the full Council.

Vice Mayor Denham asked if the issue will be brought back to the full Council at the April meeting. Mr. Mulhere replied that it would.

Councilman McKeon stated that he agrees having the Executive Committee review the information and make the recommendation to the full Council. He then suggested having the Executive Committee review all projects so there is a sense of balance.

Commissioner Judah stated that he approves of the motion and then asked how someone could become a member of Executive Committee. Ms. Donley explained that the Executive Committee is comprised of the officers of the Council and the past chair. However, any member can attend the meetings. Commissioner Judah asked how someone can become a member of the Executive Committee. Ms. Donley explained that the Executive Committee is limited to the officers of the Council (Chair, Vice-Chair, Secretary, Treasurer and Past Chair). Commissioner Judah asked if there are any other potential positions to serve as a voting member of the Executive Committee. Ms. Donley replied that at this point in time there is not. Commissioner Judah asked how the membership of the Executive Committee can get expanded. Ms. Donley explained that the Council would have to take action to expand the membership of the Executive Committee.

Chair Turner stated to Commissioner Judah that any member who attends an Executive Committee meeting their comments are taken into consideration.

Mr. Mulhere and Commissioner Tom Jones amended the motion to include any other outstanding DRI invoices that may have similar issues of concern.

Commissioner Judah asked when the next Executive Meeting would be held. Chair Turner replied that the date and time had not yet been set. Commissioner Judah asked if all Council members will be advised of when the meeting will be held. Chair Turner replied yes.

Commissioner Tom Jones stated that he had complete confidence in Ms. Wuerstle to make these decisions.

Motion carried unanimously.

Ms. Donley explained that according to the Council's rules the only committee that is listed is the Council's Nominating Committee. All of the other committees are created by the Council. Last year, the Council reaffirmed the Executive Committee and stated that the Executive Committee would be comprised of the officers and the immediate past chair. So the Council can amend the membership of any committee.

Commissioner Judah stated that given that it is going to require a time commitment of those who are going to want to serve on the Executive Committee, they will need to make that commitment up front and recognizing that it will need to be consistent with their attendance and participation.

Commissioner Judah moved and Vice Mayor Denham seconded that any member of the Council can serve on the Executive Committee with the understanding that there is going to be requirements of attendance and they need to be present.

Mr. Mulhere asked who the Nominating Committee is nominating. Ms. Donley explained that under Chapter 29I-1.005 Officers, Terms, Duties and Committees, Item 3, the Nominating Committee is comprised of at least three Council members from a different county appointed by the Chair at the regular December meeting and its purpose is to propose candidates for all officers for the following year. Mr. Mulhere stated that since the Nominating Committee identifies the officers, one would presume that the officers, at least in part, would make up the Executive Committee and felt that it would be a good idea to expand the membership of the Executive

Committee only because we have a small number, which can be a concern in establishing a quorum and voting on issues. He then stated that he felt that there should be some identified number of members.

Mr. Grant stated that he recalls a discussion last year regarding the Chair appointing the Committee with the exception of the Nominating Committee. He asked if that was correct. Ms. Donley replied that was correct. Mr. Grant then said that he wasn't sure if there was a need for a motion, because the Council can expand or subtract and do away with any committee as it sees fit.

Commissioner Robinson suggested having staff create a memo outlining what the Council's options are due to the Council's questions on this issue. There needs to be a determination of what the Executive Committee can be comprised of based upon the Council's bylaws. We don't want to turn the Executive Committee into a Committee of the whole and we need to make sure that this is a well thought out decision. She suggested putting the issue off until the April Council meeting until more information can be presented and give the members a chance to think about it, work through some of these issues, and have a good discussion on it at the next meeting before making a decision that could turn the Executive Committee upside down. It is an important committee and we need to make sure that it is well thought out before making a decision.

Vice Mayor Denham stated the Council was talking about having the Council nominate additional individuals on the Executive Committee, so this would not be a situation where we have an Executive Committee and anyone can attend. We are not nominating individuals who wouldn't want to serve on the Executive Committee. He then stated that having served on the Executive Committee, there have been times where it has been tough to get a quorum because members didn't show or call in. He felt that it was a very important committee and by adding additional members who wish to serve would be worthwhile.

Commissioner Robinson called point of order because she heard something very different from what Vice Mayor Denham just said compared to the motion.

Commissioner Judah stated that for clarification purposes, he would like to serve on the Executive Committee, but also doesn't want to preclude anyone else from being able to serve.

Chair Turner suggested amending the motion to place a finite number of members who can serve on the Executive Committee.

Mr. Mulhere proposed a friendly amendment to the motion to ask and receive an additional four volunteer names from the Council in order to increase the Executive Committee membership to a total of nine.

As the original motion makers, both Commissioner Judah and Vice Mayor Denham agreed to the friendly amendment made by Mr. Mulhere.

Mr. Grant stated that he agreed with Commissioner Robinson's suggestion of putting the issue off until April in order to gather more information.

Councilman McKeon stated that he agreed with Mr. Grant. He felt that if there already is a quorum issue with only five members on the Executive Committee, and then nine members may present a bigger issue. He stated that he respects what the current Executive Committee does with the issues that they bring forward to the full Council.

Councilman Leetz stated that he concurred with Mr. Grant that this issue needed to be thought out a little bit more. He would like to see a standard set where a minimum service period on the Council would be a requirement before being assigned to the Executive Committee, because in most cases experience within the organization would be extremely helpful.

Commissioner Judah stated that he hates bureaucracy and he liked the idea of capping the membership at nine.

Commissioner Tom Jones stated that he doesn't recall having a problem with a quorum on the Executive Committee. He then said that the Executive Committee had taken on a tremendous workload over the past six to eight months.

Commissioner Mann moved and Councilman Banks seconded to table the Executive Committee membership issue until the April meeting. The motion passed with Commissioner Judah opposed.

Mr. Perry stated that it is his understanding that there will be a recommendation at the next meeting. It is also his desire that there be some definition of what the Executive Committee does because it is his understanding that it is more of an operational versus a policy committee.

Commissioner Judah stated that it is about policy because they give recommendations to the full Council.

Ms. Holquist stated that it should be a policy recommendation rather than operational.

Chair Turner stated this is why staff will be bringing a memo to the Council explaining the proper procedures.

AGENDA ITEM #8(a)
February 16, 2012 SWFRPC Meeting Executive Summary

The meeting executive summary is presented in the packet as an information item.

AGENDA ITEM #8(b)
Grant Activity Sheets

The grant activity sheets are presented in the packet as an information item.

AGENDA ITEM #8(c)
Proposed EPA WPG Grant Application

Mr. James Beever of staff gave a PowerPoint presentation.

Vice Mayor Denham asked about the deadline for the grant. Mr. Beever replied that the grant will be submitted at the end of March and the award announcements are expected in July and the funds will be available October 1st.

Vice Mayor Denham asked who was competing for the grant. Mr. Beever replied a large number of institutions, other governmental entities, universities, researchers in the field, etc. However, this particular grant he has been able to receive this grant three times out of four.

Commissioner Constance asked if the grant was awarded to the Council, how many years the grant would cover. Mr. Beever replied three years.

Ms. Holquist thanked Mr. Beever for all of his hard work which he has done within the area. She then asked staff that when there are articles in the news on staff and/or Council to have them posted on the Council's website under news.

Commissioner Judah stated that this will help provide a baseline data for any potential and future economic recovery efforts and damage claims for any oil spills.

AGENDA ITEM #8(d) Coastal Areas Climate Change Education (CACCE) Grant

Ms. Whitney Gray of staff gave a PowerPoint presentation on the CACCE grant. She also announced that she is leaving the Council to pursue a job opportunity to be the Sea Level Rise Coordinator for Coastal Ecosystems at the Florida Sea Grant Program with the Florida Fish & Wildlife Conservation Commission in Tallahassee.

Ms. Holquist asked if the Council have staff to take her place to work on the grant. Ms. Wuerstle replied yes, she has assigned Mr. Dan Trescott to work on the grant along with Mr. Jim Beever and Dr. Lisa Beever, who will be the Project Manager of the grant.

AGENDA ITEM #8(e) EPCRA Compliance

Mr. John Gibbons of staff gave a PowerPoint presentation.

Commissioner Shaw asked if beryllium is one of the toxins under Section 312 and Section 313. Mr. Gibbons replied that he believed that beryllium falls under Section 313. Typically, the Section 313 facilities are the industry which actually process and manufacture the chemicals and the chemical amount is more than 10,000 pounds for those operations.

Commissioner Constance asked Mr. Gibbons for the website. Mr. Gibbons replied www.myrtk.epa.gov He explained that when you input your physical address and it will give you the local surrounding property that have either Section 313, 302 or 311 chemical facilities.

Commissioner Judah asked if phosphate seepage stacks are subject to the EPCRA emergency planning requirements, even though they are not within the boundaries of the Southwest Florida Regional Planning Council. There have been blow outs and seepage of those phosphate seepage stacks and massive flowing of toxic material into the water bodies. Mr. Gibbons stated that he believed that it will come under Section 313; unfortunately the way the law was set up the Council doesn't receive the Section 313 information. Only EPA and the State receive the information, the Council covers Sections 302, 311 and 312. Commissioner Judah asked Mr. Iglehart if he had any information on the phosphate seepage stacks. Mr. Iglehart replied that he did not have any information.

Ms. Holquist asked Mr. Gibbons how these efforts are funded. Mr. Gibbons replied under the Hazardous Materials Program, there is a base \$40,000 grant to support and administer the Local Emergency Planning Committee (LEPC) and there is also a \$35,000 grant for the training and an \$18,000 planning grant.

AGENDA ITEM #9 CONSENT AGENDA

Commissioner Judah moved and Commissioner Butch Jones seconded to recommend approval of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statement for February 29, 2012; Agenda Item #9(c) Glades County Comprehensive Plan Amendments (DEO 12-1ESR); Agenda Item #9(d) Glades County Comprehensive Plan Amendments (DEO 12-2ESR); and Agenda Item #9(e) Member Appointments and Certification for the Glades and Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged. The motion carried unanimously.

AGENDA ITEM #10(a) SWFRPC Annual Audit

Mr. Jeff Tuscan of Tuscan and Company gave a verbal report on the SWFRPC's annual audit.

Ms. Holquist asked about the liability of the building to the Council, cities and counties. Mr. Tuscan explained that the building and land is a regular bank loan that the Council signed and is the debtor and there are no specific guarantees on the loan from other governments. Ms. Holquist asked if the local governments tied into the loan. Mr. Tuscan explained that the Council is funded by other governments and there possibly could be litigation if the note went bad.

Commissioner Constance asked what the interest rate on the loan was. Mr. Tuscan replied that the interest rate is 5.68%. Commissioner Constance stated that there are much lower interest rates available, and maybe the RPC should consider refinancing. Ms. Donley explained that the Council has tried twice to refinance the building. However, the problem is that Bank of America, who is the holder of the note, has stated that they will penalize the Council. The penalty associated with refinancing before the note is due was more than what the Council would have received in savings. Commissioner Constance asked for clarification that the Council took a note with a pre-payment penalty. Ms. Donley replied yes and because of the current atmosphere, Bank of

America would be exercising those pre-payment penalties. Mr. Tuscan explained that years ago pre-payment penalties were common.

Vice Mayor Denham stated that it is very clear that the Council is very grant driven and the DRIs are a very small part of the Council's revenues. The DRIs have decreased and grants have increased substantially over the last four years. He then stated that staff's focus should be obtaining more grants since the DRIs represent a very small part of the Council's revenue.

Vice Mayor Denham asked Ms. Wuerstle if she felt that staff is doing enough to find grants since it seems that currently grants are the main source of revenue for the Council. Ms. Wuerstle replied that the CHNEP and Mr. Beever spend a great deal of time researching, writing and obtaining grants. However, the planning part of this agency has not been actively in pursuing grants. That has changed within the last six weeks. Each employee has been assigned to a different grant, to research it, create a budget for the grant, and know what project the granting agency will fund. She is pushing very hard to get more grants into the agency. She also noted that the Council is required by law to do the DRIs. Vice Mayor Denham stated that he understands that the DRIs are a statutory requirement. However, the Council's revenue comes from grants and that is where we should be placing all of our efforts and energy in trying to make sure that we generate those revenues.

Councilwoman Simons stated that we need to be creative in finding other receivables because grants require a lot more time than the other receivables to process. Mr. Tuscan noted that most grants don't provide much if any for administrative costs, so it is important to have those other sources to fund, those non-restricted available income.

Ms. Holquist referred to Vice Mayor Denham's comment regarding expenses and stated that auditors look backwards not forward, so any expenses experienced last year will be resolved from "cleanup work" that will be done. It is very important that the Council has statutory requirements for doing regional planning for the communities. Coming up is the regional policy plan which is really a regional community plan for the whole region and it needs to be updated. There is the economic development plan which Ms. Wuerstle had mentioned. The grants that are being brought in support the efforts which the Council is required to do. It is very important that we bring in grants that support the Council's mission.

Commissioner Tom Jones moved and Vice Mayor Denham seconded to approve the SWFRPC's FY2010/11 Annual Audit.

Councilman Leetz referred to page 6 of the graphs and asked if any of the grant funds were stimulus funds. Mr. Tuscan replied no.

The motion carried unanimously.

Ms. Holquist asked about the current status of the funding for the regional planning councils in the State's budget. Ms. Donley explained that the funding for the regional planning councils is in the budget which was sent to the Governor. FRCA's lobbyist has had multiple conversations with the Governor's staff and the various heads of the departments to relate to them the importance of the regional planning councils. Information packets have been sent up to the Governor's office and

she would like to say with a level of confidence that the money will remain in the budget, but Governor has line item veto power so we will know once he signs off on the budget. The SWFRPC would gain back into its budget approximately \$210,000. However, those funds are not unrestricted. Those funds usually have tasks associated with them.

Ms. Holquist asked if there is anything that should be done as far as lobbying the Governor's Office. Ms. Donley replied that she wasn't sure if Ms. Wuerstle has received anything from FRCA regarding any lobbying efforts. Ms. Wuerstle explained that FRCA has just prepared a "Return on Investment" document and they had all of the RPCs pull together their programs, the dollar values and the dollars leveraged from the money received. That document was just completed and FRCA was sending it up to the Governor's office.

Ms. Holquist suggested sending a resolution asking the Governor for his support.

Ms. Holquist moved and Commissioner Judah seconded to send a resolution to the Officer of the Governor and Cabinet regarding the funding for Florida's Regional Planning Councils.

Councilman Banks suggested having the Council members' names as the signatories on the letter.

Vice Mayor Denham stated that it needed to be done within the next couple of days.

Ms. Holquist stated that the Council's Regional Strategy Committee was meeting the following day and the Committee could discuss the issue.

Councilwoman Simons suggested mentioning the DEO Regional Stakeholders Forum in the letter.

Ms. Holquist suggested mentioning that Southwest Florida doesn't have a regional plan and it needed to be funded.

The motion carried unanimously.

**AGENDA ITEM #10(b)
Signatory Power from Council**

Councilwoman Simons moved and Vice Mayor Denham seconded to approve authorization of signatory power from the Council. The motion carried unanimously.

**AGENDA ITEM #10(c)
Procedure for Legislation**

This item was discussed under Agenda Item #10(e).

**AGENDA ITEM #10(d) 1
Budget & Finance Committee**

Proposed Budget Amendments

Ms. Yell of staff reviewed the proposed budget amendments.

Vice Mayor Denham suggested to staff showing a year-to-year comparison. He then asked on personnel services how the adopted budget compares with this year to last year. Ms. Yell replied that with the MPO leaving, we reduced our personnel significantly. She then asked Vice Mayor Denham if he wanted actual or budget. Vice Mayor Denham stated that he is trying to look at the trend for personnel services expenditures. Ms. Yell explained that she didn't have the actual figures at this time. She explained that when she is puts together an actual budget she shows the previous three years and it is compared to what is being proposed. She doesn't usually show that in budget amendments. She then explained that with personnel services there is no cushion, it strictly goes by who is working and how much they are making.

Ms. Wuerstle told Vice Mayor Denham that she will make sure that he receives the information that he requested. Vice Mayor Denham also asked that a comment be made on the reduction of expenses between last year and this year.

Ms. Holquist moved and Mr. Grant seconded to approve the budget amendments as proposed. The motion carried unanimously.

**AGENDA ITEM #10(d) 2
Regional Strategy Committee**

Ms. Holquist gave a verbal report on the DEO Regional Stakeholders Forum.

Vice Mayor Denham asked if the information was going to be sent out to the participants. Ms. Holquist replied that it hasn't been decided at this time, but it can be discussed at the next Committee meeting.

Chair Turner stated that he felt that the morning session could have been compressed, but on the overall process he felt that it was needed and it was a productive day. He also felt that the whole region was working together to move a vision forward.

Commissioner Mason stated that she agreed with Chair Turner that the morning session could have been shortened so that the groups could have had more time and felt that the appropriate place to note it was on the comment sheet.

Mr. Mulhere stated that he is optimistic that this is a start in identifying what elements should be included the State's Economic Development Plan. One point that he made was that the plan won't be worth anything if it doesn't include the funding to implement it. Because there is already a State Comprehensive Plan and nobody knows what it says or what it does or why it does it. He felt that the best component was the information from Cambridge Systematics. He then noted why he wasn't impressed with the group that he was assigned to be in.

Mr. Perry noted that Mr. John Kaliski of Cambridge Systematics, Inc. presentation on economic trends was very impressive.

Councilwoman Simons stated she felt that the discussion in Mr. Mulhere's group didn't get translated appropriately. Councilwoman Simons explained that if we create a state economic vision that is great, but if it doesn't get implemented on a grass roots level then it doesn't mean anything.

Mr. Iglehart stated that it was mentioned that there was a disconnect between the legislative delegation and the regional planning councils.

Ms. Holquist noted that the Regional Strategy Committee is holding bi-weekly meetings at 10:00 a.m.

AGENDA ITEM #10(d) 3 Regional Watersheds Committee

Vice Mayor Denham gave a status update on the fertilizer pre-emption bill and noted that the Committee will be meeting immediately following the Council meeting.

Commissioner Constance thanked Vice Mayor Denham for all of his efforts. He then noted that Charlotte County held a workshop where the county is pushing ahead with Area 1 which is the southern portion of the central Charlotte area between the Myakka and Peace Rivers. The county is also working on a project to sewer one of the more eastern sections of north Spring Lake as a pilot program and the county had an opportunity to either shelve the project for another year or push forward. It was the consensus of the commission to move forward with the project. The county is trying very hard to improve their water quality and be proactive. The only thing that he would have the Council do is look at all of the municipalities that are affecting the watershed and make sure that they are aware of the importance of adopting the proper strategies right now and move forward on them before any further legislative restrictions present themselves. He would like to adopt a full court press strategy in regards to the City of Punta Gorda because they are just missing the boat on this issue.

Vice Mayor Denham noted that he has been invited by the City of Punta Gorda to appear before their City Council at their next Council meeting to present some thoughts and ideas on fertilizer ordinances. He has already sent information to the City of Punta Gorda about the RPC's views on the situation, so he feels that it is a good sign that the City of Punta Gorda has requested him to give a presentation. Commissioner Constance stated that maybe his conversations with City of Punta Gorda's Mayor Albers who has been fairly receptive. Commissioner Constance stated that he would be happy to assist Vice Mayor Denham in anyway, even attend the City Council meeting, perhaps do it in concert with the scientific people to really push the issue home and make the City of Punta Gorda understand the gravity.

Vice Mayor Denham stated that we tend to blame the four legged animals for our problems in this area and Commissioner Butch Jones had often pointed out, that the two legged animals cause more problems with the Caloosahatchee River than the four legged animals. He felt that any attempt to improve the control of urban septic systems is important and the amount of nitrogen that gets pushed out from the treatment facilities into the Caloosahatchee River is significant.

Chair Turner explained to Vice Mayor Denham how hard he fought to get a letter of support which he could take to Tallahassee on behalf of the Hendry County Board of County Commissioners. He then asked Vice Mayor Denham to attend one of the Hendry County Board of County Commission meetings and make the very same statement about the four legged animals. He believed that Hendry County would become an ally. Vice Mayor Denham stated that he would be happy to attend.

AGENDA ITEM #10(d) 4
Estero Bay Agency on Bay Management

Mr. Beever of staff reviewed the item as presented.

AGENDA ITEM #10(e)
Legislative Issues Update

Ms. Donley gave a verbal report in accordance to the distributed report.

AGENDA ITEM #11
STATE AGENCIES COMMENTS/REPORTS

No reports were given at this time.

AGENDA ITEM #12
COUNCIL ATTORNEY'S COMMENTS

Legal Counsel Donley noted that the Council's legal intern's first assignment the legislation and he got the experience of writing up a nice report of analyzing some the bills and then they change the next day.

AGENDA ITEM #13
COUNCIL MEMBERS' COMMENTS

Mr. Grant asked if there is any parliamentary procedure where by new business motions regarding nominating committees that come up in the middle of our director's report can be moved to the end of the agenda instead of disrupting the flow of business. To him this became very distracting and time consuming to have such an issue come up at the last minute and all of a sudden everyone was asked to make a decision. Fortunately the issue was tabled today, but it seems to be happening more and more often. If we are going to invite legislative delegates to our meetings and conduct meetings in such a manner, they are going to think that this Council is a very dysfunctional organization. As democratic as it may seem, it is not going to seem very efficient to them. He suggested that the Executive Committee discuss the issue at their next meeting.

Chair Turner stated that it was a great point and he would ask staff to research the issue and place it on the agenda for the Executive Committee.

Mr. Grant explained that when he was in legislature there was a process and procedure. If you weren't talking to the bill on the agenda, it wasn't allowed.

Ms. Holquist noted that at the last meeting when the issue of offshore drilling came up and it wasn't on the agenda, she felt very uncomfortable about having to make a decision without having all of the information beforehand.


Chair Turner stated that he felt the same way with the expansion of SR80, which is the number one issue with the Hendry County Board of County Commissioners. Making SR80 four lanes is the top legislative priority, but he voted against it due to the manner of how the issue was presented. The issue was not on the agenda and the Council was asked to approve a letter to send to the legislative delegation and have all of the Council members sign it. Vice Mayor Denham stated that it was a walk-on item. Chair Turner then directed both Ms. Wuerstle and Ms. Donley to research the issue and bring a proposal to the Executive Committee for their review and recommendation to the full Council.

Ms. Holquist announced that the Florida Chamber Foundation is holding a Six Pillars Caucus in April. Chair Turner stated that he will not be able to attend the Caucus. However, he believes that the Council does need to have representation at the Caucus and he was going to ask what level of staff should attend, i.e. Executive Director. He then suggested that Ms. Holquist attend the Caucus since she has been very involved in the process.

Vice Mayor Denham stated that it was very discouraging that at 11:30 there was no one left at the table. He said that he doesn't object to the members leaving at 11:30 since the meeting is scheduled from 9:00 to 11:30, but the members should have their schedules set accordingly and make the commitment.

**AGENDA ITEM #14
ADJOURN**

The meeting adjourned at 11:41 a.m.



Commissioner Tom Jones, Secretary

The meeting was duly advertised in the March 2, 2012 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 38, Number 09.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME REYNOLDS - ALAN - DAVID		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE SWFRPC
MAILING ADDRESS 3200 BAILEY LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY NAPLES, FL.	COUNTY COLLIER	1. CITY <input type="checkbox"/> 2. COUNTY <input type="checkbox"/> <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED APRIL 19, 2012		NAME OF POLITICAL SUBDIVISION:
		MY POSITION IS: 1. ELECTIVE <input type="checkbox"/> <input checked="" type="checkbox"/> 2. APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 19 _____:

(a) A measure came or will come before my agency which (check one)

_____ inured to my special private gain; or

_____ inured to the special gain of _____, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

(PLEASE REFER TO ATTACHMENT)

Date Filed _____

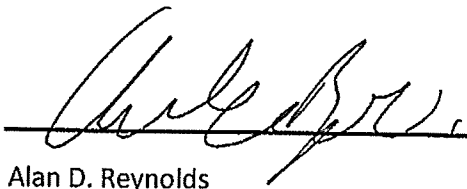
Signature _____

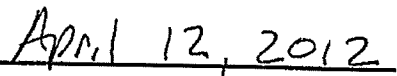
NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on April 19, 2012, a Hendry County Comprehensive Plan Amendment will come before the Southwest Florida Regional Planning Council, as Consent Agenda Item 9 c). This Comprehensive Plan Amendment will change the Future Land Use Designation on property owned by members of the Western Oxbow Group. The Western Oxbow Group is a client of WilsonMiller, Inc., which is a wholly owned subsidiary of Stantec Consulting Services, Inc., my employer. The client has been represented by staff of WilsonMiller/Stantec during the plan amendment process. I have had no involvement, personally or professionally in the project; however, as the property owners are a client of my employer, I will be abstaining from voting on and participating in any discussions relative to this matter.

Respectfully,


Alan D. Reynolds



Date

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Perry Thomas Carter Jr</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>SWF RPC</i>	
MAILING ADDRESS <i>PO Box 1029</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Clewiston FL</i>		CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY <i>Glades</i>		NAME OF POLITICAL SUBDIVISION: <i>Gov Appointee</i>	
DATE ON WHICH VOTE OCCURRED		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

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In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas Cherry Jr, hereby disclose that on April 19, 2012, 19:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain; or

☒ inured to the special gain of Weekley Brothers, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

I Am retained through my employer
Johnson-Prewitt & Assoc Inc to work on
several projects owned by Weekley Brothers.
Weekley Brothers is A large land owner
within item 9C "Hendry County Comprehensive
Plan Amendments".

Date Filed

4/19/12

Signature

Thomas Cherry Jr

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.