



# MEMORANDUM

AGENDA ITEM #16

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DATE: NOVEMBER 3, 2008  
TO: COUNCIL MEMBERS  
FROM: STAFF  
SUBJECT: CORRESPONDENCE AND ATTENDANCE FORM

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Information only.

# ATTENDANCE RECORD - 2008

	1/7	2/4	3/3	4/7	5/5	6/2	7/7	9/8	10/6			
<b>ASSEFF, Patricia</b> Governor's Appointee	P	P	P	P	P	P	P	P	P			
<b>BLYNN, Michael</b> Councilman, North Miami	P	P	P	*	A	P	P	A	P			
<b>BROOK, Scott</b> Governor's Appointee	P	P	P	*	P	P	P	P	P			
<b>CHERNOFF, Jay</b> Commissioner, N. Miami Bch.	*	P	P	*	P	P	P	P	P			
<b>DIAZ, Jose "Pepe"</b> Miami-Dade Co. Commission	P	*	A	*	A	*	*	*	A			
<b>GUNZBURGER, Suzanne</b> Broward County Commission	P	P	*	P	P	P	*	P	P			
<b>HEYMAN, Sally</b> Miami-Dade Co. Commission	P	P	*	P	*	P	P	P	P			
<b>LIEBERMAN, Ilene</b> Broward County Commission	P	P	*	P	P	P	P	P	P			
<b>McPHERSON, Morgan</b> Mayor, Key West	P	A	P	*	P	*	P	*	*			
<b>MOORE, Carlton</b> Commissioner, Ft. Lauderdale	A	P	A	P	P	P	A	*	A			
<b>MOSS, Dennis</b> Miami-Dade Co. Commission	P	*	P	P	*	*	P	*	P			
<b>NEUGENT, George</b> Monroe County Commission	P	*	P	*	P	P	A	*	P			
<b>PEREZ, Marta</b> Governor's Appointee	P	P	P	P	P	P	P	P	P			
<b>RIESCO, Jose</b> Governor's Appointee	P	A	P	*	P	*	P	P	*			
<b>SCUOTTO, Joseph</b> Deputy Mayor, Sunrise	*	P	P	*	P	P	*	P	P			
<b>SPEHAR, Dixie</b> Monroe County Commission	P	*	*	P	P	P	P	*	*			
<b>WALLACE, Paul</b> Governor's Appointee	-	-	-	P	P	P	P	P	P			
<b>WALTERS, Sandra</b> Governor's Appointee	P	P	P	P	P	P	P	P	P			
<b>WEXLER, Lois</b> Broward County Commission	P	P	*	P	P	P	*	P	P			

	1/8	2/4	3/3	4/7	5/5	6/2	7/7	9/8	10/6			
<b>Ex Officio Members –</b>												
<b>DONN, Gary</b> Florida Dept. of Trans.	A	P	P	P	P	A	P	A	P			
<b>GRAY, Tim</b> Dept. of Environmental Protection	-	-	-	-	-	-	-	P	P			
<b>WATERS, Bert</b> SFWMD	P	P	P	P	P	P	P	P	D			

P = Present

A = Absent

D = Designee Present

\* = Excused Absence

- = Not Yet Appointed

CC = Via Conference Call

\*\* Please note – August Meeting Executive Committee Only

GOREN, CHEROF, DOODY & EZROL, P.A.

ATTORNEYS AT LAW

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SHANA H. BRIDGEMAN  
ANNABELLA BARBOZA

STEVEN L. JOSIAS, Of Counsel

PLEASE REPLY TO FORT LAUDERDALE

October 13, 2008

Carolyn Dekle, Executive Director  
South Florida Regional Planning Council  
3440 S. Hollywood Boulevard, Suite 140  
Hollywood, FL 33321

Re: South Florida Regional Planning Council / ("SFRPC") / The City of Weston-  
Comprehensive Plan Amendment No. 07-01

Dear Carolyn:

Attached is a copy of the Order Closing File dated October 8, 2008, as signed by Administrative Law Judge Donald R. Alexander. As a result of the entry of this Order, the Division of Administrative Hearings file is closed. This matter became moot as a result of the City of Weston repealing Comprehensive Plan Amendment No. 07-01.

We will close our file. If you have any further questions or concerns, please do not hesitate to contact our office.

Sincerely,

Samuel S. Goren  
General Counsel

Enclosure

CC: Dr. Marta Perez, Chair  
Members of the Council  
SSG:DNT:lfm

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF COMMUNITY  
AFFAIRS,

Petitioner,

and

SOUTH FLORIDA WATER MANAGEMENT  
DISTRICT, SOUTH FLORIDA  
REGIONAL PLANNING COUNCIL, and  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Intervenors,

vs.

CITY OF WESTON,

Respondent.

Case No. 07-2299GM

ORDER CLOSING FILE

This cause having come before the undersigned on Respondent's Unopposed Motion to Cancel Final Hearing Based on Mootness and Relinquish Jurisdiction, and the undersigned being fully advised in the premises, it is, therefore,

ORDERED that:

1. Respondent's unopposed motion is canceled.
2. The final hearing in this cause scheduled for November 12 and 13, 2008, is hereby canceled.
3. The file of the Division of Administrative Hearings in the above-captioned matter is hereby closed and jurisdiction is relinquished to the agency.

DONE AND ORDERED this 8th day of October, 2008, in  
Tallahassee, Leon County, Florida.

*Donald R. Alexander*

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DONALD R. ALEXANDER  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(850) 488-9675 SUNCOM 278-9675  
Fax Filing (850) 921-6847  
www.doah.state.fl.us

Filed with the Clerk of the  
Division of Administrative Hearings  
this 8th day of October, 2008.

COPIES FURNISHED:

Samuel Dean Bunton, Esquire  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

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200 East Broward Boulevard, Suite 1900  
Fort Lauderdale, Florida 33301-1949

Samuel S. Goren, Esquire  
Goren, Cherof, Doody & Ezrol, P.A.  
3099 East Commercial Boulevard, Suite 200  
Fort Lauderdale, Florida 33308-4311

Frank S. Bartolone, Esquire  
South Florida Water Management District  
3301 Gun Club Road, MSC 1410  
West Palm Beach, Florida 33406

Kenneth B. Hayman, Esquire  
Department of Environmental Protection  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

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PLEASE REPLY TO FORT LAUDERDALE

October 15, 2008

Shaun M. Davis, CPA  
S. Davis & Associates, P.A.  
2521 Hollywood Boulevard  
Hollywood, FL 33020

Re: South Florida Regional Planning Council ("SFRPC") / Engagement Agreement  
with S. Davis & Associates, P.A.

Dear Shaun:

This letter is a supplement to our prior discussions concerning the engagement letter entered into between the SFRPC and your firm. Pursuant to direction from the SFRPC at its October 6, 2008 meeting, we have been directed to request that you prepare and provide an amended engagement letter which removes the language contained in the attachment entitled "Dispute Resolution Procedures" regarding the confidentiality of any of the mediation or arbitration provisions and revise the corrective language in your letter to me dated September 24, 2008. Therefore, please remove the third paragraph of the Mediation Section of the attachment as well the fifth paragraph of the Arbitration Section of the Dispute Resolution Procedures attachment.

Thank you for your prompt consideration, and please forward the revised document to our office as soon as possible for re-execution by the SFRPC.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam".

Samuel S. Goren  
General Counsel

Enclosure

SSG:DNT:lfm

Cc: Dr. Marta Perez, Chair  
Members of the Council  
Carolyn Dekle, Executive Director



# S. DAVIS & ASSOCIATES, P.A.

Certified Public Accountants & Consultants

2521 Hollywood Boulevard  
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(954) 927-5900  
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160 NW 176<sup>th</sup> Street  
Suite 400-I  
Miami Gardens, FL 33169  
(305) 628-1510  
(305) 628-1595 Fax

September 24, 2008

Mr. Sam Goren, Partner  
Josias & Goren, P.A.  
3099 East Commercial Boulevard, Suite 200  
Fort Lauderdale, Florida 33308

Mr. Goren,

As a follow-up to our discussion today with concerns regarding our engagement letter dated August 4, 2008, we have and will continue to fully comply with the Florida State Statute 119, State Policy on Public Records, and Florida State Statute 286, State Policy on Public Business. Our standard engagement letter is in compliance with the American Institute of Certified Public Accountants and in no way is it intended to be, and should not be construed as, contrary to State of Florida law.

If you have any other concerns, please do not hesitate to contact my office at 954-927-5900.

Sincerely,

Shaun M. Davis, CPA  
Managing Partner



## **DISPUTE RESOLUTION PROCEDURES**

The following procedures shall be used to resolve any controversy or claim ("dispute") as provided in our engagement letter of August 4, 2008. If any of these provisions are determined to be invalid or unenforceable, the remaining provisions shall remain in effect and binding on the parties to the fullest extent permitted by law.

### ***Mediation***

A dispute shall be submitted to mediation by written notice to the other party or parties. In the mediation process, the parties will try to resolve their differences voluntarily with the aid of an impartial mediator, who will attempt to facilitate negotiations. The mediator will be selected by agreement of the parties. If the parties cannot agree on a mediator, a mediator shall be designated by the American Arbitration Association ("AAA") or such other neutral facilitator acceptable to both parties.

The mediation will be conducted as specified by the mediator and agreed upon by the parties. The parties agree to discuss their differences in good faith and to attempt, with the assistance of the mediator, to reach an amicable resolution of the dispute.

The mediation will be treated as a settlement discussion, and therefore, will be confidential. The mediator may not testify for either party in any later proceeding relating to the dispute. No recording or transcript shall be made of the mediation proceedings.

Each party will bear its own costs in the mediation. The fees and expenses of the mediator will be shared equally by the parties.

### ***Arbitration***

If a dispute has not been resolved within 90 days after the written notice beginning the mediation process (or a longer period, if the parties agree to extend the mediation), the mediation shall terminate and the dispute will be settled by arbitration. The arbitration will be conducted in accordance with the procedures in this document and the Arbitration Rules for Professional Accounting and Related Services Disputes of the AAA as in effect on the date of the engagement letter ("AAA Rules"). In the event of a conflict, the provisions of this document will control.

The arbitration will be conducted before a panel of three arbitrators, regardless of the size of the dispute, to be selected as provided in the AAA Rules. Any issue concerning the extent to which any dispute is subject to arbitration, or concerning the applicability, interpretation, or enforceability of these procedures, including any contention that all or part of these procedures are invalid or unenforceable, shall be governed by the Federal Arbitration Act and resolved by the arbitrators. No potential arbitrator may serve on the panel unless he or she has agreed in writing to abide and be bound by these procedures.