

## SOUTH FLORIDA REGIONAL PLANNING COUNCIL

### Minutes

June 2, 2014

South Florida Regional Planning Council's Executive Committee met on this date at the South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021. Chair Ritter called the meeting to order at 10:40 a.m. and Councilmember Wallace led the Pledge of Allegiance.

#### **I. Pledge of Allegiance and Roll Call**

Councilmember Jean Monestime  
Councilmember David Rice  
Chair Stacy Ritter (absent)  
Councilmember Paul Wallace  
Councilmember Sandra Walters

Mr. David Tolces, Legal Counsel was present.

#### **II. Approval of Council Agenda**

Councilmember Walters moved to approve the amended Council Agenda. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

#### **III. Action Items**

##### **A. Minutes of Previous Meeting**

Councilmember Walters moved to approve the Minutes of the Previous Meeting. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

##### **B. Financial Report**

Councilmember Walters moved to approve Agenda Item III.B, Financial Report. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

##### **C. Intergovernmental Coordination and Review Report**

Councilmember Wallace moved to approve Agenda Item III.C, Intergovernmental Coordination and Review Report. Councilmember Walters seconded the motion, which carried by a unanimous vote.

##### **D. Consent: Comprehensive Plan Amendment Reviews**

- City of Deerfield Beach 14-2ESR

Councilmember Monestime moved to approve Agenda Item III.D: Comprehensive Plan Amendment Reviews, Proposed and Adopted. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

##### **E. Regional Issues: Comprehensive Plan Amendment Reviews None**

#### IV. Discussion Items

##### A. Executive Director's Report

James Murley, Executive Director, stated that July's Council Meeting will be July 7, 2014 as the result of the survey taken. There was concern as to who would Chair the meeting since Members of the Executive Committee may not be attending. David Tolces, Legal Counsel, stated that someone would be designated as the Chair-Pro-tem. Mr. Murley stated that the August Executive Committee Meeting will be moved to August 11, 2014. Councilmember Monestime stated that he would not be able to attend the July or August meetings.

Mr. Murley stated there was a report from Florida Regional Council Association. He stated that he did not have an update on the budget but should have an answer to the Regional Planning Council's line item later in the day and that the budget should be signed at the end of the week.

Mr. Murley stated that on May 28, 2014, Heather McTeer Toney, US EPA District 4 Regional Administrator, held a meeting at the SFRPC Conference Room with Isabel Cosio Carballo as the organizer. Ms. Carballo stated that the meeting was very well attended and went smoothly. The discussion focused on Everglades Restoration, Clean Water Act regulations, brownfields and water issues. Mr. Murley clarified that the meeting was EPA's meeting, not the Council's.

Mr. Murley stated that recommendations of the Seven50 SE Florida Prosperity Plan are currently under implementation. Mr. Murley invited Ms. Carballo to discuss the upcoming Regional Opportunity Network strategy meeting scheduled for June 11<sup>th</sup>. Ms. Carballo explained that this meeting is the next step in the work that has been underway to create broad economic growth and opportunity for all of the region's residents by advancing equity and access to opportunity. The meeting will be held at the Florida Department of Transportation, District IV, on West Commercial Boulevard from 1:00 – 4:00 p.m. She stated that this meeting builds on the Fair Housing Equity Assessment (FHEA) and Southeast Florida Equity Profile that was prepared as part of the SE Florida Prosperity Plan development process. She explained that these reports will be presented and discussed at the meeting with a subsequent discussion about how to close opportunity and performance gaps that can prevent individuals from maximizing their full potential and contributing to the economy and their communities. Ms. Carballo stated that Mr. Jim Carras, the author of the FHEA, will be assisting in the facilitation of the meeting as well as Sarita Turner of PolicyLink, co-author of the Equity Profile along with the University of Southern California Program for Environmental and Regional Equity (PERE). She encouraged Councilmembers to attend the meeting if they are able.

Ms. Carballo stated that the meeting will also serve as a kick-off meeting of the Regional Opportunity Network, a group of public, private, philanthropic and non-profit partners who are interested in closing gaps in education, employment, health, transportation, housing and other regional issues in our diverse communities. The idea is to create a collaborative network and see how we can work with each other so that our efforts are more effective and efficient.

Mr. Murley stated another example of movement toward the SE Florida Prosperity Plan implementation is that the South Florida Regional Business Alliance is reconstituting their organization to become a more representative and vocal organization advocating for regional business issues and implementation of the Seven50 SE Florida Prosperity Plan.

Mr. Murley stated that the last funding of Seven50 was to ensure the existing coalitions, (Climate Change Compact, Regional Business Alliance, the three economic development organizations) are moving

forward due to the recommendations of the Report. Mr. Murley stated he will share the information as it develops.

Mr. Murley stated there are ongoing discussions with various economic development agencies on the 2015 Economic Development Summit that was requested by Councilmember Wallace. He stated that transportation should be the major focus of this summit.

Mr. Murley stated that Ms. Cheryl Cook of Council staff is researching ideas on expanding the SFRPC's ability to serve small businesses.

Ms. Cook informed the Council she attended a Roundtable Discussion for the Council of Development & Finance Association (CDFA) in Orlando. She explained that the CDFA is similar to the work that the National Association of Development Organization (NADO) does. CDFA is an economic development organization expanding throughout the country to establish state CDFA offices. She explained that 50 to 60 economic development attendees were present for discussion on Florida and how the CDFA system can assist them. She stated that the CDFA is an established organization and had nominated the Council's RLF Program as one of the best managed Programs in the country. She stated she had assisted them on webinars in training community development organizations throughout the country as they establish their RLF programs. She thinks it would be great opportunity for the Council to become a member and an asset to the economic development organizations in South Florida.

Councilmember Wallace stated that Mr. Goren, Legal Counsel, was researching possible ways to expand the RLF Program by involving financial institutions. Mr. Tolces stated that he would follow-up with Mr. Goren.

Mr. Murley stated discussions had taken place between Ms. Cook and Mr. Goren which led to Ms. Cook attending the Orlando meeting. He stated there is the not-for-profit organization, Community Development Financial Institution (CDFI) that is being researched. He stated the SFRPC cannot become one at this time due to the legal impediments of our current structure; this was part of the discussion with Mr. Goren. Ms. Cook informed Council that the Loan Administrative Board of the RLF Program has wanted the Council to establish a CDFI for many years. Ms. Cook explained our political board structure makes it difficult to become a CDFI, even with the 501.c.3. She explained that in a CDFI a political board structure is not permitted; the CDFI Board consists of people from the community. She explained that the CDFI Board would have to be a different subsidiary and possibly independent from the Council's Board.

Ms. Cook continued to inform Councilmembers that funding for the CDFI Program would come from the Banks and other sources. She stated the banks want to be part of the CDFI in which they have a Community Reinvestment Act (CRA) requirement by the Federal Government. She stated that she has been in discussions with several banks and one of the first questions is if the SFRPC is a CDFI. She stated that she will be working with Mr. Goren and a consultant for meeting the requirements to become a CDFI. She stated she will bring updated information to the Councilmembers once there is more information. The CDFI is funded through the Treasury Department and then the banks come in and match the funds. This is a different type of loan program than our RLF. Councilmember Wallace stated he would like to see this move forward quickly to see if the Council can proceed to expand the RLF Program.

Councilmember Monestime commented that banks who serve minority communities are required to reinvest a portion of their deposits back into their communities. He asked if we are talking about funds that would be coming out of these particular banks or CDFI is separated. Ms. Cook explained that the funding could be coming out of similar funds because CDFI represents low-moderate income communities and created this fund.

Councilmember Monestime inquired if a 501.c.3 as a subsidiary of the SFRPC would be able to achieve that goal if we were able to create such a subsidiary. He reiterated that those members of the subsidiary would not be elected officials and inquired if the elected officials of this Board could appoint the members of that subsidiary. Ms. Cook stated this is question would be part of the discussion.

Mr. Tolces stated that the subsidiary may need to be separated from the SFRPC. He stated that the Council may authorize the establishment of the CDFI but that may be the only authority the SFRPC would have. He stated that the Council may not be comfortable in doing so.

Ms. Cook stated that there needs to be more clarification on various levels. She stated she is conversing with a CDFI representative and he informed her that we can become a CDFI and would assist us with the process in setting up the subsidiary. She stated that there is a meeting planned and we would bring back the updated information.

Councilmember Monestime commended Ms. Cook and the RLF Program for helping the small businesses in his area.

Chair Ritter asked Councilmembers how they would feel about not having any control of where the funds went. She stated that Council receives monthly reports, litigation information, can ask questions and direct staff. She stated that she did not know if Councilmembers would be able to do that with the subsidiary. She inquired if the appointments would be for a term or at will.

Councilmember Monestime stated that a question of having no control or just a minimal amount of control. He stated that appointing the members would be a minimal amount of control. He stated that if you do like the performance of a member, that member could be removed, but if Council is able to put that structure together and Council has no control thereby it may limit the amount of resources that we may be able to give to our communities. He stated that getting access to these funds would be his first priority and if he can have a level of oversight he would love it but if he could not appoint members to that Board that I cannot have a conversation with, I can lobby for something and still bring those resources to our community. Councilmember Monestime stated that if we are able to succeed, the community would be applauding us; it would be a win-win.

Councilmember Monestime inquired if the Council Board can appoint a member as the Chairperson.

Councilmember Walters stated that the frequently asked questions have been identified and thinks Council agrees that the concept is great. She inquired if the program is set up by Federal Legislation and Ms. Cook replied it is.

Mr. Tolces stated that they will work with Ms. Cook and Council staff with establishing a CDFI and the type of relationship would have to be between the Council and that entity.

Mr. Murley stated that staff explored every option in using the existing structure because it is such a successful program for all parties involved. He stated that they kept running into the legal obstacle, so we are looking at this other option.

Mr. Murley stated that the Institute of Community of Collaboration cannot be a mechanism in this process because its Board is the Council.

Mr. Murley stated that Mr. Ed McGann and Mr. Manuel Cela updated a contract with the Palm Beach Sheriff's Office (PBSO). He stated that with the help of Mr. Goren the contract was finalized by adding the PBSO contracted people as employees under a special category in the SFRPC Personnel Policy. Mr. Murley explained that for several years the SFRPC has had contracts with the PBSO regarding their Fusion Centers by administrating their payroll.

Mr. McGann explained that the Fusion Center is a communication center that shares information with the various Counties in the Region. He stated that the PBSO is responsible for administering the daily work of the Fusion Center and PBSO proposed that the SFRPC become a "paymaster" for an administrative fee as a contractual relationship. He explained the SFRPC receives the analysts' timesheets and issues them a check for a 10% administrative fee.

Mr. McGann stated the IRS conducted an "employment tax compliance check" and in their opinion the PBSO contractors should become statutory employees. He stated that to be in compliance, the SFRPC has converted these contractors to employees with taxes being withheld and deposits being made per the rules. He stated that he worked with Mr. Goren's office to satisfy the IRS. Mr. McGann stated that their employment is subject to the funding of that grant.

Mr. McGann stated that this Program is part of the Council's Emergency Management Preparedness work and is funded through the Department of Homeland Security (DHS).

Chair Ritter explained that the Council has been involved in Emergency Management for years; an emergency could be a bomb threat, hurricane evacuation there is a litany of emergency that prompts a county or government entity than can invoke emergency management.

Councilmember Wallace has concerns about being part of this Program and its transparency. He is concerned that they are SFRPC employees and the SFRPC is responsible for them, for liability issues and this reflects on the Council.

Mr. McGann stated the analysts are our employees from an administrative pay stand point; they receive statutory fringe benefits, social security, Medicare, and workers compensation; they don't receive sick or vacation benefits or holiday pay. They are considered "grant contract employees" where their employment is subject the funding and the grant being in place.

Mr. Tolces stated that the future contracts will be clearer regarding these individuals and will be considered employees to comply with the IRS. He stated that the Personnel Policy will be revised to have a special category for this type of employee, a Grant Contract Employee.

Councilmember Walters commented on her business interactions with Worker's Comp Insurance and the liabilities of small "mom and pop" businesses and stated that this could be an educational process for the small businesses involved in our loan programs.

Mr. Murley stated the MOU between the two parties will lay out the responsibilities for this Program and will be reviewed at the next Council Meeting.

Mr. Tolces explained that there is a Memorandum of Understanding (MOU) from PBSO. He stated that the funding is from the Federal Government. In the past they have been treated as independent contractors, as a result of the IRS inquiry, it was determined to be in the best interest of the Council to make the conversion. They will be performing the same services they had been performing. Any additional employment cost will be reimbursed by the grant plus SFRPC's administration fee.

There was discussion in regards to the transparency of the contract with PBSO. Council would like to be informed of the responsibility, management, transparency of the relationship between the SFRPC and the PBSO and a specific job description, what type of information are they gathering, of the analysts. (Immigration, terrorism, counterintelligence)

Mr. Murley reminded the Council that a few years ago there was a presentation from the PBSO regarding this and will bring that back to the Council for reference.

**B. Legal Counsel Report**

Mr. Tolces had nothing to report.

**C. Institute for Community Collaboration (Rebranding names)**

Chair Ritter reminded the Council that this Item was discussed last month in Key West. It was decided it would be discussed next meeting. Councilmember Monestime suggested "Institute of Regional Collaboration" (IRC). He inquired into the rebranding of the SFRPC.

Mr. Murley stated that the process of rebranding the SFRPC is underway: changing the logo, stationary, etc and will be presented to the three County Commissions. Mr. Murley stated he wanted to bring the rebranding of both to the Council as one package. Mr. Tolces stated that he was in contact with the attorney's offices in the three Counties.

Chair Ritter requested, before she leaves her position as Chair, she would like to have this name rebranding finalized.

**V. Program Reports and Activities**

**A. Council Mission**

- 1) Seven50: Southeast Florida Prosperity Plan

**B. Revolving Loan Fund Reports**

- 1) SFRPC Revolving Loan Funds Status Report
- 2) Smart Watts Home Energy Retrofit Loan Fund Status Report

**C. DRI Status Report -none**

**D. Florida Regional Councils Association**

- 1) FRCA Monthly Accomplishments
- 2) FRCA Legislative Highlights

**VI. Announcements and Attachments**

**A. Correspondence and Attendance Form**

**B. Upcoming Meetings**

- 2) August 11<sup>th</sup>, 10:30 a.m. (SFRPC Offices, Hollywood) - **Executive Committee**
- 3) September 8<sup>th</sup>, 10:30 a.m. (City of Miami Commission Chambers, Miami-Dade County)
- 4) October 6<sup>th</sup>, 10:30 a.m. (SFRPC Offices, Hollywood) - **Executive Committee**

**VII. Councilmember Comments**

**VIII. Adjournment**

The meeting was adjourned at 11:57 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the June 2, 2014 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 7<sup>th</sup> day of July 2014.

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David Rice, Secretary

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Date