



## **Central Florida Regional Planning Council**

**February 13, 2019  
DeSoto County Administration Building  
201 East Oak Street | Arcadia, FL 34266 | 9:30 a.m.  
Meeting Agenda**

**Nominating Committee is scheduled to meet at 9:00 a.m.**

### **CALL TO ORDER** – Chairman Mike Thompson

- Invocation
- Pledge of Allegiance
- New Member Oath of Office
- Roll Call
- Announcements

### **AGENDA ITEM #1 PUBLIC COMMENTS**

### **AGENDA ITEM #2 COUNCIL ADMINISTRATION**

- A. December 12, 2018, Council Meeting Minutes
- B. January 2019 Financial Report

- Action Recommended: Approval
- Exhibit #2: A. Minutes - Page 5  
B. January Financial Report will be distributed at the meeting.

### **AGENDA ITEM #3 DESOTO COUNTY ACTIVITIES REPORT**

Mandy Hines, DeSoto County Administrator, has been invited to update the Council on current activities in DeSoto County.

- Action Recommended: Information Only
- Exhibit: None

#### **AGENDA ITEM #4 GOVERNMENT IN THE SUNSHINE PRESENTATION BY NORMAN WHITE, COUNCIL ATTORNEY**

Norman White, Council Attorney, will discuss Government in the Sunshine rules and regulations that govern Council Members and their communications.

- Action Recommended: Information Only
- Exhibit #4: Sunshine Law Rules and Regulations Information Sheet - Page 15

#### **AGENDA ITEM #5 RESOLUTION APPROVING PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) WITH FDOT FOR 5310 FUNDS**

FDOT has proposed a new PTGA for Federal 5310 funds awarded to the CFRPC for transportation for the elderly and individuals with disabilities through the coordinated system in Hardee, Highlands, and Okeechobee Counties

- Action Recommended: Adopt Resolution
- Exhibit #5: Resolution 2019-2A - Page 19

#### **AGENDA ITEM #6 RESOLUTION APPROVING PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) WITH FDOT FOR 5311 FUNDS**

FDOT has proposed a new PTGA for Federal 5311 funds awarded to the CFRPC for public transportation through the coordinated system in Hardee, Highlands, and Okeechobee Counties.

- Action Recommended: Adopt Resolution
- Exhibit #6: Resolution 2019-2B - Page 21

#### **AGENDA ITEM #7 UPDATE ON THE HEARTLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION (HRTPO)**

Staff will update the Council on current activities of the HRTPO.

- Action Recommended: Information Only
- Exhibit: None

#### **AGENDA ITEM #8 FLORIDA 2030**

John Kaliski will present findings and recommendations of the Florida 2030 project, led by the Florida Chamber Foundation to develop a blue print for Florida's future economy.

- Action Recommended: Information Only
- Exhibit: None

## **AGENDA ITEM #9 RESOLUTION HONORING BRIAN TEEPLE**

Brian Teeple has served the North East Florida Council for 37 years, the last 24 years as CEO/Executive Director. He is retiring from his distinguished career in 2019.

- Action Recommended: Adopt Resolution
- Exhibit #9: Resolution 2019-2C - Page 23

## **AGENDA ITEM #10 RESOLUTION FOR NORTH CENTRAL FLORIDA RPC (NCFRPC)**

The NCFRPC will celebrate their 50<sup>th</sup> Anniversary in 2019.

- Action Recommended: Adopt Resolution
- Exhibit #10: Resolution 2019-D - Page 25

## **AGENDA ITEM #11 REPORT ON THE FLORIDA REGIONAL COUNCILS ASSOCIATION (FRCA) JANUARY POLICY BOARD MEETING**

The Executive Director and Policy Board Members will report on the FRCA Policy Board meeting which was held last month in Tallahassee. Policy Board Members Jackie Tucker and Nathaniel Birdsong attended the FRCA meeting. The FRCA Annual Report will be presented.

- Action Recommended: Information Only
- Exhibit #11: 2018 FRCA Annual Report – Separate from this packet.

## **AGENDA ITEM #12 EXECUTIVE DIRECTOR'S REPORT**

The Executive Director will report on the following items:

- A. Legislative Activities
- B. Project Updates
- C. FRCA Monthly Report

- Action Recommended: Information Only
- Exhibit #12: FRCA Monthly Report - Page 27

## **AGENDA ITEM #13 ELECTION OF COUNCIL OFFICERS FOR 2019**

A committee to nominate a Chair and Vice-Chair of the Council for 2019 has been appointed. Those appointed are: Okeechobee County Commissioner Bryant Culpepper, DeSoto County Gubernatorial Appointee Jackie Tucker, and City of Sebring Mayor John Shoop. The Committee is scheduled to meet at 9:00 a.m. just prior to the Council meeting, to consider their nominations. Those nominations will then be made at the Council meeting for the Council's consideration.

- Action Recommended: A. Elect Officers for 2019  
B. Authorization for Banking Signatories of Officers and Executive Director (if required)
- Exhibit: None

#### **AGENDA ITEM #14 APPOINT MEMBERS TO THE FLORIDA REGIONAL COUNCILS ASSOCIATION (FRCA) POLICY BOARD**

The newly elected Chair will appoint three members and one alternate to serve on the FRCA Policy Board representing the CFRPC for 2019.

- Action Recommended: Appoint Members
- Exhibit: None

#### **AGENDA ITEM #15 APPOINT MEMBERS TO FINANCE COMMITTEE**

The Chairman will appoint members to serve as the Council's Finance Committee for 2019.

- Action Recommended: Appoint Members
- Exhibit: None

#### **AGENDA ITEM #16 OTHER BUSINESS**

- A. Set date, time, and location for next meeting.
- B. Other Business

#### **ADJOURN**

Please be advised that if you desire to appeal any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases a verbatim record is required. You must make your own arrangements to produce this record (Florida Statute 286.0105).

*"The Central Florida Regional Planning Council conducts business in accordance with Title VI of the Civil Rights Act of 1964 and other nondiscrimination laws. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, familial, or income status. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact Patricia M. Steed, Executive Director, 555 E. Church Street, Bartow, FL 863-534-7130 x 130 within two working days of receipt of this notification." If hearing impaired call: (TDD) 1-800-955-8771 or voice impaired call: 1-800-955-8770 via Florida Relay Service."*



## Central Florida Regional Planning Council Meeting Minutes

December 12, 2018, 9:30 a.m.  
Bartow Civic Center  
2250 South Floral Avenue | Bartow, FL  
9:30 a.m.

### **Meeting Minutes**

Chairman Mike Thompson called the meeting to order at 9:40 a.m. Norman White offered the invocation followed by the Pledge of Allegiance.

#### **New Member Oath of Office**

Council Attorney Norman White administered the new member Oath of Office to Polk County Commissioner Rick Wilson.

Roll was called with the following members present:

Chairman, Commissioner Mike Thompson, Hardee County  
Vice Chairman, City Commissioner Neda Cobb, City of Wauchula  
City Councilmember Keith Keene, City of Arcadia  
Jackie Tucker, DeSoto County Gubernatorial Appointee  
Commissioner Don Elwell, Highlands County  
Mayor John Shoop, City of Sebring  
Donna Howerton, Highlands County Gubernatorial Appointee; Highlands County School Board  
Commissioner Rick Wilson, Polk County  
City Commissioner Nathaniel Birdsong, City of Winter Haven  
City Commissioner Bill Read, City of Lakeland  
City Commissioner Morris West, City of Haines City; Ridge League of Cities  
Hazel Sellers, Polk County Gubernatorial Appointee; Polk County School Board  
Jeff Kincart, Polk County Gubernatorial Appointee  
Ben Dunn, Highlands County Development Services Director, Ex-officio  
Cindy Rodriguez, Southwest Florida Water Management District, Ex-officio

Members absent:

Commissioner Buddy Mansfield, DeSoto County  
Commissioner Bryant Culpepper, Okeechobee County  
City Commissioner Gary Ritter, City of Okeechobee  
Earl Hahn, DeSoto County Planning Director, Ex-officio  
Todd Miller, Hardee County Planning Director, Ex-officio  
Bill Royce, Okeechobee County Planning Director, Ex-officio  
Tom Deardorff, Polk County Director of Growth Management, Ex-officio

Deborah Chesna, Florida Department of Transportation, Ex-officio  
Elizabeth “Libby” Pigman, South Fla. Water Management District, Ex-officio  
Mary Yeargan, Department of Environmental Protection, Ex-officio

## Announcements

Pat Steed, Executive Director, explained the need to change the meeting location at the last minute and apologized for any confusion it may have caused. Each year at the December Council meeting staff prepares homemade treats for the members to enjoy. She thanked each member for their dedication and service to the Council.

## **AMENDED AGENDA**

Chairman Thompson asked for a motion to approve the amended agenda as presented.

## **MOTION**

Don Elwell moved to amend the meeting agenda as requested. Rick Wilson seconded.

Motion carried unanimously.

## **AGENDA ITEM #1 PUBLIC COMMENTS**

There were no public comments.

## **AGENDA ITEM #2 CFRPC 2018 RECOGNITIONS AND REVIEW**

Ms. Steed stated that 2018 was a busy year with many awards and recognitions and milestones. She recognized the following Council staff members for their milestone years of service as staff to the Council: Jennifer Codo-Salisbury, Deputy Director, and Marisa Barmby, Program Manager for Research for Ten Years. She presented Shannon McPherson with her Ten-Year Certificate. Shannon has been with the Council for eleven years, but was unable to attend last December’s meeting to receive her certificate. Ms. Steed announced that four new employees had joined the staff in the last year. Those employees were Donnie Ardeau, Program Manager; Matt Bushy, Webmaster and Graphic Designer; Ramon Ramos, Senior Planner; and Chad Allison, Program Manager.

The remaining staff members introduced themselves and stated how long they had been with the Council.

Ms. Steed listed several awards received by the Council in 2018, including the National Association of Development Organizations (NADO) Innovation Award for the South Florida Avenue (Lakeland) Complete Streets Charrette and Master Plan. This plan also received the American Planning Association (APA) Heart of Florida Section Award of Excellence, and the APA Florida Award of Merit. The HRTPO Highlands Transit Plan received the Florida Planning and Zoning Association Annual Education Award, a NADO Innovation Award, the APA Heart of

Florida Section Public Participation Award, the National Association of Regional Councils General Achievement and Leadership Award, and the Florida Public Relations Association Polk Chapter for Public Involvement. The Comprehensive Economic Development Strategy received the Florida NADO Innovation Award. For the third consecutive year, the CFRPC was recognized by Career Source Polk with a Best Places to Work Award, and for the fourth consecutive year, CFRPC received a Best Places to Work Award for Commuters. She stated that staff continues to be 100% contributors to United Way of Central Florida for eight consecutive years, with contributions for this year's campaign of over \$11,000. Council staff volunteered to deliver Thanksgiving meals for Volunteers in Service to the Elderly (VISTE) in the Bartow area. And lastly, Ms. Steed pointed out that staff donates generously each year to the Heartland for Children toy drive at Christmastime, as well as supporting many other causes throughout the region.

Ms. Steed presented a Certificate of Appreciation of Service for Polk County Commissioner Melony Bell, who was recently elected State Representative. Also, for Okeechobee City Commissioner Gary Ritter for his time serving on the Council. Ms. Steed presented Hazel Sellers with a Certificate of Appreciation for her service as Polk County Gubernatorial Appointee since this would be her last meeting as she is retiring from the Polk County School Board. Ms. Steed stated that all three of these members will be greatly missed but wished them well in their new endeavors.

### **AGENDA ITEM #3 COUNCIL ADMINISTRATION**

#### **A. October 10, 2018 Council Meeting Minutes**

Chairman Thompson asked if there were any changes to the October 10, 2018 Council Meeting Minutes.

#### **MOTION**

There being none, Hazel Sellers moved to approve the October 10, 2018 Council Meeting Minutes as submitted. Neda Cobb seconded.

Motion carried unanimously.

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

Pat Steed reviewed the Statement of Activities and Statement of Net Assets for the month ended November 30, 2018.

#### **MOTION**

Nathaniel Birdsong moved to accepted the November Financial Report as presented. Don Elwell seconded.

Motion carried unanimously.

#### **AGENDA ITEM #4 POLK COUNTY ACTIVITIES REPORT**

Polk County Manager Jim Freeman discussed a few of the many challenges Polk County is currently facing. Polk County has partnered with their cities and economic development organizations to grow their economy and create private sector jobs and capital investment to support their growing county. Polk County has focused on diversifying their economy and job base. He discussed the ad valorem tax exemption for certain kinds of businesses, which was necessary in order to compete with counties to their west and north. LEGOLAND Florida coming to Polk County has made a positive impact to the area's tourism industry with hotel development and support businesses. The County has supported the City of Lakeland with its renovation of Tiger Town Stadium with tourist tax dollars. The Detroit Tigers have extended its spring training agreement as part of the improvements. Polk County is also working with the City of Winter Haven to improve the Chain of Lakes Complex. He reported that Polk County has attracted several large businesses, expansions, and many small businesses which have all created jobs and capital investment. Polk County's population is projected to reach one million by 2040-2045, which puts stress on services and infrastructure. He concluded by saying the issues in Polk County are significant, but are positive challenges that will be addressed to benefit its citizens and visitors.

#### **AGENDA ITEM #5 AUDIT REPORT FOR THE YEAR ENDED SEPTEMBER 30, 2017**

Mike Carter, CliftonLarsonAllen, LLP, Certified Public Accountants, presented a summary of the Council's Annual Audit for FY 2017-2018. Each Council Member received a copy of the Comprehensive Annual Financial Report (CAFR) and Required Communications Letter. He stated that he and his team of auditors conducted an exit conference with Council staff and have met with the Council Finance Committee, where the details of the audit were discussed. Mr. Carter complimented staff on obtaining the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association, saying it was a major accomplishment for a small organization. Mr. Carter presented a five-year trend analysis of revenues and expenditures in all categories. He reviewed the Council's Statement of Net Positions for Assets and Liabilities at year's end as compared to the previous five years. He also presented the Statement of Revenues and Expenses by type. Mr. Carter concluded by reviewing the reports regarding Internal Control over Financial Reporting, the Independent Auditors Report on Compliance, the Management Letter and the Independent Accountants' Report, saying there were no findings or adjustments in any of the reports, therefor issuing a clean audit. He also complimented staff for their assistance and cooperation in preparation of the audit. Mr. Carter announced that he will be retiring by the end of 2019, and introduced Ms. Julie Fowler who will be assuming his position.

#### **AGENDA ITEM #6 RECOMMENDATIONS FROM THE FINANCE COMMITTEE**

Pat Steed stated that the Finance Committee met on November 30, 2018, in Bartow to review the final budget amendment for FY 2017-18 and the 2017-18 Audit Report.



**A. Final Budget Amendment for FY 2017-18**

Ms. Steed reviewed the Final Budget Amendment for FY 2017-18 and stated that the Finance Committee is recommending its approval.

**MOTION**

Nathaniel Birdsong moved to accept the Finance Committee's recommendation to approve the Final Budget Amendment for FY 2017-18 as presented. Hazel Sellers seconded.

Motion carried unanimously.

**B. Accept FY 2017-18 Audit Report**

**MOTION**

Nathaniel Birdsong moved to accept the Finance Committee's recommendation to approve the FY 2017-18 Audit Report and Audited Financial Statements as presented. Hazel Sellers seconded.

Motion carried unanimously.

**AGENDA ITEM #7 HEARTLAND REGIONAL TRANSPORTATION PLANNING ORGANIZATION (HRTPO) ACTIVITIES**

Marybeth Soderstrom, Engagement and Mobility Manager, reported on recent activities with the HRTPO. She announced that FDOT's Draft Tentative Five Year Work Program for 2020-2024 had been released. A number of HRTPO priority projects are included in the Work Program. At the November 28, 2018 HRTPO Board meeting, members adopted an updated Title IV Plan which is required to be updated every three years. The Public Participation Plan (PPP) for 2018-2021 was also adopted. This Plan provides guidelines used by the HRTPO to inform and gather input from residents, communities, and interest groups. She announced that local governments are currently working to submit their project priority applications for the FY 2025 work program by January 28, 2019. An Application Review Workshop was held on December 6, 2018 to assist local governments in the Heartland Region with that process.

**AGENDA ITEM #8 TITLE VI NONDISCRIMINATION PLAN**

Marybeth Soderstrom, Engagement and Mobility Manager, presented the update to the previously adopted Title VI Nondiscrimination Program Plan, which is required to be updated every three years. The Plan includes all of the Council's programs and activities and addresses Federal Transit Administration and Federal Highway Administration requirements. Ms. Soderstrom reviewed each element contained in the updated Title VI Plan, which included the Community Characteristics Inventory Maps.

## **MOTION**

Bill Read moved to adopt the Title VI Nondiscrimination Plan as presented. Jackie Tucker seconded.

Motion carried unanimously.

## **AGENDA ITEM #10 FEDERAL TRANSIT ADMINISTRATION (FTA) GRANT**

Marybeth Soderstrom, Engagement and Mobility Manager, stated that the annual grant applications that support the Transportation Disadvantaged Program have been prepared for submittal to the Federal Transit Administration (FTA). She presented information on each grant individually.

**A.** Resolution 2018-12A, FTA Section 5311 Capital Grant Application for Mobility Planning in the Heartland Region

Ms. Soderstrom stated that this grant is for \$192,000 which provides operating assistance to the Counties of DeSoto, Glades, Hardee, Hendry, Highlands and Okeechobee to support public transportation in rural areas with populations of less than 50,000. She stated that Resolution 2018-12A would authorize the Executive Director to submit and administer the grant.

## **MOTION**

Nathaniel Birdsong moved to adopt Resolution 2018-12A, authorizing the Executive Director to submit and administer the FTA Section 5311 Capital Grant for Mobility Planning in the Heartland Region. Neda Cobb seconded.

Motion carried unanimously.

**B.** Resolution 2018-12B, FTA Section 5311 Operating Grant Application for DeSoto, Hardee, Highlands and Okeechobee Counties

Ms. Soderstrom stated that this grant is for \$800,000 which provides operating assistance to support public transportation in rural areas with populations of less than 50,000, through the Community Transportation Coordinator.

## **MOTION**

Don Elwell moved to adopt Resolution 2018-12B, authorizing the Executive Director to submit and administer the FTA Section 5311 Operating Grant Application for the service area of DeSoto, Hardee, Highlands and Okeechobee. Jackie Tucker seconded.

Motion carried unanimously.

**C. Resolution 2018-12C, FTA Section 5310 Operating Grant for DeSoto, Hardee, Highlands, and Okeechobee Counties**

Ms. Soderstrom stated that this grant request is for \$700,000 which provides funding to assist private nonprofit groups in meeting the transportation needs of older adults and individuals with disabilities through the Community Transportation Coordinator.

**MOTION**

Jackie Tucker moved to adopt Resolution 2018-12C, authorizing the Executive Director to submit and administer the FTA Section 5310 Operating Grant as presented. Hazel Sellers seconded.

Motion carried unanimously.

**D. Resolution 2018-12D, FTA Section 5310 Capital Grant for DeSoto, Hardee, Highlands and Okeechobee Counties**

Ms. Soderstrom stated that this grant request is for \$106,000.80 which provides funding to assist in meeting the transportation needs of older adults and individuals with disabilities, through the Community Transportation Coordinator.

**MOTION**

Don Elwell moved to adopt Resolution 2018-12D, authorizing the Executive Director to submit and administer the FTA Section 5310 Capital Grant as presented. Jackie Tucker seconded.

Motion carried unanimously.

**E. Resolution 2018-12E, FTA Section 5311 Operating Grant for DeSoto County**

Ms. Soderstrom stated that this grant request is for \$100,000 which provides funding to support public transportation through the Community Transportation Coordinator in rural areas with populations of less than 50,000.

**MOTION**

Keith Keen moved to adopt Resolution 2018-12E, authorizing the Executive Director to submit and administer the FTA Section 5311 Operating Grant as presented. Jackie Tucker seconded.

Motion carried unanimously.

**F. Resolution 2018-12F, FTA Section 5339 Capital Grant for DeSoto, Hardee, Highlands and Okeechobee Counties**

Ms. Soderstrom stated that this grant request is for \$265,002 and will be used to replace, rehabilitate and purchase buses to be used to provide public transportation through the Community Transportation Coordinator.

## **MOTION**

Nathaniel Birdsong moved to adopt Resolution 2018-12F, authorizing the Executive Director to submit and administer the FTA Section 5339 Capital Grant as presented. Don Elwell seconded.

Motion carried unanimously.

## **AGENDA ITEM #11 RESOLUTION APPROVING PUBLIC TRANSPORTATION GRANT AGREEMENT (PTGA) WITH FDOT FOR 5311 FUNDS**

Pat Steed, Executive Director, stated that FDOT has proposed a new Public Transit Grant Agreement for Federal 5311 funds awarded to the Central Florida Regional Planning Council for public transportation through the coordinated system in DeSoto County.

## **MOTION**

Keith Keen moved to adopt Resolution 2018-12G, authorizing the Executive Director to enter into the Public Transit Grant Agreement as presented. Nathaniel Birdsong seconded.

Motion carried unanimously.

## **AGENDA ITEM #12 ELECTION OF COUNCIL OFFICERS FOR 2019**

Chairman Thompson stated that this Agenda Item will be postponed since the majority of the Nominating Committee Members were unable to attend. It will be rescheduled for the February Council meeting.

## **AGENDA ITEM #13 APPOINT MEMBERS TO THE FLORIDA REGIONAL COUNCILS ASSOCIATION (FRCA) POLICY BOARD**

Chairman Thompson stated that this Agenda Item will be postponed to the February Council meeting and confirmed that the current members would continue to serve for the January Policy Board Meeting. Those members are Jackie Tucker, Buddy Mansfield, Nathaniel Birdsong, and the alternate member is Neda Cobb.

## **AGENDA ITEM #14 APPOINT MEMBERS TO FINANCE COMMITTEE**

Chairman Thompson stated that this Agenda Item will be postponed to the February Council meeting.

## **AGENDA ITEM #15 EXECUTIVE DIRECTOR'S REPORT**

Pat Steed presented an overview of several work activities including the numerous grant applications that were presented earlier in the agenda which are being finalized to submit by the December deadline. Work continues on the Department of Economic Opportunity (DEO) grant awards, and a number of local government contracts are being completed.

Ms. Steed announced that the FRCA Policy Board meeting is scheduled for January 10 – 11, 2019 in Tallahassee.

**AGENDA ITEM #16 APPOINT NOMINATING COMMITTEE**

Chairman Thompson stated that the nominating Committee will meet in February to nominate a slate of officers for 2019. He asked Jackie Tucker if she would fill the vacancy on the Nominating Committee left by Hazel Sellers, as this would be her last meeting. The Nominating Committee members are: Bryant Culpepper, John Shoop and Jackie Tucker.

**AGENDA ITEM #17 OTHER BUSINESS**

The next meeting was scheduled for February 13, 2019 at DeSoto County Commission Chambers in Arcadia, at 9:30 a.m.

There being no further business, the meeting adjourned.

Respectfully submitted,

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Mike Thompson, Chairman  
December 12, 2019 Council Meeting Minutes

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## **A “Sunshine” Reminder for Members of the Regional Planning Councils**

by Norman White, General Counsel  
to the Central Florida Regional Planning Council

So you have been asked to serve on a regional planning council in Florida? It cannot be that hard, can it? Certainly a job with no pay will have absolutely no pitfalls or unmarked hazards...right?

As the General Counsel for the Central Florida Regional Planning Council since 1992, I can assure you that there is a particular unmarked hazard in your roadway. It is called The Sunshine Law. The purpose of this article is to acquaint new members (and give a reminder to seasoned members) about this law and its implications. After all, violators of this law may have to pay court fines or even do time in the county jail (which is a terrible way of learning about jail overcrowding). So, read on with interest.

First, it is important to note that a regional planning council is, by design, a very eclectic group. The membership is divided into two categories: elected officials and gubernatorial appointees. It is possible (and very likely) to have a farmer from a rural area sitting next to a corporation president from a large city. A council mix could include a retired school principal appointed by the governor and a county commissioner who sells real estate. The diverse group usually only comes together at council meetings. This circumstance causes the first concern. It is natural for these members to get acquainted over coffee before the meeting. Sometimes, the conversation may turn to the Development of Regional Impact (DRI) hearing on the agenda. This is where the Sunshine Law throws a curve ball at you. Such conversations, though innocently started, are against the law.

The Sunshine Law is a nickname given to Florida Statute 286. This chapter is only about two pages in length. However, its impact extends into that coffee conversation and many other seemingly innocent areas of a council member's life. The law essentially addresses three separate subjects: (1) meetings between council members; (2) notice of the meetings; (3) minutes of the meetings. As a council member you can rest assured that your staff has procedures in place to comply with (2) and (3) above. Those areas are not where you can get in trouble. It is (1) that needs to be your focus (and thus the focus of this article).

You see, (2) and (3) provide the “sunshine” into a conversation. That is, when your staff properly publishes reasonable notice of a meeting and takes accurate minutes of the meeting, you can converse about any subject on your mind at the meeting without fear of running afoul of this law. It is when you have the conversation outside the “sunshine” that your General Counsel will wince. Over the years, I have seen some situations that, at first glance, appear innocent, but are actually violations of the law. Below are some examples. After each example is a suggested solution to avoid the problem.

### **EXAMPLE 1**

The council has an upcoming DRI hearing. To become better educated on the development area, the applicant (or your staff) arrange for a bus tour to the proposed development site. Two council members are seated beside each other on the bus and the conversation is drifting toward the development.

**SOLUTION:** The bus trip needs to be the subject of a reasonable notice and accurate minutes. Your staff can handle that. When done properly, members of the press know about the trip and usually tag along (sometimes in the seat beside you). All conversations about the potential development should be said loud enough so the person taking the minutes (usually in the front of the bus) can hear you and take your comments down.

#### EXAMPLE 2

A meeting has been properly noticed and the secretary is taking minutes. During a break in the meeting, you and another council member find yourselves in the bathroom or the coffee room with each other. The conversation starts to drift.

**SOLUTION:** Don't discuss the pending council business at all. Remember this: even if a member of the press is in the room with you, the conversation is not in the "sunshine" and is unlawful. It is only when the minutes are being taken that things are rolling along as they should.

#### EXAMPLE 3

You are having a conversation with a member of the staff (your Executive Director, for example). You ask the staff member how another council member feels about a certain pending issue (like a staff pay raise or a DRI hearing).

**SOLUTION:** Don't ask. Using a staff member (or any other person) to have conversations with another council member is unlawful. It is just like the other council member was in the room. Also, you are putting the staff member in a very awkward position. Because the staffer works for you, he wants to make you happy and answer your questions. However, this is one of the only times that the staffer can be charged with a violation of the Sunshine Law and the possible criminal conviction would not look good on his resume when he is looking for another job.

#### EXAMPLE 4

You and another council member are email friends and you converse that way, rather than around the water cooler at the meetings.

**SOLUTION:** Don't do that either. Courts have held that email conversations are just like water cooler conversations.

#### EXAMPLE 5

You are sitting at a council meeting at your usual place. During the course of the meeting, the council member next to you leans over and whispers a comment about something unrelated to the agenda item being discussed. You whisper back and a conversation ensues.

**SOLUTION:** Though this is not a violation of the Sunshine Law, you will never convince the people in the back of the room of that, especially if they are on the losing end of your vote. So, it is always wiser to refrain from such conversations during a meeting. It will be one less time you will need to defend yourself. Keep in mind that such conversations, to be in the sunshine, must be heard by the person taking minutes. So actually discussing agenda items under such circumstances is an absolute no-no.

Well, the above five examples may have some of you scared. If so, you are overreacting to this article. There is so much you can talk about that is not covered by the Sunshine Law. The weather, ball game scores, church gossip, restaurant reviews are all subjects you can discuss



at any time with any other council member. You can even talk about votes that the council has already taken on items not coming back up for another vote. These conversations can take place in each other's homes or around the water cooler or in the car on the way to a meeting and you have no problem. It is only when you are talking about a matter that could be the subject of future council action that the "sunshine" needs to be in the room.

It has been my observation that council members do not want nor intend to violate this law. Problems usually occur when the hazard is unmarked and the conversation takes an unexpected turn. Your sensitivity to the constraints discussed here will go a long way toward giving you piece of mind.

**The author received his Juris Doctorate Degree from the University of Florida in 1972 and has been practicing law in Florida since. His knowledge and expertise in the Sunshine Law came from serving as a city attorney for 15 years and serving as the General Counsel to the Central Florida Regional Planning Council since 1992.**

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## RESOLUTION 2019-2A

**A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL PROVIDING AUTHORIZATION TO SIGN THE PUBLIC TRANSPORTATION GRANT AGREEMENT FOR FEDERAL 5310 FUNDS AWARDED TO THE CFRPC FOR TRANSPORTATION FOR THE ELDERLY AND INDIVIDUALS WITH DISABILITIES THROUGH THE COORDINATED SYSTEM IN HARDEE, HIGHLANDS, AND OKEECHOBEE COUNTIES AND ASSOCIATED ADMINISTRATIVE SUPPORT DOCUMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSIT PROJECTS.**

**WHEREAS**, the Central Florida Regional Planning Council has the authority to enter into a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation to undertake a project as authorized by Chapter 341, Florida Statutes and/or by the Florida Transit Administration Act of 1964, as amended;

**NOW, THEREFORE, BE IT RESOLVED BY THE** Central Florida Regional Planning Council, Florida:

1. The PTGA for the Item-Segment-Phase-Sequence (Financial Management Number) 435862-1-84-06 is approved.
2. That Patricia M. Steed, Executive Director, is authorized to enter into, modify, extend, or terminate the PTGA with the Florida Department of Transportation, unless specifically rescinded.

**DULY PASSED AND ADOPTED THIS 13<sup>th</sup> DAY OF FEBRUARY 2019.**

CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

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Mike Thompson, Chairman

ATTEST:

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COUNCIL ATTORNEY:

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## RESOLUTION 2019-2B

**A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL PROVIDING AUTHORIZATION TO SIGN THE PUBLIC TRANSPORTATION GRANT AGREEMENT FOR FEDERAL 5311 FUNDS AWARDED TO THE CFRPC FOR TRANSPORTATION FOR PUBLIC TRANSPORTATION THROUGH THE COORDINATED SYSTEM IN HARDEE, HIGHLANDS, AND OKEECHOBEE COUNTIES AND ASSOCIATED ADMINISTRATIVE SUPPORT DOCUMENTS WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSIT PROJECTS.**

**WHEREAS**, the Central Florida Regional Planning Council has the authority to enter into a Public Transportation Grant Agreement (PTGA) with the Florida Department of Transportation to undertake a project as authorized by Chapter 341, Florida Statutes and/or by the Florida Transit Administration Act of 1964, as amended;

**NOW, THEREFORE, BE IT RESOLVED BY THE** Central Florida Regional Planning Council, Florida:

1. The PTGA for the Item-Segment-Phase-Sequence (Financial Management Number) 410124-1-84-37 is approved.
2. That Patricia M. Steed, Executive Director, is authorized to enter into, modify, extend, or terminate the PTGA with the Florida Department of Transportation, unless specifically rescinded.

**DULY PASSED AND ADOPTED THIS 13<sup>th</sup> DAY OF FEBRUARY 2019.**

CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

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Mike Thompson, Chairman

ATTEST:

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COUNCIL ATTORNEY:

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## RESOLUTION 2019-2C

### A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL RECOGNIZING THE SERVICE OF MR. BRIAN D. TEEPLE CHIEF EXECUTIVE OFFICER OF THE NORTHEAST FLORIDA REGIONAL COUNCIL ON HIS RETIREMENT

WHEREAS, the Northeast Florida Regional Planning Council was created in 1977 to serve citizens and member local governments of Baker, Clay, Duval, Flagler, Nassau, Putnam, and St. Johns Counties; and

WHEREAS, Mr. Brian D. Teeple has served as Chief Executive Officer for 30 years, capping off a 33-year career at the NEFRPC; and

WHEREAS, Mr. Teeple has led NEFRPC to many statewide and national awards and recognitions; and

WHEREAS, Mr. Teeple has advanced the planning profession serving as a mentor to other professionals and serving as the President of the American Planning Association (APA) Florida Chapter; and

WHEREAS, Mr. Teeple has served his colleagues and the Florida Regional Councils Association (FRCA) with distinction and honor, having served as Chair of the Florida Regional Councils Association Executive Directors Advisory Committee (EDAC); and

WHEREAS, Mr. Teeple has announced his retirement from the North East Regional Council in 2019.

NOW, THEREFORE, the Central Florida Regional Planning Council hereby congratulates Mr. Brian D. Teeple upon the occasion of his retirement, thanks him for his many contributions on behalf of the Northeast Regional Council and all Florida Regional Planning Council, as well as the planning profession at large, and wishes him well in his retirement and future endeavors.

DULY PASSED AND ADOPTED THIS 13th DAY OF FEBRUARY 2019.

CENTRAL FLORIDA  
REGIONAL PLANNING COUNCIL

ATTEST:

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Patricia M. Steed  
Executive Director

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Mike Thompson  
CFRPC Chairman



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## RESOLUTION 2019-2D

### A RESOLUTION OF THE CENTRAL FLORIDA REGIONAL PLANNING COUNCIL RECOGNIZING THE 50<sup>TH</sup> ANNIVERSARY OF THE NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

WHEREAS, the North Central Florida Regional Planning Council (NCFRPC) was formed as the fourth regional planning council in the State of Florida on May 7, 1969; and

WHEREAS, the mission of the North Central Florida Regional Planning Council is to improve the quality of life of the Region's citizens, enhance public safety, protect regional resources, promote economic development and provide technical services to local government; and

WHEREAS, local governments throughout the Region recognize the need for regional coordination to address community issues that extend beyond county and municipal boundaries; and

WHEREAS, the North Central Florida Regional Planning Council has engaged in strategic regional planning, comprehensive economic development strategy planning, emergency preparedness planning and intergovernmental review activities to coordinate planning for the future of the Region; and

WHEREAS, for the past 50 years, the North Central Florida Regional Planning Council has brought together local governments and gubernatorial appointees to provide a venue for analyzing issues, resolving problems and sharing solutions among the 52 jurisdictions in Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor and Union Counties.

NOW, THEREFORE, BE IT RESOLVED, that the Central Florida Regional Planning Council congratulates the North Central Florida Regional Planning Council on its 50<sup>th</sup> Anniversary and recognizes its contributions in advancing the regional agenda.

DULY ADOPTED by the Central Florida Regional Planning Council on this 13<sup>th</sup> Day of February 2019.

CENTRAL FLORIDA  
REGIONAL PLANNING COUNCIL

ATTEST:

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Patricia M Steed  
Executive Director

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Mike Thompson  
CFRPC Chairman



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Apalachee • Central Florida  
 East Central Florida • North Central Florida  
 Northeast Florida • South Florida • Southwest Florida  
 Tampa Bay • Treasure Coast • West Florida

## MONTHLY ACTIVITY REPORT: January 2019

### **RESOURCE DEVELOPMENT/CAPACITY BUILDING and OUTREACH**

- Organized and distributed the December 2018 Florida Regional Councils Association (FRCA) Newsletter, *FRCA Forward*. Began collecting articles and formatting the January 2019 Newsletter. Continued to update the FRCA Facebook page.
- Worked with the Florida Association of Counties to update the email lists for newly elected local officials and maintain the email listserv for approximately 2,400 individuals who receive *FRCA Forward*.
- Continued to work with the Florida Association of Counties to maintain and enhance the FRCA website: [www.flregionalcouncils.org](http://www.flregionalcouncils.org).
- Assisted to complete legislative funding request forms to update the Statewide Regional Evacuation Study.
- To enhance partnerships and strengthen the relationship between regional planning councils and their state and federal partners, participated in or attended the following meetings and shared information:
  - Apalachee Regional Planning Council Board Meeting
  - Rural Economic Development Initiative Meeting
  - Met with Florida Department of Economic Opportunity newly hired staff
- Compiled and submitted the October – December quarterly report to the Department of Economic Opportunity on economic activities in each regional planning council area.
- Arranged for sponsorship of the Policy and Planning Workshop hosted by the Florida Chapter of the American Planning Association being held February 8<sup>th</sup> in Tallahassee.
- Promoted the Florida Resilient Coastline Program's Grants Webinar hosted by the Florida Department of Environmental Protection.

### **ASSOCIATION MANAGEMENT**

- Participated with the January FRCA Executive Directors Advisory Committee (EDAC) and the January Policy Board Partners and Business meetings held in Tallahassee.
- Prepared for the February EDAC and Partners Meetings.
- Continued to coordinate logistics for the 2019 meeting and conference schedule.
- Distributed grant opportunities and information of interest from local, state and national organizations.