



Southwest Florida Regional Planning

www.swfrpc.org
1926 Victoria Avenue
Fort Myers, FL 33901
Phone: (239) 338-2550
Fax: (239) 338-2560

BOARD MEETING AGENDA



MEETING NOTICE

Mission Statement:

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

July 21, 2011

9:00am – 11:30am

INVOCATION
PLEDGE OF ALLEGIANCE
ROLL CALL
PUBLIC COMMENTS

1	AGENDA	Page 1
2	MINUTES OF THE JUNE 16, 2011 AND JUNE 30, 2011 MEETINGS	Page 9
3	CONSENT AGENDA	Page 38
	a) Intergovernmental Coordination and Review	Page 41
	b) Financial Statement for June 30, 2011 & Grant Activity Status Sheet	Page 46
	c) SWFRPC/SWF LEPC Sponsored Hazardous Materials Awareness Training	Page 65
	d) Florida Emergency Planning and Community Right-To-Know Act (EPCRA Title III) Contractual Agreement	Page 71
4	ADMINISTRATIVE ISSUES	
	a) SWFRPC Committee Reports	
	1. Budget & Finance Committee - Acting Chair Karson Turner	Page 82
	2. FY2012 Budget Committee – Vice Mayor Mick Denham	Page 83
	3. Estero Bay Agency on Bay Management – Commissioner Brian Bigelow	Page 85
	4. Legislative Affairs Committee – Acting Chair Karson Turner	Page 107
	5. Regional Watersheds Committee – Vice Mayor Mick Denham/Mr. James Beever	Page 109

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

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact Ms. Deborah Kooi at the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550 #210; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD. Or email dkooi@swfrpc.org.



Southwest Florida Regional Planning

www.swfrpc.org

1926 Victoria Avenue

Fort Myers, FL 33901

Phone: (239) 338-2550

Fax: (239) 338-2560

BOARD MEETING AGENDA

6.	Executive Committee – Acting Chair Karson Turner	Page 124
b)	SWFRPC Annual Budget FY 2011/12 – Acting Chair Karson Turner	Page 125
5	DIRECTORS COMMENTS	
6	STATE AGENCIES COMMENTS/REPORTS	
7	COUNCIL ATTORNEY’S COMMENTS	
8	COUNCIL MEMBERS’ COMMENTS	
9	ADJOURN	

NEXT SWFRPC MEETING DATE: September 15, 2011

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

In accordance with the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting should contact Ms. Deborah Kooi at the Southwest Florida Regional Planning Council 48 hours prior to the meeting by calling (239) 338-2550 #210; if you are hearing or speech impaired call (800) 955-8770 Voice/(800) 955-8771 TDD. Or email dkooi@swfrpc.org.



Apalachee • Central Florida
East Central Florida • North Central Florida
Northeast Florida • South Florida • Southwest Florida
Tampa Bay • Treasure Coast • West Florida • Withlacoochee

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

Regional Planning Council Functions and Programs

March 4, 2011

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

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

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL (SWFRPC) ACRONYMS

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

ADA - Application for Development Approval

ADA - Americans with Disabilities Act

AMDA -Application for Master Development Approval

BEER - Bureau of Economic Business and Research at the University of Florida

BLID - Binding Letter of DRI Status

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

BLIVR -Binding Letter of Vested Rights Status

BPCC -Bicycle/Pedestrian Coordinating Committee

CAC - Citizens Advisory Committee

CAO - City/County Administrator Officers

CDBG - Community Development Block Grant

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

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

CHNEP - Charlotte Harbor National Estuary Program

CTC - Community Transportation Coordinator

CTD - Commission for the Transportation Disadvantaged

CUTR - Center for Urban Transportation Research

DCA - Department of Community Affairs

DEP - Department of Environmental Protection

DO - Development Order

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

EDA - Economic Development Administration

EDC - Economic Development Coalition

EDD - Economic Development District

EPA – Environmental Protection Agency

FAC - Florida Association of Counties

FACTS - Florida Association of CTCs

FAW - Florida Administrative Weekly

FCTS - Florida Coordinated Transportation System

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

FDEA - Florida Department of Elder Affairs

FDLES - Florida Department of Labor and Employment Security

FDOT - Florida Department of Transportation

FHREDI - Florida Heartland Rural Economic Development Initiative

FIAM – Fiscal Impact Analysis Model

FLC - Florida League of Cities

FQD - Florida Quality Development

FRCA -Florida Regional Planning Councils Association

FTA - Florida Transit Association

IC&R - Intergovernmental Coordination and Review

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

JLCB - Joint Local Coordinating Boards of Glades & Hendry Counties

JPA - Joint Participation Agreement

JSA - Joint Service Area of Glades & Hendry Counties

LCB - Local Coordinating Board for the Transportation Disadvantaged

LEPC - Local Emergency Planning Committee

MOA - Memorandum of Agreement

MPO - Metropolitan Planning Organization

MPOAC - Metropolitan Planning Organization Advisory Council

MPOCAC - Metropolitan Planning Organization Citizens Advisory Committee

MPOTAC - Metropolitan Planning Organization Technical Advisory Committee

NARC - National Association of Regional Councils

NOPC - Notice of Proposed Change

OEDP - Overall Economic Development Program

PDA - Preliminary Development Agreement

REMI – Regional Economic Modeling Incorporated

RFB - Request for Bids

RFP - Request for Proposals

RPC - Regional Planning Council

SHIP - State Housing Initiatives Partnership

SRPP – Strategic Regional Policy Plan

TAC - Technical Advisory Committee

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

TDPN - Transportation Disadvantaged Planners Network

TDSP - Transportation Disadvantaged Service Plans

USDA - US Department of Agriculture

WMD - Water Management District (SFWMD and SWFWMD)

_____ Agenda
_____ Item

2

Minutes

2

2

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JUNE 16, 2011**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **June 16, 2011** at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Chuck Kiester** called the meeting to order at **9:15 a.m.** **Commissioner Butch Jones** led an invocation and **Mr. Dave Hutchinson** led the Pledge of Allegiance. Administrative Staff Specialist Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

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

Collier County: Councilman Charles Kiester, Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Ms. Pat Carroll

Glades County: Commissioner Kenneth “Butch” Jones, Ms. Shannon Hall

Hendry County: Commissioner Karson Turner, Commissioner Daniel Akin

Lee County: Commissioner Frank Mann, Mayor John Sullivan, Commissioner Brian Bigelow, Councilwoman Martha Simons, Councilman Forrest Banks, Councilman Mick Denham, Ms. Laura Holquist

Sarasota County: Commissioner Christine Robinson, Commissioner Tom Jones, Commissioner Carolyn Mason, Councilman Kit McKeon, Mr. George Mazzarantani

Ex-Officio Members: Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Mr. Johnny Limbaugh - FDOT

MEMBERS ABSENT

Charlotte County: Commissioner Robert Skidmore, Ms. Andrea Messina

Collier County: Commissioner Jim Coletta, Commissioner Donna Fiala

Glades County: Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Commissioner Joseph Miller, Commissioner Tristan Chapman, Mr. Melvin Karau

Lee County: Mr. Paul Pass

Sarasota County: Mr. Felipe Colón

Ex-Officio Membership: Mr. Phil Flood – SFWMD, Ms. Tammie Nemecek – EDC of Collier County

PUBLIC COMMENTS

Mr. Todd J Pokrywa, Vice President of Planning at Schroeder-Manatee Ranch, Inc. spoke on how he is concerned with the Executive Director’s decision is laying off three of the Council’s planners.

Mr. Russell Schropp spoke on how he is concerned with the Executive Director’s decision is laying off three of the Council’s planners.

Mr. Dan DeLisi spoke on how he is concerned with the Executive Director’s decision is laying off three of the Council’s planners.

Ms. Beverly Grady spoke on how she is concerned with the Executive Director’s decision is laying off three of the Council’s planners.

Ms. Neale Montgomery spoke on how she is concerned with the Executive Director’s decision is laying off three of the Council’s planners.

Ms. Stephanie Keyes spoke on how she is concerned with the Executive Director’s decision is laying off three of the Council’s planners.

Ms. Heather Mazurkiewicz spoke on how she is concerned with the Executive Director’s decision is laying off three of the Council’s planners with respect to how it will affect the Lee County MPO.

Ms. Shelley Johnson spoke on how she is concerned with the Executive Director’s decision is laying off three of the Council’s planners.

Mr. Bill Hammond spoke of the Estuaries DRI which went all the way to the Supreme Court. He then spoke of the accomplishments of the Southwest Florida Regional Planning Council.

Mr. Max Forgey stated that there were three things that he could always count on the Council for: 1. Unbiased information with the network of communication that no one else maintained; 2. Hold our hands through the DRI process; and 3. When a local government needed help with their local government comprehensive plan to be found in compliance with the State of Florida, the Council as always there. However, he doesn’t see that same sense of mission or sense of spirit.

Mr. Wayne Daltry, former Executive Director of the Southwest Florida Regional Planning Council from 1982 to 2002. He spoke on how the State never gave the RPCs funding the first five or six years of Land and Water Management Act. The Council’s mission still holds and its mission is “regional planning.” He stated that the Council has never laid off an employee for the lack of funding, only when a program ended.

Mr. Mulhere announced that the Council's Executive Committee will be holding a continuation meeting from their morning meeting at 2:00 p.m.

Following the public comments the Chair moved up Agenda Item #4(a)5 Executive Committee Report.

**AGENDA ITEM #4(a)5
Executive Committee Report**

Vice Mayor Denham gave an overview of the Executive Committee meeting. He explained that the Council currently has a budget shortfall of approximately \$350,000. He stated that the Committee agreed what shouldn't be done is cut the budget and also cut the Council's essential services. He noted that the Committee agreed to continue its meeting until 2:00 p.m. at which time they would discuss the mission of the Council and outline the appropriate direction which the Council would take to address the budget, organization, staff and management issues. Then come up with a recommendation of a different approach.

Commissioner Bigelow suggested opening the item up for comment at this time. Chair Kiester agreed.

Commissioner Robinson stated that she cannot support approving the proposed budget without ratifying the personnel issues first, because those issues will affect the budget.

Councilwoman Heitmann explained that the Executive Committee decided to bring both the budget and this discussion to the full Council asking for its review and comments with a budget approval. Also, give the Executive Committee authority to make a decision on the issues that have been presented.

Commissioner Bigelow explained that he had a discussion with Mr. Heatherington shortly after the Governor vetoed the DCA funding for the RPCs and his only approach was laying off employees and cut hours. He said that he asked Mr. Heatherington to reconsider his decision and look at other options, but in the end Mr. Heatherington stated that he was hoping that legislature would convene and over-ride the Governor's budget. He stated to Mr. Heatherington that cavalry is not coming. He doesn't feel that the Executive Committee should not convene at 2:00 p.m. without knowing if the Executive Director has the Council's vote of confidence.

Mr. Mulhere suggested having a continuation of the June 16th SWFRPC Board meeting in order to allow the Executive Committee to meet and come up with a recommended course of action which can then be presented at the continued meeting to the full Council. He doesn't feel that anything is going to be solved today.

Vice Mayor Denham stated that the Executive Committee decided and agreed to discuss and approve the budget today and then at a subsequent meeting decide how the Council would take the necessary action to support that budget.

Commissioner Mason stated that she agrees with Commissioner Robinson and feels that the Council can't agree on a budget until the other issues are resolved because they are directly related to that budget.

Chair Kiester explained that the budget is a bunch of numbers and a reflection of reality. The revised budget reflects the lost funds from DCA and as Vice Mayor Denham noted the Council can move forward with approving the budget as required in order to meet the August 15th deadline. The budget illustrates what revenues and expenses the Council is going to have in the forthcoming year versus total expenditures. This is the area of concern and how we are going to deal with the shortfall.

Commissioner Robinson noted that when you ratify a budget you are not just ratifying those numbers, but you are ratifying those policies behind that budget. She then said that she will not ratify the policy behind this budget by ratifying this budget. We need this discussion before ratifying this budget, because we are sending a message that we agree with what is going on with the policy behind the budget.

Councilwoman Heitmann noted that the Council's budget is not a line item budget. Commissioner Robinson replied that it didn't matter because we are assessing our cities and counties with the budget and we are agreeing to it.

Commissioner Bigelow asked to hear from Counsel Donley because at the Executive Committee meeting she gave some legal advice which he feels that the Council should hear. He said that in accordance to the Council's rules the Executive Director has the authority to do as he sees fit in which the powers that the Council has given him. The Council decides if he is the one in which we instill our confidence. I don't know what further damage will be done, already with the layoffs and hours that have been cut which was catastrophic and deadly, the Executive Director in effect is killing the ability of this organization to serve us. He then suggested asking former Executive Director Wayne Daltry if he would be interested in serving as the Executive Director on an interim basis to help in this emergency state.

Councilwoman Simons stated that she doesn't want to see the employee's salaries or employees cut. She stated that there are items within the budget where you can go to each department and "knock off some change here and there without knocking heads off". For instance, under Professional Development there is an extremely high expense which is probably not necessary and can have approximately 10% cut and 5% can be cut from another area. She then stated that she is not willing to ratify the budget as it is being proposed. She then said that she agrees with Commissioner Robinson that when you ratify a budget you ratify a policy, so she wouldn't be voting in favor of the budget.

AGENDA ITEM #1 AGENDA

Commissioner Mann suggested that the Council approve the minutes from the last meeting, accept the consent agenda and then see how much of the rest of the agenda that can be tabled until the next regularly scheduled meeting. Then take the rest of the meeting to discuss the budget issues,

including the employee layoffs. He then stated that he is not prepared to discuss today about replacing anyone at this point in time, but there does need to be an adequate discussion on the budget.

Commissioner Butch Jones stated that he agrees with Commissioner Mann's suggestion. He then noted that Glades County hasn't laid off any employees within the last three to four years, but they did have to make some budget cuts. There has been a hiring freeze and when an employee retires those responsibilities shifts to another employee. Glades County is totally against laying off any employee and is now going to be discussing for the third year in a row a slight reduction in salaries in order to balance the budget. He then suggested for the Council to consider a 12% cut across the board in salaries then no one would lose their jobs.

Councilman McKeon stated that what he saw by observing the Executive Committee meeting in the morning that the discussion comes down to really the essence of what the Council is and to make sure that we are focused on where we should be moving forward. Hearing the discussion here and from the audience, everybody has the same concern on how to implement that in a budgetary way. He stated that he likes the idea of the Executive Committee convening and going right to the essence of who and what we are and how to move forward and make general recommendations.

Councilwoman Heitmann moved and Councilman Banks seconded to have the Council continue to move forward with the items on the agenda that are pressing on the agenda and go directly to the discussion of the management decision and reduction of the budget and concerns of this Council so that we can move forward with consideration of the budget and presenting the issues of the Executive Director upon his return.

Commissioner Tom Jones asked if the motion includes moving directly to Section 5 of the agenda to discuss the two DRIs, because those are the basic core mission of the Council and the City of North Port have significant staff present at today's meeting to try to accomplish the mission of the Council. He explained that he is looking for definition and clarification, because the City of North Port has business to conduct.

Councilwoman Heitmann agreed with Commissioner Tom Jones' comments. Chair Kiester noted that the agenda would be the first motion. Then the minutes and consent agenda needed to be approved.

Chair Kiester stated that agenda is to be amended to approve the minutes; consent agenda and then move to Agenda Item 5 Developments of Regional Impact Staff Assessments:

- 5(a) Hacienda Lakes (a.k.a. Toll Rattlesnake) DRI
- 5(b) North Port Gardens DRI

Commissioner Duffy stated that she agrees with the motion except for approving the budget and asked for clarification. She asked if the budget needs to be approved by August 1st, can a preliminary consideration of the budget be made today.

Chair Kiester asked what is the deadline for approval of the budget?. Counsel Donley replied that the Council rules specify August 15th, in previous years staff has worked hard to approve it prior to that deadline so that the budget can be expedited out to the local governments in order for them to use the Council's budget during their budget workshops.

Chair Kiester stated that the primary concern that the local governments would have in regards to the Council's budget would be the local assessments. Counsel Donley stated that the local assessments are the local governments' monetary stake. Chair Kiester then stated that if that is the reason for acting as early as we can then maybe we can separate out the local assessment section of the budget and take action on that section and then send it out to the local governments.

Councilwoman Heitmann and Councilman Banks withdrew their motion.

Commissioner Turner moved and Commissioner Butch Jones seconded to approve the agenda as amended.

**AGENDA ITEM #2
MINUTES OF MAY19, 2011**

Commissioner Turner moved and Councilman Banks seconded to approve the minutes of May 19, 2011. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Mr. Mulhere moved and Councilwoman Simons seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for May 31, 2011 & Grant Activity Status Sheet; Agenda Item #3(c) SWFRPC/SWF LEPC Scheduled Hazardous Materials Training; Agenda Item #3(d) Glades County Comprehensive Plan Amendments (DCA 11-1); Agenda Item #3(e) Acceptance of the 2011-12 Transportation Disadvantaged Planning Grant Funds; Agenda Item #3(f) FL Broadband Planning Project Grant Application; and Agenda Item #3(g) Tuscany Reserve DRI - NOPC;. The motion carried unanimously.

**AGENDA ITEM #3(h)
Hancock Creek Commerce Park DRI - Abandonment**

Mr. Hutchinson of staff gave a verbal presentation of the item.

Mr. Mulhere moved and Commissioner Turner seconded to approve staff's recommendations: 1. Accept the Hancock Creek Commerce Park Application for Abandonment as submitted and find that the development is eligible for abandonment. 2. Notify the City of Cape Coral, the Florida Department of Community Affairs and the applicant that the Council has determined the project's

eligibility for abandonment. 3. Request City of Cape Coral to provide a copy of the official recorded document abandoning the Development Order for the Hancock Creek Commerce Park. The motion carried unanimously.

AGENDA ITEM #5(a)
Hacienda Lakes (a.k.a. Toll Rattlesnake) DRI

Mr. Mulhere stated that has a conflict of interest and will need to abstain from voting on this item.

Mr. Hutchinson gave a verbal presentation.

Councilwoman Simons stated that she agrees with everything that staff is proposing except for the affordable housing component, because she believes that there is already a sufficient supply of affordable housing within Collier County. She said that she doesn't see how the Council can make the applicant supply affordable housing within their development. Mr. Hutchinson explained that staff can't make the applicant provide the affordable housing supply. Staff recommends the conditions to the Council then these recommendations are recommended to the jurisdiction rendering the development order and they are required to consider them, but they are not required to include them in the development order.

Commissioner Bigelow asked how the issue of sprawl is being addressed in the project. Mr. Trescott explained that this project has been under review since 2006 and there have been a lot of meetings. The project is partly in a rural fringe area, which the applicant had some development within the area but now has moved the majority of it back out into the urban area. So the issue of sprawl has been dealt with by staff working with the applicant to get the development back into the urban area. This is part of the Rural Land Stewardship in Collier County, which is one of the few in the State. Commissioner Bigelow stated that he feels that this project is premature and sprawl.

Councilman Banks moved and Commissioner Tom Jones seconded to approve staff's recommended action. "The Southwest Florida Regional Planning Council recommends Conditional Approval of the Hacienda Lakes DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Collier County Board of County Commissioners.

Mr. Mulhere explained that when Collier County adopted a program entitled the Rural Fringe Mixed Use District it identified the mixed use areas in the rural fringe which could be developed and preserved a certain percentage of that acreage in perpetuity. It created a transferable development rights program, this project furthers that program some seven or eight years after its adoption. Allowing the landowner to take the development rights off the highly sensitive lands and moving into the urban area.

Mr. Rich Yovanovich of Coleman, Yovanovich and Kokester P.A. reviewed the applicant's comments illustrated within the distributed handout which addressed several issues, such as: affordable housing, energy, transportation and hurricane preparedness. He then requested that the Council adopt the modified recommendations.

Commissioner Duffy asked if Collier County requires air conditioning units of 16 seer or higher or solar hot water heaters. Mr. Mulhere explained that Collier County follows the current state building code requirements which already addresses those issues. Commissioner Duffy asked so these conditions were placed in by staff. Mr. Mulhere replied yes.

Commissioner Duffy asked then what do these recommendations have do with regional impacts. Mr. Hutchinson explained that they have to be in compliance with the SRPP in reducing energy consumption, making more efficient infrastructure, etc. Commissioner Duffy asked if they goes beyond what the county requires. Mr. Hutchinson replied yes.

Chair Kiester stated that he also likes the voluntary approach. He suggested that even though it is part of the SRPP and it is a good goal to work towards, such as what has been done with the fertilizer ordinance and other issues that were sent out to local governments that are being enacted upon. It is their choice and he suggested that if we are going to pursue an energy policy, that we follow the same path as the Council did with other issues and ask for voluntary changes to local codes/building codes as opposed to mandating it as part of this process.

Mayor Sullivan stated that he believes that in the future, the private sector will take care of the issue as various types of energy situations turn up. Once it is made economically feasible the private sector will want to do it, but for us to try dictate at this point is not going to work.

Councilwoman Heitmann asked the applicant's representative if they had spoken to the PACE Committee about the possibility of receiving a grant to offset the costs. Mr. Yovanovich replied no, we are just asking for a level playing field.

Commissioner Mason asked if staff has had the chance to review the developer's proposed changes. Mr. Hutchinson replied that some of them are minor issues and some are more major issues, but the bottom line is that staff's recommendations generally try to raise the bar and try to cover the public and provide suggestions to the local jurisdiction so they don't leave something out that might hurt them in the future. Commissioner Mason stated that she feels that both the staff and developer need to get together.

Ms. Holquist asked if these are critical issues to staff. Can staff live with the changes that are being proposed by the applicant? Mr. Hutchinson stated that he agrees.

Ms. Holquist moved and Ms. Hall seconded to approve the Hacienda Lakes DRI Staff Assessment as amended by the developer.

Mr. Hutchinson explained that what the Council did at the last meeting with another DRI was adopt the staff recommendations and also directed staff to do was work with the local jurisdiction and applicant on the final development order in order to come to an agreement. He said that he feels that it is certainly possible in this case.

Both Councilman Banks and Commissioner Tom Jones withdrew their motion.

Councilwoman Simons asked the developer if he would be willing to do a swap and take out the affordable housing and keep in the energy efficiency recommendations. She explained that

because in the long run the buyers will find that it will be more cost effective for them to purchase the home than the one across the street with the energy savings.

Vice Mayor Denham called to question. Motion carried with Mr. Mulhere abstaining from voting.

Chair Kiester stated that he is asking for a vote on the motion.

The motion carried with Councilwoman Simons and Commissioner Bigelow opposed. Mr. Mulhere abstained from voting.

**AGENDA ITEM #5(b)
North Port Gardens DRI**

Mr. Hutchinson gave a verbal presentation of the item.

Mr. Steve Boone, representative for the applicant stated that they will work with staff to move forward and the City of North Port in preparation for the final development order. He then requested that under the energy recommendations (Page 3) that the following recommendations be deleted (e, f, g, h and k).

Councilwoman Simons asked why the report was given to the applicant so late. Commissioner Tom Jones explained that this is one of issues with the core mission of the Council where one of the members of staff that was assigned to the DRI was one of the employees that were laid off. So other members of staff at the Council had to take the responsibility of completing the report.

Commissioner Duffy noted that this wasn't the first time that it happened, it also happened approximately six months ago with another project. Commissioner Tom Jones stated that it shouldn't have happened then.

Mr. Mulhere stated that it has been exacerbated by the staff changes and the existing staff because he received an email from staff at 7:35 pm in regards to this project. He appreciates the hard work that staff had put in to complete the two DRI projects, but it is not an excuse because it is very late for the applicant to react and staff to be able to react back to the applicant.

Commissioner Tom Jones moved and Mr. Mulhere seconded to approve the North Port Gardens DRI Staff Assessment with the removal of the energy recommendations e, f, g, h and k. The motion carried unanimously.

Commissioner Bigelow announced that he would like to have an alternate appointed to the Estero Bay ABM which meets on the 2nd Monday of each month at 9:30 a.m. in the conference room of the SWFRPC. He is the Council's representative, however due to a recent change with the Lee County BOCC schedule he is not able to attend all of the meetings.

AGENDA ITEM #6(b)
Presentation of the Final SRPP for DCA Transmittal – Mr. David Crawford

Mr. Crawford gave a verbal presentation of the final SRPP EAR.

Ms. Holquist moved and Commissioner Mason seconded to approve the formal transmittal of the SRPP EAR document to the DCA. The motion carried unanimously.

Commissioner Tom Jones thanked Mr. Crawford for all his work on the SRPP EAR.

Chair Kiester stated that the next item will consist of resuming the discussion of the Executive Committee's discussion regarding staff organization, budget cuts, and the Council's budget.

AGENDA ITEM #4(b)
SWFRPC Annual Budget FY 2011/12 – Ms. Janice Yell

Chair Kiester asked for Ms. Yell to give a brief summary of the proposed budget.

Commissioner Bigelow asked if the Executive Committee has the authority to change the leadership of the Council. Counsel Donley explained that the contract between the Executive Director and the Council, Section 4: Termination states "This contract will become effective October 18, 2007 and will automatically be extended annually unless terminated by 2/3rds vote of the full Council." Commissioner Bigelow stated that if the Executive Committee is going to reconvene at 2:00 p.m. then the staff members who have been laid off have until June 29th, then they are gone. Holding an emergency meeting of this Council and expecting that we are going to be able to get a majority of us here is impracticable. If the Executive Committee is going to be meeting at 2:00 p.m. then the Council should provide information on how they want to proceed with the current leadership of the Council.

Mr. Grant stated that he feels that type of discussion is a little bit premature at this time. He feels that there should be a discussion on the budget first to see what the numbers say and then why the decisions were made. He is not prepared to make changes to the leadership of the Council at this time, until he sees what the budget numbers are and reaffirm that the central mission of this agency is land use planning on a regional basis.

Commissioner Bigelow stated that he doesn't believe that the Council will be able to reach that goal at this time. The Executive Director has decided to take three key planners out of commission on June 29th, which is a done deal unless the Council decides to reverse the decision. The only way it can be done, according to Counsel, is dealing with the Executive Director.

Mr. Grant stated that obviously there is a difference of opinion with that issue. He said that he feels that the budget needs to be discussed first before moving onto any other issues.

Ms. Yell of staff gave a verbal overview of the proposed budget.

Commissioner Bigelow why did the Executive Director make the decision to lay off four employees.

Commissioner Turner asked to proceed with the budget discussion first and then proceed with the questions regarding staff.

Counsel Donley explained that there are two other programs within the Council, the Charlotte Harbor National Estuary Program (CHNEP) and the Lee County Metropolitan Planning Organization (MPO) which receives funding directly for their staff. The regional planning council professional staff has been directly funded through designated “pots of funds”. The DCA funds which were vetoed by the Governor were used to fund the local government comprehensive plan reviews. Mr. David Crawford filled that position and now those funds are no longer available to fund that position. In the past, the Council has used local funds to supplement DCA dollars to enable us to achieve our mission. So, over the last few years there has been the use of the local funds, which are the local assessments, to help supplement the decrease in dollars received from DCA. Overall, when the professional staff is filling out their timesheets they are billing to a specific project.

Commissioner Bigelow stated to Counsel Donley that someone can take what you just said and interpret this way. “There is no other possible approach to take but the way of the axe approach.” Counsel Donley said with some of the projects that is correct. Such as, with the DRI assessments the funds that come in for the DRI assessments have to be used by the staff that is working on the DRIs. The local funds are where there is some ability to move some funds around. She then explained that staff has created a spreadsheet showing various options with salary cuts, furloughs, etc. and what those impacts would be. Ms. Yell showed the spreadsheet to the Council members.

Commissioner Bigelow asked Counsel Donley that as an alternative, staff could be “flat lined” and also reduce top heavy management in size and costs and then use those monies to keep the organization alive and full. Counsel Donley asked staff to show the slide which shows staff’s pay compensation. She then gave an explanation about staff’s titles. Chair Kiester clarified that within the public sector when you can’t fiscally award your employees you give them titles. Commissioner Bigelow stated that some of the employees look like they have both the titles and the salaries.

Counsel Donley reminded the members that the only funds that are allowed to be moved around are the local assessment funds. All the other funds within the RPC’s budget are committed funds because they are either contractual or grant funds dedicated to certain paths. Those certain paths help pay for the indirect costs (HR, Finance, etc.).

Commissioner Robinson asked for clarification that the member assessments are the most flexible out of all of the funds. Counsel Donley replied yes. Commissioner Robinson asked that in the budget that is being proposed and asked to approve, by approving the budget we are agreeing to assess the cities and counties for flexible funds and then it is up to the Executive Director on how to spend those funds. Counsel Donley replied yes. Commissioner Robinson then said so by approving the budget today we are authorizing the Executive Director to spend the flexible funds as he sees fit. Counsel Donley replied yes. Ms. Yell explained that the flexible funds also pay for

the building, lights, etc. Counsel Donley clarified that all of the funds that comes into the RPC pays for the indirect (building, lights, etc.)

Mr. Mulhere stated that he is sure that there was an exercise done that identified funding that was dedicated that was inflexible your ability to redirect that funding to make up a shortfall due to the funding cuts. There was an amount that was left that is flexible which includes the assessments and probably some other funds. Because if some grant funds could go towards salaries that would also have been included in reduced amount. There are some amounts of dollars that are flexible. What is the total amount of personnel costs? Ms. Yell replied approximately \$2 million. Mr. Mulhere asked if anyone looked at the total personnel costs to see if anyone is not flexible. Counsel Donley explained that there are both the CHNEP and MPO funds and also an EPA grant. She explained that the CHNEP and MPO funds which are approximately \$2.4 million are not funds which the RPC can take dollars from directly, they support the indirect rate of the whole RPC. The \$1.24 million is for all of the RPC staff, including the CHNEP and MPO.

Mr. Mulhere referred to page 2 of the proposed budget, line item under expenditures “direct personnel costs - total RPC” is \$1.2 million. Ms. Yell explained that is RPC. Mr. Mulhere stated so that would be the flexible personnel costs without impacting CHNEP and MPO which could be adjusted. Ms. Yell explained that there are also other programs within the RPC besides the CHNEP and MPO.

Mr. Beever explained that both he and Ms. Whitney Grey of staff bill directly to an EPA grant. He explained that 99% of Ms. Grey’s salary comes out of grants which are fixed and approximately 80% of his salary comes out of grants which are fixed and they are RPC staff.

Counsel Donley clarified that the only dollars that are flexible within the RPC’s budget are the local assessment dollars, which is the \$456,000.

Mr. Mulhere stated that so either the Executive Committee or the full Council could come up with some recommendations for other ways that the shortfall could be addressed. If the Executive Director had other options to consider then the way that he had chosen it would be at his peril to not do so. But the Executive Director is not present, so the best thing that we can do is make some recommendations of addressing this budget’s shortfall other than the elimination of the four positions.

Councilwoman Simons stated that she would like to see expenditures reduced other than across the board as has been recommended. She explained that her reasoning is because she doesn’t know if some of the staff is getting overpaid in their positions while some are being underpaid. She suggested having staff supply salary ranges for each of the positions by a comparable comparison. Counsel Donley explained that to her understanding the HR Operations Manager does a regular salary comparison with the other regional planning councils.

Councilwoman Simons then suggested getting rid of the refreshments for the meetings.

Ms. Holquist explained that after working with staff for several years on the budget, the indirect rate is very difficult to understand. So when you are recommending getting rid of the Finance

Manager or the HR Manager you will be affecting other projects and programs. We need to be very careful on how this is handled.

Councilman Banks asked if only counties pay the assessments or do cities also pay. Ms. Yell brought up the spreadsheet which illustrated which cities and counties pay the local assessments.

Commissioner Duffy asked if the Lee County MPO rents space from the Council or are they part of the Council's budget. Counsel Donley explained that the Lee County MPO is currently within a transition period. The MPO Director was hired by the MPO and reports to the MPO. The staff of the MPO are technically staff of the RPC, but they are dedicated to the MPO. Currently, before the MPO Board there is a rental agreement which will impact how the direct rate is calculated, because the cost of space is imbedded in the indirect. The MPO pays for itself and allows the regional planning council to have indirect dollars to pay for support services.

Commissioner Duffy stated that she is not an opponent of cutting positions but maybe it is necessary; however, the positions which were cut may not have been the correct positions to cut. Charlotte County had to cut over \$100 million out of their budget over the last five years and it was done based on the county's strategic plan.

Vice Mayor Denham stated that from the comments that have been made from the members, he is hearing that in order to make a budget cut of approximately \$300,000 that we need to find a way to do that in a way different from what has been proposed by the Executive Director.

Councilwoman Simons stated that she serves on 10 different boards and travels a lot. The Council is the only board which pays her for her travel and with all of the members on the Council that must be a lot of money for travel.

Mayor Sullivan stated that he would like to see the budget put together in such a way that the members can tell which categories can be cut and those that can't.

Chair Kiester recommended that the Council consider putting into abeyance and recommending to the Executive Director that he put into abeyance any layoffs of staff at this time. Secondly, he requested that the Executive Director review other options. He suggested waiting until those options are completed until holding another meeting of the Executive Committee. Then the other issue is dealing with the budget.

Vice Mayor Denham moved and Mr. Grant seconded to at which time the Council have more time to review the budget more carefully, the Council feels that they should suspend the directive of the layoffs of staff, until the Executive Director has found a more appropriate means of cutting the budget to meet the \$350,000 deficit.

Mr. Grant clarified that if the motion is passed then it is a recommendation that is being made as an agency to the Executive Director, but there is nothing that binds him to follow through with the recommendation. Chair Kiester replied that is correct. Mr. Grant asked if there should be another motion that the Council should continue this meeting to another date. Because if you vote on this motion then you will need another motion to continue the meeting to another date in order to review the recommendations and also further comment and approve the budget.

The motion carried unanimously.

Mr. Mulhere moved and Vice Mayor Denham seconded to continue the June 16th SWFRPC Board Meeting to Thursday, June 30th at 9:00 a.m., including the discussion of the Agenda Item #4(b) SWFRPC Annual Budget FY 2011/12 and that staff make all the necessary efforts to ensure that there is a quorum present. Also, all preparations are to be taken as a fall back for a July meeting in case a quorum cannot be present for the June 30th meeting. The motion carried unanimously.

Mr. Grant clarified that the remaining items on the agenda would be reviewed and discussed at the continuation meeting.

Chair Kiester stated that since the Council has continued its meeting to June 30th that the Executive Committee will not continue its meeting at 2:00 p.m.

**AGENDA ITEM #10
ADJOURN**

At 10:45 a.m. the meeting was adjourned to meet 9:00 a.m. on June 30th.

Councilwoman Teresa Heitmann, Secretary

The meeting was duly advertised in the June 3, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 22.

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JUNE 30, 2011 CONTINUATION MEETING**

The continuation meeting of the June 16th meeting of the **Southwest Florida Regional Planning Council** was held on **June 30, 2011** at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Due to the recent resignation of Chair Charles Kiester, Vice Chair Karson Turner will serve as the Acting Chair. **Acting Chair Karson Turner** called the meeting to order at **9:00 a.m.** **Commissioner Carolyn Mason** led an invocation and led the Pledge of Allegiance. Administrative Staff Specialist Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Councilwoman Rachel Keesling, Commissioner Robert Skidmore, Ms. Andrea Messina, Mr. Michael Grant

Collier County: Commissioner Jim Coletta, Commissioner Donna Fiala, Councilman Charles Kiester, Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Ms. Pat Carroll

Glades County: Commissioner Kenneth "Butch" Jones

Hendry County: Commissioner Karson Turner, Commissioner Joseph Miller, Commissioner Daniel Akin

Lee County: Mayor John Sullivan, Commissioner Brian Bigelow, Councilwoman Martha Simons, Councilman Forrest Banks, Councilman Mick Denham, Ms. Laura Holquist

Sarasota County: Commissioner Christine Robinson, Commissioner Tom Jones, Commissioner Carolyn Mason, Mr. Felipe Colón

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT

MEMBERS ABSENT

Charlotte County: Commissioner Tricia Duffy

Collier County: None

Glades County: Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Commissioner Tristan Chapman, Mr. Melvin Karau

Lee County: Commissioner Frank Mann, Mr. Paul Pass

Sarasota County: Councilman Kit McKeon, Mr. George Mazzarantani

Ex-Officio Membership: Mr. Phil Flood – SFWMD, Ms. Dianne Davies – SWFWMD, Mr. Jon Iglehart – FDEP, Ms. Tammie Nemecek – EDC of Collier County

AGENDA

Chair Turner stated that under Administrative Issues, he didn't see any necessary reason to have reports given on the following items:

- Agenda Item #4(a)2 – Estero Bay Agency on Bay Management
- Agenda Item #4(a)3 – Legislative Affairs Committee
- Agenda Item #4(a)4 – Regional Watersheds Committee
- Agenda Item #4(a) 5 – Executive Committee

Chair Turner requested a brief report from Commissioner Mason on the Budget & Finance Committee. Then move forward with the process and continuation of the Council's FY 2011/2012 Budget.

Vice Mayor Denham moved and Ms. Holquist seconded to approve the agenda as amended. The motion carried with one opposed.

AGENDA ITEM #4(a)1 Budget & Finance Committee

Commissioner Mason noted that the Budget and Finance Committee held a meeting on June 29th which several options were presented and reviewed. She then asked that Mr. Heatherington give an overview of the four options which staff presented to the committee and then she will present the option which the committee chose to recommend to the Council.

Mr. Heatherington gave a PowerPoint presentation which gave an overview of the Council's FY 2011/2012 budget which begins October 1st.

Mr. Heatherington reviewed the following four options that were presented to the Budget and Finance Committee:

Option 1: The budget that was originally approved by the Council's Budget and Finance Committee before the Governor's veto. He explained that he requested that Option 1 be included before the June 16th SWFRPC Meeting which showed the elimination of four positions and also the reductions of hours in four indirect employees. He explained that Option 1 was just a consideration and all of the employees have been reinstated and there has been a public statement issued.

Option 2: Included additional revenue, such as staff being notified by EDA that there was a grant increase. An increase in revenue was also added to the DRI category. Staff was hoping that the additional revenue would offset the budget, but it did not there was still a negative balance of \$225,000.

Option 3: Showed the additional revenue sources in Option 2 and also identified reduction in operational expenses, but no changes in personnel. Once again, the budget was in the negative by \$225,000.

Option 4: Showed the additional revenue sources as included in Option 2 and also including the reduction in operational expenses as noted in Option 3. Also included was a salary reduction in the salary line expenses in order to balance the budget.

Mr. Heatherington noted that Option 4 was the only option which balanced the budget at this time.

Councilman Kiester stated to Mr. Heatherington that staff's proposed cuts to staff wandered across the board. He asked if there was a reason for that. Mr. Heatherington referred to Option 4 and noted that he voluntarily gave up 6.5%, legal counsel voluntarily gave up a percentage of her salary, etc. The total budget reduction was \$250,000.

Councilman Kiester asked Mr. Heatherington why wasn't there a standard percent cut across the board for all staff. Mr. Heatherington explained that it was one of the considerations and with a 10% cut across the board of unfunded positions, there was still a shortfall of \$69,205.

Mr. Mulhere asked with the 10% cut across the board is there any room attributable to DRIs. Mr. Heatherington replied yes. Mr. Mulhere asked how much? Mr. Heatherington replied that he believed that Option 4 had \$147,000 for DRIs.

Councilman Banks asked for the recommendation from the Budget and Finance Committee.

Ms. Holquist asked Mr. Heatherington if he stated that the RPCs no longer have to review DRIs by statute or law. If this is true, then the revenue will go away from the DRIs. Mr. Heatherington stated that it is questionable. By statute or law, in HB7207 the RPCs are required to continue some sort of review. The "some sort" is the questionable part. FRCA has been told by their Executive Director that there is no "free lunch", the RPCs no longer have a contract with DCA and local developers aren't required to have a state review process; so what are you going to do and how are you going to fund that position is the question. The RPCs have made a commitment to their local governments that they will work with them in trying to address their comprehensive plan issues and DRIs, but they don't know how it will be done financially at this time.

Chair Turner stated that he feels what Ms. Holquist was saying is that if the Council was going to lose a revenue source, then according to the proposed budget, there is \$147,000 attributable for DRIs, how the Council can approve that amount as a revenue source. Ms. Holquist stated that she wasn't aware of the issue which Mr. Heatherington had noted. She stated that if a developer has the choice of not going through the DRI process, then they will choose to not go through it. Chair

Turner stated that he doesn't believe that the legislature has made a final decision on that issue at this time.

Mr. Mulhere explained that when he recently attended the DRI workshop, he spoke with Mr. Tom Beck of DCA and he clearly stated that there is no change and then subsequently indicated in writing that there is no change to the requirements and the statutory requirements in relation to DRIs.

Chair Turner asked Mr. Mulhere if he feels that the DRI process is going to be as rigorous. Mr. Mulhere replied yes, because there will be no change.

Vice Mayor Denham stated that it is his understanding that the decisions made by the legislature relative to this issue is probably going to take them to October before all of the dust settles and they decide what they are going to do. It is his impression that in the discussions that he has had that the DRI process will continue and may become more rigorous. The State has stated that they will not oversee local planning authorities' positions and the State expects the local authority to be just as rigorous in examining their expansions and developments in requirements of DRIs on a local budget.

Mr. Mulhere asked what the shortfall was with the 10% cut across the board. Mr. Heatherington replied \$69,205. Mr. Mulhere asked if he is correct that there is approximately \$650,000 in the Council's reserves. Mr. Heatherington replied yes. Vice Mayor Denham noted that the \$650,000 does not appear anywhere within Option 4. Mr. Heatherington referred to the first page of Option 4. He noted that there is currently \$680,000 in the reserves, but actually only a third of the reserves can be used by the RPC, because of the CHNEP and the MPO have the other two-thirds. Vice Mayor Denham asked if the same amount of reserves have been maintained in Option 4. Mr. Heatherington replied yes.

Commissioner Mason stated that the Budget and Finance Committee had recommended Option 4 be presented to the full Council for consideration. Also, the committee had recommended that Mr. Heatherington present all options to the Council and also place names on the organizational chart. The committee also asked staff to present revenues versus expenditures. She explained that the committee had decided to meet on a monthly basis in order to monitor the revenues and expenditures.

Chair Turner noted that the Council's Auditor, Mr. Jeffrey Tuscan had placed an emphasis on having the Budget and Finance Committee meet on a regular basis due to the issue of the lack of liquid cash.

Mr. Grant moved and Vice Mayor Denham seconded to accept the Budget and Finance Committee's recommendation of Option 4 for discussion purposes.

Chair Turner stated that he felt that there wasn't a general consensus at the Budget and Finance Committee meeting on Option 4. The Committee felt that they needed to bring the option, which had a balanced budget, before the Council for discussion.

Councilman Kiester stated that there is an administrative rule which allows RPCs to charge up to \$75,000 for a DRI. He then stated that he would like to present an Option 5 which consists of the firing of the Executive Director and replace him with someone on staff as the interim which will save \$133,000. The remainder of the shortfall can then be made up by cutting salaries across the board or by taking a close look at positions such as Purchasing Agent, Human Resources Director, and PR Specialist, for a staff of 26 is not necessary. He noted that at a recent Executive Committee meeting everyone was in agreement that there was a need to take a look at the Council's organizational chart.

Councilwoman Simons referred to the retirement cut in Option 3. She then referred to Option 4 and noted that there was \$60,000 taken off. She asked if the 3% for FRS is reflected in the salaries for both Option 3 and 4. Ms. Donley explained that it is embedded already into the salaries.

Vice Mayor Denham stated that it is time for the Council to review how we do our business, what we do, how we do it, how we manage it, and how to move forward. He sees a degree of dissatisfaction of how it is being run. He noted that he feels that the Council should re-think its role, how the organization looks like, how the organization is structured, and what is in the organization. None of that has been done with any great imagination or vision. He stated that he cannot accept any of the options until he can perceive that.

Vice Mayor Denham asked how the amount for DRIs was arrived at. Did staff go around the region and approach every community within the region and ask for a list of potential DRIs. If this hasn't been done then he can't accept the proposed revenue figures for DRIs.

Chair Turner turned over the discussion to public comments at this time.

PUBLIC COMMENTS

Ms. Karen Bickford, Lee County Division of Natural Resources, spoke on the importance of the Southwest Florida Regional Planning Council.

Ms. Stephanie Keyes, former SWFRPC staff member (1979 to 1982), spoke on how the Council doesn't need administrative staff specialists, office manager, etc., because when she was a regional planner during those 3-4 years at the Council, the finance manager and accounting clerk were the same person, who also put the toilet paper on the rolls and paper towels. She stated that during her tenure that the Council, it had the most DRIs in its history along with comprehensive plans and was continually busy with reports after reports. The Executive Director also served as the HR Director and the Planning Director served as the Information Specialist and HR. She stated that the organizational chart is not in line with what the Council has always done and stood for. She then stated that most of the private sector firms probably don't have as many administrative positions as what the Council has currently.

Ms. Neale Montgomery stated that Administrative Code 9J2 regarding DRIs was not repealed; however, 9J5 regarding comprehensive plans was repealed. The rules regarding DRIs were not repealed, the rules regarding Chapter 380.06 which require the review by the RPCs and sufficiency reviews were not repealed. The items that were repealed were the thresholds for movie theaters,

industrial and hotels. She noted that there is another administrative code relative to the SWFRPC which states that they can charge fees and they do charge fees. The statute states that if staff goes over the \$75,000 and if the applicant challenges it that there is a process which needs to be followed. She asked the Council to make their decision on accurate law and facts.

Mr. Mike Roeder stated that he recently attended the FPZA Conference in Naples and listened to Mr. David Crawford's presentation on the SRPP and it reminded him why he got into the planning profession. He noted how important the planners are to the Council.

Mr. John Wilson, Lee County Public Safety Director stated that the SWFRPC has been a leader in dealing with regional issues, especially in dealing with hurricanes. This Council has a nationwide reputation. The process and methodology that is used to define hurricane risks started at this Council back in the late 1970s. When he read the proposed cuts in the news paper he and the other Southwest Florida Emergency Managers were totally amazed at what was being presented. We rely upon this Council to identify a hurricane risk and clearance times that we need to base our decisions on. He is glad to see that the Council is reconsidering the proposed cuts.

Mr. Wayne Daltry, former Executive Director of the SWFRPC stated that he agrees with Mr. Mulhere in his suggestion, that if cuts have to be made that it is better to do cuts across the board. If you don't pull from the reserves for emergencies then I hate to see the emergency when you have to look at the reserves, if this isn't called an emergency. He then addressed Vice Mayor Denham's concern that if you take it from the reserves then it should be targeted to do a visioning over the next few months; because this is like coming back to the 1970s when the local governments were going to be where the State of Florida charted; because the local governments weren't working together and were focusing on their own economic engines. They were drawing things up and putting things together and the State's role was then connecting the dots and putting together some critical facilities. That was then and it looks like it is now, so this could be the greatest time in your history.

Mr. Max Forgey, Forgey Planning Services and also the former Planning Director of Charlotte County and former employee of the SWFRPC. He reiterated what he had spoken of at the June 16th SWFRPC meeting which he believed to be the Council's core mission.

Ms. Beverly Grady stated that every organization has to look at their strengths, weaknesses, threats and opportunities. The Council is facing a financial challenge which is the same financial challenge that all of the local governments are facing along with some of the private sector.

Ms. Diane Ebert, Collier County Planning Commission spoke on how valuable the planners are for the Council.

Mr. Neno Spagna spoke on the importance of the regional planning councils. He understands the difficult economic times; he was one of 31 employees recently laid off from the City of Naples. He asked that the Council re-evaluate their budget and try to come up with an option to save the planner's jobs. He then said that as a "classic" planner he has seen Florida grow and it is now time to sit back and take inventory and list what is available, what is needed and how to get there.

AGENDA ITEM #4(a)1 CONTINUED
Budget & Finance Committee

Mr. Jeff Tuscan, Tuscan and Company referred to the comments made in regards to the reserves. The Council is an entity which has a \$3 million budget and the amount of \$680,000 is the audited amount from last year. He is using a \$600,000 figure, because as Mr. Heatherington had mentioned the DCA budget was cut and is suppose to take effect as of July 1st and the Council has a quarter left of its fiscal year. Those costs that would normally be paid by that revenue stream, the expenses are still there unless something is done, but the revenue is not. So you may end up using part of those reserves before you enter into FY 2012. If you estimate \$600,000, it is really not a lot based on a \$3 million budget. He noted that he has always recommended 3-6 months of reserves.

Mr. Tuscan explained that one of the other issues that the Council has is that it is very highly grant funded. There is generally a high turnaround time when the expenses are submitted for reimbursement. The Council often has the reserve in place fronting those expenses while waiting on the receivables to be paid. The second issue is that hurricanes and other issues have been discussed and those issues is the reason for the reserves (i.e., insurance deductibles, funding costs) when those things don't occur. Many of the local governments have had funding shortfalls over the last couple years out of their reserves. The Council doesn't have that many reserves to do that with. Also, the Council currently doesn't have any way to build those reserves. Since the Council is highly grant funded, most of it doesn't cover the administrative costs associated with those grants so they are paid out of the local government's assessments.

Mr. Tuscan pointed out that the Council must have an adopted budget by August 15th; however, the budget can be amended at any public meeting. He cautioned the Council approving an overly optimistic revenue side because the revenues are optimistic and the expenses are guaranteed. He then pointed out that two-thirds of Council's budget was personnel.

Mr. Grant asked Mr. Tuscan if it is true that part of the reserves belong to both the CHNEP and MPO. Mr. Tuscan explained that they are not specifically allocated, but there are three entities within the Council, so essentially yes.

Mr. Grant asked if the \$147,000 figure for DRIs is realistic. Mr. Heatherington explained that the figure was comprised from an email received from Mr. Dan Trescott of staff which listed a breakdown of what he had in-house for DRI's and what was expected to come in.

Mr. Dan Trescott of staff stated that Mr. Heatherington is correct with the \$147,000 with the existing in-house DRIs. But what Mr. Heatherington failed to include was an additional \$60,000 for approximately 10 NOPCs. This is based on comments that he has received from all over the region on how much DRI work there is going to be and the fact there is an uptick of work already occurring. Also, there is another \$40,000 for storm surge atlas work that staff will begin within the next two weeks, which is not part of the budget. He said that there is another \$100,000 that is not included in the budget and that he feels that the budget cuts are unnecessary at this time.

Chair Turner stated to Mr. Trescott that even though he had some finite information, he still feels that there is still a need for budget cutting.

Commissioner Robinson stated that she did a search through her emails to find when she was first notified of the layoffs and she could not find it anywhere. She then said that the first instance where she became aware of the layoffs is when a developer notified her on June 15th of the situation. She said that without the proper information she felt that the Council did the responsible thing at its June 16th meeting by not adopting the budget. Subsequent to the meeting, she returned to her planning staff and started having discussions. Then she started, in order not to inundate the Council staff with records requests, she was very precise in the items that she requested in order to understand the budget decision. Because we are suppose to hold the administration responsible and we are accountable to our citizens and so we must make them accountable.

Commissioner Robinson stated that she requested information on June 21st and June 22nd, certain information that wasn't voluminous in nature. She stated that she requested the most of the information three times and at one time she received one item which kind of answered the question, but not really. I have been ignored and not responded to. She was told that Mr. Heatherington was going to call her and that hasn't happened.

Commissioner Robinson stated that when she received the information for the Budget & Finance Committee meeting, which was held on June 29th, she reviewed it and it became increasing aware the budget proposals which were forwarded to the Council were half hearted attempts to answer requests for additional options. Options 2 and 3 are not viable options because they place the Council in a deficit, so she feels that they were presented to just placate the Council in order to give the Council more than one option to choose from. So now we have Option 4 which she feels she doesn't have the basis for. She had requested information such the planning responsibilities for the business plan or the work scope of the planning responsibilities for the upcoming budget year and beyond. She responded by asking if there was an existing matrix that was used. She stated that what was sent to her was a matrix that was created that week, not one that was used in planning and budgeting. She explained that she had asked for that pre-existing matrix and what was provided was a matrix which was used for grant applications.

Commissioner Robinson stated that she had asked for the Council's level of service standards which were completely ignored. She asked for the memo regarding the release of a certain planning employee. She received it and she followed up with asking further questions and the reply was that she received was "Mr. Heatherington will contact you regarding his decision." That was sent on Wednesday, June 22nd and she has yet to hear back from Mr. Heatherington in regards to that issue. On Wednesday, June 22nd she requested information regarding an email which she was copied with by Mr. Heatherington regarding that his decision was made unilaterally, portions, feedback from local governments, what was received from local governments regarding DRIs. She asked how you made your points clear to local governments on whether or not they will comply with local responsibilities. They were completely unanswered. She stated that she cannot vote on a budget when she doesn't have the correct information from the administration. These are clear examples of in subordination to the members of the Council. It is very disturbing to her that she cannot get planning documents for the budget from the administration staff and as a result she is not in support of voting on the budget.

Councilwoman Simons stated that she requested a copy of Commissioner Robinson's request in regards to the employee's administrative leave documentation and she also did not receive a reply.

She stated that she received an automated reply on June 23rd stating that Mr. Heatherington will return to the office on June 20th. Ms. Donley called and asked her to refine her request which was done and the information was sent and received.

Commissioner Tom Jones referred to page 2 of Option 4 and the income from the RPC, MPO and CHNEP and then the expenses. He noted that the proposed cuts are to the RPC staff since both the MPO and CHNEP staffs are fully grant funded. The idea is that the expenses are disproportionately centered on the RPC.

Commissioner Skidmore stated that he has been asked if the employees of the RPC were given bonuses last year. Is this true? Mr. Heatherington explained that at the end of the Council's fiscal year the Council had some carry forward funds and staff had worked very hard on trying to bring grants and it was his way of thanking them.

Mr. Mulhere asked if the \$680,000 in reserves was derived from grants and other funds or significantly from DRIs. Mr. Tuscan explained that the issue is that they are not portionally allocated. At the end of the year, there is an indirect allocation that goes against those grants. In the past, grants used to have an administrative component which now they do not so there were a variety of things that built it.

Vice Mayor Denham suggested that the Council needs to agree on a budget number which Option 4 supplies. He then proposed that while both Commissioner Robinson and Commissioner Tom Jones have concerns relative to the details of the budget, we need to agree on a budget number. Then many of us are not very happy with the way things have been constructed that we set ourselves with a task that by October 1st, we possibly reassemble what has been presented and come up with a mission, organization and core competences and all of the other issues that a regional organization needs to do to move it forward in a more satisfactory way. He then offered his services.

Chair Turner agreed with Vice Mayor Denham.

Ms. Messina stated that it seems that no one is happy with the way that this has come about. There are questions of creditability and decision making and it seems to her that it wouldn't be unreasonable to say that I am not prepared to vote on the budget today. She said that she doesn't want to wait until October.

Ms. Holquist stated that out of all of the Council Members she has probably been the closest to the budget over the last four years. She noted that Vice Mayor Denham has also been involved. Last year the Budget Committee did take a close look at the budget and Mr. Heatherington did not want to layoff any of the staff or make any salary cuts, so what has been done over the last three years is cut back at the operating expenses. She feels that a committee of the Council needs to be formed to work towards Vice Mayor Denham's suggestions of reorganization. She said that she would offer her services to serve on the committee. She stated that her recommendation is to follow Vice Mayor Denham's recommendation to work towards a solution in order to understand the laws better and what the Council will need to look at in order to move forward. Then take that and get the buy in from all six counties.

Ms. Holquist stated that she disagrees with Councilman Kiester's recommendation for the change in leadership at this time. The worst thing you can do in the time of a crisis is have a change in leadership. She suggested that over the next six months the Council's committee needs to take a look at all of the rules, personnel to see what the reconstituted rule would look like then move forward.

Ms. Holquist recommended passing the budget today and forming a committee and inviting everyone who wants to attend.

Commissioner Fiala stated that she supports the motion.

Commissioner Bigelow requested a roll call vote and then stated that he will not support the motion. He explained that he will seek Mr. Heatherington's termination as Executive Director due to the discussion that he had with Mr. Heatherington in regards to the employee layoffs.

Mr. Grant called to question. The vote carried with three opposed.

Mr. Grant moved and Vice Mayor Denham seconded to accept the Budget and Finance Committee's recommendation of Option 4. The motion failed with a vote of 9-14.

Councilman Banks recommended offering Option #4 as a tentative budget.

Mr. Grant stated that he would agree to make it a motion if it was legal to have a tentative budget.

Counsel Donley stated that the Council is obligated to send certified copies of the budget to the counties by August 15th so that they can use it in their budgeting process. She is not sure if the counties would accept a tentative budget.

Vice Mayor Denham stated that he would like to amend his previous proposal and that by August 15th that we come up with an organizational approach, mission and a new direction for the Council in concert with approval of the reduction (\$230,000) as necessary.

Councilman Kiester stated that he would support that and he then referred to the organizational chart and the Council's top heavy management.

Vice Mayor Denham clarified that all options are on the table.

Vice Mayor Denham moved and Councilman Kiester seconded to accept the need to reduce the budget by approximately \$250,000, thereby accepting Option #4. However, by August 15th perform a detailed review of all of the issues that have been brought before the Council today. The direction in which the Council is going, composition of the organization, and whether or not the organization is appropriate for moving forward to a revitalized RPC.

Mr. Mulhere stated that he will volunteer his time.

Commissioner Mason stated that Commissioner Robinson is her colleague and due to Florida's Sunshine Laws they are unable to discuss the issues among themselves. She then stated that she is really disturbed that she did not receive the answers that she was seeking or adequate answers to questions that she had posed to staff and administration. She is especially disturbed because she knows of one other person from Sarasota County that is experiencing the same problem. She feels that it is a real problem when there is a member who feels that they cannot vote on an issue because she didn't receive the information which she had requested.

Commissioner Mason then stated that she doesn't feel comfortable being on the Budget and Finance Committee and feels that she needs to resign her position. She stated to those members who are interested in the budget to step up to the plate and become members of the Budget & Finance Committee.

Mr. Grant asked if the motion passes will there be a need to have another full meeting before August 15th. If so, then part of motion should include a date for the next meeting.

Ms. Messina stated that the role of the governing body is governance and vision and she feels that it is staff's job to bring back a budget and have either the Budget and Finance Committee meet to review staff's budget or form another committee of volunteers to review before August 15th. She wants to be careful about micro managing. Our job is to give parameters for the budget and staff's job is to provide the budget.

Commissioner Skidmore stated that it is clear that there are two competing issues: Staff leadership and passing the budget. He asked how can you pass a budget if you don't have confidence in your Executive Director.

Councilman Banks called to question. The vote carried with Councilman Kiester opposed.

Vice Mayor Denham moved and Councilman Kiester seconded to accept the need to reduce the budget by approximately \$250,000, thereby accepting Option #4. However, by August 15th perform a detailed review of all of the issues that have been brought before the Council today. The direction in which the Council is going, composition of the organization, and whether or not the organization is appropriate for moving forward to a more revitalized RPC.

Councilman Kiester withdrew his second and then Ms. Holquist seconded the motion.

Vice Mayor Denham moved and Ms. Holquist seconded to accept the need to reduce the budget by approximately \$250,000, thereby accepting Option #4. However, by August 15th perform a detailed review of all of the issues that have been brought before the Council today (reviewing all options). Hold a meeting with staff and volunteers from the Council towards the end of July to discuss the direction in which the Council is going, composition of the organization, and whether or not the organization is appropriate for moving forward to a more revitalized RPC. A roll call vote was conducted, the motion passed with a 14 to 10 vote.

Commissioner Skidmore moved and Commissioner Tom Jones seconded to hold a vote of confidence for the Executive Director, Mr. Kenneth Heatherington. The motion carried unanimously.

Commissioner Bigelow moved and Councilman Banks seconded to issue a statement of “no confidence” in its Executive Director, Mr. Kenneth Heatherington.

Councilman Kiester stated that he doesn't trust Mr. Heatherington because he doesn't check with any of the Council members. He isn't sure that Mr. Heatherington even knows “the hand that feeds him”. He moves forward without any consultation that he has witnessed or have been involved with. This has been a problem since he has been Chair of the RPC and this is one of the reasons that he had to resign his position as Chair. He urged the Council to seriously consider replacing the Executive Director.

Commissioner Robinson stated that she would have been willing to work with staff two weeks ago in order to obtain the information that she had requested. But not to receive even a response from the Executive Director, not even an email or a phone call should really bother everyone. Public records requests were not fulfilled should really be a concern. She stated that her next motion would be to direct staff to answer public records requests.

Mr. Mulhere stated that his decision needs to be based purely on what he perceives to be the best interest of the RPC.

Ms. Messina asked if the Council passes the motion and states that they have no confidence in Mr. Heatherington's leadership, what are the next steps (Executive Director Contract, obligations, financial commitments, etc.). Counsel Donley explained that the contract which is in enforce between the Council and the Executive Director, the termination clause states that in order to be able to terminate the Executive Director requires a two-thirds vote of the full Council. Two-thirds of the full Council consists of 23 members. It appears to her that having a vote of no confidence places the Council in a position of notifying the Executive Director that there needs to be a conversation where there would be a discussion of some sort of an exit strategy between the two parties.

Commissioner Bigelow stated that at the June 23rd Executive Committee meeting he did ask Mr. Heatherington to consider handing in his resignation at the June 30th Council meeting. He asked Mr. Heatherington if he had prepared any documents to that nature. Mr. Heatherington replied no, there is an annual evaluation process which was established along with his contract which is prepared annually each October. He has prepared an evaluation for what he has done over the year.

Commissioner Coletta stated that the committee which will be meeting to review the budget and organization of the Council will also be reviewing the Executive Director's performance over the year. So the vote of no confidence may not be self serving and is there really enough information at this time to take such action. Has the response time for the records requests been reasonable, were the records which were requested readily available, etc. He stated that he doesn't feel comfortable at this point in time that he can vote for no confidence. He feels that the Council is acting out of emotions and if it wasn't for the budget cuts, he feels that we wouldn't be having this

discussion; however, he feels that it is a good exercise and the committee will come up with a wonderful organization in the end.

The motion passed with five opposed.

Commissioner Bigelow suggested that he would entertain that the Executive Committee hold a meeting and ask that the Executive Director consider bringing an exit strategy to the Executive Committee and also have the Executive Committee appoint an Interim Executive Director from within staff.

Chair Turner agreed with Commissioner Bigelow's suggestion and asked if it needed to be in the form of a motion. Chair Turner stated that it seems to him that the Council had just decided what Commissioner Skidmore had mentioned and what had been obvious to many of us in the room. There are two issues that have been discussed today. There are many members that have issues with the administrative process on how the RPC is being run. The second issue is with the budget. The Council has dealt with the budget issue and hopefully will remedy that issue. The Council just had a vote of no confidence and it was an overwhelming show of support by the Council that it did not have the confidence in its Executive Director, Mr. Kenneth Heatherington. So from this moment forward, he agrees with Commissioner Bigelow's suggestion to have the Executive Committee meet with Mr. Heatherington. He then suggested to Mr. Heatherington have an exit strategy in place for the Executive Committee meeting.

Counsel Donley stated that she believes that the direction which the Chair gave the Executive Committee is within the realm of the current responsibilities of the Executive Committee. She then reminded the Council that for actual termination of the Executive Director there needs to be a two-thirds vote of the full Council.

Ms. Messina reminded the Chair that the Executive Committee has one fewer member due to the recent resignation of former Chair Charles Kiester.

Councilman Kiester recommended that a governor appointee be appointed to the Executive Committee.

Commissioner Robinson moved and Councilwoman Simons seconded to have all public records requests be forwarded to Legal Counsel Liz Donley and responded to in some written form within 48 hours of receipt. Pending response on whether they have it or don't, at least receive a response or acknowledgement of the status of the public records request within 48 hours. The motion carried unanimously.

Vice Mayor Denham named off the following members who volunteered their time for the working group:

- Vice Mayor Mick Denham, City of Sanibel
- Ms. Laura Holquist, Lee County Governor Appointee
- Councilwoman Teresa Heitmann, City of Naples
- Commissioner Butch Jones, Glades County BOCC

- Commissioner Christine Robinson, Sarasota County BOCC
- Mr. Bob Mulhere, Collier County Governor Appointee

Vice Mayor Denham stated that he will work with Counsel Donley for a time certain to set a meeting date and time for the first working group meeting.

Ms. Holquist suggested setting up continuous meetings between now and August 15th on a certain day and time (ex. Every Monday morning @ 10 a.m.) and staff publishes one notice listing that information which will cover all of the meetings. You can always cancel a meeting, but it is difficult to schedule one.

Councilman Banks volunteered to participate on the Budget & Finance Committee.

**AGENDA ITEM #10
ADJOURN**

Commissioner Tom Jones moved and Councilwoman Heitmann seconded to reinstate the July 21* as the next SWFRPC Board Meeting date at 9:00 a.m. The motion carried unanimously.

The meeting adjourned at 11:55 a.m.

Councilwoman Teresa Heitmann, Secretary

_____ Agenda
_____ Item

3

Consent Agenda

3

3

CONSENT AGENDA SUMMARY

Agenda Item #3(a) – Intergovernmental Coordination and Review

Staff reviewed two transit proposals through the clearinghouse review process for the month of June. Staff found both projects to be “Regionally Significant and Consistent” with the SWFRPC’s Strategic Regional Policy Plan (SRPP).

RECOMMENDED ACTION:

Approve the administrative action on the Clearinghouse Review items.

Agenda Item #3(b) – Financial Statement for June 31, 2011 & Grant Activity Sheet

Financial Summary

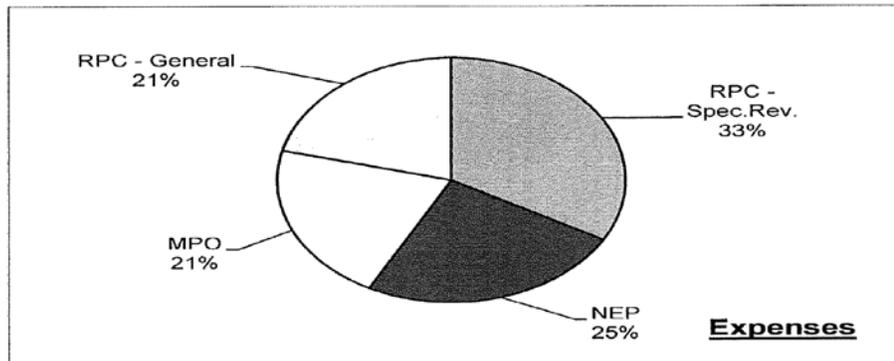
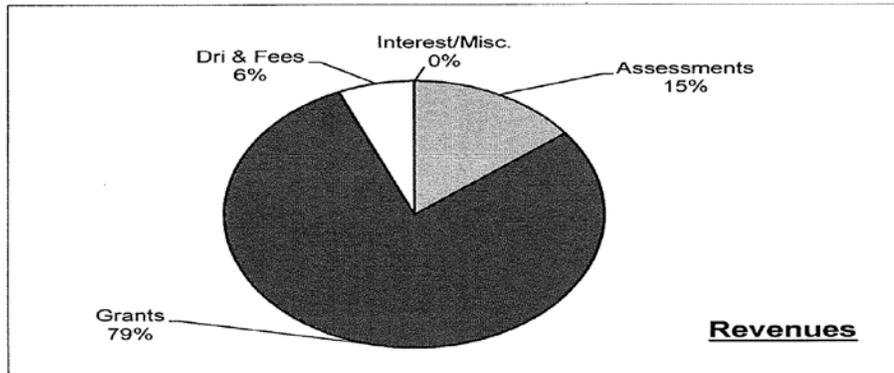
At 75.00% though the fiscal year expenses percentages are as follows:

The overall percentage of the Budget spent is	70.04%
The percentage of the RPC Budget spent is	86.85%
The percentage of the MPO Budget spent is	52.31%
The percentage of the NEP Budget spent is	65.97%

For the month ending June 30, 2011 -29,271.34 is our YTD net income.

Total revenues to date are: 2,474,919

Total expenses to date are: 2,504,195



RECOMMENDED ACTION:

Approve the financial statement for June 30, 2011 and the grant activity sheets.

Agenda Item #3 (c) – SWFRPC/SWF LEPC Sponsored Hazardous Materials Awareness Training

At present, six hazardous materials courses are approved for delivery in August 2011. The Foam/Ethanol course conducted June 8, 2011 in Estero was very successful with forty-four (44) firefighters from across the region attending the 8-hour course.

RECOMMENDED ACTION:

For information only.

Agenda Item #3(d) – Florida Emergency Planning and Community Right-To-Know Act (EPCRA Title III) Contractual Agreement

A contractual agreement between the SWFRPC and the Florida Division of Emergency Management to administer the regional Hazardous Material Title III program is on the agenda for the Council's consideration. The agreement provides \$40,909 to administer the programs of the Southwest Florida Local Emergency Planning Committee.

RECOMMENDED ACTION:

Approve and authorize the Chairman to execute the Hazardous Materials Emergency Planning and Community Right-To-Know Contractual Agreement.

RECOMMENDED ACTION: Approve consent agenda as presented.

_____ Agenda
_____ Item

3a

Intergovernmental
Coordination & Review

3a

3a

Project Review and Coordination Regional Clearinghouse Review

The attached report summarizes the project notifications received from various governmental and non-governmental agencies seeking federal assistance or permits for the period beginning June 1, 2011 and ending June 30, 2011.

The staff of the Southwest Florida Regional Planning Council reviews various proposals, Notifications of Intent, Preapplications, permit applications, and Environmental Impact Statements for compliance with regional goals, objectives, and policies of the Regional Comprehensive Policy Plan. The staff reviews such items in accordance with the Florida Intergovernmental Coordination and Review Process (Chapter 29I-5, F.A.C.) and adopted regional clearinghouse procedures.

Council staff reviews projects under the following four designations:

Less Than Regionally Significant and Consistent - no further review of the project can be expected from Council.

Less Than Regionally Significant and Inconsistent - Council does not find the project to be of regional importance, but notes certain concerns as part of its continued monitoring for cumulative impacts within the noted goal areas.

Regionally Significant and Consistent - Project is of regional importance and appears to be consistent with Regional goals, objectives and policies.

Regionally Significant and Inconsistent - Project is of regional importance and appears not to be consistent with Regional goals, objectives, and policies. Council will oppose the project as submitted, but is willing to participate in any efforts to modify the project to mitigate the concerns.

The report includes the SWFRPC number, the applicant name, project description, location, funding or permitting agency, and the amount of federal funding, when applicable. It also includes the comments provided by staff to the applicant and to the State Clearinghouse (Office of Planning and Budgeting) in Tallahassee.

RECOMMENDED ACTION: Approval of the administrative action on Clearinghouse Review items.

7/2011

ICR Council - 2011

SWFRPC #	Name1	Name2	Location	Project Description	Funding Agent	Funding Amount	Council Comments
2011-21	Ms. Carmen Monroy	Lee County Transit	Lee County	Lee County Transit - Grant No. FL-90-X748 - FY 2011 USC 5307 Urbanized Area Formula Grant (Revised Request).	FTA	\$4,559,275.00	Regionally Significant and Consistent
2011-23	Mr. Rich Weingarten	Charlotte County Transit	Charlotte County	Charlotte County Transit - 49 USC Section 5307 Grant Application to purchase two buses and two mini vans.	USDOT/FTA	\$2,089,730.00	Regionally Significant and Consistent

Review in Progress

<i>SWFRPC #</i>	<i>First Name</i>	<i>Last Name</i>	<i>Location</i>	<i>Project Description</i>	<i>Funding Agent</i>	<i>Funding Amount</i>	<i>Council Comments</i>
2011-14			Collier County	FDEP - Bureau of Mining and Minerals Regulation - Drilling Application for BreitBurn Florida LLC Permit No. 416AHL.			Review in Progress
2011-15			Collier County	RAI #1 for Collier Bay Entrance Channel Maintenance Dredging.			Review in Progress
2011-22			Hendry County	Florida Community Development Block Grant (CDBG) Program Disaster Recovery Enhancement Funds (DREF) Application - Hendry County - Clewiston, LaBelle, and Seminole Tribe.	HUD	\$108,405.00	Review in Progress
2011-24			Collier County	Collier County Public Services Division - Florida Community Development Block Grant Program Disaster Recovery Initiative - Collier County 2008 Disaster Recovery Enhancement Fund.	HUD	\$3,323,962.00	Review in Progress
2011-26			Sarasota County	Sarasota County - Community Development Block Grant (CDBG) Program Application for 2008 DRI Disaster Recovery Enhancement Funds.	HUD	\$799,024.37	Review in Progress

_____ Agenda
_____ Item

3b

Financial Statement
For June 30, 2011 and
Grant Activity Sheet

3b

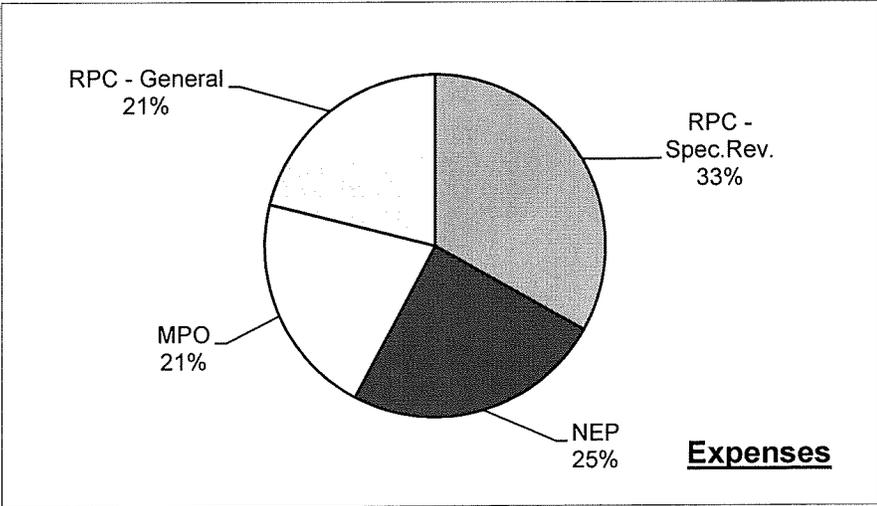
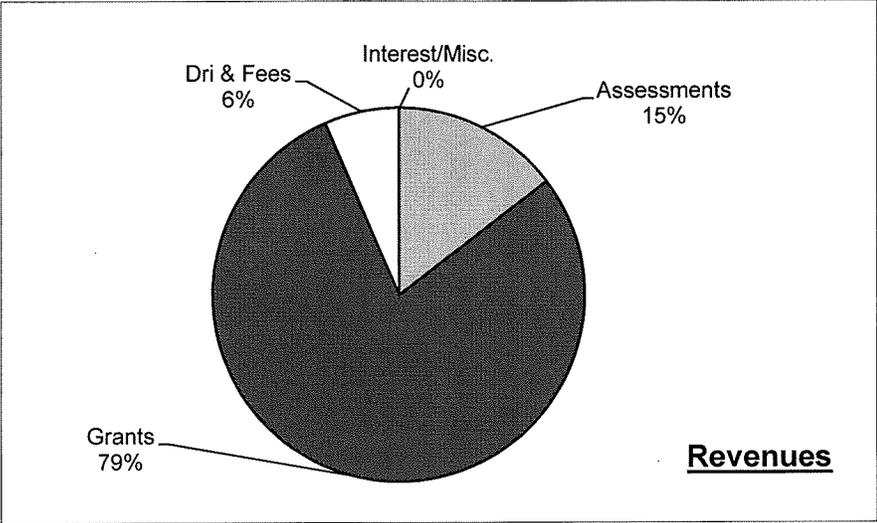
Financial Summary

At 75.00% though the fiscal year expenses percentages are as follows:

The overall percentage of the Budget spent is	70.04%
The percentage of the RPC Budget spent is	86.85%
The percentage of the MPO Budget spent is	52.31%
The percentage of the NEP Budget spent is	65.97%

For the month ending June 30, 2011 -29,271.34 is our YTD net income.

Total revenues to date are: 2,474,919
Total expenses to date are: 2,504,195



MONTHLY FINANCIAL CONTENTS
For the month ending June 30, 2011

	Pages
Financial Reports:	
Balance Sheet - Governmental Types and Account Groups	1
Balance Sheet - Assets, Liabilities and Capital	2
Income Statement - Combined	3
<p style="margin-left: 20px;">This page is a comparison of the budget and actual for the current month as well as the year to date figures. It also includes the net income for both the month and the year to date. The last column of the report reflects the percentage spent of the budget in each expense line as well as the overall total.</p>	
Income statement - Comparison of current year vs. prior year	4
<p style="margin-left: 20px;">This page is a comparison of the actual figures for the current month and year to date to the previous year's figures. It also includes the net income for both years.</p>	
Explanation of Council's Financial at current month end including:	5
<ul style="list-style-type: none"> - Percentage of Budget Spent for RPC, MPO, and NEP - Net income at current month end - Graphs showing the distribution of revenues and expenses - Any other notes felt needed at this time 	
Breakdown of actual expenses for the RPC, MPO, NEP including	
<ul style="list-style-type: none"> - percentages and any amendments requested. - Please note that the Budget on the Income Statement on page 3 will not reflect any amendments, if needed, until they are actually approved. 	
Combined RPC/MPO/NEP	6
Actual Totals	7
RPC by Project	8
Grant Activity	
Net Income Statement with a breakdown of monthly recognized revenue	9
Overall view of all Grants (RPC-MPO-NEP)	10

At the request of our auditors, we are also including a bank reconciliation for the most recent month and a general ledger reflecting our other bank balances.

There are three CDs through Iberia Bank. They are as follows:

15 months - matures 9/7/11	\$100,000	2.00%
30 months - matures 12/7/12	\$300,000	2.00%
Interest earned to date	\$7,999	

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
 COMBINED BALANCE SHEET -
 GOVERNMENTAL FUND TYPES AND ACCOUNT GROUPS
 June-11**

	Governmental Fund Types		Account Groups		Totals
	General Fund	Special Revenue Fund	General Fixed Assets	General Long-Term Debt	(Memorandum Only)
ASSETS AND OTHER DEBIT					
Cash and cash equivalents	\$ 119,403	\$ -	\$ -	\$ -	\$ 119,403
Investments	526,067	-	-	-	526,067
Receivables - grants and contracts	-	437,983	-	-	437,983
Receivables - other	3,200	-	-	-	3,200
Due from other funds	-	(65,461)	-	-	(65,461)
Other assets	904	-	-	-	904
Property and equipment, net	-	-	1,588,012	-	1,588,012
Amount to be provided for retirement of general long-term debt	-	-	-	1,279,407	1,279,407
TOTAL ASSETS AND OTHER DEBIT	\$ 649,573	\$ 372,522	\$ 1,588,012	\$ 1,279,407	\$ 3,889,514
LIABILITIES, FUND EQUITY AND OTHER CREDIT					
LIABILITIES					
Accounts payable and accrued expenses	\$ 1,268	\$ -	\$ -	\$ -	\$ 1,268
Retainage payable	62,946	-	-	-	62,946
Due to other governments	-	-	-	-	-
Due to other funds	(65,461)	-	-	-	(65,461)
Deferred revenue - grants and contracts	-	372,522	-	-	372,522
Accrued compensated absences	-	-	-	107,458	107,458
Notes payable	-	-	-	1,171,950	1,171,950
TOTAL LIABILITIES	(1,247)	372,522	-	1,279,407	1,650,682
FUND EQUITY AND OTHER CREDIT					
Investment in general fixed assets	-	-	1,588,012	-	1,588,012
Fund balance					
Reserved, designated	644,000	-	-	-	644,000
Unreserved, undesignated	6,821	-	-	-	6,821
TOTAL FUND EQUITY AND OTHER CREDIT	650,821	-	1,588,012	-	2,238,832
TOTAL LIABILITIES, FUND EQUITY AND OTHER CREDIT	\$ 649,573	\$ 372,522	\$ 1,588,012	\$ 1,279,407	\$ 3,889,514

SWFRPC
Balance Sheet
June 30, 2011

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	119,202.68
Cash - Iberia CDs		407,998.71
Cash - FL Local Gov't Pool		107,950.72
Cash - FL Gov't Pool-Fund B		10,117.37
Petty Cash		200.00
Accounts Receivable		274,162.58
Accounts Receivable-MPO		163,820.66
Bulk Mail Prepaid Postage		903.73
Amount t.b.p. for L.T.L.-Leave		79,125.53
FSA Deposit		3,200.00
Amt t.b.p. for L.T.Debt-OPEP		28,332.00
Amount t.b.p. for L.T.Debt		1,171,949.75
		2,366,963.73
Total Current Assets		
Property and Equipment		
Property, Furniture & Equip		2,029,003.19
Accumulated Depreciation		(440,991.63)
		1,588,011.56
Total Property and Equipment		
Total Assets	\$	3,954,975.29

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	62,946.19
Deferred Income		372,522.13
United way Payable		762.30
Accrued Annual Leave		79,125.53
Long Term Debt - OPEB		28,332.00
Long Term Debt - Bank of Am.		1,171,949.75
ABM Cela Tega Event		200.00
LEPC Contingency Fund		305.25
		1,716,143.15
Total Current Liabilities		
Total Liabilities		1,716,143.15
Capital		
Fund Balance-Unrestricted		36,091.62
Fund Balance-Restricted		644,000.00
Fund Balance-Fixed Assets		1,588,011.56
Net Income		(29,271.04)
		2,238,832.14
Total Capital		
Total Liabilities & Capital	\$	3,954,975.29

SWFRPC
Income Statement
Compared with Budget
For the Nine Months Ending June 30, 2011

	Current Month Actual	Current Month	Year to Date Actual	Year to Date Budget	% Spent
Revenues					
Total Revenues	251,736.67	354,641	2,474,918.89	4,255,690	58.16
Expenses					
Salaries Expense	164,872.73	142,167	1,235,588.77	1,706,000	72.43
FICA Expense	9,075.79	10,833	74,143.08	130,000	57.03
Retirement Expense	15,299.52	15,108	124,883.78	181,300	68.88
Health Insurance Expense	14,333.50	15,000	149,307.45	180,000	82.95
Unemployment Comp. Expense	0.00	417	4,067.51	5,000	81.35
Workers Comp. Expense	364.00	417	3,606.00	5,000	72.12
Grant/Consulting Expense	2,140.00	3,333	48,273.00	40,000	120.68
NEP-Contractual	17,580.37	14,500	158,894.70	174,000	91.32
MPO-Contractual	47,942.47	37,667	186,701.48	452,000	41.31
Audit Services Expense	0.00	3,917	42,220.00	47,000	89.83
Travel Expense	1,275.21	6,250	26,099.17	75,000	34.80
Telephone Expense	408.38	729	9,360.66	8,750	106.98
Postage / Shipping Expense	410.00	2,333	16,588.90	28,000	59.25
Equipment Rental Expense	5,343.43	2,683	29,266.03	32,200	90.89
Insurance Expense	0.00	2,767	18,298.35	33,200	55.12
Repair/Maint. Expense	677.00	2,083	13,640.88	25,000	54.56
Printing/Reproduction Expense	3,983.00	7,792	76,728.28	93,500	82.06
Utilities (Elec, Water, Gar)	2,300.66	2,333	17,500.37	28,000	62.50
Advertising/Legal Notices Exp	1,186.96	1,088	12,729.59	13,050	97.54
Other Misc. Expense	0.00	375	1,728.22	4,500	38.40
Office Supplies Expense	1,838.29	1,542	14,493.67	18,500	78.34
Computer Related Expense	11,486.95	3,250	47,491.50	39,000	121.77
Publication Expense	63.50	317	2,024.28	3,800	53.27
Prof. Develop./Dues Expense	3,629.50	2,833	34,129.50	34,000	100.38
Meetings/Events Expense	153.70	4,650	52,574.49	55,800	94.22
Capital Outlay Expense	1,559.00	2,083	8,036.99	25,000	32.15
Capital Outlay - Building	0.00	833	0.00	10,000	0.00
Long Term Debt	10,645.92	10,667	95,813.28	128,000	74.85
Reserve for Operations Expense	0.00	56,674	0.00	680,090	0.00
Total Expenses	316,569.88	354,641	2,504,189.93	4,255,690	58.84
Net Income	\$ (64,833.21)	0	\$ (29,271.04)	\$ 0	0.00

As stated when submitting Annual Budget:
Both CHNEP and MPO are multi-year budgets - Therefore total budget may appear high
For annual RPC Budget vs. Actual only - see page 9

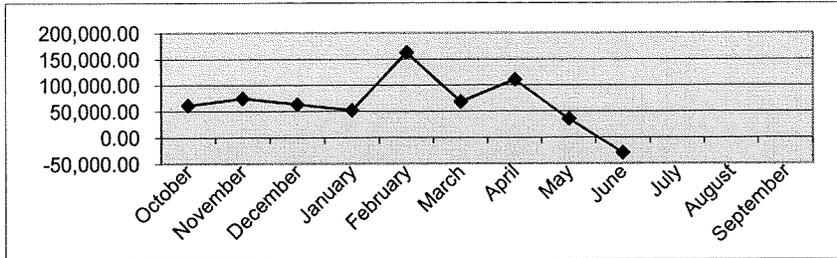
SWFRPC
Income Statement - Two Years
For the Nine Months Ending June 30, 2011

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Total Revenues	251,736.67	292,601.64	2,474,918.89	2,637,187.77
Expenses				
Salaries Expense	164,872.73	162,798.32	1,235,588.77	1,229,297.33
FICA Expense	9,075.79	12,080.42	74,143.08	90,444.80
Retirement Expense	15,299.52	13,494.75	124,883.78	110,834.07
Health Insurance Expense	14,333.50	14,993.11	149,307.45	139,846.62
Unemployment Comp. Expe	0.00	0.00	4,067.51	3,850.00
Workers Comp. Expense	364.00	586.00	3,606.00	3,704.00
Grant/Consulting Expense	2,140.00	4,026.00	48,273.00	20,496.00
NEP-Contractual	17,580.37	18,413.40	158,894.70	172,103.70
MPO-Contractual	47,942.47	106,835.37	186,701.48	311,727.26
Audit Services Expense	0.00	0.00	42,220.00	43,116.00
Travel Expense	1,275.21	7,060.02	26,099.17	34,983.62
Telephone Expense	408.38	2,756.30	9,360.66	8,581.63
Postage / Shipping Expense	410.00	965.90	16,588.90	24,237.27
Storage Unit Rental	0.00	0.00	0.00	224.00
Equipment Rental Expense	5,343.43	3,949.69	29,266.03	25,814.95
Insurance Expense	0.00	25.19	18,298.35	22,017.58
Repair/Maint. Expense	677.00	2,457.21	13,640.88	14,391.96
Printing/Reproduction Expen	3,983.00	1,042.11	76,728.28	48,260.16
Utilities (Elec, Water, Gar)	2,300.66	2,328.15	17,500.37	15,390.59
Advertising/Legal Notices Ex	1,186.96	275.24	12,729.59	12,562.92
Other Misc. Expense	0.00	309.62	1,728.22	2,173.53
Office Supplies Expense	1,838.29	1,795.32	14,493.67	14,985.59
Computer Related Expense	11,486.95	1,600.00	47,491.50	26,934.52
Publication Expense	63.50	350.00	2,024.28	1,120.10
Prof. Develop./Dues Expens	3,629.50	1,403.50	34,129.50	33,977.23
Meetings/Events Expense	153.70	2,611.46	52,574.49	21,410.99
Capital Outlay Expense	1,559.00	0.00	8,036.99	6,070.02
Long Term Debt	10,645.92	10,645.92	95,813.28	95,813.28
Total Expenses	316,569.88	372,803.00	2,504,189.93	2,534,369.72
Net Income	\$ (64,833.21)	\$ (80,201.36)	\$ (29,271.04)	\$ 102,818.05

The next few pages are a breakdown of actual expenses for each project in Special Revenues as well as in general operations. Included in these pages, as requested, are percentages for each line item and an overall percentage spent by the RPC, NEP, and MPO.

The overall percentage of the Budget spent is 70.04%
 The percentage of the RPC Budget spent is 86.85%
 The percentage of the MPO Budget spent is 52.31%
 The percentage of the NEP Budget spent is 65.97%

For the month ending June 30, 2011 **-\$29,271** is our net income.

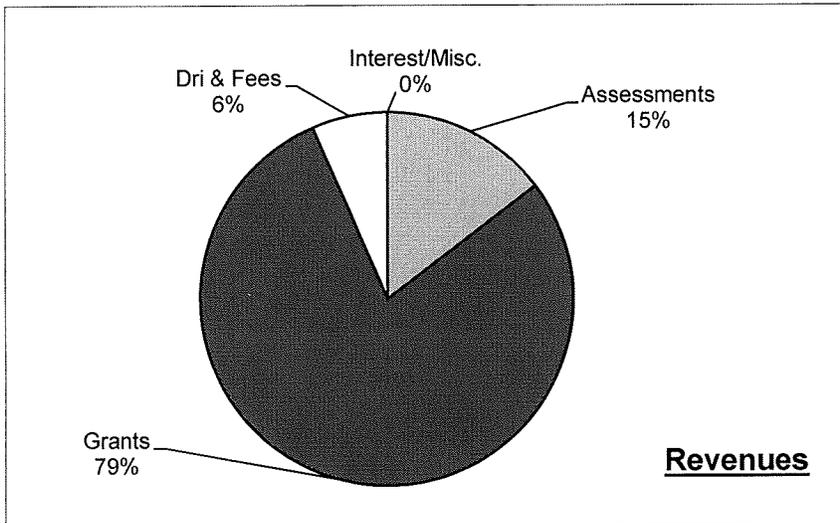


Net Income (unaudited)

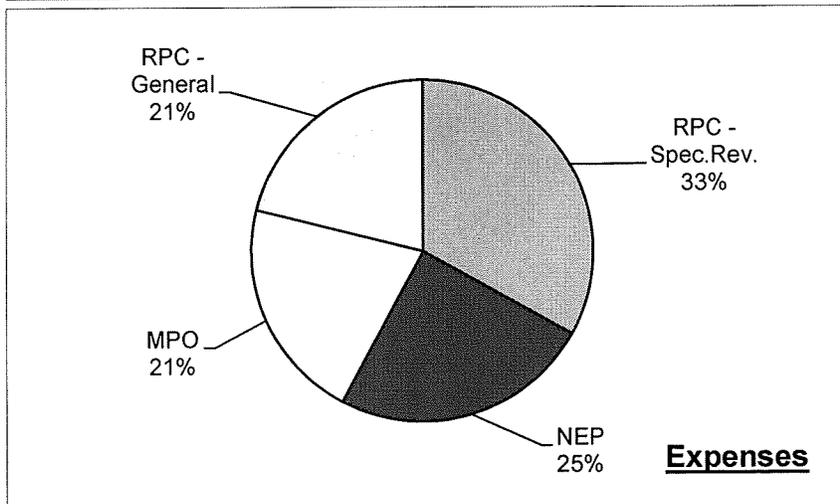
As can be seen in this graph, the net income moves in quarterly cycles.

For the month ending June 30, 2011

Total Revenues	2,474,919
Total Expenses	2,504,195
Net Income	<u>-29,276</u>



Category	Amount
Assessments	362,295
Grants	1,951,490
Dri & Fees	161,134
Interest/Misc.	0
Total	<u>2,474,919</u>



Category	Amount
RPC - Spec. Rev.	914,968
NEP	683,939
MPO	582,754
RPC - General	582,754
Total	<u>2,504,195</u>

RPC-MPO-NEP Combined
Budget vs. Actual
For the month ending June 30, 2011

	Combined Actual	Combined Adopted Budget	Combined Total YTD Amendments	Combined Amended Budget	Combined VARIABLE	75.00%
Revenues						
Membership Dues	362,295	466,669	0	466,669	104,374	77.63%
Federal/State/Local Grants	1,951,490	2,878,931	0	2,878,931	927,441	67.79%
Dri/Monitoring Fees	161,134	200,000	0	200,000	38,866	80.57%
Interest And Miscellaneous	0	30,000	0	30,000	30,000	0.00%
Carry Over Fund Balance		655,716	24,374	680,090		
Total Income	2,474,919	4,231,316	24,374	4,255,690	1,100,681	69.22%
Expenditures						
<u>Direct:</u>						
Salaries	1,235,589	1,706,000	0	1,706,000	470,411	72.43%
FICA	74,143	130,000	0	130,000	55,857	57.03%
Retirement	124,884	181,300	0	181,300	56,416	68.88%
Health Insurance	149,307	180,000	0	180,000	30,693	82.95%
Workers Compensation	7,674	10,000	0	10,000	2,326	76.74%
Total Personnel	1,591,597	2,207,300	0	2,207,300	615,703	72.11%
Consultant Fees	48,273	40,000	0	40,000	-8,273	120.68%
NEP Contractual	158,895	174,000	0	174,000	15,105	91.32%
MPO Contractual	186,701	452,000	0	452,000	265,299	41.31%
Audit Fees	42,220	47,000	0	47,000	4,780	89.83%
Travel	26,099	75,000	0	75,000	48,901	34.80%
Telephone	9,361	8,750	0	8,750	-611	106.98%
Postage	16,589	28,000	0	28,000	11,411	59.25%
Equipment Rental	29,266	32,200	0	32,200	2,934	90.89%
Insurance	18,298	33,200	0	33,200	14,902	55.12%
Repair/Maintenance	13,641	25,000	0	25,000	11,359	54.56%
Printing/Reproduction	76,728	93,500	0	93,500	16,772	82.06%
Utilities (Elec, Gas, Water)	17,500	28,000	0	28,000	10,500	62.50%
Advertising	12,730	13,050	0	13,050	320	97.54%
Other Miscellaneous	1,728	4,500	0	4,500	2,772	38.40%
Office Supplies	14,494	18,500	0	18,500	4,006	78.34%
Computer Related Expenses	47,492	39,000	0	39,000	-8,492	121.77%
Publications	2,024	3,800	0	3,800	1,776	53.27%
Professional Development	34,130	34,000	0	34,000	-130	100.38%
Meetings/Events	52,574	55,800	0	55,800	3,226	94.22%
Capital Outlay-Operations	8,037	25,000	0	25,000	16,963	32.15%
Capital Outlay-Building	0	10,000	0	10,000	10,000	0.00%
Long Term Debt	95,813	128,000	0	128,000	32,187	74.85%
Allocation of Fringe/Indirect		0	0	0	0	
Reserve for Operation Expense		655,716	24,374	680,090	680,090	
Total Cash Outlays	2,504,190	4,231,316	24,374	4,255,690	1,751,500	70.04%
Net Income/(Loss)	-29,271	0	0	0		

Regional Planning Council
Budget vs. Actual
For the month ending June 30, 2011

	Total RPC Special Rev.	RPC General	Total RPC Actual	MPO Actual	CHNEP Actual	Total Combined Actual
Revenues						
Membership Dues	0	362,295	362,295	0	0	362,295
Federal/State/Local Grants	684,797		684,797	582,754	683,939	1,951,490
Dri/Monitoring Fees	161,134		161,134	0	0	161,134
Interest And Miscellaneous	0	0	0	0	0	0
Carry Over Fund Balance	0		0	0	0	0
Total Income	845,931	362,295	1,208,226	582,754	683,939	2,474,919
Expenditures						
<u>Direct:</u>						
Salaries						1,235,589
FICA						74,143
Retirement						124,884
Health Insurance						149,307
Workers Compensation						7,674
Total Personnel						1,591,597
Consultant Fees	38,015	10,258	48,273	0	0	48,273
NEP Contractual	0	0	0	0	158,895	158,895
MPO Contractual	0	0	0	186,701	0	186,701
Audit Fees	0	42,220	42,220	0	0	42,220
Travel	7,200	7,278	14,478	2,961	8,661	26,099
Telephone	0	7,871	7,871	987	503	9,361
Postage	447	5,928	6,375	2,183	8,030	16,589
Equipment Rental	0	29,141	29,141	125	0	29,266
Insurance	0	18,298	18,298	0	0	18,298
Repair/Maintenance	0	13,641	13,641	0	0	13,641
Printing/Reproduction	7,030	1,560	8,590	723	67,415	76,728
Utilities (Elec, Gas, Water)	0	17,500	17,500	0	0	17,500
Advertising	1,306	1,152	2,457	10,273	0	12,730
Other Miscellaneous	0	623	623	360	745	1,728
Office Supplies	1,589	10,603	12,191	1,289	1,013	14,494
Computer Related Expenses	0	42,319	42,319	462	4,710	47,492
Publications	649	1,375	2,024	0	0	2,024
Professional Development	4,060	22,690	26,750	1,670	5,710	34,130
Meetings/Events	10,858	1,982	12,840	1,831	37,903	52,574
Capital Outlay-Operations	0	6,274	6,274	0	1,763	8,037
Capital Outlay-Building	0	0	0	0	0	0
Long Term Debt	0	95,813	95,813	0	0	95,813
Allocation of Fringe/Indirect	477,071	-899,656	-422,586	207,150	215,436	0
Reserve for Operation Expense						
Total Cash Outlays	914,968	322,529	1,237,497	582,754	683,939	2,504,190
Net Income/(Loss)			-29,271			-29,271

Regional Planning Council
Budget vs. Actual
For the month ending June 30, 2011

	DCA	HMEP/SQG EMERG	Economic Developmt.	Hurricane Evac/Coastal Depth Analysis	TDs	DRIs/ NOPCs	Other Contracts	Total RPC Special Rev.
Revenues								
Membership Dues								0
Federal/State/Local Grants	178,818	61,646	25,815	22,500	54,095		341,923	684,797
Dri/Monitoring Fees						161,134		161,134
Interest And Miscellaneous								0
Carry Over Fund Balance								0
Total Income	178,818	61,646	25,815	22,500	54,095	161,134	341,923	845,931
Expenditures								
Direct:								
Salaries								
FICA								
Retirement								
Health Insurance								
Workers Compensation								
Total Personnel								
Consultant Fees	0	7,906	0	0	0	0	30,110	38,015
NEP Contractual	0	0	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0	0	0
Travel	936	2,267	0	0	27	0	3,970	7,200
Telephone	0	0	0	0	0	0	0	0
Postage	35	16	36	39	193	17	111	447
Equipment Rental	0	0	0	0	0	0	0	0
Insurance	0	0	0	0	0	0	0	0
Repair/Maintenance	0	0	0	0	0	0	0	0
Printing/Reproduction	2	43	1	0	0	2	6,981	7,030
Utilities (Elec, Gas, Water)	0	0	0	0	0	0	0	0
Advertising	69	0	0	0	1,237	0	0	1,306
Other Miscelleaneous	0	0	0	0	0	0	0	0
Office Supplies	0	0	0	373	0	0	1,216	1,589
Computer Related Expenses	0	0	0	0	0	0	0	0
Publications	0	0	0	0	0	0	649	649
Professional Development	335	0	2,300	0	0	0	1,425	4,060
Meetings/Events	0	200	13	0	0	0	10,645	10,858
Capital Outlay-Operations	0	0	0	0	0	0	0	0
Capital Outlay-Building	0	0	0	0	0	0	0	0
Long Term Debt							0	
Allocation of Fringe/Indirect	101,600	13,006	53,048	16,530	30,413	90,772	171,700	477,071
Reserve for Operation Expense								
Total Cash Outlays	184,413	33,864	102,700	30,189	56,246	164,156	343,400	914,968
Net Income/(Loss)								

Southwest Florida Regional Planning Council
For the month ending June 30, 2011

Net Income/Loss Statement

	Prior Period	Amended Budget	Current Period	Current Period as % of Rev/Exp	% Change from Prior Period	% of Budget
Revenue						
DCA - GENERAL	165,603		165,603			
DCA - TITLE III	13,215		13,215			
SALT MARSH LANDS	65,109		83,906			
WETLANDS	82,818		82,818			
ECONOMIC DEVELOP.	16,127		25,815			
HMEP-PLANNING and TRAINING	52,546		52,546			
SQG	9,100		9,100			
TD GLADES/HENDRY	29,016		29,016			
TD LEE	25,079		25,079			
COASTAL DEPTH ANALYSIS	22,500		22,500			
NEFRC Pos: FIN-MARC / I/O / EDWARDS / RTIC / TEP	133,498		133,549			
CLIMATE RESILIENCY	13,921		13,921			
PG EAR	20,229		20,229			
TOTAL FEDERAL/STATE/LOCAL GRANTS (RPC)	648,762	728,193	677,297	27.4%	4.4%	93.0%
DRIs/NOPCs - DRI MON.	114,346	200,000	161,134	6.5%	40.9%	80.6%
ASSESSMENTS & MISC INC. (Includes ABM)	366,346	496,669	369,795	14.9%	0.9%	74.5%
CHNEP	612,739	1,036,700	683,939	27.6%	11.6%	66.0%
MPO	480,993	1,114,038	582,754	23.5%	21.2%	52.3%
Total Revenue	2,223,185	3,575,600	2,474,919	100.0%	11.3%	69.2%

Operating Expenses (all 3 entities-RPC,MPO,NEP)

Salaries and Fringe (all personnel)	1,387,651	2,207,300	1,591,597	63.6%	14.7%	72.1%
Consultant Fees	46,133	40,000	48,273	1.9%	4.6%	120.7%
NEP Contractual	141,314	174,000	158,895	6.3%	12.4%	91.3%
MPO Contractual	138,759	452,000	186,701	7.5%	34.6%	41.3%
Audit Fees	42,220	47,000	42,220	1.7%	0.0%	89.8%
Travel	24,824	75,000	26,099	1.0%	5.1%	34.8%
Telephone	8,952	8,750	9,361	0.4%	4.6%	107.0%
Postage	16,179	28,000	16,589	0.7%	2.5%	59.2%
Equipment Rental	23,923	32,200	29,266	1.2%	22.3%	90.9%
Insurance	18,298	33,200	18,298	0.7%	0.0%	55.1%
Repair/Maintenance	12,964	25,000	13,641	0.5%	5.2%	54.6%
Printing/Reproduction	72,745	93,500	76,728	3.1%	5.5%	82.1%
Utilities (Gas,Water, Garb.)	15,200	28,000	17,500	0.7%	15.1%	62.5%
Advertising	11,543	13,050	12,730	0.5%	10.3%	97.5%
Other Miscellaneous	1,728	4,500	1,728	0.1%	0.0%	38.4%
Office Supplies	12,655	18,500	14,494	0.6%	14.5%	78.3%
Computer Related Exps.	36,005	39,000	47,492	1.9%	31.9%	121.8%
Publications	1,961	3,800	2,024	0.1%	3.2%	53.3%
Professional Development	30,500	34,000	34,130	1.4%	11.9%	100.4%
Meetings/Events	52,421	55,800	52,574	2.1%	0.3%	94.2%
Capital Outlay-Operations	6,478	25,000	8,037	0.3%	24.1%	32.1%
Capital Outlay-Building	0	10,000	0	0.0%	-	-
Long Term Debt	85,167	128,000	95,813	3.8%	12.5%	74.9%
Total Operating Expenses	2,187,620	3,575,600	2,504,190	100.0%	14.5%	70.0%
Net Income or (loss)	35,565	0	-29,271			

OVERALL VIEW OF ESTABLISHED ACTIVE GRANTS INCLUDING MPO AND CHNEP

Agency / Contract #	PROJECT NAME	CDFIA/CSFA	GRANT PERIOD	FEDERAL	STATE	OTHER or MATCH	TOTAL	TOTAL SPENT	BALANCE
DCA 11-DR-CC-13-00-21-009	DCA - GENERAL	52-006	7/1/10 - 6/30/11		221,341		221,341	225,122	-3,781
DCA 11-CP-03-13-00-21-087	DCA - TITLE III	52-006	7/1/10 - 6/30/11		40,909		40,909	42,722	-1,813
EPA CD95450310	SALT MARSH LANDS	66-456	10/1/09 - 6/30/12	299,725			299,725	139,101	160,624
EPA CD96484907	WETLANDS	66-456	10/1/07 - 12/31/10	470,494			470,494	470,902	-408
EDA 04-83-06492 (w/match)	ECONOMIC DEVELOP.2010-12	11-300	1/1/11 - 12/31/13	26,500		11,357	37,857	25,815	12,042
DEM 11-DT-83-13-00-21-210	HMEP-PLANNING	20-703	10/1/10 - 09/30/11	18,000			18,000	16,882	1,118
DEM 11-DT-83-13-00-21-210	HMEP-TRAINING	20-703	10/1/10 - 09/30/11	34,546			34,546	15,852	18,694
Glades/Hendry	SQG	N/A	10/1/10 - 09/30/11			9,100	9,100	1,130	7,970
TD AQ064	TD GLADES/HENDRY	55-002	7/1/10 - 6/30/11		35,137		35,137	36,231	-1,094
TD AQ055	TD LEE	55-002	7/1/10 - 6/30/11		29,702		29,702	30,759	-1,057
PO # 413	COASTAL DEPTH ANALYSIS	97-039	10/1/10 - 9/30/11	22,500			22,500	24,513	-2,013
NERPC PO # 332/410	RTIC REVIEW & TEP	97-067	NEFPC Grant			31,713	31,713	28,439	3,275
NERPC PO # 420/334/459	FIN-MARC / I/O / EDWARDS	97-055	NEFPC Grant			127,131	127,131	102,318	24,813
LEE PO # 204716	CLIMATE RESILIENCY	N/A	NEFPC Grant			30,000	30,000	28,735	1,265
PO # 42845	PG EAR	N/A	01/10 - 12/10			28,000	28,000	22,351	5,649
Sponsors	ABM	N/A	N/A			7,500	7,500	4,389	3,111
EPA CE96457406-4	CHNEP	66-456	10/1/06 - 9/30/11	518,350		518,350	1,036,700	683,939	352,761
FHA/US DOT THRU FDOT 420869-1-14-01-0261 (47)	MPO	20-205	7/1/10 - 6/30/11	824,304		179,488	1,003,792	756,593	247,199
FEE BASED	DRIs/NOPCs - DRI MON.	N/A	Fiscal Year			161,134	161,134	164,156	-3,022

SWFRPC
Account Reconciliation
 As of May 31, 2011
 101000 - Cash - Bank of America Oper.
 Bank Statement Date: May 31, 2011

Filter Criteria includes: Report is printed in Detail Format.

Beginning GL Balance		455,930.12
Add: Cash Receipts		122,906.91
Less: Cash Disbursements		(253,504.55)
Add (Less) Other		(51,715.42)
Ending GL Balance		<u>273,617.06</u>
Ending Bank Balance		366,111.27
Add back deposits in transit		
Total deposits in transit		
(Less) outstanding checks		
	Nov 1, 2010	42330 (51.62)
	Feb 1, 2011	42556 (63.19)
	Feb 1, 2011	42567 (55.18)
	Mar 1, 2011	42631 (28.48)
	Apr 1, 2011	42675 (250.00)
	Apr 1, 2011	42712 (200.00)
	Apr 21, 2011	42745 (18.74)
	Apr 21, 2011	42753 (80.00)
	Apr 29, 2011	42773 (250.00)
	Apr 29, 2011	42782 (78.32)
	May 18, 2011	42797 (522.99)
	May 18, 2011	42800 (100.00)
	May 18, 2011	42804 (298.28)
	May 18, 2011	42812 (51.62)
	May 18, 2011	42833 (582.97)
	May 31, 2011	42843 (13,431.00)
	May 31, 2011	42844 (500.68)
	May 31, 2011	42845 (117.59)
	May 31, 2011	42846 (63.19)
	May 31, 2011	42847 (51.62)
	May 31, 2011	42848 (3,458.87)
	May 31, 2011	42849 (949.88)
	May 31, 2011	42850 (427.20)
	May 31, 2011	42851 (34.72)
	May 31, 2011	42852 (179.00)
	May 31, 2011	42853 (450.00)
	May 31, 2011	42854 (2,835.11)
	May 31, 2011	42855 (10.68)
	May 31, 2011	42856 (322.18)
	May 31, 2011	42857 (55.18)
	May 31, 2011	42858 (48.95)
	May 31, 2011	42859 (20.47)
	May 31, 2011	42860 (579.11)
	May 31, 2011	42861 (38.27)
	May 31, 2011	42862 (17,656.88)
	May 31, 2011	42863 (56.07)
	May 31, 2011	42864 (414.50)
	May 31, 2011	42865 (429.51)
	May 31, 2011	42866 (42.72)
	May 31, 2011	42867 (28.48)
	May 31, 2011	42868 (30.26)
	May 31, 2011	42869 (47,630.70)
Total outstanding checks		(92,494.21)
Add (Less) Other		
Total other		
Unreconciled difference		0.00

273,617.06

SWFRPC
General Ledger

For the Period From Jun 1, 2011 to Jun 30, 2011

Filter Criteria includes: 1) IDs: Multiple IDs. Report order is by ID. Report is printed with shortened descriptions and in Summary By Period Format.

Account ID Account Description	Date	Trans Description	Debit Amt	Credit Amt	Balance
101000 Cash - Bank of America O	6/1/11	Beginning Balance			273,617.06
	6/30/11	Current Period Change	162,262.05	316,676.43	-154,414.38
		Ending Balance			119,202.68
101002 Cash - Iberia CDs	6/1/11	Beginning Balance			405,967.64
	6/30/11	Current Period Change	2,031.07		2,031.07
		Ending Balance			407,998.71
101006 Cash - FL Local Gov't Pool	6/1/11	Beginning Balance			107,592.34
	6/30/11	Current Period Change	358.38		358.38
		Ending Balance			107,950.72
101006B Cash - FL Gov't Pool-Fund	6/1/11	Beginning Balance			10,254.43
	6/30/11	Current Period Change	209.51	346.57	-137.06
		Ending Balance			10,117.37

SWFRPC Upcoming Opportunities

Name of Project	Funding Source	Due Date, Total Requested & In-kind or Match	Details & Date Grant Submitted	Lead
Partners for Fish and Wildlife Program	USFWS		Technical Assistance	CHNEP
Coastal Partners Initiative	FDEP	October 2011, requires match, but in-kind volunteer hours are eligible, up to \$50,000	Grassroots restoration, education	Liz
Gulf of Mexico Program	US EPA	June 2011,		Liz
Gulf Coast Ecosystem Restoration grants	unknown	unknown	restoration of the Gulf of Mexico ecosystems	CHNEP
Sustainable Communities	HUD/EPA/DOT	sometime this summer	2nd funding of the FY2010 Sustainable Communities Initiative	Nikki and Jennifer
Climate Ready Estuaries	EPA HQ	April/May, 50% to 100% match can use in-kind	Possible request for funding of economic impacts to environment of climate change	Liz
EPA Brownfields	EPA	Oct-11	TBA	John Gibbons

SWFRPC CURRENTLY WORKING ON

Name of Project	SWFRPC Mission Implemented	Funding Source	\$\$ requested for RPC staff	Total Request	Inkind or Match	Total value of project	Date Grant Submitted	Project Award Date/Length of Grant	Lead
EPA 2011 WPDG	CHNEP	EPA Region 4	not to exceed \$600,000	not to exceed \$600,000	25%	not to exceed \$750,000	5-Jul-11	3 years	Liz/Jim

SWFRPC GRANTS SUBMITTED

Name of Project	SWFRPC Mission Implemented	Funding Source	\$\$ requested for RPC staff	Total Request	Inkind or Match	Total value of project	Date Grant Submitted	Project Award Date/Length of Grant	Lead
Charlotte Harbor: Peer to Peer Experiential Learning through Social Media and Technology	CHNEP	NOAA	\$9,310	\$91,810	\$233,000	\$324,810	10/14/2010	3 yrs.	Maran
EPA 5 STAR	CHNEP	National Fish and Wildlife Foundation		up to \$40,000	100%		2/14/2011		Lee County/Liz
Pine Island Commercial Marina Seagrass Restoration	CHNEP	USFWS	0	94591	44509	139100	4/8/2011	1 year	TNC
Southwest Florida: Sustainable Practices for the 21 st Century	SWFRPC	Community Foundation Grant		\$19,000	\$6,550	\$25,550	5/6/2011	1 year	Jennifer/Liz/Nikki
Understanding Valued Ocean Resources and Their Protection through E-Learning	CHNEP	Nartional Geographic	\$2,000	\$2,000	0	\$2,000	5/20/2011	3 months	Maran

SWFRPC GRANTS SUBMITTED

Name of Project	SWFRPC Mission Implemented	Funding Source	\$\$ requested for RPC staff	Total Request	Inkind or Match	Total value of project	Date Grant Submitted	Project Award Date/Length of Grant	Lead
NSF ITEST Grant	FGCU/SWFRPC/C HNEP	National Science Foundation	\$51,509	??	0		5/10/2011	3 years	Liz

_____ Agenda
_____ Item

3c

SWFRPC/SWF LEPC Sponsored
Hazardous Materials Awareness
Training

3c

3c

SWFRPC/SWF LEPC Sponsored Hazardous Materials Awareness Training

Introduction

The Southwest Florida Regional Planning Council and the Southwest Florida Local Emergency Planning Committee for Hazardous Materials continues to provide outstanding hazardous materials training and assistance to emergency responders and government officials of the region. As in previous years, the Southwest Florida LEPC/SWFRPC is providing free training to government employees of the region. Continuing education and training are essential parts of our mission to provide comprehensive emergency preparedness systems throughout Southwest Florida. Training opportunities can take many forms, from informal “in-house” sessions to major full-scale exercises. Listed below are highlights of a course conducted and current courses for delivery:

Course Name	Date	Location	# of Registrants
8-hour Foam/Ethanol Training	6-8- 2011	Estero	44-Firefighters received training
8-Hour Hazmat/Hazwoper Refresher Course	8-18- 2011	Fort Myers (DEP)	43 Registrants
8-hour Hazmat/Hazwoper Refresher Course	8-19-2011	Naples	72 Registrants
Mental Health in the Aftermath of Disaster (1.5-hour Short Course)	8-25-2011	Fort Myers (RPC)	
Communicating with the media During a Disaster (2-hour Short Course)	8-26- 2011	Fort Myers (RPC)	
Hazardous Materials Generated in a Methamphetamine Lab (1.5-hour Short Course)	8-26-2011	Fort Myers (RPC)	
Responding to Suspected Biological Agents (3-hour Short Course)	8-26-2011	Fort Myers (RPC)	

Course Overview

Foam/Ethanol Training

Course Description: This course provided hands-on training involving the application of foam agents during fire situations. Moreover, firefighters learned the various techniques and the dos and don'ts of foam application, along with the hazards requiring fixed foam protection.

Hazmat/Hazwoper Training

Course Description: The training is primarily geared to public utilities personnel and government inspectors of the region. Employees and employers covered by the OSHA HAZWOPER standard have to take the initial HAZWOPER training which consists of either a 24 or 40 hour course to become HAZWOPER certified.

Mental Health in the Aftermath of Disaster Course

Course Description: Individuals involved in a disaster or in response to a disaster are faced with an inherently stressful situation. Understanding the role of disaster mental health services is essential in order to identify appropriate resources that can help in these situations. Workers must be able to recognize the signs of compassion fatigue and preventive strategies for mitigating stress. Workplaces must not only be prepared for disasters in a physical and business sense, they must also deal with mental health problems that often arise following a disaster.

Communicating with the Media during a Disaster

Course Description: The two hours module gives those involved in a crisis the tools necessary to effectively communicate with the media and the public. Participants in this interactive course have the opportunity to practice communication skills and critique several scenarios. The program is approximately 2 hours in length. Interactive scenarios and role-playing are the instructional methods used in this course.

Responding to Suspected Biological Agents

Course Description: The course provides training for representatives from first responder, law enforcement, and public health agencies regarding collection of suspicious (powder) samples in accordance with Florida Department of Health Bureau of Laboratory guidelines. This ensures timely and accurate laboratory analysis of suspicious non-clinical samples associated with potential public health threats. Participants will have the opportunity to demonstrate their knowledge, skills, and abilities associated with safe and effective sample collection techniques and to utilize appropriate protocols and the sample submission form.

RECOMMENDATION:

None (Information Item)

7/2011

Foam/Ethanol Training Course Roster



Name:	Agency:	E-mail Address:
Sven Anderson	SCPPFD	Anderson @ San Carlos Fire . ORG
Jeremy Louzon	SCPPFD	LOU240@sancharlesfire.org
Cory Hatter	LAFD	CoryH@LehighFD.Com
STEVEN HAYES	LAFD	shayes@edison.edu
Glen Brownlee	EFID	Brownlee @ estero Fire .org
Steve Harris	EFD	Harris @ EsteroFire.org
Matthew S. Larlham	EFR	Larlham @ EsteroFire.org
Lawrence Roalo	FAFD	harry R @ LehighFD.com
Jeff DeBusman	SCPPFD	debusman@sancharlesfire.org
Cw Blosser	BGFD	cwblosser @ hotmail.com
Mike D'Angelo	BGFD	boca335@comcast.net
Joe Amich	PJFA	
Dylan Sulliff	DCVFD	DSULLIFF@yahoo
Pat Bigness	BGFD	
Patrick O'Connor	BGFD	pmoconner@gmail.com
Scott Kaplan	DCVFD	
Jeffri Kaplan	DCVFD	
CARL Beckman	Lorida Fire Dept.	
EARL GRAY	WLVFD	Bigchief@yahoo.com
JOSE OLAMA	SCPPFD	Olama @ San Carlos fire . org.

Foam/Ethanol Training Course Roster



Name:	Agency:	E-mail Address:
Bene Tolliff	Desoto City Vol Fire Dept	
STEVE HERNDEN	CAPE CORAL FIRE DEPT	SHERNDEN@CAPECORAL.NET
Benjamin deBrice	Desoto City Vol. Fire Dept.	
Mike MacAGNA	Estero Fire Rescue	
DAN SIEBER	San Carlos Park FD	Sieber@sancarlosfire.org
DAVID Cambaveri	San Carlos Park Fire / Rescue	Cambaveri@sancarlosfire.org
James Harper	San Carlos Pa Fire/Rescue	harper@sancarlosfire.org
KOLIA MANNING	SAN CARLOS PARK FIRE	MANNING@SAN CARLOS FIRE.ORG
MIKE ASSELIN	SAN CARLOS FIRE RESCUE	ASSELIN@SAN CARLOS FIRE.ORG
JUSTIN SELTAN	SAN CARLOS FIRE RESCUE	SELTAN@SAN CARLOS FIRE.ORG
Glen Van Brunt	" "	vanbruntg@sancarlosfire.org
Gregory Starul	" "	Starul@sancarlosfire.org
Dustin Wagner	" " "	wagner@sancarlosfire.org
Victor Langarica	Lehigh Acres FD	victor1@lehighfd.com
James Hunt	Cape Coral Fire	tdlzmoma@yahoo.com
Chris Martin	ESTERO FIRE RESCUE	
Art Wess	PCFP FSPA	
Mike Morse	Highlands Lakes Vol FD	
Thomas Hunt	Desoto City Vol FD	
Tommy Phillips	Desoto City Vol FD	

_____ Agenda
_____ Item

3d

FL Emergency Planning and
Community Right-To-Know Act
(EPCRA Title III) Contractual
Agreement

3d

**Florida Emergency Planning and Community
Right-to-Know Act (EPCRA Title III)
Contractual Agreement 12-CP-03-13-00-21-141**

The Florida Division of Emergency Management (DEM) has provided Contractual Agreement 12-CP-03-13-00-21-141 for the Southwest Florida Regional Planning Council's (SWFRPC) consideration. The agreement between the SWFRPC and DEM allows the Council to administer the aforementioned EPCRA program. The grant is intended to fund the activities associated with the Southwest Florida Local Emergency Planning Committee which is under the Southwest Florida Regional Planning Council. Moreover, the grant is funded in the amount of \$40,909.00 from July 1, 2011 through June 30, 2012.

Background

In 1986, the United State Congress enacted the Emergency Planning and Community Right-to-Know Act as Title III of the Superfund Amendments and Reauthorization Act or commonly referred to as SARA Title III. The law established reporting mechanisms to address hazardous materials planning. Any facility, public or otherwise which stores, uses or produces hazardous substances at a given quantity, must report the presence of those substances to the Federal Environmental Protection Agency, State Emergency Response Commission, Local Emergency Planning Committee, and in some cases, the local fire department.

On July 6, 1988, Governor Bob Martinez signed into law the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act. The Governor's action established the State's Hazardous Materials Emergency Response Commission (referred as Florida's SERC) as an entity to address the required federal mandate. The SERC provides broad assistance to facilities and local emergency planning committees. Its primary objective is to provide oversight authority and ensure that emergency planning and an implementation structure is in existence.

A local emergency planning committee is the focal point of Title III activities in the community. An LEPC must develop a district-wide hazardous materials plan and update it annually. Under the Community Right-to-Know provisions of the Law, LEPCs are to house chemical information and make the information available or accessible to the public upon request. Moreover, the LEPC serves in an administrative capacity, preparing agendas, answering daily inquires, recording minutes, processing data, housing files and conducting workshops and training seminars.

RECOMMENDATION ACTION:

Approve and authorize the Chairman to execute the Hazardous Materials Emergency Planning and Community Right-To-Know Contractual Agreement.

07/2011

ATTACHMENT

Contract Number: 12-CP-03-13-00-21-141
CSFA 52.023

STATE-FUNDED SUBGRANT AGREEMENT

THIS AGREEMENT is entered into by the State of Florida, Division of Emergency Management, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Division"), and SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL, (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

- A. The Recipient represents that it is fully qualified and eligible to receive these grant funds to provide the services identified herein; and
- B. The Division has received these grant funds from the State of Florida, and has the authority to subgrant these funds to the Recipient upon the terms and conditions below; and
- C. The Division has statutory authority to disburse the funds under this Agreement.

THEREFORE, the Division and the Recipient agree to the following:

(1) SCOPE OF WORK

The Recipient shall perform the work in accordance with the Scope of Work, Attachment A, and the Budget, Attachment B, of this Agreement.

(2) INCORPORATION OF LAWS, RULES, REGULATIONS AND POLICIES

The Recipient and the Division shall be governed by applicable State and Federal laws, rules and regulations.

(3) PERIOD OF AGREEMENT

This Agreement shall begin July 1, 2011 and shall end June 30, 2012 unless terminated earlier in accordance with the provisions of Paragraph (12) of this Agreement.

(4) MODIFICATION OF CONTRACT

Either party may request modification of the provisions of this Agreement. Changes which are agreed upon shall be valid only when in writing, signed by each of the parties, and attached to the original of this Agreement.

(5) RECORDKEEPING

(a) As applicable, Recipient's performance under this Agreement shall be subject to the federal Common Rule: Uniform Administrative Requirements for State and Local Governments" (53 Federal Register 8034) or OMB Circular No. A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," and either OMB Circular No. A-87, "Cost Principles for State and Local Governments," OMB Circular No. A-21, "Cost Principles for Educational Institutions," or OMB Circular No. A-122, "Cost Principles for Nonprofit Organizations." If this Agreement is made with a commercial (for-profit) organization on a cost-reimbursement basis, the Recipient shall be subject to Federal Acquisition Regulations 31.2 and 931.2.

(b) The Recipient shall retain sufficient records to show its compliance with the terms of this Agreement, and the compliance of all subcontractors or consultants paid from funds under this

Agreement, for a period of five years from the date the audit report is issued, and shall allow the Division or its designee, the State Chief Financial Officer or the State Auditor General access to the records upon request. The Recipient shall ensure that audit working papers are available to them upon request for a period of five years from the date the audit report is issued, unless extended in writing by the Division. The five year period may be extended for the following exceptions:

1. If any litigation, claim or audit is started before the five year period expires, and extends beyond the five year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

2. Records for the disposition of non-expendable personal property valued at \$5,000 or more at the time it is acquired shall be retained for five years after final disposition.

3. Records relating to real property acquired shall be retained for five years after the closing on the transfer of title.

(c) The Recipient shall maintain all records for the Recipient and for all subcontractors or consultants to be paid from funds provided under this Agreement, including documentation of all program costs, in a form sufficient to determine compliance with the requirements and objectives of the Scope of Work (Attachment A), the Budget (Attachment B) and all other applicable laws and regulations.

(d) The Recipient, its employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to the Division, its employees, and agents. "Reasonable" shall ordinarily mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not be limited to, auditors retained by the Division.

(6) AUDIT REQUIREMENTS

(a) The Recipient agrees to maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement.

(b) These records shall be available at reasonable times for inspection, review, or audit by state personnel and other personnel authorized by the Department or the Division. "Reasonable" shall ordinarily mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

(c) The Recipient shall provide the Department with the records, reports or financial statements upon request for the purposes of auditing and monitoring the funds awarded under this Agreement.

(d) If the Recipient is a non-state entity as defined by Section 215.97, Fla. Stat., it shall comply with the following:

If the Recipient expends a total amount of State financial assistance equal to or more than \$500,000 in any fiscal year of such Recipient, the Recipient must have a State single or project-specific audit for such fiscal year in accordance with Section 215.97, Fla. Stat.; applicable rules of the Executive Office of the Governor and the Chief Financial Officer; and Chapters 10.550 (local government entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this Agreement shows the State financial assistance awarded by this Agreement. In determining the State financial assistance expended in its fiscal year, the Recipient shall include all sources of State financial assistance, including State funds received from the Division, other state agencies, and other non-state entities. State financial assistance does not include Federal direct or pass-through awards and resources received by a non-state entity for Federal program matching requirements.

In connection with the audit requirements addressed in this Paragraph 6(d) above, the Recipient shall ensure that the audit complies with the requirements of Section 215.97(8), Fla. Stat. This includes

submission of a reporting package as defined by Section 215.97(2)(e), Fla. Stat. and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. If the Recipient expends less than \$500,000 in State financial assistance in its fiscal year, an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat, is not required. In the event that the Recipient expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of Section 215.97, Fla. Stat, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the Recipient's resources obtained from other than State entities). Additional information on the Florida Single Audit Act may be found at the following website: <https://apps.fldfs.com/fsaa/statutes.aspx>.

(e) Report Submission

1. The annual financial audit report shall include all management letters and the Recipient's response to all findings, including corrective actions to be taken.

2. The annual financial audit report shall include a schedule of financial assistance specifically identifying all Agreements and other revenue by sponsoring agency and Agreement number.

3. Copies of financial reporting packages required under this Paragraph 6 shall be submitted by or on behalf of the Recipient directly to each of the following:

The Department of Community Affairs at the following address:
Department of Community Affairs
Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

And

Division of Emergency Management
Bureau of Preparedness
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

The Auditor General's Office at the following address:
Auditor General's Office
Room 401, Claude Pepper Building
111 West Madison Street
Tallahassee, Florida 32399-1450

4. Any reports, management letter, or other information required to be submitted to the Division or the Department of Community Affairs pursuant to this Agreement shall be submitted on time as required under OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

5. Recipients, when submitting financial reporting packages to the Division or the Department of Community Affairs for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the Recipient in correspondence accompanying the reporting package.

(f) If the audit shows that all or any portion of the funds disbursed hereunder were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to the Division of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty (30) days after the Division has notified the Recipient of such non-compliance.

(g) The Recipient shall have all audits completed in accordance with Section 215.97, Fla. Stat. by an

independent certified public accountant (IPA) who shall either be a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above. The audit must be submitted to the Division no later than nine (9) months from the end of the Recipient's fiscal year.

(7) REPORTS

(a) At a minimum, the Recipient shall provide the Division with quarterly reports.

(b) The Recipient shall submit a detailed quarterly program performance report electronically. The report shall describe work performed by the Recipient and all sub-recipients and subcontractors in completing the Scope of Work and the expenditure of funds under this Agreement during the preceding quarter to the Division's contact identified in paragraph (13) of this Agreement no later than 30 days after the end of each quarter. The ending dates for each quarter of the program year are September 30, December 31, March 31 and June 30. The quarterly program performance reports shall contain a narrative highlighting key activities and accomplishments for the preceding quarter and the status of each task identified in the Scope of Work (Attachment A).

(c) If all required reports, deliverables and copies, prescribed above and in the Scope of Work (Attachment A), are not sent to the Division or are not completed in a manner acceptable to the Division, the Division may withhold further payments until they are completed or may take such other action as set forth in Paragraph (11) REMEDIES. "Acceptable to the Division" means that the work product was completed in accordance with the Scope of Work (Attachment A) and the Budget (Attachment B).

(d) The Recipient shall provide such additional program updates or information as may be required by the Division.

The Division may impose a penalty equal to one-percent (1%) of the total grant amount if any of the quarterly reports in (7)(b) or any of the deliverables in the Scope of Work (Attachment A) are not submitted in a timely manner. The Recipient may request an extension to the 30 day deadline due to extenuating circumstances. The Division at its discretion may extend the 30 day deadline upon receipt of a written request from the Recipient.

(8) MONITORING

The Recipient shall monitor its performance under this Agreement, as well as that of its subcontractors and/or consultants who are paid from funds provided under this Agreement, to ensure that time schedules are being met, the Schedule of Deliverables and Scope of Work are being accomplished within the specified time periods, and other performance goals are being achieved. A review shall be done for each function or activity in Attachment A to this Agreement, and reported in the quarterly report.

In addition to reviews of audits conducted in accordance with paragraph (6) above, monitoring procedures may include, but not be limited to, on-site visits by Division staff, limited scope audits, and/or other procedures. The Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Division. In the event that the Division or the Department determines that a limited scope audit of the Recipient is appropriate, the Recipient agrees to comply with any additional instructions provided by the Division or the Department to the Recipient regarding such audit. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Florida Chief Financial Officer or Auditor General. In addition, the Division will monitor the performance and financial management by the Recipient throughout the contract term to ensure timely completion of all tasks.

(9) LIABILITY

(a) Unless Recipient is a State agency or subdivision, as defined in Section 768.28, Fla. Stat., the

Recipient is solely responsible to parties it deals with in carrying out the terms of this Agreement, and shall hold the Division harmless against all claims of whatever nature by third parties arising from the work performance under this Agreement. For purposes of this Agreement, Recipient agrees that it is not an employee or agent of the Division, but is an independent contractor.

(b) Any Recipient which is a state agency or subdivision, as defined in Section 768.28, Fla. Stat., agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Division, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in Section 768.28, Fla. Stat. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(10) DEFAULT

If any of the following events occur ("Events of Default"), all obligations on the part of the Division to make further payment of funds shall, if the Division elects, terminate and the Division has the option to exercise any of its remedies set forth in Paragraph (11). However, the Division may make payments or partial payments after any Events of Default without waiving the right to exercise such remedies, and without becoming liable to make any further payment:

(a) If any warranty or representation made by the Recipient in this Agreement or any previous agreement with the Division is or becomes false or misleading in any respect, or if the Recipient fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous agreement with the Division and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;

(b) If material adverse changes occur in the financial condition of the Recipient at any time during the term of this Agreement and the Recipient fails to cure this adverse change within thirty days from the date written notice is sent by the Division.

(c) If any reports required by this Agreement have not been submitted to the Division or have been submitted with incorrect, incomplete or insufficient information;

(d) If the Recipient has failed to perform and complete on time any of its obligations under this Agreement.

(11) REMEDIES

If an Event of Default occurs, then the Division may, after thirty calendar days written notice to the Recipient and upon the Recipient's failure to cure within those thirty days, exercise any one or more of the following remedies, either concurrently or consecutively:

(a) Terminate this Agreement, provided that the Recipient is given at least thirty (30) days prior written notice of the termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail-return receipt requested, to the address in paragraph (13) herein;

(b) Begin an appropriate legal or equitable action to enforce performance of this Agreement;

(c) Withhold or suspend payment of all or any part of a request for payment;

(d) Require that the Recipient refund to the Division any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds.

(e) Exercise any corrective or remedial actions, to include but not be limited to:

1. request additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance,
2. issue a written warning to advise that more serious measures may be taken if the situation is not corrected,
3. advise the Recipient to suspend, discontinue or refrain from incurring costs for any activities in question or
4. require the Recipient to reimburse the Division for the amount of costs incurred for any items determined to be ineligible;

(f) Exercise any other rights or remedies which may be available under law.

(g) Pursuing any of the above remedies will not stop the Division from pursuing any other remedies in this Agreement or provided at law or in equity. If the Division waives any right or remedy in this Agreement or fails to insist on strict performance by the Recipient, it will not affect, extend or waive any other right or remedy of the Division, or affect the later exercise of the same right or remedy by the Division for any other default by the Recipient.

(12) TERMINATION

(a) The Division may terminate this Agreement for cause after thirty days written notice. Cause can include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform on time, and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Fla. Stat., as amended.

(b) The Division may terminate this Agreement for convenience or when it determines, in its sole discretion that continuing the Agreement would not produce beneficial results in line with the further expenditure of funds, by providing the Recipient with thirty calendar days prior written notice.

(c) The parties may agree to terminate this Agreement for their mutual convenience through a written amendment of this Agreement. The amendment will state the effective date of the termination and the procedures for proper closeout of the Agreement.

(d) In the event that this Agreement is terminated, the Recipient will not incur new obligations for the terminated portion of the Agreement after the Recipient has received the notification of termination. The Recipient will cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. The Recipient shall not be relieved of liability to the Division because of any breach of Agreement by the Recipient. The Division may, to the extent authorized by law, withhold payments to the Recipient for the purpose of set-off until the exact amount of damages due the Division from the Recipient is determined.

(13) NOTICE AND CONTACT

(a) All notices provided under or pursuant to this Agreement shall be in writing, either by hand delivery, or first class, certified mail, return receipt requested, to the representative named below, at the address below, and this notification attached to the original of this Agreement.

(b) The name, address, telephone number, fax number and email address of the Division Program manager for this Agreement is:

Mr. Timothy Date
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Telephone: (850) 410-1272
Fax: (850) 488-1739
Email: tim.date@em.myflorida.com

(c) The name, address, telephone number, fax number and email address of the Representative of the Recipient responsible for the administration of this Agreement is:

Mr. John Gibbons
1926 Victoria Avenue,
Fort Myers, Florida, 33901
Telephone: (239) 338-2550 Ext. 229
FAX: (239) 338-2560
E-Mail: jgibbons@swfrpc.org

(d) In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, address, telephone number, fax number and email address of the new representative will be provided as outlined in (13)(a) above.

_____ Agenda
_____ Item

4

ADMINISTRATIVE
ISSUES

4

4

_____ Agenda
_____ Item

4a

SWFRPC Committee Reports

4a

4a

_____ Agenda
_____ Item

4a1

4a1

Budget & Finance Committee

4a1

4a1

	As Is - No change	Impl 11-12	37 hour - 9 wks	32 hour - 9 wks
Assessments	116,667.15	116,667.15	116,667.15	116,667.15
Aug-Sept Unfunded	-60,260.93	-24,015.80	-55,741.36	-48,208.74
Buy Out	-92,000.00	-92,000.00	-92,000.00	-92,000.00
Leave Payment	0	-20,000.00		
Net Loss	-35,593.78	-19,348.65	-31,074.21	-23,541.59

Projected Personnel Costs for 9 weeks - August and September

Direct & Indirect Charges	Local (plus former DCA)	Fringe
121,085.18	-60,260.93	48,990.54
	<u>116,667.15</u>	
	56,406.22	
	<u>-92,000.00</u>	
	-35,593.78	

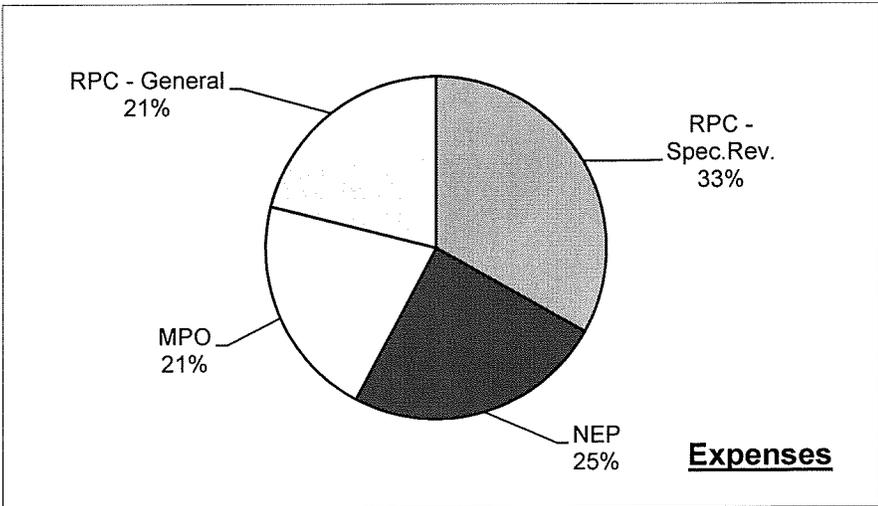
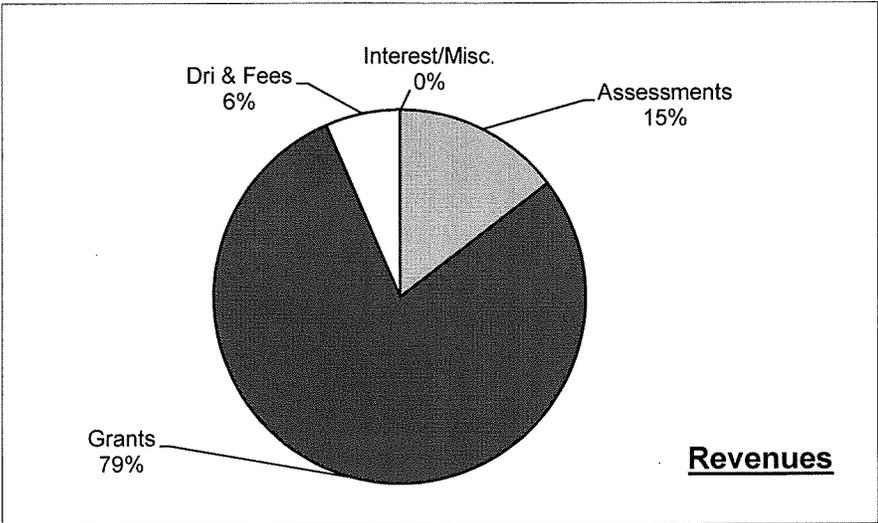
Financial Summary

At 75.00% though the fiscal year expenses percentages are as follows:

The overall percentage of the Budget spent is	70.04%
The percentage of the RPC Budget spent is	86.85%
The percentage of the MPO Budget spent is	52.31%
The percentage of the NEP Budget spent is	65.97%

For the month ending June 30, 2011 -29,271.34 is our YTD net income.

Total revenues to date are: 2,474,919
Total expenses to date are: 2,504,195



SWFRPC
Balance Sheet
June 30, 2011

ASSETS

Current Assets		
Cash - Bank of America Oper.	\$	119,202.68
Cash - Iberia CDs		407,998.71
Cash - FL Local Gov't Pool		107,950.72
Cash - FL Gov't Pool-Fund B		10,117.37
Petty Cash		200.00
Accounts Receivable		274,162.58
Accounts Receivable-MPO		163,820.66
Bulk Mail Prepaid Postage		903.73
Amount t.b.p. for L.T.L.-Leave		79,125.53
FSA Deposit		3,200.00
Amt t.b.p. for L.T.Debt-OPEP		28,332.00
Amount t.b.p. for L.T.Debt		<u>1,171,949.75</u>
 Total Current Assets		 2,366,963.73
Property and Equipment		
Property, Furniture & Equip	2,029,003.19	
Accumulated Depreciation	<u>(440,991.63)</u>	
 Total Property and Equipment		 <u>1,588,011.56</u>
 Total Assets	 \$	 <u><u>3,954,975.29</u></u>

LIABILITIES AND CAPITAL

Current Liabilities		
Retainage Payable	\$	62,946.19
Deferred Income		372,522.13
United way Payable		762.30
Accrued Annual Leave		79,125.53
Long Term Debt - OPEB		28,332.00
Long Term Debt - Bank of Am.		1,171,949.75
ABM Cela Tega Event		200.00
LEPC Contingency Fund		<u>305.25</u>
 Total Current Liabilities		 <u>1,716,143.15</u>
 Total Liabilities		 <u>1,716,143.15</u>
Capital		
Fund Balance-Unrestricted		36,091.62
Fund Balance-Restricted		644,000.00
Fund Balance-Fixed Assets		1,588,011.56
Net Income		<u>(29,271.04)</u>
 Total Capital		 <u>2,238,832.14</u>
 Total Liabilities & Capital	 \$	 <u><u>3,954,975.29</u></u>

Mr. Heatherington's proposal for Separation Severance includes the following:

Scheduled Leave:	160 hours	\$8,961.00
Unscheduled Leave:	200 hours	\$11,202.10
Health:	18 months	\$10,467.36
Compensation:	24 weeks	\$53,760.00
Retirement:	14 months	\$7,021.14
Half payment AICP	12 months	\$320.50
TOTAL:		\$91,732.60

_____ Agenda
_____ Item

4a2

4a2

FY2012 Budget Committee

4a2

4a2

New Strategic Direction of the SWFRPC

Working Efficiently and Accurately

Process

Two phase approach:

ITEM 1

Discussion One - By July 21 Meeting:

- Deal with the immediate issues related to the budget and interim director.
- Provide the groundwork for the future direction and request approval to continue our work.

ITEM 2

Discussion Two - Long-Term Approach:

- Develop recommendations for the future direction and needed action steps by the November RPC meeting, with interim updates at the September and October meetings.
- This would define the future direction by incorporating the input, buy-in and support of all stakeholders, not just council members. Note that by that time we may more fully understand changes at the State level regarding DCA and procedures the RPC may need to add to fill any holes in the DRI or comprehensive plan review processes.
- November appears a long way off but we may need the time to develop buy-in and to eliminate the current uncertainties in the regulations. We should not hire a new leader without fully understanding the future direction of the RPC.

Mission

New Direction:

Current Mission:

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

Proposed Mission:

*"To work together across neighboring communities to consistently protect and **preserve** the unique character of our **environment**, **strengthen our economy**, and **improve** our social world for the benefit of future generations."*

New Direction:

- *The RPC's role in the social and economic segments of the mission statement.*
- *Include Regional Visioning and Economic Development, along with planning.*
- *Review of the MPO and NEP roles in relation to the RPC.*
- *Grant projects should be examined to ensure that they fit within the RPC mission and do not require additional resources beyond the grant funding.*
- *Elimination of DCA at the State level may add the need for additional review work at the regional level by the RPC. (Cities and counties may want this additional review particularly for projects that are now exempt from DRI review as they are in Dense Urban Areas.)*

Key Competences

We now have a unique opportunity to include these competencies.

Should the council agree with this direction, all stakeholders:

- cities
- counties
- business and development communities
- educational institutions (i.e. FGCU)

would need to buy-in to the direction and support the person selected to lead the RPC long-term, in order for the RPC to be effective.

FY 2011-2012 Budget

Goal	Challenge	Recommendations	Accomplishments
<p>Balance Budget</p> <p>A \$400,000 surplus for Executive Director Search and Hire</p>	<p>Loss of \$250,000 DCA Funding</p> <p>Uncertainty of other funding sources</p>	<p>Reduction of operational expenses</p> <p>Proposed staff reductions</p>	<p>Balanced Budget with \$400,000 surplus for Executive Director Search and Hire</p> <p>Staff continues to identify additional revenue sources</p>

ORGANIZATION PROPOSAL

Based on known revenue

EXECUTIVE DIRECTOR

Interim 1 Staff

FTE = (Full Time Equivalent)

PLANNING FUNCTIONS: Community Planning, Economic Dev, Social (preparedness)

REDUCE 2 FT PLANNERS

PLANNERS

5 Planners
4.9 - FTE

**PLANNING
SUPPORT**

5 Staff
4 - FTE

**ADMIN
SUPPORT**

1 Staff
1 - FTE

ADMINISTRATION FUNCTIONS

REDUCE 2 ADMIN STAFF

**LEGAL
COUNSEL**

1 Staff
0.15 FTE

**FINANCIAL
SERVICES**

1 Staff
1 - FTE

**ADMIN SUPPORT
ACCOUNTING /
FACILITIES /
HR**

3 Staff
2 - 0.30 FTE
1 - 0.8 (32 hr)

**MIS/WEB
SUPPORT**

3 - Staff
0.5 FTE

NOTES:

All SWFRPC staff take 7% weekly reduction of hours (3 hours every week); CHNEP & MPO staff unaffected; reevaluate end of 1st Q FY12; Budget has funds for Executive Director search and salary

_____ Agenda
_____ Item

4a3

4a3

Estero Bay Agency on Bay
Management

4a3

4a3

Estero Bay Agency on Bay Management

The regular meetings of the Estero Bay Agency on Bay Management was held on Monday, May 9, 2011 and June 13, 2011 in the SWFRPC 1st Floor Conference Room in Fort Myers, Florida. The meeting scheduled for July 11, 2011 did not occur since polling determined there would not be a quorum, as is common in July.

The Minutes of the April 11, 2011 and May 9, 2011 meetings were approved and are attached.

In April, Mr. James Beever presented a report on the Revised Watershed Analysis of Permitted Coastal Wetland Impacts and Mitigation. This project identifies the regional impacts of the current wetland impact permitting process and program of compensatory wetland mitigation and evaluates the successes of and problems with state and local mitigation strategies implemented in the Charlotte Harbor National Estuary Program study area, focusing on coastal (marine and estuarine) habitats.

Ms. Whitney Gray presented a report on Climate Change Vulnerability Assessment and Adaptation Opportunities for Salt Marsh Communities in Southwest Florida. The salt marsh communities of Southwest Florida are perhaps some of the most unique and rare salt marsh systems in the United States. The salt marsh offers numerous ecosystem services including recreational, commercial, and aesthetic values to man. It provides the foundation of life to a variety of resident and transient organisms, especially the six federally listed and 23 state-listed animal species found there. The SWFRPC and the Charlotte Harbor National Estuary Program is in the process of an inventory and mapping of the physical extent of six types of salt marsh present within the CHNEP Study Area. We then identify significant potential effects on these salt marsh ecosystems from anticipated climate change. Opportunities for avoidance, minimization, mitigation and adaptation that could be implemented will be identified. An interactive GIS mapping product depicting the project outputs will be uploaded to the CHNEP website for use by researchers and the public. Natural functions that provide ecosystem resiliency will be identified along with policy, land stewardship and structural options.

The Status of Estero Bay Aquatic Preserve Field Office was discussed. Ms. Heather Stafford said that the Estero Bay and Biscayne Bay Aquatic Preserve Field Offices had their funding restored in the Governor's budget. She expressed her thanks to the ABM and the CHNEP with a special thanks to Representative Trudi Williams and Senator Hayes. Ms. Stafford also reported that 13 of the 41 aquatic preserve offices will not be managed as they are being taken over by another agency or aquatic preserve

The draft Edison Farms land acquisition support letter was reviewed and approved. The status of the Pelican Landing beach renourishment and groins was reviewed. The Mullock Creek Marina Notice of General Permit was discussed. The Draft Clean Water Act Guidance Request for Comments was discussed and sent to the next agenda for a comment letter.

A plan to see if an alternate meeting time could be set for the EBABM to meet Commissioner Bigelow's changed schedule was agreed upon and a survey developed for the membership to utilize.

The Estero Council of Community Leaders was added to the membership of the EBABM.

In May, Deputy Director Shelly Redovan of the Lee County Mosquito Control District presented a report and reviewed topics such as areas in impoundment, salt water mosquitoes, mosquitoes' life cycle, integrated pest management, source reduction via impounding or ditching, larvaecide and adulticide. She stated that mosquito ditching is functioning as designed.

Ms. Gloria Beauchamp, Park Manager, of Lover's Key State Park provided a brief update on the park. Over 700,000 people had come to the park which was a 4% increase from last year. A fishing pier was now under construction which should be completed by the end of June. There were seven sea turtle nests, eight least tern nests and four fledglings to date.

Dr. Everham presented a report on the FGCU Master Plan Update. He reviewed the changes to Sections 1, 3, 4, 8 and 16 stating that the transportation and conservation areas gave the best opportunity for feedback. Responses are due by July 23rd to FGCU.

Letters were reviewed and approved on the mangrove rivulus de-listing, multiple thank you letters to presenters to the EBABM, a welcome letter to Steve Magiera, FGCU Vice President for Administrative Services & Finance, a support letter for federal Clean Water Act Guidance Letter

The media release guideline discussion was tabled. The Doodle survey results for EBABM Meeting Day and Time was discussed. The first or second Monday of each month was the only days when a quorum could be achieved. A motion was passed that a letter should be sent to Ms. Hawes, the Lee County Administrator to ask Lee County to change their revised meeting times to enable Lee County representatives that represent to be able to attend the ABM meeting that has been meeting regularly on the second Monday for 17 years.

The line-item vetoes from the Governor and the budget issues of the SWFRPC, EBABM, Lee County, and FGCU were discussed and reviewed in emerging issues.

Information on the EBABM can be found at <http://www.swfrpc.org/abm.html>

RECOMMENDED ACTION: Information only.

6/2011



MINUTES OF THE ESTERO BAY AGENCY ON BAY MANAGEMENT

Held on April 11, 2011

The regular meeting of the Estero Bay Agency on Bay Management was held on March 14, 2011 at the Southwest Florida Regional Planning Council offices in Fort Myers, Florida.

NAME	ORGANIZATION
Jim Beever	SWFRPC
Lisa Beever	Charlotte Harbor NEP
Commissioner Brian Bigelow	SWFRPC
Brad Cornell	Audubon of Florida
John Curtis	Johnson Engineering
Wayne Daltry	Sierra Club
Nora Demers	RGMC
Win Everham	FGCU
Jennifer Hecker	Conservancy of Southwest Florida
Renee Kwiat	LCPA
Keith Laakonen	Fort Myers Beach
Sarah Larsen	FGCU
Laura Miller	League of Women Voters of Lee County
Paul O'Connor	Lee County
Pete Quasius	Audubon of SWF / Snook Foundation
Heather Stafford	FDEP Aquatic Preserves
Jennifer Thera	FDEP
Lynda Thompson	Lee County 2020
Heather Stafford	FDEP Aquatic Preserves

Agenda Item #1 – Call to Order

Chair O'Connor called the meeting to order at 9:30 a.m. and welcomed Commissioner Bigelow from District 2 and Mr. Wayne Daltry as new members.

Agenda Item #2 – Attendance

Attendance was taken through the sign-in sheet.

Agenda Item # 3 – Additions, Deletions or Corrections

Mr. Beever said that there was a need for a Vice-Chair as Tom Babcock was no longer on the Fort Myers Beach Council and the SWFRPC.

Agenda Item #4 – Election of Vice-Chair

Dr. Beever volunteered to be Vice-Chair. Dr. Beever was subsequently elected by unanimous vote of the EBABM.

**MOTION BY MR. QUASIUS AND SECONDED BY DR. DEMERS TO
NOMINATE AND ELECT DR. BEEVER AS VICE-CHAIR. MOTION
CARRIED UNANIMOUSLY.**

Agenda Item #5 – Presentations

- a. “FGCU Master Plan”
- b. <http://www.fgcu.edu/Facilities/MasterPlan.html>

Dr. Everham presented this item and briefly reviewed the FGCU Master Plan which had been discussed at the IAS meeting which had 18 elements. The first element was the Academic Mission of the university.

Chair O’Connor asked Dr. Everham to explain the timeframe to submit comments. Dr. Everham explained that the first public hearing will be on April 15th at FGCU in Academic Building 5, Room 112. On April 23rd, the Master Plan will be submitted to the appropriate regulatory

agencies whom will have 90 days to conduct their review and provide comments. He also stated that Environmental Studies students are rewriting the objectives.

Dr. Beever asked how many goals there were.

Dr. Everham said that almost all objectives had just one goal through #11.

Discussion on the academic mission ensued.

Mr. Cornell said it would be interesting to know what topics are going to be covered by someone else (i.e. infrastructure, recreation, open space, etc.)

Discussion on master plan and solar field, connecting roadways, dorms, parking structures, campus boundary, student housing, accommodating future growth, etc. continued.

Mr. Daltry expressed his concern that the campus is not self-sufficient in terms of commercial services (gas stations, dry cleaners, restaurants, etc.) and asked where was all the money coming for sprawl when savings coming from compactness (transportation, energy, cost to the students, maintaining quality professorial staff, etc.).

Discussion ensued on meeting needs of faculty, staff and students and the increased student costs and transit. The campus planning will be in two layers for parking for commuter students and resident students.

Dr. Demers said that there was approximately 6,000 students for housing on campus and that she had not seen anything about public transportation, bicycles, etc. as it all centered

Discussion ensued on building a transit system into future roadways and the I-75 expansion and decreased dependence on single-occupancy vehicles.

Commissioner Bigelow asked for a Year 1 and Year 10 campus population figures to obtain a better picture of the planning horizon. He felt that reduction of impervious surfaces should be a goal and that there was a need to create and introduce other modes of transportation on the university grounds.

Discussion ensued on appointing a spokesperson or group to discuss this issue with the President as well as holding workshops and charettes on the FGCU campus.

Dr. Everham said that he would like Dr. Beever to be present at the public hearing on April 15th. Dr. Beever agreed to present the recommendations of the EBABM to the FGCU plan review committee.

Agenda Item #5– Minutes of March 14, 2011

MOTION BY MR. DALTRY AND SECONDED BY DR. EVERHAM TO APPROVE THE MINUTES OF MARCH 14, 2011.

Dr. Demers had a correction on Agenda Item #5 where it said “Dr. Demers asked . . .” as it was not her comment and suggested that it might have been Dr. Everham.

Dr. Beever said that on Page 6, the minutes reflected an abstention by Dr. Beever on the second motion. It should have read Heather Stafford as the member who abstained. On Page 7 in the second paragraph in Agenda Item #15, it should have read “State of Phosphate Mining Science Conference.”

Ms. Stafford stated that she also had a correction on the Agenda Item #9 as she abstained because of the State Parks support letter.

MOTION CARRIED AS AMENDED UNANIMOUSLY.

Agenda Item #6 – Draft Pelican Landing Letter

Dr. Everham presented this item.

Discussion ensued.

Dr. Beever said that on the last paragraph on the first page where the letters refers to introducing the ABM's concern about the project, the wording needs to spell out that the ABM recommended against the project completely and then explain the ABM's greatest concern as it was not stated clearly in the draft.

Discussion continued. Dr. Everham said that he could put the wording "against any proposal that includes modification to hardened structure on the shoreline."

Discussion continued on minor formatting changes to the draft letter. Ms. Larsen suggested that the wording be stated in such a way to capture the intent of the ABM's opposition to this particular project and to make a recommendation against hardened structures.

Dr. Beever said that the language "if you do end up using an inland source" should be changed to "if you utilize an inland source".

Mr. Cornell said that "proposed" should be "propose".

Dr. Beever stated that "particularly" should be used rather than "particular".

MOTION BY MR. QUASIUS AND SECONDED BY MS. KWIAT TO APPROVE THE DRAFT PELICAN LANDING LETTER WITH THE

SUGGESTED CHANGES. MOTION CARRIED WITH HEATHER STAFFORD, JENNIFER THERA AND COMMISSIONER BIGELOW ABSTAINING.

Discussion initiated by Dr. Everham as to whom the letter should be sent to. The committee members stated that it should be sent to the presenter, the City of Bonita Springs, the various permitting agencies and the SWFRPC.

Agenda Item #7 – Status of State Wildlife Listing

Mr. Beaver presented this item and the process involved. He explained that he would link the reports to be placed on the SWFRPC website. It will be going to the Commission for approval on June 8th.

Discussion ensued.

Commissioner Bigelow asked if there had been any independent agencies that reviewed the species in Estero Bay to have a justified statement of concern for the Commission.

Mr. Beaver said that there were no independent agencies to review them because the FWC is the state wildlife agency.

Commissioner Bigelow asked if anyone had local documented evidence of the brown pelican.

Mr. Beaver said yes but that it was unlikely for the FWC to change their mind based on this evidence.

Discussion continued.

Mr. Beever said that several of the peer reviewers discussed reasons the species should not be de-listed but did not stand up to the FWC although they had the data to support retaining the species on the list.

Dr. Demers asked what could be done. Mr. Beever said that the ABM could make comments if they so desired.

Mr. Beever stated that 16 species were suggested to be removed from the list, 3 threatened and 13 of special concern.

MOTION BY DR, DEMERS TO HAVE MR. BEEVER SEND A LETTER AS HE DEEMED APPROPRIATE. DR. EVERHAM SECONDED THE MOTION.

Commissioner Bigelow suggested that this list should be focused on Estero Bay Watershed.

Dr. Everham said he agreed with Commissioner Bigelow that the ABM should focus on the wildlife present in our watershed and that flaws in the process should be identified.

Mr. Beever said that he would put together a table with this information to identify the data.

Discussion continued on removing species from list. Dr. Demers asked about input from others before June 8th.

Mr. Beever said that the management plan could be developed before June 8 or could be developed after June 8th. We had this same scenario with the bald eagle.

Dr. Everham offered the following addition to the letter with the wording to say that “wherever species were recommended as not being listed because the reviewers indicate data is insufficient, the management plan must contain careful monitoring of populations as we go forward.”

Mr. Beever stated that the species that have the possibility of being removed were species that stand in the way of development.

DR. BEEVER ABSTAINED. MOTION CARRIED.

Agenda Item #8 – Committee Reports and Scheduling

Dr. Demers said that the Cela Tega would be on November 2nd and that she had prepared a “Save The Date” notice. The notice should be sent to the RPC list and work should begin on obtaining speakers.

Mr. Beever said that sponsors should also be obtained.

Dr. Demers stated that the Student Government would cover the food and FGCU was covering the venue. Ms. Larsen stated that the Student Government was covering two breaks and lunch.

Mr. Quasius asked how about travel expenses for speakers.

Dr. Demers said that she had talked with Margart Banyan concerning Mr. Fishkind. He did not receive an honorarium. She also stated that Mr. Weiskopf would be a good choice and asked about continuing education credits. Mr. Beever said that she should discuss this with Jason Utley of RPC staff.

Dr. Beever said a micro grant was also a possibility through the CHNEP.

Dr. Demers said that she would contact Mr. Weiskopf.

Dr. Everham said that the agenda for the next IAS meeting would include the Pelican Landing letter, Master Plan, the changes to the FWC rules and the Tampa Bay Study. The next meeting will be on April 21st at FGCU.

Agenda Item #9 – Emerging Issues

Dr. Beever said that Gulf Restoration Task Force had been tasked with developing a strategy that will help buy resources from the Gulf Oil spill to restore the Gulf of Mexico ecosystem. There will be three sessions that each NEP is hosting on Monday, April 18th in Sarasota; a listening session for local government and scientists on April 19th here at the SWFRPC and an Industry Listening Session at TBRPC on April 19th from 3:00 to 5:00 p.m.

Ms. Stafford provided an update on the Estero Bay Aquatic Preserves budget. There would be a loss of 23 positions statewide and of all positions at Estero Bay.

Discussion continued.

Commissioner Bigelow suggested that the RPC send a letter to support the continual funding of the Estero Bay Aquatic Preserves.

MOTION BY COMMISSIONER BIGELOW AND SECONDED BY DR. EVERHAM TO HAVE THE SWFRPC SEND A LETTER OF SUPPORT FOR THE CONTINUAL FUNDING THE ESTERO BAY AQUATIC PRESERVES. MOTION CARRIED WITH AN ABSTENTION BY MS. STAFFORD.

Mr. Beever stated that the legislature had amended the two bills on the fertilizer preemption. The bill would no longer preempt the existing ordinances and would allow for additional ordinances. He stated that a thank you letter would be sent to Representative Trudi Williams and that Collier County was also moving towards a fertilizer ordinance as well.

Agenda Item #10 – Announcements

Commissioner Bigelow suggested adding Public Comments for Items on the Agenda after calling the meeting to order and to have Emerging Issues, Announcements and Members Items combined together. He would like to see the agenda online as the RPC is very interested in what committees are doing, their roster and the Work Plan. At the next meeting, he stated that he would like to talk about how the ABM would make the RPC aware of what they do as there is lot this committee is attempting to do which is largely unknown by the community.

Agenda Item #11 – Public Comments on Items Not on the Agenda

None.

Agenda Item #12 – Next Meeting, Time, Place, Agenda Items

The Cela Tega/IAS meeting will be held on Monday, April 18, 2011 at 1:00 p.m. at FGCU and the ABM meeting will be on Monday, May 9, 2011 at 9:30 a.m. at the SWFRPC offices.

Agenda Item #13 – Adjournment

Meeting adjourned at 11:42 a.m.



Save the Date

Conservation Lands' Economic Value Cela Tega

Wednesday, November 2, 2011

8:00 am - 5:00 pm

Student Union Ballroom

Florida Gulf Coast University

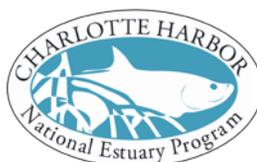
Purpose: To identify and discuss the economic benefit of conservation lands in the Estero Bay Watershed

For more information contact

Nora Demers ndemers@fgcu.edu or (239) 590-7211

Cela Tega is the southwest Florida native (i.e.: Calusa) term for "A view from high ground".

We used it here to symbolize "overview".





MINUTES OF THE ESTERO BAY AGENCY ON BAY MANAGEMENT

Held on June 13, 2011

The regular meeting of the Estero Bay Agency on Bay Management was held on June 13, 2011 at the Southwest Florida Regional Planning Council offices in Fort Myers, Florida.

NAME	ORGANIZATION
Gloria Beauchamp	FDEP/Lovers Key
Jim Beever	SWFRPC
Lisa Beever	CHNEP
Brenda Brooks	CREW
David Ceilley	Self
Brad Cornell	Audubon of Florida
John Curtis	Johnson Engineering
Nora Demers	Responsible Growth Management Coalition
Peggy Egan	Izaak Walton League
Win Everham	FGCU
Harry Gottlieb	FMBCA
Renee Kwiat	LCPA
Keith Laakkonen	Town of Fort Myers Beach
Laura Miller	LWV of Lee County
Erin Rasnake	FDEP – South
Shelly Redovan	Lee County Mosquito Control District
Heather Stafford	Estero Bay Aquatic Preserve
Lynda Thompson	Lee County

Agenda Item #1 – Call to Order

Dr. Beever called the meeting to order at 9:30 a.m. Introductions were made.

Agenda Item #2 – Attendance

Attendance taken through the sign-in sheet.

Agenda Item #3 – Agenda Additions, Deletions or Corrections

None.

Agenda Item #4 – Public Comments on Items Not on the Agenda

None.

Agenda Item #5 – Minutes of May 9, 2011

Dr. Beever said that Sarah Larsen had forwarded corrections to the minutes from Linda Thompson. Dr. Demers stated that she had two minor corrections – the Cela Tega was being held in the Student Union Ballroom and that the spelling of Dr. Weiskoff's name should be corrected.

MOTION BY DR. DEMERS AND SECONDED BY MS. BROOKS TO APPROVE THE MINUTES OF MAY 9, 2011 AS AMENDED. MOTION CARRIED UNANIMOUSLY.

Agenda Item #6 – Presentations: Mosquito Control in the Estero Bay Watershed

Deputy Director Redovan presented a report and reviewed topics such as areas in impoundment, salt water mosquitoes, mosquitoes' life cycle, integrated pest management, source reduction via impounding or ditching, larvaecide and adulticide. She stated that mosquito ditching is functioning as designed.

Deputy Director Redovan discussed the various ways of controlling mosquitoes, the challenges involved in areas where adulticides cannot be used and the differences between the east coast and west coast of Florida with respect to ditching and impounding.

Discussion ensued on dosage of pesticides, effects on salt marshes, restriction of applications, non-target impact on organisms and coastal systems and the West Nile malaria virus.

Dr. Everham asked if Deputy Redovan knew to which degree storm water retention ponds become breeding sites.

Deputy Redovan said it depends on how ponds are managed, how much aquatic vegetation is in the pond and if it is healthy enough to support fish.

Discussion on abandoned pools ensued. Deputy Director Redovan stated that an inspector is sent out to check for mosquito breeding and that the pool needs to be abandoned for about a year before mosquitoes become a problem.

Mr. Beever asked if the Lee County Mosquito Control had accounted for consideration of climate change in sea level rise in long-range planning.

Deputy Redovan said this was hard to say how it is going to impact the breeding areas as the District had not planned for that.

Agenda Item # 7 – Lovers’ Key Update

Ms. Beauchamp, Park Manager, provided a brief update on the park. Over 700,000 people had come to the park which was a 4% increase from last year. A fishing pier was now under construction which should be completed by the end of June. There were seven sea turtle nests, eight least tern nests and four fledglings to date.

Discussion ensued on erosion and least terns.

Ms. Beauchamp said that erosion was not being monitored as the agency was looking at future projects for beach renourishment. Lovers’ Key will be partnering with Bonita Beach in approximately 18 months for the beach renourishment project which will be in the central area.

Discussion ensued on the estimate of economic benefits of the park to the local economy.

Agenda Item #8 – FGCU Master Plan Update

Dr. Everham presented a report on the FGCU Master Plan Update. He reviewed the changes to Sections 1, 3, 4, 8 and 16 stating that the transportation and conservation areas gave the best opportunity for feedback. Responses are due by July 23rd to FGCU.

Element #1 - (Goal 105). Dr. Everham reported that his students came up with new objectives.

Element #3 - Urban Design – Dr. Everham reported that the changes were fairly small such as making sure local regulations are recognized, not just state and federal. He asked for ideas to measure for the achievement of particular objectives. Dr. Everham reported that the word “naïve vegetation” should be changed to “native vegetation”. The reinstatement of environmental oversight that previous administrations had which included people that form the community was also discussed. Dr. Everham also stated that the land management development and review process was set up in the Master Plan and that if more specificity was desired, this could also be done.

Element #8 – Recreation and Open Space. There are very minute changes to this section.

Element #16 – Landscape Design and Guidelines – Dr. Everham reported that FGCU had not built in alternative recommendations for use of the parking garage, but that this issue would be discussed at the IAS meeting.

He reported that any changes that are received from the ABM members can be implemented and that he would like to review the ABM principles to see if there were parts that haven’t been implemented in the Master Plan and to make sure that there is no overlap that has not been captured.

Mr. Beever said that recommendations about the multi-use garage and urban design element were discussed at the RPC meeting. Dr. Everham asked for a copy of this. Mr. Beever said that this had been drafted and that he would bring it or send it to the IAS meeting.

Mr. Gottlieb stated that in Section 5.51, the word “siting” needs to be spelled correctly.

Dr. Everham reported that the deadline for review by the regulatory agencies is July 23rd.

Discussion ensued on composting program. Dr. Everham and Dr. Demers reported that some students are working on this area and that after the Cela Tega meeting last year, the leftover food was given to the Harry Chapin Food Bank.

Agenda Item #9 – Draft Mangrove Rivulus de-listing Letter

Mr. Beever stated he had prepared a draft letter which was included in the agenda packet which reflected the State’s approach to delisting. He explained that action had already been taken on this matter by the FWC on June 8th, but that the ABM could craft a letter relative to the management plan in respect to different species.

Discussion ensued on the delisting and treatment of species depending on location and other factors. Mr. Beever stated that there was a definite lack of consistency in the Florida Fish & Wildlife Commission approach.

Mr. Beever said that a modified letter would be crafted relating to the management issue and the Master Plan and to continue with the other species pertinent to the Estero Bay system.

MOTION BY DR. EVERHAM AND SECONDED BY MR. CEILLEY TO HAVE STAFF CRAFT A LETTER FOR INCORPORATION INTO THE MANAGEMENT PLAN.

Discussion continued.

MOTION CARRIED UNANIMOUSLY.

Agenda Item #10 – Draft Jim Beever Presentation Thank You Letter

Agenda Item #11 – Draft Whitney Gray Presentation Thank You Letter

Dr. Beever said that these two items are thank you letters. She stated that they don’t necessarily need to be on agenda and asked for a motion to send letters routinely in this format.

MOTION BY MS. BROOKS AND SECONDED BY MS. KWIAT TO APPROVE THE THANK YOU LETTERS TO JIM BEEVER AND WHITNEY GRAY FOR THEIR PRESENTATIONS.

Discussion ensued.

MOTION CARRIED UNANIMOUSLY.

Agenda Item #12 – Draft ABM Welcome Letter to Steve Magiera, FGCU Vice President for Administrative Services & Finance

Ms. Stafford suggested the following wording change for the 4th sentence in the last paragraph “additionally, we would like to reaffirm FGCU’s commitment to providing continual yearly funding.”

Dr. Demers suggested that the wording should read “Additionally, we would like a reaffirmation of FGCU’s commitment to providing continued yearly funding.”

MOTION BY DR. EVERHAM AND SECONDED BY MS. STAFFORD TO SEND THE WELCOME LETTER TO MR. MAGIERA WITH THE SUGGESTED WORDING CHANGES. MOTION CARRIED UNANIMOUSLY.

Agenda Item #13 – Draft Clean Water Act Guidance Letter

Mr. Cornell said that this was a letter that supported EPA bringing forth revised guidance on the jurisdictional determination for wetlands. He explained that although the new guidance does not have the weight of law behind it, it gives a much clearer direction based on Supreme Court cases as to what should be claimed as jurisdictional.

Dr. Beever said that she was impressed by the draft guidance and that one of the issues she wanted to review was the term “wetland mosaics”, but that she did not see a reference in the standards and guidance. This is a huge, critical issue in terms of southwest Florida wetlands.

Dr. Beever said that she thought it was talking about wetlands with different hydro periods and that there are flows over uplands.

Discussion ensued.

Dr. Beever said she wanted to verify this information and asked Mr. Cornell to take another look at this.

Dr. Everham spoke about replacing the spectrum of watershed wetlands and the timing and implications of its inclusion. He stated that he was not sure of the implications of including wetland mosaics.

Mr. Cornell said that he could prepare a final draft and get it sent out.

Mr. Beever said that the last paragraph should be the second paragraph of the letter.

MOTION BY DR. EVERHAM TO SEND THE CLEAN WATER ACT GUIDANCE LETTER WITH THE SUGGESTED EDITS AND TO DIRECT MR. CORNELL TO LOOK AT THE ADDITION OF WETLAND

MOSAIC. SECONDED BY MR. GOTTLIEB. MOTION CARRIED UNANIMOUSLY.

Mr. Cornell stated that he had passed out talking points to encourage groups or individuals to use this information and create their own letter which would be helpful as this was an important issue across the country.

Agenda Item #14 – Draft Aquatic Preserve Thank You Letter

MOTION BY DR. DEMERS AND SECONDED BY MS. KWIAT TO APPROVE THE AQUATIC PRESERVE THANK YOU LETTER. MOTION CARRIED UNANIMOUSLY.

Agenda Item #15 – Media release guideline discussion

MOTION BY DR. DEMERS TO POSTPONE THIS AGENDA ITEM UNTIL NEXT MONTH. SECONDED BY MS. RASNAKE.

Discussion ensued.

MOTION CARRIED UNANIMOUSLY.

Agenda Item #16 – Doodle survey results for ABM Meeting Day and Time

Dr. Beever stated that 21 members had responded to the survey.

Dr. Demers asked if letter should be sent to Ms. Hawes to change their meeting time to enable Lee County representatives to be able to attend the ABM meeting that has been meeting on the second Monday for 17 years.

Dr. Beever asked if this was a motion.

Dr. Demers replied in the affirmative.

Mr. Beever said he would do some research to get this to the right person.

MOTION BY DR. DEMERS TO HAVE THE ISSUES AND AGENDA SUBCOMMITTEE DRAFT A LETTER TO THE APPROPRIATE PARTY REQUESTING THAT LEE COUNTY MAKE THE SECOND MONDAY MORNING AVAILABLE TO ITS COUNTY EMPLOYEES TO ATTEND THE ABM MEETING. SECONDED BY MR. GOTTLIEB.

Discussion ensued on sending letters to those members that won't be able to attend the meetings.

Mr. Beever said that these individuals were Councilwoman Simons, Commissioner Brian Bigelow and Daryl Thomas of the U.S. Fish & Wildlife Service.

Discussion ensued on the attendance of members and sending a letter to those members after staff review of the attendance list.

Dr. Beever suggested an approach of trying to have the other agencies make changes to their respective meeting schedules so that staff could attend the ABM meeting.

MOTION BY MS. THOMPSON AND SECONDED BY MR. CORNELL TO ASK THE CITY OF BONITA SPRINGS, LEE COUNTY AND THE U.S. FISH & WILDLIFE SERVICE TO MAKE THE SECOND MONDAY AVAILABLE TO THEIR EMPLOYEES TO ATTEND THE ABM MEETING. MOTION CARRIED UNANIMOUSLY.

Agenda Item #17 – Committee Reports and Scheduling

IAS – Dr. Everham stated that the agenda will include the FGCU Master Plan, delisting of species and the Mullock Creek Marina Proposal report. The next IAS meeting is at 2:00 p.m. at the Sugden Welcome Center next Monday, June 20th.

Cela Tega Planning – Dr. Demers said that the College of Arts & Sciences is sponsoring an honorarium of \$1,000 for Chris Joyce, science correspondent for NPR. The FGCU Journalism Program will also be a sponsor. The Responsible Growth Management Coalition and the Happaatchee Center contributed \$100.00 each. Gloria from Lovers Key State Park will also be a presenter on parks and recreation use. She also reported that FGCU had a microgrant application to submit to the CHNEP and that they were still looking for other sponsors.

Discussion ensued on advertising the Cela Tega event on various governmental online newsletters and the Florida Weekly.

Dr. Demers also reported that Dr. Richard Weiskoff from the University of Miami will speak on economic impacts, Chris Joyce will be the luncheon speaker, Dr. Beever will speak on the economic benefits of undeveloped land and saving transportation dollars, John Wilson of Lee County Public Safety will speak on how conservation lands impact flood insurance rates, Karen Bickford will give a presentation on conservation land's role in economics of water quality. During the working break, the presenters will provide three top benefits of conservation lands for the roundtable discussion at the end of the event.

Mr. Cornell asked if there was a reason to consider the economic value of restoration as Lee County has been using \$3 million relative to the Caloosahatchee estuary and advocated against the impacts of Lake O and bad water policy. Mr. Beever said that Mr. Irwin might be able to address this.

Agenda Item #18 – Emerging Issues

Mr. Thompson addressed the issue of cutbacks to the core services in Lee County as a result of an article in the News-Press on June 12th entitled “Down to the Core – Could You Take It?”

Lee County has no obvious options to cut. With respect to a referendum, the County Attorney said that this year was too late, a special election next year would be expensive and if a referendum is brought to the voters, it would probably be in 2014. However, this fact was not definite. The BOCC approved 24 properties to be acquired. Mr. Pete Winton presented this at the Management & Planning Meeting, but ultimately, it is up to the BOCC to make the final decision.

Mr. Beever reviewed the changes as the result of the \$250,000 cut in the Regional Planning Council budget by the Governor. This funding stream which was utilized to do state planning (hurricane, statewide plan, comprehensive plan changes, etc.) is gone. Subsequently, a decision was made to lay off four staff members who consisted of three planners and an administrative staff employee who works part-time for the SWFRPC and the CHNEP, as well as four other staff members who are being put on a part-time schedule.

He reported that he also used this funding stream to support his work for the Estero Agency for Bay Management. As a result of the loss of funding, the SWFRPC does not have the funding available to cover their portion this next fiscal budget year. The Florida Department of Community Affairs has been consumed into a new agency called the Economic Development Agency. There will still be comp plans, amendments and DRI's and the SWFRPC is still to do the work without the funding.

Discussion ensued on having a presentation regarding the cuts and changes by the Governor and what they could mean for SWF.

Mr. Beever said that staff had summaries being put together for the Council and that a presentation by Dave Hutchinson and himself could be arranged, but that it would take some time as there are 26 bills relating to regulatory policies.

Dr. Demers said that there are policy changes.

Discussion ensued on having the topics brought back to this committee.

Mr. Beever said that he would provide a handout electronically on the FTP site. The budget that was lost here at the RPC had been voted on through the legislature by both houses and was never opposed in the House or Senate. It was part of the normal budget and Governor Scott eliminated it anyway.

Dr. Everham said that FGCU has a building which is $\frac{3}{4}$ complete that will have a roof and nothing inside. Mr. Beever said that the funding was there and questioned whether the Governor could move money from where it was supposed to be allocated to where he wanted it to go.

Ms. Rasnake of FDEP said the Sebring office has been closed due to budget costs and that some employees have been relocated.

Agenda Item #19 – Announcements

Dr. Beever said that the Draft Watershed Report was released by the CHNEP and had been updated with 2010 data. This will be reviewed next by the subcommittee.

Ms. Stafford said the San Carlos Bridge is not having a whole replacement, just supports for the base of this bridge. An inspection of the bridge will be conducted.

Agenda Item #20 – Next Meeting, Time, Place & Agenda Items

Cela Tega/IAS: The next meeting will be on Monday, June 20, 2011 at 1:00 p.m. at the FGCU Sugden Welcome Center.

ABM: The next meeting will be on Monday, July 11, 2011 at 9:30 a.m. at the SWFRPC Offices.

Mr. Beever said that polling will be conducted for the July meeting to ensure a quorum. If a quorum is not achieved, the meeting will be cancelled.

Discussion ensued on comments on the FGCU master plan and how the deadline can be met.

MOTION BY MS. KWIAT AND MR. CORNELL SECONDED THE MOTION TO EMPOWER THE ISSUES & AGENDA SUBCOMMITTEE TO SEND OUT THE FGCU MASTER PLAN IN THE EVENT THERE IS NOT A FULL ABM MEETING IN JULY. MOTION CARRIED UNANIMOUSLY.

Agenda Item #21: Adjournment

Meeting adjourned at 11:42 a.m.

_____ Agenda
_____ Item

4a4

4a4

Legislative Affairs Committee

4a4

4a4

_____ Agenda
_____ Item

4a5

4a5

Regional Watersheds Committee

4a5

4a5

REGIONAL WATERSHED COMMITTEE

The Regional Watersheds Committee (RWC) did not meet on May 2011. The RWC acting as a technical advisory committee to the Council concerning water quality issues pursued the implementation of the SWFRPC stormwater resolutions and provided continued assistance on fertilizer resolutions.

Collier County staff is brought the model fertilizer ordinance and the recommendations from City of Naples, SWFRPC, Collier Soil and Water Conservation District (Model Ordinance), Environmental Advisory Council, and Collier County Planning Commission to the Board of County Commissioners (BCC) June 14, 2011 to get direction from BCC for ordinance development and return for approval. Anticipated the approval date will be July 26, 2011 due to advertising requirements and summer BCC meeting schedule.

The Charlotte County the Board of County Commissioners (BCC) directed County Staff to add the summer fertilizer ban and no more than 4 lbs of nitrogen per year to the existing ordinance. This is similar to the Sarasota County ordinance. This was approved by the BCC on June 14, 2011.

Manatee County adopted a fertilizer ordinance based upon the model provided by the TBEP which had assistance from the SWFRPC. Statewide 58 jurisdictions have adopted local fertilizer ordinances and 4 have ordinances currently under review. Nationally six other states, besides Florida, have statewide ordinances of various types enacted and three others will have ordinances coming into effect within the next two years. Three other states have fertilizer ordinances in some of their jurisdictions. Ordinances in interior Midwestern states often concentrate only on phosphorus due to the emphasis on freshwater eutrophication.

Improved stormwater and fertilizer standards were included in the design of the North Port Gardens DRI and were recommended by the SWFRPC for the Hacienda Lakes DRI. A tracking matrix for stormwater improvement efforts is being developed for use in review of progress in this area.

The FDEP is beginning a series of workshops on the delegation of the ERP permitting program to local governments in Chapter 62-344, F.A.C. starting on July 26, 2011 in Tallahassee.

At the federal level Legislators in the House are considering legislation to curtail EPA's role under the Clean Water Act (CWA) and give more autonomy to states. The Clean Water Cooperative Federalism Act of 2011 (H.R. 2018) would significantly reduce EPA's authority to oversee, overrule, and/or replace state water quality standards, water quality certifications for certain projects, and permits for wastewater discharges or dredge-and-fill activities. The bill was reported out of committee without a hearing on June 22; the next step at this time is full consideration by the House.

RECOMMENDED ACTION: No action on this item is required by Council.

07/2011

Fertilizer Matrix Route from

Resolution to Ordinance

Southwest Florida Regional Planning Council

July 11, 2011

City or County	Resolution Approved by SWFRPC	Ordinance Under Review by Local Jurisdiction	Ordinance Approved by Local Jurisdiction	Ordinance Legislation Effective	Ordinance Citation
Name	Date	Date	Date	Date	
Sarasota County	03-15-07	4-2007	8-27-07	8-27-07	2007-062
City of Sarasota	03-15-07	4-2007	10-15-07	10-15-07	07-4768
City of Venice	03-15-07	4-2007	10-15-07	10-15-07	07-4768
Town of Longboat Key	03-15-07	4-26-2007	5-5-08	5-5-08	2008-04
City of North Port	03-15-07	11-11-2007	11-26-07	11-26-07	07-45
Charlotte County	03-15-07	11-8-2007	3-18-08 6-14-11	3-18-08 And 6-14-11	2008-028
City of Punta Gorda	03-15-07	11-6-2007	12-16-11 on agenda in review	Incorporated in Climate Change Adaptation Plan approved 11-18-09	Informational brochures and tip cards are in distribution.
Lee County	03-15-07	8-28-2007	5-13-08	5-13-08	08-08
City of Bonita Springs	03-15-07	11-13-07 to 11-18-08	11-19-08	11-19-08	08-11-0543
City of Cape Coral	03-15-07	10-29-07 to Draft 8-31-10	11-29-10	11-29-10	86-10
City of Fort Myers	03-15-07	1-1-08	11-17-08	11-17-08	3489
City of Sanibel	03-15-07	2-20-07 first 8-21-07 amended	3-6-07 first adoption 9-18-07 amended	3-6-07 first 9-18-07 amended	07-003

Town of Fort Myers Beach	03-15-07	7-18-08	12-18-08	12-18-08	08-61808
Collier County	03-15-07	8-4-07	Draft 6-14-11		
City of Naples	03-15-07	6-7-2006	6-7-2006	10-10-06	06-11245
City of Marco Island	03-15-07	Utilizing the Rookery Bay Greenscape BMPs			Utilizing the Rookery Bay Greenscape BMPs
Everglades City	03-15-07	No Action to Date			
Glades County	03-15-07	No Action to Date			
City of Moore Haven	03-15-07	No Action to Date			
Hendry County	03-15-07	3-2011	4-12-2011	4-12-2011	2011-03
City of LaBelle	03-15-07	No Action to Date			
City of Clewiston	03-15-07	No Action to Date			

**MINUTES OF THE
REGIONAL WATERSHED COMMITTEE
Held on June 16, 2011**

Attendees:

D. Dianne Davies	SWFWMD
Jon Iglehart	FDEP
Rae Ann Wessel	SCCF
Jim Beever	SWFRPC
David Crawford	SWFRPC

Agenda Item #1 – Call to Order

Mr. Beever called the meeting to order at 8:00 a.m. Introductions were made.

Agenda Item #2 – Approve Minutes from Last Meeting

Minutes approved from April 21, 2011.

Agenda Item #3 – Review of Committee Activities

Mr. Beever said that staff has been continuing to implement the two main thrusts of the committee which was trying to implement two storm water resolutions with local governments and the local fertilizer ordinance assistance.

Agenda Item #4 – Continue the Storm water issues and possible corrective actions

Mr. Beever reported that in terms of activity on the storm water issues, staff had been working with Lee County and was in the process of putting together a grant application here which is going to be joint CHNEP, SWFRPC and Lee County to develop a functional assessment methodology to assess the water quality performance of wetland systems.

He reported that the idea is to look at these types of wetland systems that have been constructed already by Lee County and those which are currently in construction by Lee County for reducing nutrient loads in different systems. Mr. Beever reviewed the progress with respect to filter marshes on the Ten Mile Canal, Paddle Creek and Island Park which was half-funded by EPA and half by matches. The progress made in Sarasota and Collier County would also be looked at by staff (i.e. vegetation islands), along with putting together a performance model that consists of not only the wetland function, but the water quality function as well. With the assistance of an “A-team” of experts in water quality, parameters and measures are developed that are going to be used in the field. Staff would be asking for input from each agency as they felt it was important to use local folks in southwest Florida to make up the team.

Agenda Item #5 – Discuss current implementation of the Storm water Resolution in the North Port Gardens DRI

Mr. Beever reported that Lee County was trying to move ahead with changes of their basis for standards for BMPs for water quality. The City of North Port has worked with the development entitled “North Port Gardens”. Several of the recommendations that the Water Management District and staff had talked about in terms of LID have been already incorporated into the design.

Ms. Wessel asked whom this grant was with. Mr. Beever said it was with EPA and that it would have the cooperation of CHNEP, the SWFRPC and Lee County which will be a match. If others want to provide an in-kind match, the person serving on the “A” team can be a match to the grant.

Ms. Wessel asked if there would be a component to this where you look at what is happening in the soil, as she felt that one of the big pieces that was missing was understanding how different soil types can contribute or what role they play.

Mr. Beever said that this could be incorporated into the consideration. We are trying to do the rapid assessment procedure so that a person looking at the system visually could account for each of these things. Soil-type information that might come from the soil conservation service mapping could be utilized and is a resource that is easy to acquire rapidly. A full physical soil test where you do the bore, pull the core and read the soil may not be workable in a rapid assessment procedure.

Ms. Wessel said she was thinking in terms of classifying soils in the development process so that the soil type could contribute to the design in some fashion.

Mr. Beever said the team would make the consideration on this. Soils would be one of the parameters examined, but as to what we would measure and how it would come out in the rapid assessment, that is what would be found out in the study. Staff would be collecting data for water quality coming in the site and water quality going out of the site as it currently exists today.

Ms. Wessel said that this could then be a locally developed assessment of loading capacities or treatment capacities depending on what you find for wetland systems.

Mr. Beever said that it has that potential, but that initially, the proposals look at both load and concentration.

Mr. Iglehart asked if UMAM would basically be used.

Mr. Beever said that this would be a framework.

Mr. Iglehart asked if it would include the habitat component.

Mr. Beever said it would.

Mr. Iglehart said that the better the habitat, the worse it will be for water quality issues. In Naples last week, FDEP looked at Clam Bay TMDL’s nitrogen and phosphorus in Naples last week and they ran some calcs and found that it is impaired for fecal coliform bacteria. If 800 birds in a 3-day period use Clam Bay, that is the impairment right there. Mr. Beever said it is a piece of information that may show if we really have a man-caused TMDL.

Agenda Item #6 – Review Hacienda Lakes DRI resolutions implementation for fertilizer and stormwater

Mr. Beever stated that with regard to what is happening for Hacienda Lakes which is in the south district, there were not have a lot of the requirements with regards to fertilizer and storm water in it. It was part fertilizer in Collier County which hasn’t adopted a standard and the storm water was pretty much their standard storm water. We have recommended putting it into the DRI. Today, at the DRI review at the SWFRPC meeting, everyone would see those as recommended conditions for Hacienda Lakes.

Mr. Crawford discussed the overall plan.

Discussion continued on Hacienda Lakes and what types of things was staff trying to get them to do to implement with storm water.

Mr. Beever said basically they are going through treatment training and higher level of treatment, the buffers are in place, along with a number of the different grassy swales. It is not as big a development as it was at one time. It will have a high pervious surface ratio to their treatment system because about ¾ of the site was being put into a conservation easement and then being donated to the state to become part of the state forest. He stated that a positive side was that all the melaleuca will be gone.

Ms. Wessel asked if it was an easement or donation.

Mr. Beever said it would be a donation, but it is a long process as they have to conduct a hazardous review and the fact that there are six aboriginal sites that will go into state ownership, as well as a historical part associated with the donated areas.

Mr. Iglehart said that the state has to accept this which he was not sure if they would do so.

Discussion continued on the boundaries.

Mr. Beever said it is a two to three year process to clean up the property. Mr. Iglehart said that FDEP would be working on the cleanup. With regard to fertilizer, there has been a lot of activity in the intervening month. Charlotte County voted 3 to 2 to strengthen existing fertilizer ordinance to having standards which are much more in compliance with what the RPC had recommended. There will be a no-application period in the summer, a reduction in the amount of nitrogen application and slow release. In Collier County, they voted 3 to 2 to go forward with putting together an ordinance with stronger restrictions.

Discussion ensued on the Collier voting system.

Ms. Wessel stated that Manatee County voted for more strict standards.

Mr. Beever gave a report that they voted not to have the sale restrictions but to have all the strict standards.

Discussion ensued on sale of fertilizers in stores.

Agenda Item #7 – Discuss changing the RWC meeting frequency to quarterly due to staff cutbacks

Mr. Beever said due to the recent budget changes, it had been suggested to have the meetings quarterly unless there is a particular item that needs to be addressed. Under the current cutbacks, there would not be SWFRPC staff to work on DRI matters. Normally, he stated that he worked on the vegetation, wetlands, wildlife and the historical/archaeological sections. However, he also worked on affordable housing and water related issues (utilities, etc.)

Discussion continued on the budget cuts and staffing.

Mr. Beever said staff was funded in different ways. He stated that Vice-Mayor Denham would like meetings to be held quarterly. Ms. Wessel said that Vice-Mayor Denham wanted to narrow the scope and

really focus on storm water and possibly moving the meetings to be held quarterly unless something urgent came up.

Mr. Iglehart said that he found the meetings every productive and that they were willing to meet any schedule that the Chair wishes to make.

Mr. Beever said it was possible that there would not be a July meeting due to vacation schedules.

Ms. Wessel said that she believes the meetings should continue as they helped us extend the outreach. The septic maintenance and inspection issues came from this subcommittee. It was huge to say that the SWFRPC has endorsed unanimously these initiatives as they relate to what a local community can do, source controls and that they are addressing a problem which is well demonstrated.

Mr. Iglehart said that the committee has done a lot of work and continues to do a lot of work, so he asked if it would actually save money to go to a quarterly basis with staff having to spend much more time on e-mail and interacting with the individual members rather than having everyone assembled one hour before a regular meeting. It seems that there would be more monies expended to continue this committee's agenda in the same way we have been doing it on a quarterly basis.

Discussion continued on quarterly vs. monthly meetings.

Mr. Crawford said he would work with Vice-Mayor Denham on this.

Discussion ensued on SWF Water Management Districts and the appointment of a director. Ms. Davies said that they did not have an interim Director yet.

Discussion ensued on candidates for the Governing Board, DCA reviews and roles of agencies. Mr. Iglehart stated that the focus has been narrowed in these reviews.

Discussion on prevention of integration ensued.

Agenda Item #8 – Public Input

None.

Agenda Item #9 – Identify and Approve a Date for the Next Meeting

The next meeting will be on July 21st at 8:00 a.m.

Agenda Item #10 – Adjournment

Meeting adjourned at 8:45 a.m.

Notice of Workshop

(to be Published in the Florida Administrative Weekly July 8, 2011)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Rule 62-344

The Department of Environmental Protection, Division of Water Resource Management, announces a public workshop to which all persons are invited:

DATE AND TIME: July 26, 2011, Tuesday, 9:30 a.m., ET

PLACE: Conference Room 609
Bob Martinez Building
2600 Blair Stone Road
Tallahassee, Florida

TOLL FREE TELECONFERENCE CALL IN: 1-888-808-6959, code 2458486

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to most of the sections of Chapter 62-344, F.A.C., "Delegation of the Environmental Resource Program to Local Governments," are required to conform to amendments made to Section 373.441, F.S., in 2010. The substantive changes will provide that the Department is now the sole agency who can delegate, in whole or in part, Environmental Resource Permit (ERP) program responsibilities under Part IV of Chapter 373, F.S., to a county, municipality, or local pollution control program (local governments). Previously the ERP program also could be delegated to a local government by a water management district (WMD). Section 373.441(1), F.S., also requires that Chapter 62-344, F.A.C., include provisions for a local government to petition the Governor and Cabinet for review of a delegation request that is not approved or denied within one year of being initiated. Rule 62-344.900, F.A.C., also is proposed to be repealed to delete an unnecessary form for a local government to use to verify comprehensive plan consistency.

A copy of the agenda may be obtained by contacting: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources—MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's website at: http://www.dep.state.fl.us/water/rules_dr.htm#erp. (OGC No. 10-2686).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 days before the workshop by contacting: Mary VanTassel at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Douglas Fry at telephone (850)245-8480 or e-mail Doug.Fry@dep.state.fl.us.



Memorandum

Florida Department of Environmental Protection

July 6, 2011

TO: Interested Parties

FROM: Timothy Rach, Administrator
Office of Submerged Lands and Environmental Resources

SUBJECT: "Notice of Rule Development Workshop" To Amend Chapter 62-344, F.A.C.,
Delegation of the Environmental Resource Program to Local Governments

The Department of Environmental Protection will publish a "Notice of Workshop" in the *Florida Administrative Weekly* on July 8 regarding proposed amendments to Chapter 62-344, Florida Administrative Code, regarding delegation of the Environmental Resource Program to Local Governments. The workshop will be held as follows:

July 26, 2011, Tuesday, 9:30 AM ET

Conference Room 609
Bob Martinez Building
2600 Blair Stone Road
Tallahassee, Florida

TOLL FREE TELECONFERENCE CALL IN: 1-888-808-6959, code 2458486

A copy of the notice and agenda are enclosed. The notice also may be found on the *Florida Administrative Weekly* site at <http://www.flrules.org>, where you may subscribe to receive copies of future notices for this or other rule chapters or types of notices of interest. A copy of the draft rule is available at www.dep.state.fl.us/water/rules_dr.htm#erp.

You may contact Mary VanTassel at (850) 245-8486 or at Mary.VanTassel@dep.state.fl.us if you have any questions regarding the workshop or to request a copy of the draft rule.

Enclosures

c: Christine Francescani (OGC No. 10-2686)
Douglas Fry



A G E N D A

Public Rule Development Workshop

Chapter 62-344, F.A.C.

“Delegation of the ERP Program to Local Governments”

July 26, 2011, 9:30 AM

- I. Call to Order, Introductions, and Opening Remarks

- II. Staff Presentation
 - A. Delegation Process & Rulemaking
 - B. Next Steps in Rulemaking Process

- III. Public Questions and Comments

- IV. Wrap-up / Issues

- V. Adjournment

THIS WORKSHOP IS OPEN TO THE PUBLIC
COMMENTS ARE REQUESTED TO BE SUBMITTED BY AUGUST 10 TO:

Douglas Fry, Environmental Administrator
Florida Department of Environmental Protection
2600 Blair Stone Road, MS 2500
Tallahassee, FL 32399-2400
Doug.Fry@dep.state.fl.us
FAX (850) 245-8499
http://www.dep.state.fl.us/water/rules_dr.htm#erp

House Bill Aims to Reduce EPA Role Under the Clean Water Act

By [Meline MacCurdy](#)

July 7, 2011

Legislators in the House, concerned with the impact of environmental regulation on the economy, are considering legislation to curtail EPA's role under the Clean Water Act (CWA) and give more autonomy to states. The Clean Water Cooperative Federalism Act of 2011 (H.R. 2018) would significantly reduce EPA's authority to oversee, overrule, and/or replace state water quality standards, water quality certifications for certain projects, and permits for wastewater discharges or dredge-and-fill activities. Proponents of the bill argue that EPA is frustrating economic recovery and interfering with state regulation of water quality within their borders, while opponents call the bill a frontal attack on environmental protection. The bill was reported out of committee without a hearing on June 22; the next step at this time is full consideration by the House.

Clean Water Cooperative Federalism Act of 2011

The House Transportation and Infrastructure Committee approved the Clean Water Cooperative Federalism Act of 2011 on June 22 without a hearing by a bi-partisan 35-19 vote.^[1] The bill was introduced by the Republican chairman, Rep. John Mica (R-Fla.), and the ranking Democrat on the committee, Rep. Nick Rahall (D-W.Va.). Three other Democrats and 15 Republicans co-sponsored the bill, including Rep. Bob Gibbs (R-Ohio), chairman of the Transportation Subcommittee on Water Resources and Environment. As described further below, the bill would restrict EPA's authority to: (1) promulgate state water quality standards; (2) "supersede" state water quality certifications; (3) overrule a state-approved discharge permit under the National Pollutant Discharge Elimination System (NPDES) program; and (4) block dredge-and-fill permits issued by the U.S. Army Corps of Engineers.

1. Water Quality Standards

Under current law, set out in CWA § 303, EPA can override and replace a state's proposed new or revised water quality standards based on EPA's determination that such standards are necessary to protect the designated uses of the water body.^[2] The proposed legislation would revise CWA § 303 by stating that EPA "may not promulgate a revised or new standard for a pollutant in any case in which the State has submitted to [EPA] and [EPA] has approved a water quality standard for that pollutant, unless the State concurs with [EPA's] determination that the revised or new standard is necessary to meet the requirements of the [CWA]."^[3] A noteworthy example of where the current law has stirred considerable controversy is in Rep. Mica's home state, where EPA has imposed numeric nutrient criteria for Florida waters over Florida's strong and persistent objection. See M. MacCurdy, [EPA Proposal for Numeric Nutrient Standards for Florida Waters has National Implications](#), Marten Law Environmental News (Feb. 3, 2010); M.

MacCurdy, [EPA Faces Lawsuits Challenging Potentially Far-Reaching Rule Setting Numeric Nutrient Criteria in Florida Waters](#), Marten Law Environmental News (Feb. 10, 2011).

2. Water Quality Certifications

Second, the proposed legislation would prohibit EPA from “superseding” water quality certifications under CWA § 401. The current law is designed to ensure that a state or appropriate governing agency certifies that discharges from proposed projects requiring a federal license or permit will comply with various provisions of the CWA. CWA § 401 gives EPA the authority to evaluate a proponent’s application and the proposed certification and determine whether the discharges will affect water quality in another state. H.R. 2018 would add a provision stating that, “if a State or interstate agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate determines under paragraph (1) that the discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307, [EPA] may not take any action to supersede the determination.”^[4]

3. NPDES Permits

Third, H.R. 2018 would revise two aspects of the NPDES program under CWA § 402 regarding EPA’s approval of a state’s implementation program as a whole, which most states currently run, or a state’s approval of a particular state-issued NPDES permit. The bill would bar EPA from rescinding its approval of the state’s NPDES program, limiting federal assistance for the state program, or objecting to particular permits based on EPA’s disagreement with or interpretation of the state’s implementation of previously-approved water quality standards or federal guidance that directs the interpretation of the state’s water quality standards.^[5] While EPA has only sparingly exercised its authority to withdraw approval of states’ NPDES programs or to object to individual permits, this element of the bill would remove a primary characteristic of EPA’s federal oversight of key CWA programs.

4. Dredge-and-Fill Permits

The final element of H.R. 2018 is directed at EPA’s role with respect to dredge-and-fill permits under CWA § 404. While the Army Corps of Engineers generally implements CWA § 404, EPA retains the ability to object to disposal sites based on specified adverse environmental effects of the discharge after consultation with the Corps and allowing for public comment. H.R. 2018 would insert a provision limiting EPA’s authority to so object “if the State in which the discharge originates or will originate does not concur with [EPA’s] determination that the discharge will result in [such] an unacceptable adverse effect.”^[6] The bill also seeks to streamline the permitting process by shortening the period in which federal agencies can provide comments on the proposed permit.

Under an amendment that Rep. Shelley Capito (R-W.Va) offered, the bill would apply to all pending permits or new and revised water quality standards that are being promulgated when the bill becomes law. Rep. Capito initially offered, but then withdrew, a provision that would have required EPA to conduct an economic impact assessment of each regulation it issues under the CWA.

Responses

Not surprisingly, HR 2018 has set off a heated battle over the proper role of EPA and the states in protecting water quality. Proponents of the bill argue that centralization of regulatory power over U.S. waters fails to account for regional differences and has stymied job growth in many states. Rep. Mica, who introduced the bill, argues that, while “EPA continues to strangle economic growth in this country with its overreaching and arbitrary regulatory regime,” the proposed legislation is necessary to “restore and preserve the federal-state partnership that is the foundation of the [CWA] but which is being progressively undermined by EPA.”^[7] Rep. Mica argues that the proposed legislation “will help ensure a common sense regulatory regime that does not unnecessarily harm our nation’s farmers, miners and other businesses critical to our economy.”^[8] Members of the mining industry hailed the bill as providing “much needed certainty for jobs and the Appalachian economy, which have borne the brunt of [EPA’s] regulatory overreach.”^[9] A group representing equipment dealers and manufacturers also supports the bill, asserting that EPA is “standing in the way of a broad range of economic activity” and “is hampering job creation and recovery in an industry hit hard by the recession.”^[10]

In contrast, opponents view the bill as a naked attempt to use the current economic crisis to gut key components of the CWA that have been in place for nearly forty years. Environmental groups have strongly criticized the bill as “the single greatest assault on clean water protections in a generation,”^[11] stating that the bill would “turn[] back the clock to a time when the Cuyahoga River was on fire, where there were oil spills all across California beaches and the majority of our drinking water was unfit to drink.”^[12]

EPA provided its legal analysis of the bill in a letter to Rep. Timothy Bishop (D-N.Y.), who offered an unsuccessful amendment that would have excluded drinking water sources, flood protection areas, fish and wildlife habitat, and recreational areas from the bill.^[13] EPA raised concerns regarding the scope of the bill, and argued that it is full of ambiguities. Among other things, EPA stated that the bill would “significantly undermine EPA’s longstanding role under the CWA to assure that state water quality standards protect clean water and public health and comply with the law...[,] fundamentally disrupt the Federal-State relationship outlined in the 1972 CWA[,] and ... hinder the federal government’s ability to ensure that states protect interstate waters at a common level.” EPA warned that the bill would erode EPA’s ability to facilitate disputes between states and provide input on proposed permits, generate lawsuits from citizen groups or environmental groups by removing the current state-EPA dialogue in several areas, and incentivize a “race to the bottom” that the CWA was designed to avoid.

The next step for the bill is consideration by the House. Republican House leaders expecting to bring the bill to a floor vote this summer.

For more information regarding this article, please contact [Meline MacCurdy](#) or any member of Marten Law’s [Water Quality](#) practice group.

^[1] 157 Cong. Rec. D679 (daily ed. June 22, 2011).

[2] *See* 33 U.S.C. § 1313(c)-(d).

[3] H.R. 2018 § 2(a).

[4] *Id.* § 2(b).

[5] *Id.* § 2(c)-(d).

[6] *Id.* 2018 § 3(a).

[7] Transportation and Infrastructure Committee, Press Release, [Committee Leaders Introduce Bipartisan Bill to Rein in EPA](#) (May 27, 2011).

[8] *Id.*

[9] National Mining Association, Press Release, [House Bill Will Benefit Jobs, Regional Economy and Nation's Energy Supply](#) (May 27, 2011).

[10] [Letter from Associated Equipment Distributors Hon. John Mica and Hon. Nick Rahall \(June 16, 2011\)](#).

[11] NRDC, Director John H. Adam's Blog, [Don't Water Down the Clean Water Act](#) (June 23, 2011).

[12] Earthjustice, Press Release, [House T&I Committee Passes Legislation Disabling Clean Water Act](#) (June 22, 2011).

[13] [Letter from A. Ganesan, Deputy Associate Administrator for Congressional Affairs, EPA, to Rep. T. Bishop, U.S. House of Representatives \(June 21, 2011\)](#).

_____ Agenda
_____ Item

4a6

4a6

Executive Committee

4a6

4a6

_____ Agenda
_____ Item

4b

SWFRPC Annual Budget FY
2011/12

4b

4b

ANNUAL BUDGET CONTENTS

	Pages
Sources of Revenue	1
Proposed Budget for the upcoming fiscal year only	2
Comparsion of fiscal years - for RPC, MPO, NEP Combined:	3 - 6
Proposed Budget and Five Year Plan Adopted current budget, proposed budget as part of a five year plan	7
Graphs: Pie Chart to reflect distribution/percentage of the 3 main entities Pie Chart to reflect distribution of revenue Chart reflecting expenses in the comparsion of Actual/YTD/Budgeted	8
Comparison of Current Year Budget to Proposed Budget	9
Comparison of Budget to prior two years - Change in RPC only	10
Facts to be noted for this Annual Budget includes: Pertinent notes, Reserved FB status, and a comparsion of fringe and indirect rates for the purposed, current, and past 3 years.	11
Capital Assets Policy	12
Capital Asset Disposal - Computer Disposal Policy	13
Reserve Policy	14
Calculation of the Indirect/Fringe Rates Policy	15

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
REVENUE SOURCES
 October 1, 2011 through September 30, 2012

<u>GENERAL REVENUES</u>		<u>SPECIAL REVENUES</u>	
INTEREST/MISC	15,000	FED/STATE	2,330,868
ASSESSMENTS	<u>459,517</u>	OTHER	<u>761,896</u>
	<u>474,517</u>		<u>3,092,764</u>
<u>TOTAL REVENUES</u>	<u>3,567,281</u>	<u>Prior Year Fund Balance</u>	<u>680,090</u>
		<u>Total Budget</u>	<u>4,247,371</u>

MEMBER	POPULATION	ASSESSMENT
Charlotte	159,978	47,993.40
Collier	321,520	96,456.00
Glades	12,884	3,865.20
Hendry	39,140	11,742.00
Lee	618,754	185,626.20
Sarasota	379,448	113,834.40
TOTAL ASSESSMENTS	1,531,724	459,517.20
INTEREST AND MISC.		15,000.00
TOTAL GENERAL REVENUES	1,531,724	474,517.20

SPECIAL REVENUES	FEDERAL/STATE	OTHER	TOTAL
DEM - TITLE III	40,909		40,909
HMEP/SQG/DISASTER PROGS.	52,546	10,000	62,546
ECONOMIC DEVELOPMENT	63,000		63,000
TDs	64,000		64,000
BROADBAND PLANNING PROJ.	160,000		160,000
DRIs/Hurricane Evac	107,760	253,000	360,760
OTHER (Salt Marsh/Misc)	101,500	50,000	151,500
RPC SPECIAL REVENUES	589,715	313,000	902,715
MPO	1,141,153	69,596	1,210,749
CHNEP	600,000	379,300	979,300
TOTAL SPECIAL REVENUES	2,330,868	761,896	3,092,764

* Assessments based upon official Bureau of Business and Economic Research population estimates. Assessments are estimated at 30 cents/capita as provided for in the Council's Interlocal Agreement, adopted November 8, 1973.

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
PROPOSED BUDGET
OCTOBER 1, 2011 TO SEPTEMBER 30, 2012**

	GENERAL	RPC Special Revenues	Total RPC	MPO	NEP	TOTAL BUDGET
Revenues						
Assessments	459,517		459,517			459,517
Federal/State/Local Funds		649,715	649,715	1,210,749	979,300	2,839,764
DRIs			253,000	0	0	253,000
Interest/Misc	15,000		15,000			15,000
Carry Over Fund Balance*	680,090		680,090			680,090
Total Income	1,154,607	649,715	2,057,322	1,210,749	979,300	4,247,371
Expenditures						
<u>Direct:</u>						
Salaries	411,692	326,783	738,475	280,000	296,000	1,314,475
FICA/Unemployment/WC	195,000		195,000			195,000
Retirement	98,000		98,000			98,000
Health Insurance	150,000		150,000			150,000
Total Personnel Services	854,692	326,783	1,181,475	280,000	296,000	1,757,475
Consultant Fees	1,500	38,500	40,000			40,000
NEP Contractual			0		117,600	117,600
MPO Contractual			0	546,711		546,711
Audit Fees	46,000	0	46,000			46,000
Travel	4,120	15,130	19,250	6,000	21,000	46,250
Telephone	5,000	0	5,000	1,000	650	6,650
Postage	1,860	1,240	3,100	5,000	20,000	28,100
Equipment Rental	35,000	0	35,000		200	35,200
Insurance	33,000	0	33,000			33,000
Repair/Maint. (Grounds/Bldg/Equip)	25,000	0	25,000			25,000
Printing/Reproduction	1,400	1,500	2,900	6,500	85,000	94,400
Utilities (Elec, water, garb)	30,000	0	30,000			30,000
Advertising	1,050	1,950	3,000	12,000	550	15,550
Other Miscellaneous	1,500	1,000	2,500	500	1,500	4,500
Office Supplies	12,050	3,000	15,050	2,000	1,500	18,550
Computer Related Expenses	29,200	1,500	30,700	6,000	5,000	41,700
Publications	1,500	500	2,000	1,500	500	4,000
Professional Development	23,700	3,200	26,900	2,000	7,000	35,900
Meetings/Events	1,450	12,550	14,000	2,000	43,800	59,800
Capital Outlay-Operations	22,000	0	22,000	3,000	4,000	29,000
Capital Outlay-Building		9,000	9,000			9,000
Long Term Debt		128,000	128,000			128,000
Allocation of Fringe/Indirect**	-1,236,538	525,000	-711,538	336,538	375,000	0
Amount to be reserved for ED/PR	400,000		400,000			400,000
Amount to be reserved for A/C	14,895		14,895			14,895
Reserve for Operations Expense*	680,090		680,090			680,090
Total Cash Outlays	988,469	1,068,853	2,057,322	1,210,749	979,300	4,247,371
<u>Non-Cash Expense:</u>						
Depreciation	70,000		70,000			70,000
Total Expenses	1,058,469	1,068,853	2,127,322	1,210,749	979,300	4,317,371

*See note #2 - As per the Auditors, the Fund Balance must be shown as 'carry over fund balance' in the revenue portion and as 'reserve for operations' in the expense portion of the budget.

**See note #4 - The Indirect rate prorates the overhead expenses incurred by the RPC over each active project/agency. This is accomplished by a reallocation of the expenses from General to Special Revenue. These expenses include, but are not limited to, facility costs, office supplies, and support staff. The rate is adjusted to actual at year end.

SWFRPC-MPO-CHNEP COMBINED
OCT. 1, 2011 - Sept. 30, 2012 BUDGET

	Year End			Current YTD ACTUAL at 6/30/11	Amended Budget Y/E 9/30/11	Proposed Budget Y/E 9/30/12
	Actual Y/E 9/30/08	Actual Y/E 9/30/09	Actual Y/E 9/30/10			
Revenues						
Assessments	450,432	464,696	470,552	362,295	466,669	459,517
Federal/State/Local Funds	2,679,934	2,848,094	2,872,576	1,951,490	2,878,931	2,839,764
DRIs	271,982	271,982	280,626	161,134	200,000	253,000
Interest/Misc	37,625	15,104	10,101	0	30,000	15,000
Carry Over Fund Balance	565,843	637,988	655,716	0	680,090	680,090
Total Income	4,005,816	4,237,864	4,289,571	2,474,919	4,255,690	4,247,371
Expenditures						
<u>Direct:</u>						
Salaries - Total	1,620,636	1,715,442	1,720,848	1,235,589	1,706,000	1,314,475
FICA/Workers Comp/Unemploymt	128,548	136,112	140,348	81,817	140,000	195,000
Retirement	165,357	181,381	179,617	124,884	181,300	98,000
Health Insurance	171,950	177,977	165,874	149,307	180,000	150,000
Total Personnel Services	2,086,491	2,210,913	2,206,688	1,591,597	2,207,300	1,757,475
Consultant Fees	59,109	125,707	33,118	48,273	40,000	40,000
NEP Contractual	380,741	442,497	368,034	158,895	174,000	117,600
MPO Contractual	144,238	173,192	415,706	186,701	452,000	546,711
Audit Fees	49,039	45,686	43,116	42,220	47,000	46,000
Travel	45,866	46,859	45,700	26,099	75,000	46,250
Telephone	9,855	8,192	11,953	9,361	8,750	6,650
Postage	26,175	37,477	27,940	16,589	28,000	28,100
Storage Unit Rental	2,266	2,912	224			
Equipment Rental	31,602	21,585	33,341	29,266	32,200	35,200
Insurance	31,056	29,480	25,492	18,298	33,200	33,000
Repair/Maint. (Grounds/Bldg/Equip)	24,925	24,631	18,530	13,641	25,000	25,000
Printing/Reproduction	93,275	61,147	52,205	76,728	93,500	94,400
Utilities (Elec, water, garb)	23,053	26,089	22,955	17,500	28,000	30,000
Advertising	13,893	13,350	20,322	12,730	13,050	15,550
Other Miscellaneous	1,735	3,403	2,382	1,728	4,500	4,500
Office Supplies	27,367	19,654	18,374	14,494	18,500	18,550
Computer Related Expenses	52,880	61,809	44,788	47,492	39,000	41,700
Publications	2,302	1,625	1,656	2,024	3,800	4,000
Professional Development	45,665	36,137	36,504	34,130	34,000	35,900
Meetings/Events	39,242	44,679	22,298	52,574	55,800	59,800
Capital Outlay-Operations	41,853	12,175	21,995	8,037	25,000	29,000
Capital Outlay-Building	7,450	5,200	8,409	0	10,000	9,000
Long Term Debt (Building Loan)	127,751	127,751	127,751	95,813	128,000	128,000
Allocation of Fringe/Indirect				0	0	0
Amount to be reserved for ED/PR				0	0	400,000
Amount to be reserved for A/C				0	0	14,895
Reserve for Operations Expense	565,843	637,988	655,716	0	680,090	680,090
Total Cash Outlays	3,933,671	4,220,136	4,265,196	2,504,190	4,255,690	4,247,371
Net Income/(Loss)	72,146	17,727	24,374	-29,271	0	0
<u>Non-Cash Expenses:</u>						
Depreciation	61,653	61,653	63,348		60,000	70,000
Total Expenses	3,995,324	4,281,789	4,328,544	2,504,190	4,315,690	4,317,371

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
OCT. 1, 2011 - Sept. 30, 2012 BUDGET

	Year End			Current YTD ACTUAL at 6/30/11	Amended RPC Budget Y/E 9/30/11	Proposed RPC Budget Y/E 9/30/12
	RPC Actual Y/E 9/30/08	RPC Actual Y/E 9/30/09	RPC Actual Y/E 9/30/10			
Revenues						
Assessments	450,432	464,696	470,552	362,295	466,669	459,517
Federal/State/Local Funds	849,966	848,172	884,593	684,797	728,193	649,715
DRIs	271,982	271,982	280,626	161,134	200,000	253,000
Interest/Misc	37,625	15,104	10,101	0	30,000	15,000
Carry Over Fund Balance	565,843	637,988	637,988		680,090	680,090
Total Income	2,175,848	2,237,942	2,283,860	1,208,226	2,104,952	2,057,322
Expenditures						
<u>Direct:</u>						
Salaries - Total	1,135,505	1,184,309	1,254,218	896,396	1,130,000	738,475
FICA/Workers Comp/Unemploymt	128,548	136,112	140,348	81,817	140,000	195,000
Retirement	165,357	181,381	179,617	124,884	181,300	98,000
Health Insurance	171,950	177,977	165,874	149,307	180,000	150,000
Total Personnel Services				1,252,404	1,631,300	1,181,475
Consultant Fees	59,109	125,707	33,118	48,273	40,000	40,000
NEP Contractual	0	0	0	0	0	0
MPO Contractual	0	0	0	0	0	0
Audit Fees	49,039	45,686	43,116	42,220	47,000	46,000
Travel	27,075	26,173	28,292	14,478	48,000	19,250
Telephone	8,455	7,068	10,780	7,871	7,100	5,000
Postage	1,453	-711	2,549	6,375	3,000	3,100
Storage Unit Rental	1,376	1,573	121			
Equipment Rental	31,602	21,455	33,341	29,141	32,000	35,000
Insurance	31,056	29,480	24,941	18,298	33,200	33,000
Repair/Maint. (Grounds/Bldg/Equip)	24,925	24,631	18,530	13,641	25,000	25,000
Printing/Reproduction	8,080	-626	863	8,590	2,000	2,900
Utilities (Elec, water, garb)	23,053	26,089	22,955	17,500	28,000	30,000
Advertising	1,603	4,588	2,978	2,457	2,500	3,000
Other Miscellaneous	1,285	3,325	2,336	623	2,500	2,500
Office Supplies	20,861	14,349	14,821	12,191	15,000	15,050
Computer Related Expenses	50,649	57,994	42,352	42,319	30,000	30,700
Publications	1,877	1,562	1,631	2,024	1,800	2,000
Professional Development	38,465	29,779	28,511	26,750	25,000	26,900
Meetings/Events	10,612	19,202	7,849	12,840	10,000	14,000
Capital Outlay-Operations	41,853	10,897	19,742	6,274	15,000	22,000
Capital Outlay-Building	7,450	5,200	8,409	0	10,000	9,000
Long Term Debt (Building Loan)	127,751	127,751	127,751	95,813	128,000	128,000
Allocation of Fringe/Indirect	-631,128	-678,723	-593,546	-422,586	-711,538	-711,538
Amount to be reserved for ED/PR						400,000
Amount to be reserved for A/C						14,895
Reserve for Operations Expense	565,843	637,988	637,988	0	680,090	680,090
Total Cash Outlays	2,103,703	2,220,214	2,259,486	1,237,497	2,104,952	2,057,322
Net Income/(Loss)	72,146	17,728	24,374	-29,271	0	0
<u>Non-Cash Expenses:</u>						
Depreciation	68,769	71,028	63,348		60,000	70,000
Total Expenses	2,172,472	2,291,242	2,322,834	1,237,497	2,164,952	2,127,322

METROPOLITAN PLANNING ORGANIZATION

OCT. 1, 2011 - Sept. 30, 2012 BUDGET

	Year End			Current YTD ACTUAL at 6/30/11	Amended MPO Budget Y/E 9/30/11	Proposed MPO Budget Y/E 9/30/12
	MPO Actual Y/E 9/30/08	MPO Actual Y/E 9/30/09	MPO Actual Y/E 9/30/10			
Revenues						
Assessments						
Federal/State/Local Funds	734,313	737,699	981,107	582,754	1,114,038	1,210,749
DRIs						
Interest/Misc						
Carry Over Fund Balance						
Total Income	708,808	734,313	981,107	582,754	1,114,038	1,210,749
Expenditures						
<u>Direct:</u>						
Salaries - Total	240,924	237,956	234,320	166,039	280,000	280,000
FICA/Workers Comp/Unemploymt						
Retirement						
Health Insurance						
Total Personnel Services						
Consultant Fees	0	0	0	0	0	
NEP Contractual	0	0	0	0	0	
MPO Contractual	144,238	173,192	415,706	186,701	452,000	546,711
Audit Fees	0	0	0	0	0	
Travel	3,394	4,143	3,011	2,961	6,000	6,000
Telephone	856	752	751	987	1,000	1,000
Postage	4,814	4,913	3,694	2,183	5,000	5,000
Storage Unit Rental	0	0	0			
Equipment Rental	0	0	0	125	0	
Insurance	0	0	0	0	0	
Repair/Maint. (Grounds/Bldg/Equip)	0	0	0	0	0	
Printing/Reproduction	3,783	1,336	974	723	6,500	6,500
Utilities (Elec, water, garb)	0	0	0	0	0	
Advertising	11,768	8,696	17,292	10,273	10,000	12,000
Other Miscellaneous	447	28	46	360	500	500
Office Supplies	2,367	563	837	1,289	2,000	2,000
Computer Related Expenses	516	788	2,405	462	3,000	6,000
Publications	0	0	0	0	1,500	1,500
Professional Development	1,012	523	1,093	1,670	2,000	2,000
Meetings/Events	443	730	676	1,831	2,000	2,000
Capital Outlay-Operations	0	0	2,253	0	6,000	3,000
Capital Outlay-Building	0	0	0	0	0	
Long Term Debt (Building Loan)	0	0	0	0	0	
Allocation of Fringe/Indirect	319,750	304,078	298,051	207,150	336,538	336,538
Amount to be reserved for ED/PR						
Amount to be reserved for A/C						
Reserve for Operations Expense						
Total Cash Outlays	734,313	737,699	981,107	582,754	1,114,038	1,210,749
Net Income/(Loss)						
<u>Non-Cash Expenses:</u>						
Depreciation						
Total Expenses	734,313	737,699	981,107	582,754	1,114,038	1,210,749

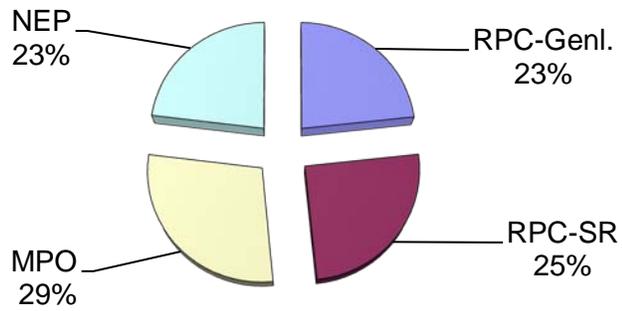
CHARLOTTE HARBOR NEP
OCT. 1, 2011 - Sept. 30, 2012 BUDGET

	Year End			Current YTD ACTUAL at 6/30/11	Amended CHNEP - Budget Y/E 9/30/11	Proposed CHNEP - Budget Y/E 9/30/12
	CHNEP - Actual Y/E 9/30/08	CHNEP - Actual Y/E 9/30/09	CHNEP - Actual Y/E 9/30/10			
Revenues						
Assessments						
Federal/State/Local Funds	1,095,655	1,262,223	1,006,876	683,939	1,036,700	979,300
DRIs						
Interest/Misc						
Carry Over Fund Balance						
Total Income	1,300,873	1,095,655	1,006,876	683,939	1,036,700	979,300
Expenditures						
<u>Direct:</u>						
Salaries - Total	244,207	293,178	232,311	173,154	296,000	296,000
FICA/Workers Comp/Unemploymt						
Retirement						
Health Insurance						
Total Personnel Services						
Consultant Fees	0	0		0	0	0
NEP Contractual	380,741	442,497	368,034	158,895	174,000	117,600
MPO Contractual	0	0	0	0	0	0
Audit Fees	0	0	0	0	0	0
Travel	15,397	16,543	14,397	8,661	21,000	21,000
Telephone	544	372	422	503	650	650
Postage	19,908	33,275	21,696	8,030	20,000	20,000
Storage Unit Rental	890	1,339	103			
Equipment Rental	0	130	0	0	200	200
Insurance	0	0	551	0	0	0
Repair/Maint. (Grounds/Bldg/Equip)	0	0	0	0	0	0
Printing/Reproduction	81,412	60,436	50,368	67,415	85,000	85,000
Utilities (Elec, water, garb)	0	0	0	0	0	0
Advertising	521	66	53	0	550	550
Other Miscellaneous	3	50	0	745	1,500	1,500
Office Supplies	4,139	4,742	2,716	1,013	1,500	1,500
Computer Related Expenses	1,714	3,028	30	4,710	6,000	5,000
Publications	425	63	25	0	500	500
Professional Development	6,188	5,835	6,901	5,710	7,000	7,000
Meetings/Events	28,187	24,747	13,774	37,903	43,800	43,800
Capital Outlay-Operations	0	1,278	0	1,763	4,000	4,000
Capital Outlay-Building	0	0	0	0	0	0
Long Term Debt (Building Loan)	0		0	0	0	0
Allocation of Fringe/Indirect	311,378	374,645	295,495	215,436	375,000	375,000
Amount to be reserved for ED/PR						
Amount to be reserved for A/C						
Reserve for Operations Expense						
Total Cash Outlays	1,095,655	1,262,223	1,006,876	683,939	1,036,700	979,300
Net Income/(Loss)						
<u>Non-Cash Expenses:</u>						
Depreciation						
Total Expenses	1,095,655	1,262,223	1,006,876	683,939	1,036,700	979,300

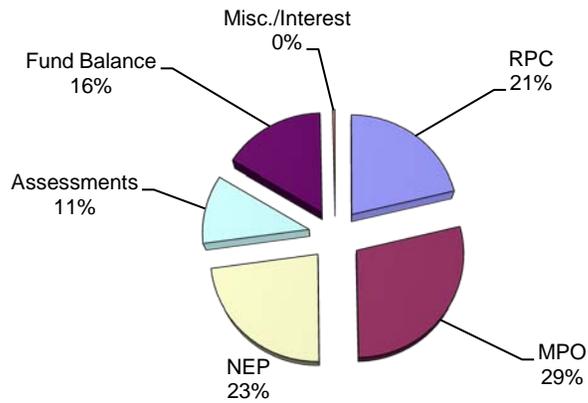
SWFRPC-MPO-CHNEP COMBINED
PROPOSED BUDGET AND FIVE YEAR PLAN
OCTOBER 1, 2011 TO SEPTEMBER 30, 2016

	Adopted Budget Y/E 9/30/11	5 Year Plan				
		Budget Y/E 9/30/12	Budget Plan Y/E 9/30/13	Budget Plan Y/E 9/30/14	Budget Plan Y/E 9/30/15	Budget Plan Y/E 9/30/16
Revenues						
Assessments	466,669	459,517	460,000	460,000	462,000	465,000
Federal/State/Local Grants	2,878,931	2,839,764	2,840,000	2,840,000	2,845,000	2,850,000
Dri/Monitoring Fees	200,000	253,000	250,000	250,000	250,000	250,000
Interest/Misc	30,000	15,000	15,000	15,000	20,000	20,000
Carry Over-Fund Balance	680,090	680,090	600,000	600,000	600,000	600,000
Total Income	4,255,690	4,247,371	4,165,000	4,165,000	4,177,000	4,185,000
Expenditures						
<u>Direct:</u>						
Total Personnel Services	2,207,300	1,757,475	2,203,060	2,197,194	2,139,266	2,141,577
Consultant Fees	40,000	40,000	40,000	40,000	40,000	40,000
NEP Contractual	174,000	117,600	116,600	117,766	118,944	120,133
MPO Contractual	452,000	546,711	450,000	450,000	500,000	500,000
Audit Fees	47,000	46,000	48,000	48,000	49,000	49,000
Travel	75,000	46,250	45,000	45,000	46,000	46,000
Telephone	8,750	6,650	7,000	8,000	8,000	9,000
Postage	28,000	28,100	28,000	28,000	28,000	28,000
Equipment Rental	32,200	35,200	32,000	33,000	34,000	35,000
Insurance	33,200	33,000	33,200	33,200	35,200	35,200
Repair/Maint. (Grounds/Bldg/Equip)	25,000	25,000	25,000	25,500	26,000	26,500
Printing/Reproduction	93,500	94,400	94,500	94,500	94,500	94,500
Utilities (Elec, water, garb)	28,000	30,000	28,000	30,000	32,000	34,000
Advertising	13,050	15,550	16,000	16,000	17,000	17,000
Other Miscellaneous	4,500	4,500	4,500	4,500	4,500	4,500
Office Supplies	18,500	18,550	18,550	18,550	19,000	19,000
Computer Related Expenses	39,000	41,700	37,500	37,700	41,000	41,000
Publications	3,800	4,000	4,000	4,000	5,500	5,500
Professional Development	34,000	35,900	35,000	35,000	36,000	36,000
Meetings/Events	55,800	59,800	56,000	56,000	56,000	56,000
Capital Outlay-Operations	25,000	29,000	25,000	25,000	29,000	29,000
Capital Outlay-Building	10,000	9,000	10,000	10,000	10,000	10,000
Long Term Debt (Building Loan)	128,000	128,000	128,000	128,000	128,000	128,000
Allocation of Fringe/Indirect						
Amount to be reserved		414,895				
Reserve for Operations Expense	680,090	680,090	680,090	680,090	680,090	680,090
Total Cash Outlays	4,255,690	4,247,371	4,165,000	4,165,000	4,177,000	4,185,000
Net Income/(Loss)	0	0				
<u>Non-Cash Expenses:</u>						
Depreciation	60,000	70,000	70,000	71,000	71,000	72,000
Total Expenses	4,315,690	4,317,371	4,235,000	4,236,000	4,248,000	4,257,000

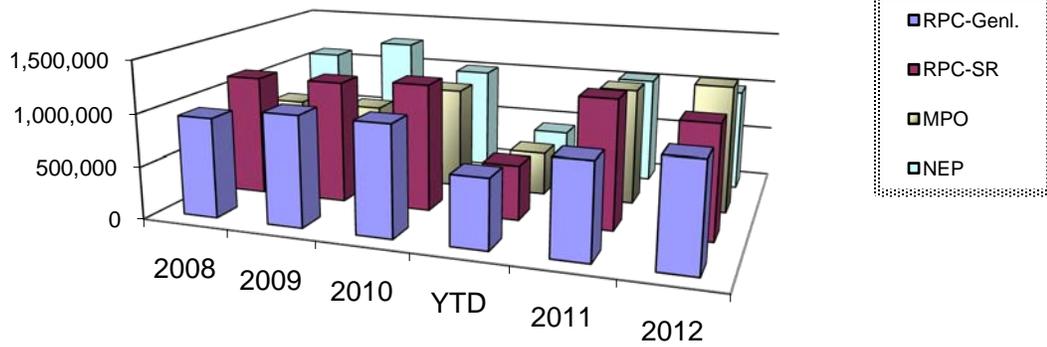
2011-12 Budget Distribution by Agency



Distribution of Revenue



Comparison of Expenses



**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
CURRENT AND PROPOSED BUDGETS**

	Amended 2010-11 BUDGET	Proposed 2011-12 BUDGET	Change
Revenues			
Assessments	466,669	459,517	-7,152
Federal/State	2,239,455	2,330,868	91,413
Local Funds	639,476	508,896	-130,580
DRIs	200,000	253,000	53,000
Interest/Misc	30,000	15,000	-15,000
Total Income	3,575,600	3,567,281	-8,319
Expenditures			
<u>Direct:</u>			
Total Personnel Services	2,207,300	1,757,475	-449,825
Consultant Fees	40,000	40,000	0
NEP Contractual	174,000	117,600	-56,400
MPO Contractual	452,000	546,711	94,711
Audit Fees	47,000	46,000	-1,000
Travel	75,000	46,250	-28,750
Telephone	8,750	6,650	-2,100
Postage	28,000	28,100	100
Equipment Rental	32,200	35,200	3,000
Insurance	33,200	33,000	-200
Repair/Maint. (Grounds/Bldg/Equip)	25,000	25,000	0
Printing/Reproduction	93,500	94,400	900
Utilities (Elec, water, garb)	28,000	30,000	2,000
Advertising	13,050	15,550	2,500
Other Miscellaneous	4,500	4,500	0
Office Supplies	18,500	18,550	50
Computer Related Expenses	39,000	41,700	2,700
Publications	3,800	4,000	200
Professional Development	34,000	35,900	1,900
Meetings/Events	55,800	59,800	4,000
Capital Outlay-Operations	25,000	29,000	4,000
Capital Outlay-Building	10,000	9,000	-1,000
Long Term Debt	128,000	128,000	0
Amount to be reserved for A/C		414,895	414,895
Total Cash Outlays	3,575,600	3,567,281	-8,319

Increase:

Professional Development was under-estimated last year & more requests this year
 Utilities increased due to transfer of internet from Computer Related line
 Capital Outlay and Computer Related - replacement of PCs and laptops, MPO Upgrades

SWFRPC - RPC only (excludes MPO and NEP)
Comparison of RPC '10 Actual to Budgets of 2011 and 2012

	A	B	C	A vs.B	A vs.C	B vs.C
	RPC Actual Y/E 9/30/10	Amended RPC Budget Y/E 9/30/11	Proposed RPC Budget Y/E 9/30/12	Percentage change '10 Act to '11 Bud	Percentage change '10 Act to '12 Bud	Percentage change '11 Bud to '12 Bud
Revenues						
Assessments	470,552	466,669	459,517			
Federal/State/Local Grants	884,593	728,193	649,715			
Dri/Monitoring Fees	280,626	200,000	253,000			
Interest/Misc	10,101	30,000	15,000			
Carry Over Fund Balance	637,988	680,090	680,090			
Total Income	2,283,860	2,104,952	2,057,322	-7.83%	-9.92%	-2.26%
Expenditures						
Total Personnel Services	1,740,057	1,631,300	1,181,475			
Total Operating Expenses	519,428	473,652	875,847			
Total Cash Outlays	2,259,486	2,104,952	2,057,322	-6.84%	-8.95%	-2.26%
Net Income/(Loss)	24,374	0	0			

Facts to be noted for this Annual Budget

- 1 Included in Personal Services are salaries, sick, vacation, and holiday pay as well as benefits (ie: Retirement, Health, FICA) As always, transfers between Expense Lines will require a Budget Amendment.
- 2 As per the Auditors, the Fund Balance must be shown in the Budget as 'carry over fund balance' in the revenue portion and as 'reserve for operations' in the expense portion of the Budget.
- 3 It has been recommended by the auditors that the Council designate a portion of the fund balance for emergencies. In that regard, \$644,000 was been appropriated thus far and the reserved fund balance will be increased each year if possible until our goal of a six month reserve is met.
- 4 Fringe and Indirect reimbursed by MPO and NEP grants are shown as reallocation from Council since their budgets are separated from the RPC budget. A copy of the Calculation of the Indirect/Fringe Rates policy approved by the Council is attached. The Indirect rate prorates the overhead incurred by the RPC over each active project/agency. These expenses include, but are not limited to, facility costs, office supplies, and support staff.

Fringe/Indirect Rates for 5 years:

2011-12 Fringe Provisional Rate	44%
2011-12 Indirect Provisional Rate	77%
2010-11 Fringe Provisional Rate	44%
2010-11 Indirect Provisional Rate	83%
2009-10 Fringe Actual Rate	44%
2009-10 Indirect Actual Rate	83%
2008-09 Fringe Actual Rate	45%
2008-09 Indirect Actual Rate	82%
2007-08 Fringe Actual Rate	45%
2007-08 Indirect Actual Rate	83%

The SWFRPC has a "No Written Investment Policy". Any investments made by the SWFRPC must follow Florida Statute #218-415 which states:

Those units of local government electing not to adopt a written investment policy may invest or reinvest any surplus public funds in their control or possession in:

- (a) The Local Government Surplus funds Trust Fund (Fl. Prime SBA)*
- (b) Securities and Exchange Commission registered money market funds.*
- (c) Interest-bearing time deposits or savings accounts in qualified public depositories*
- (d) Direct Obligations of the U.S. Treasury*

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

CAPITAL ASSETS POLICY

Conforming to the requirements of GASB 34, we are formally setting the following guidelines for fixed assets capitalization and depreciation:

Assets will be capitalized at \$1,000 and above according to Florida Statue, Chapter 274.

These assets will be inventoried using the Peachtree Fixed Assets Program.

The depreciation method will be straight-line, full month.

Useful life ranges are as follows:

- Buildings – 45 years
- Improvements other than buildings – 15 years
- Computer Equipment – 3 years
- Furniture and Fixtures – 7 years
- Vehicles and Equipment – 5 years

This policy is effective as of October 1, 2004.

Any assets previously inventoried under \$1,000 shall be removed from the inventory list and that list submitted along with this policy.

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL COMPUTER DISPOSAL POLICY

Effective Date: December 14, 2007

Policy Statement:

All Council-owned electronic equipment, including but not limited to, computers, monitors, faxes, copy machines, cell phones, and personal digital appliances (PDAs) with a printed circuit board that the Network Administrator has deemed to be surplus or non-usable shall be disposed of in a manner that is consistent with Federal, state and local statutes and regulations, with recycling being the preferred method. All equipment identified as surplus shall be recycled by the Council's selected and approved vendor list. In addition, all surplus computers or servers that contain hard drives shall be wiped clean or shall be destroyed by magnetic degaussing.

If equipment is recycle/disposed through the Lee County Government Solid Waste Division there is a fee which is subject to change.

Responsibility:

The administration of the recycling program shall be under the Network Administrator and the Executive Director. The Network Administrator identifies equipment as surplus to the needs for the Council, the Executive Director, reviews, and approves these declarations and brings the matter before the Council for final approval.

Action:

The initial action is the Network Administrator presents the Executive Director a list of surplus equipment. This list depicts: purchase date, current capital value, and reason for designation as surplus and recommended method of disposal. Once a list is approved by the Executive Director, it is placed on the Council's Agenda in the Administrative Items section for final approval.

Possible methods of disposal include: in-house auction of equipment, donation to other agencies, recycling, disposal or any other method deemed to be consistent with the purpose and mission of the Council.

Southwest Florida Regional Planning Council

Reserve Policy

This policy is designed to guide the Council in financial policies to maintain a strong financial position. A strong financial position is important in the maintenance of services to the various counties and cities as well as to the citizens of the area served by the Council. The reserve policy is designed to allow the Council to maintain a committed and/or assigned fund balance level between four (4) and six (6) months of prior year operating expenditures as recommended.

The reserves are a component of the Council's fund balance which is reviewed by auditors as an indicator of financial health. Assigned (intended for a specific purpose) and/or committed (constraint imposed by Council) fund balance reserves are designed to provide the Council with funds in the event of revenue interruption, shortfalls or other unforeseen occurrence. Should the Council be required to hold reserves by third party agreement or law; these amounts will be classified as Restricted.

Specifically committed and/or assigned fund balance reserves will be maintained at a level of at least four (4) months of the prior year total operating expenditures and will be increased annually, if possible, to reach a goal of six (6) months.

This assigned fund balance reserve as well as the Council's operating reserve and capital asset reserve will be maintained to meet the Council's needs in case of an emergency such as a natural disaster.

In the event funds are utilized from the fund balance reserves, every effort will be made to restore the initial reserve amount in the ensuing years. Changes to the fund balance reserves will be reported annually as part of the financial statements and at the annual Budget presentation.

Remaining classifications of fund balance are non-spendable and unassigned. The non-spendable fund balance is that fund balance associated with fixed assets. This balance is adjusted each year by the addition or disposal of fixed assets. These adjustments are presented annually for Council approval. The unassigned fund balance is the residual classification for the Council's general fund and includes all spendable amounts not contained in the restricted, committed, assigned and non-spendable classifications.

Note: As of October 1, 2010, our assigned fund balance reserves total six hundred forty-four thousand dollars (\$644,000).

Calculation of Fringe and Indirect Rates

Source:

CCAS Indirect Cost Rate (<http://www.ccas.com/cgovcon.htm>)

CCAS produces and supports financial and government project accounting software

Frequently Asked Questions (FAQs) about Indirect Costs from

The Division of Financial Advisory Services

(<http://ocm.od.nih.gov/dfas/faqindirectcosts.htm>)

What is the difference between a direct cost and an indirect cost?

A direct cost is any cost that can be easily identified with a specific project (grant/contract): e.g., Salaries and Wages, Materials & Supplies, Subcontracts, Consultants.

An indirect cost is any cost that cannot be easily identified (or it would not be cost effective to identify) to a specific project, but identified with two or more final cost objectives. There are three types of indirect costs:

Fringe Benefits: services or benefits provided to employees, e.g., Health Insurance, Payroll Taxes, Pension Contribution, Paid Absences, etc

Overhead: indirect costs associated with the performance of a project, e.g., Facility Costs (rent, heat, electricity, etc.), General Laboratory Supplies, office supplies, etc.

G&A: indirect costs associated with the overall management of an organization, e.g., President's Office, Human Resources Office, Accounting Office, etc.

Determining an Indirect-Cost Rate

An indirect-cost rate is simply the ratio of indirect costs to some base or activity (that is, direct labor costs, labor hours, number of employees, space footage or total direct costs).

We will use the ratio of indirect costs (excluding fringe) to direct labor costs to determine the actual indirect rate. (Overhead and G&A)

The ratio of total fringe benefits to total salaries will be used to determine the actual fringe rate. (Fringe Benefits)