



MEMORANDUM

AGENDA ITEM #8d)1

DATE: SEPTEMBER 13, 2010
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: STATEMENT OF ORGANIZATION REVISION

As directed by the Council at the July 12, 2010 meeting, attached is proposed Resolution #10-05 prepared by legal counsel that would amend the SFRPC's Statement of Organization relating to the makeup of the Executive Committee.

Recommendation

Approval of the attached resolution.



RESOLUTION #10-05

A RESOLUTION OF THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL AMENDING SECTION 7.0 OF THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL'S STATEMENT OF ORGANIZATION IN ORDER TO PROVIDE FOR THE EXECUTIVE COMMITTEE TO MEET AND ACT ON BEHALF OF THE FULL COUNCIL IN RESPONSE TO AN EMERGENCY SITUATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the South Florida Regional Planning Council ("SFRPC") is a state agency subject to Chapter 119, Florida Statutes, also known as "The Public Records Act"; and

WHEREAS, The SFRPC is further governed by Chapter 186, Florida Statutes, Rules 9-J and 29-J of the Florida Administrative Code, and the SFRPC's Statement of Organization, as amended; and

WHEREAS, the SFRPC's obligations with respect to the handling of emergency situations are not expressly addressed in any of the aforementioned governing regulations; and

WHEREAS, due to the difficulty, time, and expense involved in calling for an emergency meeting of the full SFRPC, it is prudent, and in the best interest of the SFRPC and its members to provide for a process whereby the Executive Committee can meet to make decisions on emergency matters which affect the SFRPC's geographical boundaries; and

WHEREAS, providing for the Executive Committee to address emergency matters that affect the SFRPC region is not inconsistent with the provisions of Section 186.503, *et.seq.*, Florida Statutes, or the SFRPC's Statement of Organization; and

WHEREAS, SFRPC finds that in the event of an emergency it would be prudent to provide for the Executive Committee to meet in order to authorize certain actions in relation to the emergency, to be subsequently ratified by the full SFRPC.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

SECTION 2. The South Florida Regional Planning Council ("SFRPC") hereby amends Section 7.0(3) of its Statement of Organization to read as follows:

- (3) (a) There shall be an Executive Committee consisting of the Chair, Vice-Chair, Treasurer, Secretary and the most recent Past Chair still in continuous service on the Council. If there is no Past Chair still in continuous service, the Council shall elect a member to serve on the Executive Committee until such time as there is a Past Chair still in continuous service.

- (b) The Executive Committee shall act for and on behalf of the Council and shall take such action as may reasonably be necessary to fulfill the duties, functions and responsibilities of the Council as if a quorum were present. It is the intention of the Council that other members present at a Council meeting where a quorum is not present and where the Executive Committee shall act for and on behalf of the Council, shall be permitted to fully participate in the proceedings and matters then pending before the Council or the Executive Committee.

- (c) Where, in the opinion of the Chair of the Executive Committee, an emergency situation exists, the Executive Committee may convene at the principle office of the Council, and act in response to the emergency situation. For purposes of this section, an "emergency situation" is defined as an event which is, unforeseen, unexpected, or time sensitive, in which there is not sufficient time for the full Council to meet, or is a sudden or unforeseen natural or man-made event that necessitates immediate action for and on behalf of the Council. An emergency situation is not a self-created matter by a member or members of the Council. Any meeting and action taken by the Executive Committee in response to the declared emergency situation shall be ratified by the Council at the next regular meeting.

SECTION 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL,
THIS 13th DAY OF SEPTEMBER, 2010.**

JOSEPH SCUOTTO, CHAIR