

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
April 18, 2024, MEETING**

The virtual zoom meeting of the Southwest Florida Regional Planning Council’s Executive Board was held on April 18, 2024. Governor Appointee and Council Chair, Mr. Don McCormick called the meeting to order at 9:00 a.m. There was a quorum of the Executive Committee present.

**BOARD MEMBERS PRESENT**

**Charlotte County:** Mr. Don McCormick – Chair,  
Councilwoman Dr. Debi Lux – City of Punta Gorda (zoom)

**Collier County:** Commissioner Bill McDaniel (zoom)  
Councilman Bill Kramer - City of Naples (zoom)

**Glades County:** Commissioner Tim Stanley

**Hendry County:** Mr. Mel Karau (zoom)

**Lee County:** Councilman Fred Burson – City of Fort Myers

**Sarasota County:** Councilman Ron Smith – City of Venice (zoom)

**Ex-Officio Members:** None

**OTHERS PRESENT**

Ms. Margaret Wuerstle - Executive Director, SWFRPC

Ms. Rebekah Harp – SWFRPC

Ms. Katelyn Kubasik – SWFRPC (zoom)

Ms. Catherine Peralta – SWFRPC Vista (zoom)

Ms. Denise Imbler – FRCA – (zoom)

Mr. Ron Gogoi – Lee County MPO

Ms. Wuerstle explained that there is a vacancy on the Executive Board and that she has asked Councilman Ron Smith from the City of Venice to fill the vacancy if he is elected.

**Councilman Fred Burson offered a motion to elect Councilman Ron Smith as the Secretary. Mr. Don McCormick seconded the motion to elect Councilman Ron Smith as the Secretary. The motion was approved unanimously.**

**AGENDA ITEM #6(a)  
MINUTES OF THE February 22, 2024, COUNCIL/EXECUTIVE MEETING**

**Mr. Don McCormick asked if there were any comments or corrections to the February 22, 2024, meeting minutes. No comments were heard. A vote was taken to approve the February 22, 2024 meeting minutes. The minutes were approved unanimously.**

**AGENDA ITEM #7(a)  
FINANCIALS: January-March 2024 Financials**

Ms. Wuerstle explained that the financials presented are not a pretty picture. However, there are grant reimbursements that create an up and down cycle. Ms. Wuerstle would like to defer discussion to the directors' report. Ms. Wuerstle continued to explain that our draft audit is complete and the auditor, Jeff Tuscan, will be at our next meeting in May to present it to the board.

Commissioner Bill McDaniel asked Ms. Wuerstle what the timeline is to deplete the reserves. Ms. Wuerstle responded that the auditor is predicting by the end of the fiscal year September 30, 2025. Ms. Wuerstle believes that the council should prepare prior to that and suggested looking at September 2024. Ms. Wuerstle explained that is what she wanted to discuss under the directors' report.

Commissioner Bill McDaniel responded that Ms. Wuerstle's response answered his question. Commissioner McDaniel apologized for not being there in person as he has a press conference that he is obligated to and will need to drop off in about 10 minutes in case his vote is needed.

**Councilman Fred Burson offered a motion to approve the January-March financials. Commissioner Bill McDaniel seconded the motion to approve the January-March financials. The motion was approved unanimously.**

**AGENDA ITEM #8  
CONSENT AGENDA**

**AGENDA ITEM #9**  
**MPO Draft ICAR – Mr. Ron Gogoi, Lee County MPO**

Mr. Ron Gogoi with the Lee County MPO presented the MPO Draft ICAR which is a joint agreement that involves five agencies, including the RPC, Lee MPO, FDOT District 1, Lee Tran and Lee County Port Authority. He explained intergovernmental coordination between these agencies is required to update these documents that the MPO publishes. All five agencies are responsible for the coordination and review of these particular documents.

The existing document presented to the Council today goes back to 2013 and after five years it automatically renews. Five years after all the signatories need to review the document for any changes. This was not done. There is also a new template for this document, which needs to be updated. When the original document was executed the MPO staff overreached and included two other agencies that are not required as signatories for this particular agreement. That includes the Cape Coral Minibus Services and Lee County School District. The Lee County MPO decided to put together a new agreement and the Lee County MPO is asking that the RPC execute the new agreement.

Mr. Don McCormick asked if the two agencies being dropped from the agreement provided any comments? Mr. Gogoi responded that the Lee County MPO has not reached out to them, but explained that the Lee County School District is not truly a public transit agency and they shouldn't have been included originally. The Cape Coral Minibus service is also not a public transit organization since they are only transporting disadvantaged. Both agencies have not contributed to the review of this document.

Mr. Don McCormick wanted on the record that the other agencies have not provided any comments. Mr. Gogoi confirmed.

**Councilman Fred Burson offered a motion to execute the MPO document. Commissioner Bill McDaniel seconded the motion to make a comment. The comments are as follows:**

Commissioner McDaniel asked if this agreement was disseminated to all the members. Mrs. Wuerstle responded yes and that it was included in the packet to all members. Commissioner McDaniel explained that he cannot support signing the MPO agreement until all the MPOs and their legal counsel has reviewed it for the impact to the individual counties.

Mr. Gogoi explained that this agreement only covers the Lee County Metropolitan area and the other MPO's have similar agreements for their areas.

Commissioner McDaniels asked if this needs to be done today and Mr. Gogoi responded that it doesn't have to be done today, however it needs to be completed and presented to the MPO board in June.

Commissioner McDaniels would like to continue this item for a month to have the county attorney's review before signing.

Councilman Fred Burson disagreed with waiting since the agreement has nothing to do with the other counties and strictly has to do with Lee County MPO. Councilman Burson believed we

should move forward so the other agencies to sign off on it and a month delay won't change anything.

Councilman Ron Smith would like to follow Commissioner McDaniels suggestion and continue it a month because of the situation of counties not paying it gives them an opportunity to have any concerns voiced. Councilman Smith continued that we have to get everyone back on board here and this can only help. Councilman Smith would like to support Commissioner McDaniels idea of continuing it for one month while we contact each county. Councilwoman Debbie Lux remarked that she agrees.

**Councilman Fred Burson offered a motion to execute the MPO document. No second for the motion. The motion fails.**

**Commissioner McDaniel made a motion to delay the execution of the MPO document for one month and send it to each county attorney of the members of the RPC for comments.**

**Councilman Ron Smith seconded the motion to delay the execution of the MPO document for one month and send it to each county attorney of the members of the RPC for comments.**

**The motion was approved.**

#### **AGENDA ITEM #10 DIRECTORS REPORT**

Ms. Wuerstle explains that staff has received the draft auditor's report which will come before the Council at the next meeting. As part of that, Ms. Wuerstle needed to write a letter explaining our operations and how long we can continue. Before she wrote the letter, Ms. Wuerstle explained that she wanted to bring before the board a draft proposed budget that starts October 2024 through September 2025 so we know what it will look like next year. Ms. Wuerstle stated that we have not heard from the Governor, however the Governor's Chief of Staff, Justin Domer, called FRCA and FRCA gave him our number. I also called him and left several messages and haven't heard anything back yet.

If you look at the budget, you will see that we will need to use all of our reserves and we will be approximately \$110,471 in the red. This does not take into account any grants that we may receive but it still looks like we should plan or at least start discussing what we are going to do. Ms. Wuerstle continued to state that in her opinion we will probably make it to the end of September 2024 and that we have responsibilities that we need to start thinking about. One is all the files and documents that we must save are in storage. What is going to happen with them and where are they going to go? Should we call FRCA and ask how this area will be divided up and who will get those files. Going through the files alone is months of work. If it comes to the members not paying again in 2024-2025, they will owe us \$3.5 million. Right now it's \$2.9 million. Ms. Wuerstle explains that she would like help to resolve what we are going to do. She understands that this is very unpleasant and is certainly unpleasant for her, but we have to be realistic. What are we going to do if the Counties aren't going to pay? Personally, Ms. Wuerstle stated that she thinks the board should authorize her to at least talk to an attorney to see if there is anything we can do. The attorney might look at the State Statute and

the interlocal agreement and think we don't have a leg to stand on. Or it might be just the opposite. Ms. Wuerstle posed the question, do we want to know exactly where we stand and what we can and can't do? Ms. Wuerstle asked Denise Imbler, who was on the zoom, if any of the other regional councils had to go to court over anything like this? Ms. Imbler responded, not to this extent, but she would like to restate what we offered at the last meeting which was to have legal staff from the other RPCs provide opinions to you and make a presentation to you on your situation, the statute, and options. That offer is still on the table. Councilman Ron Smith asks why we are not acting on that offer? He certainly thought it was a good idea to have counsel advise us on our situation and what they think we can do about it.

**Councilman Ron Smith made a motion to accept the offer to have the legal staff from other RPCs to provide a presentation on our situation, statutes and their opinion given that we have had no response from the Governor and request this briefing. Councilwoman Debbie Lux seconded the motion to accept the offer to have the legal staff from other RPCs provide a presentation on our situation, statutes and their opinion. The motion was approved unanimously.**

Mr. McCormik asked Ms. Wuerstle if we needed our own legal counsel. Ms. Wuerstle responded that this is a good first step and thanked Denise for the generous offer from the other RPCs. Ms. Wuerstle would like to have something hopefully at the May meeting and then determine if we want to get our own legal counsel. We can then set that up, but at least we have a good first step. Ms. Wuerstle continued to explain that she is very concerned that we would make it through 2025 with a one hundred-thousand-dollar deficit. Her other concern is that we are going fast and furious on the grants, however she wanted to remind everyone that some of these grants are three-year grants and very few are only a year, which the SWFRPC will be obligated to. Ms. Wuerstle explained that there are a lot of moving parts that we need to get on top of.

Ms. Imbler asked what the date is of the next meeting to let everyone know who offered to participate. Ms. Wuerstle responded May 16<sup>th</sup> at 9:00a.m.

Commissioner Tim Stanley from Glades County asked a question regarding the proposed budget line item for Secured Federal/State Grants of \$317,877. Commissioner Stanley asked if any of those funds could be used for operations? Ms. Wuerstle responded that some are used for operations through the administrative funds we receive. However, there are deliverables on all of these grants that we need to fulfill. Ms. Wuerstle continued to explain that recently she has had to respond to certain agencies and cities that we don't have the resources to review the projects that are requesting to be reviewed. Ms. Wuerstle explained that these reviews would need to be contracted out and an invoice would be submitted to the agency, city or county. No one has responded with the ok for an invoice. Normally those reviews would be covered by assessments, but if the county is not paying, I can't take money from a grant fund and use it to pay to review an application. It is limited in scope, but it does cover some of the administrative tasks that we have to complete.

Commissioner Stanley responded that the whole \$317,000 is not operating funds so our deficit is going to be worse than what you actually have on the budget. Is that correct from what I understand? Ms. Wuerstle responded yes and Mr. McCormick added that the \$317,000 includes everything such as admin and contractual.

Ms. Wuerstle also wanted to mention that the grant activity sheet is included in the packet each month that shows everything we applied for, approved, and what is still pending. There is a \$16 million grant pending for Clewiston's Wastewater Treatment Plant that we would be responsible for the administration and reporting. Ms. Wuerstle wants to ensure that steps are taken so that we don't close the door on everything.

**AGENDA ITEM #10(a)  
Government Fund History (Informational)**

**AGENDA ITEM #10(b)  
Grant activity Sheet (Informational)**

**AGENDA ITEM #11  
COMMITTEE REPORTS**

No Committee Reports were given.

**AGENDA ITEM #11(a)  
EXECUTIVE COMMITTEE**

There was no update given.

**AGENDA ITEM #11(b)  
QUALITY OF LIFE & SAFETY COMMITTEE**

There was no update given.

**AGENDA ITEM #12  
NEW BUSINESS**

No new business was discussed.

**AGENDA ITEM #13  
STATE AGENCIES COMMENTS/REPORTS**

No state agency comments were given.

**AGENDA ITEM #14  
COUNCIL MEMBERS' COMMENTS**

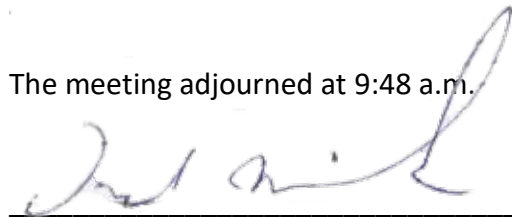
Councilman Ron Smith would like to take the opportunity to thank the Executive Director who traveled to Venice to make a presentation to the Venice City Council since we last met. It was a powerful presentation and generated a lot of questions and concerns. The Venice Council agreed to review at their next budget meeting whether it should be paying its assessments. It was very important, and he hopes that Ms. Wuerstle will get to do similar presentations in other areas that have been hesitant to pay.

Councilwomen Debbie Lux asked if the City of Punta Gorda has and is paying their assessments? Ms. Wuerstle responded no, the City of Punta Gorda is not paying assessments. Councilwomen Lux asked if someone could reach out to the city manager asking to do a presentation to present this to City Council so hopefully the City of Punta Gorda would pay this bill.

Ms. Wuerstle responded that she will reach out to the City of Punta Gorda.

**AGENDA ITEM #15  
ADJOURN**

The meeting adjourned at 9:48 a.m.



Don McCormick, Chairman

**The meeting was duly advertised in the April 11, 2024, issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 50, Number 72.**