

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

July 6, 2009

The Executive Committee of the South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Walters, called the meeting to order at 10:31 a.m.

AGENDA ITEM ONE: Roll Call

Executive Committee:

Councilmember Marta Perez
Councilmember Joseph Scutto
Councilmember Katy Sorenson
Councilmember Sandra Walters

Council Members:

Councilmember Michael Blynn
Councilmember Paul Wallace

The following Ex-Officio member was present:

Mr. Elbert Waters, representing the South Florida Water Management District

The following Council member arrived after roll call:

Councilmember Scott Brook

AGENDA ITEM TWO: Pledge of Allegiance

AGENDA ITEM THREE: Development of Regional Impact (DRI) Program

a) DRI Assessment Reports

None

b) Development Orders (DO)

None

AGENDA ITEM FOUR: Proposed Local Government Comprehensive Plan/Amendment Reviews

a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments

- None

d) City of Doral - **withdrawn**

Councilmember Walters informed the Council that item 4d, City of Doral proposed amendment, had been withdrawn.

- b) City of Margate
- c) City of Miami Gardens
- e) City of Marathon

Councilmember Blynn moved to approve the staff recommendation on agenda items 4b, 4c, and 4e. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

AGENDA ITEM FIVE: Adopted Local Government Comprehensive Plan/ Amendment Reviews

- a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments
 - None
- b) City of Doral
- c) City of Coral Springs
- d) Monroe County
- e) Miami-Dade County
- f) City of Coconut Creek
- g) City of Aventura
- h) Broward County

Councilmember Sorenson asked if the community profile in future staff reports would reflect the projected decrease in future population numbers.

Ms. Dekle stated that staff utilizes Census data for the population estimates. As that data is amended the community profiles will be amended to reflect those changes.

Mr. Richard Ogburn informed the Council that the information that staff uses is the data that the State recognizes as the official populations estimates and projections developed by the University of Florida. These reports are updated annually, and the ones currently being used by staff are current as of April 1, 2008. Current projections, he stated, are in fact reflecting a decline in long-term expectations with regard to overall population.

Councilmember Sorenson questioned, then it would be safe to assume that we may be seeing a revision where we are not necessarily expected to increase an additional half million by the year 2020.

Councilmember Brook arrived at the meeting.

Mr. Ogburn stated the projections of future population depend on a couple of other concepts that all local governments are struggling with at this point. In some cases it is not unreasonable to expect to see population growth return to a trend line for the future. When you are talking about 2020, 2025 or 2030, you don't necessarily want to base that strictly on the fact that there is a decline in the short term. What we, as staff, try to do is reflect the State's official population projections, and if we get the local governments developing their own sets of projections those work through the process and are incorporated as well.

Councilmember Walters stated that there was a presentation at the Florida Regional Councils Association (FRCA) Policy Board meeting on the upcoming Census and the need to participate in order to get correct data.

Councilmember Blynn moved to approve the staff recommendation on agenda items 5b, 5c, 5d, 5f, 5g, and 5h. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

AGENDA ITEM SIX: Reports

a) Executive Director's Report

1) Legislative Update

Ms. Carolyn A. Dekle, Executive Director, informed the Council that there was a FRCA Policy Board meeting and there were a lot of good discussions about issues that are presenting themselves to the RPCs. The primary point of the conversation was the implementation of Senate Bill (SB) 360. There was testimony from Representative Rich Glorioso. Ms. Dekle stated that her biggest take away from it was that there is an opportunity in Southeast Florida to put together an approach for responding to extra-jurisdictional impacts and working through some of the outstanding issues. She then deferred to Councilmember Walters for an update on the Policy Board meeting.

Councilmember Walters stated that the main thing that the Representative Glorioso pointed out was the intent of SB 360 was exactly opposite of what was being perceived. The intent was to bring more flexibility and more opportunity to local governments to be involved in growth management as opposed to less. Instead of the State dictating this is exactly how transportation concurrency, for example, is going to work, they are trying to open the door for local governments to take up that gauntlet. Representative Glorioso made a point of mentioning that he was a former County Commissioner and he took that perspective to Tallahassee and encouraged that more local government officials needed to step up to the plate and get up to Tallahassee so that this point-of-view is represented in the Legislature more. Councilmember Walters stated that she didn't get the feeling that any of the RPC representatives agreed with his take on the subject. Some, in fact, stated that they felt that SB 360 was a real disaster. There is a huge schism in perception, but there is opportunity for local governments to move ahead and amend comprehensive plans to implement individual community, city or county level transportation concurrency standards. She stated that she participated in Secretary Pelham's online workshop about the Bill and walked away with the impression that he wanted to convey that the horrible effects that this would have are terribly overrated and was saying that local governments should take the opportunity to take control of these issues themselves. There is an expectation among the attendees that this is going to flame the Hometown Democracy movement and it already has. There are advertisements that reference SB 360 as a reason that it should pass. Representative Glorioso's response was that they needed to get the word out. One concern about SB 360, that municipalities would only be allowed to amend comprehensive plans once a year, has been changed back to twice a year. We just need to work our way into it, she said. Everyone recognizes that changes need to happen, but a lot of people question if this was the right set of changes.

Councilmember Scuotto stated that there have been cities discussing a lawsuit to fight this.

Councilmember Walters asked how a city could sue the State.

Mr. Samuel S. Goren, Legal Counsel, stated that the law firm that represents the City of Weston has proposed to litigate against the State of Florida, challenging two operative provisions of SB 360. The first of which is that it was an unfunded mandate not properly approved by the Legislature. The second is that it violates the "Single-Subject Rule" for bills. These are the basis of Weston's lawsuit. Several cities have looked at the issue and joined in the discussion, others are looking at the options and alternatives to doing so.

Councilmember Walters stated that she found it hard to believe that the League of Cities was silent on the issue (SB 360).

Ms. Dekle stated that the League of Cities ultimately did write a letter opposing it. They did not oppose the Bill during Committee Hearings and then during the last week submitted a letter opposing it.

Councilmember Walters stated that the State Representative for Monroe County informed her that they learned at the very last minute that there was a problem at the local level. She stated that she found that interesting considering that she spoke to someone in his office right after the Council submitted a copy of its resolution opposing the Bill.

Mr. Goren stated that a number of local governments also submitted resolutions opposing the Bill. He informed the Council that cities interested in participating in the lawsuit were being asked to pay a \$2,500 commitment fee.

Councilmember Wallace stated that he had the feeling that SB 360 was going to significantly affect the Council in terms of the kind of decisions that it makes, its workload, and things like that. He asked if there had been any thought given to that.

Ms. Dekle stated on the important macro-policy issues, the individual comprehensive plan review and Development of Regional Impact (DRI) reviews are not necessarily the strongest tools that we have, because we are held to impact assessment reviews inside the DRIs and on the comprehensive plan reviews, we are held to consistency with the *Strategic Regional Policy Plan (SRPP)*. It may present a new opportunity for the Council to look at the role of the Regional Council in participating in some of the larger policy issues, and the Council members presenting themselves as policy leaders. One of the things that has informally been discussed was the development of a policy bill that talks about the regional context for decision-making. It is felt that this would be very well received. We are tasking ourselves to do that and bring it to the Council for review. This will have to be done in partnership. It will most likely be seen as a reaction to SB 360 in trying to maintain some sort of what is perceived as regulatory authority under Local Government Comprehensive Plan (LGCP) review and Chapter 380. We are working with home builders, the Developers Association, member units of local government and developer attorney representatives as well as others in the community to find out what they think adds value. The endgame is having the best quality of life possible in southeast Florida; this is what we want to accomplish. The other good news is that there are many other projects and opportunities coming along now that give a role to the SFRPC in influencing growth and development change and in dealing with macro-regional issues. There is no simple answer, but yes we are thinking about it and it is something that is important. The Legislature showed its commitment by increasing the Councils' appropriations this last session. The expectation being that the Council utilize those resources to manage regional issues and come up with creative regional ideas. The challenge is ours, and it has not gone without thought.

Councilmember Wallace stated that he has read the newspaper and it seems like the Regional Planning Council isn't important anymore; this leads people to think that it is going to go away. We need to be keeping our ears open for those kinds of things. The other thing, he stated, he was not comfortable with being in a reactionary position where the Council is going to protect itself. Our role is to see what is needed, what is the Council's legitimate function, and how do we make a straight interpretation of what's happened. He added I don't want us to invent work if we don't need to have work. If that is the way that it is going then let's all, as Board members, try to look at it straight, what are we here for? He stated that he wants to do what is right.

Councilmember Blynn stated that the Council needs to keep in mind that the Legislature may amend this Bill next year.

Councilmember Walters stated that Secretary Pelham and the Legislative speaker in Marco Island both said that we can expect this to be re-evaluated.

Councilmember Sorenson stated that she understood what Councilmember Wallace was saying; however never in Florida's history or future is planning a bad idea. Planning is something that is always needed and is something that this community cries out for. The Council will have a role one way or another. Looking at population projections, climate change issues, and all of the things that are going to have such a dramatic impact on the state; it is not a time to abandon planning. We are going to have to figure out how to fit into the system, and it is very likely that SB 360 will be revisited next year.

Councilmember Walters stated we've got clear examples from all over the country of the need for regional communication. The fact that we have had such a difference of opinion between our State Legislators and our local governments over this issue shows a gap in communication that needs to be bridged. At the very least we need to continue communicating at the regional level, because our issues do affect each other. Regional planning, as a movement, has not decreased at a national level at all. What Ms. Dekle is saying is that the State may be re-evaluating the role of regional planning as they are about to re-evaluate the role or even the existence of the Florida Department of Community Affairs (DCA), coming into Sunset review this next year. This is a time for an awful lot of thought and discussion to see how we move into it.

Ms. Dekle stated that there have been those that have said over the years, herself included, that processes like Chapter 380 probably were not a gift to the Regional Planning Councils. They created a regulatory impression. Even the review of Local Government Comprehensive Plans and amendments were more regulatory in focus. The best use of this Council's time, in her opinion, is continuing to do what we do; programs like the Revolving Loan Fund, Clean Cities, affordable housing issues, and education facilities and capacity issues, just to name a few. These are a short list of some of the real, big-deal, regional issues; and how we get out of the project-by-project micro-area review mindset. The Council members should not, for a minute, feel uncomfortable about the time they spend, the roll they play, and the value that is put into it. Everyone on staff works out of their in-basket; there is a lot of work and there are less people to do it than ever before. Trying to figure out what the Council's roll is and how it adds value and how it helps member units of local government, private sector, and all those that are stakeholders in the future of this Region to move forward in a thoughtful way; that is the real responsibility of this Council.

Councilmember Blynn raised the issue of Hometown Democracy.

Ms. Dekle stated that is really where the Council should try to position itself as being articulate about how it could add value through a Legislative process that perhaps would cause that not to be necessary. If that does become necessary, it will be very difficult.

Councilmember Walters stated that she brought up the concept of incentives for regional visioning in the sense that once you've gone through all the trouble and time and money of doing regional studies and grassroots consensus building to decide what you would like your Region to look like there needs to be an easy way to implement it. The perception has been that right now Florida's growth management system actually impedes the ability to implement a vision for the future if it differs from the standards that are established by State law. She stated that she would have rather seen that whole discussion coming in through this year so that coming into this next year we would have had a state-level consensus as opposed to being at odds now over some of these issues. The confrontational approach of this Senate

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Bill creates a disservice to some of that more cooperative thinking approach. The opportunities to do that are still out there, she stated. This next year we are going to see some real serious looks at how Florida is going to deal with growth management with the Sunset of DCA.

Councilmember Perez stated that the biggest challenge that all of these plans are facing is money; how will all of these plans be paid for? There are many great plans being developed, but there is no money to pay for them. Miami-Dade County was best off with money after Hurricane Andrew, because all of this money came in from the federal government.

Councilmember Walters stated one of the philosophical points of view is that if you have a consensus-built, regional vision in place, then when you have funding you know where to spend it correctly in order to accomplish what the community wants to see for the future.

Councilmember Sorenson stated that is a philosophy difference between the two parties. Democrats tend to believe in public investments, and Republicans tend to believe that all money should stay with individuals as much as possible and small government. She stated that she is a believer in public investments and those should be made in terms of education, transportation, and growth management. The reason that Miami-Dade County did so well after Hurricane Andrew was because of sales taxes; and John Cosgrove was able to get a lot of the sales taxes confined to Miami-Dade County so everything that was raised there was spent there and that worked reasonably well. This State has a really bad financial system, and the idea that we can get by on sales taxes for the long-term is really not a viable long term strategy for the State. We're hamstrung, because in order to get the most progressive kind of taxation, which would be an income tax, you need to have 60% of the electorate just to put it on the ballot. That is not going to happen. The Tax Reform Commission missed a huge opportunity to structure a better system for Florida.

Councilmember Walters pointed out that the State of Florida was doing a lot better than a number of other states that do have income taxes.

Ms. Dekle informed the Council that Commissioner Gimenez is going to be re-appointed to the Council, representing Miami-Dade County.

Councilmember Brook suggested, as a means of taking a leadership role in defeating the Hometown Democracy movement, establishing a Facebook page. He stated that the City of Coral Springs just did that and is in compliance with the public records rules as well as Sunshine Laws. He stated that Facebook was very efficient way to communicate. He stated that he thinks that the Hometown Democracy movement will be viral against us. An online presence would help to counter that potential movement. He recommended that Legal Counsel report back to the Council in August to hopefully have it set up by October. It is such an efficient way to communicate.

Councilmember Walters expressed concern with the cost associated with doing that.

Councilmember Brook stated that Coral Springs informs people any how, and as far as he understands the staff time is negligible. The City allows for comments to be posted under a particular announcement and the Commissioners do not respond back. The goal is to draw enough people from the community and utilize those connections to help people understand why planning is so important.

Ms. Dekle requested that the Council give her some time to work on that with Mr. Goren. She stated that the only red flag is that she doesn't want the Council to get caught up in a scenario where it is using public dollars to compete against something that is public referendum.

Mr. Goren stated if the Council directs Legal Counsel to do some research on the subject as to how this issue of Facebook might apply to the Council, considering the Attorney General's opinion, which embraced the subject of public record, Sunshine and the rights to privacy in Florida. He stated that he would be happy to work with Ms. Dekle on the matter.

Councilmember Brook moved to request that Legal Counsel research the Facebook issue and how it would apply to the Council. Councilmember Sorenson seconded the motion.

Councilmember Wallace stated that he was afraid this was where the Council was going. It is being reactionary without being informed. Despite everything that I read, he stated, he still is not sure what the Hometown Democracy Act really does. The big issue is what is the Hometown Democracy Act and what does it really do? It's not about Facebook. Is this Act like SB 360, he asked. It stands for something; someone is really pressing and there is a group of people behind it, and before we go off and start campaigning against it, I need to know what it is all about. What we need to do is get a report on what this is about, before we go up against it.

Councilmember Brook stated that his motion was just to request that staff investigate this as a possibility; whether or not the Council decides to do something with that and what we would do with it would remain to be seen. His goal, he stated, is not at all to be reactive. He stated that he is using foresight to plan for whatever possibilities we may as a Board decide to take on subsequent and during our strategic planning. It is going to be in September that we discuss in light of everything that has occurred over the past year and where the State is financially and where the Council is financially and we are going to set forth a strategy that we can implement as a Board one way or the other. He stated based on what he understands about Hometown Democracy is that he wants the Council to be better equipped to potentially combat that with Council support.

Councilmember Wallace asked if he could make a friendly amendment.

Councilmember Walters stated it seems that what the Council might accomplish by doing this is to provide a more interactive mechanism for getting the community and the public aware of, and involved in the regional planning process. To my experience, she stated, the Council's website is typically rather static. There isn't an opportunity for an exchange, except through email, and that's not available for the public to see. What comes out of that communication is hard to say, because it is an interactive process and it may or may not prove that we would be taking any kind of official or unofficial stand on the Hometown Democracy movement. The Council would have an opportunity to interactively reach out to the public a little bit more about what regional planning is and get them more involved with it.

Councilmember Wallace suggested, as a friendly amendment to Councilmember Brook's motion, that Legal Counsel and staff provide a report as to the ramifications of the Hometown Democracy movement so that the Council is well informed as they proceed.

Councilmember Walters stated that there is an amendment that has been certified for going on the next general election ballot, so there is an actual written document that can be examined. She stated that she would be very interested in seeing a presentation on this. She requested that it be added to the September agenda.

Ms. Dekle asked what format the Council would like that to be in, representatives from both sides can make the presentation, or staff can provide a written report.

Councilmember Blynn stated that he would prefer a written report that the Council could have a discussion about.

Councilmember Walters agreed, it would allow for discussion, but it would not take up the entire meeting.

Councilmember Wallace asked if the Strategic Planning session was going to be in September.

Ms. Dekle stated that the goal was to have it in September, but depending on how this is formatted, it can cause the Council to have a lengthy discussion. She stated that she will have a better idea of what the Council's resources are and what the new program opportunities are as we get closer to September.

Councilmember Walters stated that it will be very important that there be good participation of the membership in that meeting. She stated that she thought that the Strategic Planning Session was going to be in October.

Ms. Dekle stated that may be an option.

Mr. Waters suggested that the meeting start earlier, as the Council has done in the past when there were controversial items for discussion.

Councilmember Walters asked when the Strategic Planning Session was changed from October to September.

Ms. Dekle stated that she was mistaken; October is certainly fine for the Strategic Planning Session.

Councilmember Walters stated that she would like to have a meeting of the general membership prior to the Strategic Planning Session so that it can be made very clear to everyone what the agenda is going to be and get full support and participation. She stated that she thinks that the Council can have a presentation on the Hometown Democracy issue in September and then move the Strategic Planning Session to October.

Ms. Dekle stated that was fine and staff would provide a draft of the agenda for the Strategic Planning Session so that adjustments could be made if necessary.

Councilmember Brook moved to request that Legal Counsel and Council staff coordinate to develop an analysis and recommendation on how Facebook may interface with this agency's policies and procedures and requested a presentation on the Hometown Democracy issue. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

Councilmember Walters stated that the presentation on Facebook will be next month and the Hometown Democracy presentation will be in September.

Councilmember Wallace stated that he wanted an unbiased report on the nuts and bolts of the Hometown Democracy Act.

b) Legal Counsel Report

Mr. Goren stated that there were no updates on the RLF this month, but Legal Counsel and staff are making great strides in the collection process.

c) FY 2009-10 Membership Fees

Councilmember Sorenson voiced concern regarding the proposed membership fees. She stated that she understands that they are warranted fees and the budget is a reasonable budget, but she also knows that Miami-Dade County is looking at a \$400 million cut to its budget. She is hearing from her colleagues that no one is willing to increase the millage. That cut is going to come from somewhere. She stated that she would like to vote for this, but she can't in good conscience do that before she has a better sense of where the County is going with its budget. She asked when this had to be completed.

Mr. Goren replied, as soon as possible.

Ms. Dekle stated that staff needed the Operating Budget Amendment at this point in time so that they can rectify and establish current revenues and expenditures. Staff must have an operating budget by October 1 to begin the new fiscal year. In order to be able to understand how to build that budget, staff needs to know the fees. One option is to adopt the proposed fees today and if after deliberations at the County level Councilmember Sorenson comes back and says that they are going to take a hit, then staff will have to bring a budget amendment back to the Council to accommodate that in the budget.

Councilmember Brook asked when the membership fees were paid.

Ms. Dekle stated they get certified after July 1 and are paid October 1.

Mr. Ogburn added that they are due as of October 1. The internal documents of the Council require that the Council certify, to the counties, what the membership fees are no later than August 1 of each year so that the counties can incorporate those fees into their budgets. As a result of that deadline, staff has brought to the Council this month the proposed membership fees for the next fiscal year. As a point of information, he stated, these fees are the same that have been used for about 15 years, and are a per capita fee based on population.

Councilmember Brook asked when staff sends out the invoice.

Mr. Ogburn stated that they are sent out end of August, early September for payment as of October 1.

Councilmember Brook recommended that the invoice reflect that these fees have not changed in 15 years.

Ms. Dekle stated that there is an interlocal agreement among the counties that requires a full year notification of modification in dues payment.

Councilmember Walters requested that staff ensure that all action items be marked on the agenda.

d) FY 2008-09 Budget Amendment

Councilmember Blynn moved to approve the FY 2009-10 Membership Fees and the FY 2008-09 Budget Amendment. Councilmember Brook seconded the motion, which carried by a unanimous vote.

Councilmember Sorenson stated that she would vote in favor of these two items with the caveat that they revisit them as a budget amendment because it is a very difficult year this year.

e) FY 2009-10 Draft Operating Budget

Councilmember Sorenson requested information at the next meeting on non-recurring professional services, travel, and why insurance went up so much.

AGENDA ITEM SEVEN: Other Matters for Consideration

a) Turkey Point Expansion

Councilmember Wallace asked about item number four on page two of the staff report, he asked if the final agency reports would be from the Council; is it a voting issue that will take place some day.

Ms. Dekle stated that she believed it would take place in September.

Ms. Karen Hamilton, Council staff, stated that Florida Power & Light (FPL) would be available at the September meeting to provide the Council with more information about the process. Staff will prepare a report based on proceedings from public informational meetings, staff's statement of issues; that report will be brought to the Council for its input, if required.

Councilmember Wallace asked for the Council's approval?

Ms. Dekle responded to transmit the report; it will require Council action.

Councilmember Sorenson raised a couple of issues with Turkey Point that she hoped staff was looking into. They are as follows: the rock mining issue, the saltwater intrusion issue, and the placement of transmission poles issue. There are lots of things that the people in Miami-Dade County are not very happy about with this application, recognizing that we do need energy, but we have to look at some of these other issues and their impacts.

Councilmember Walters stated that this was an application to the Nuclear Regulatory Commission (NRC) to make a decision as to whether this should go into the full National Environmental Policy Act (NEPA) review process. This by no means is going to be a yes or no point of decision on the part of the NRC. If the NRC does decide to proceed with the NEPA process, then they will be doing a full environmental impact statement, of which there will be many opportunities for involvement and input. This is the very beginning of this process; it is no where near the end of evaluation.

Ms. Hamilton stated that this was in relation to the site certification done through the Florida Department of Environmental Protection dealing with the site location and placement of transmission lines. Staff may be involved in the NRC process as well, but has not received any information on that yet.

Councilmember Walters stated so there are actually two parallel processes going on, the State process and the Federal process.

Ms. Hamilton added within the State there are two parallel processes; the placement of the actual units as well as the transmission lines.

Councilmember Sorenson stated as far as FPL is concerned, it's kind of like voting in Chicago, you have to vote early and often on these issues and she wanted to make her concerns clear at every single public meeting that she is present.

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Ms. Hamilton informed the Council that staff would be working closely with Miami-Dade County and any other entities throughout the process to ensure that their concerns are reflected.

Councilmember Walters stated that she received a letter from Governor Crist regarding the commuter rail issue and she requested that copies be made for all of the Council members. The letter basically states thanks a lot for weighing in and we really understand how you feel and thanks a lot.

AGENDA ITEM EIGHT: Contracts

None

AGENDA ITEM NINE: Upcoming Meetings

- a) August 3rd, 10:30 a.m. (Council Offices, Hollywood, Executive Committee)
- b) September 14th, 10:30 a.m. (Council Offices, Hollywood)
- c) October 5th, 10:30 a.m. (Council Offices, Hollywood)
- d) November 2nd, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM TEN: Adjournment

The meeting was adjourned at 11:45 a.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 July 6, 2009 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 14th day of September 2009.

Katy Sorenson, Secretary

Date