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INTERLOCAL AGREEMENT CREATING A SOUTH FLORIDA REGIONAL PLANNING COUNCIL

S.F.R.P.C.

THIS AGREEMENT, made and entered into this 1st day of July, 1974, pursuant to the authority of Section 163.01, Florida Statutes, by and between the counties of Broward, Dade, Martin, Monroe, Palm Beach, and St. Lucie each being a political subdivision of the State of Florida,

WITNESSETH:

WHEREAS, the Environmental Land and Water Management Act, Chapter 380 of the Florida Statutes, assigns to regional planning agencies the duty to study, review, and make recommendations concerning "Developments of Regional Impact" and "Areas of Critical State Concern", and

WHEREAS, the Office of Management and Budget, Executive Office of the President, designates comprehensive regional planning agencies as areawide clearing-houses responsible for review and coordination regarding certain Federal programs, and

WHEREAS, the Division of State Planning of the State of Florida, Department of Administration is required by Part I of Chapter 23, Florida Statutes to integrate the services and plans of local governments and regional planning agencies into the State planning process to the extent feasible, and

WHEREAS, Rule 22E-1.01 of the Administrative Code of the State of Florida established the geographic region of the 10th Comprehensive Planning District,

WHEREAS, the parties hereto desire to make the most efficient use of their powers to cooperate for mutual advantage in conducting the comprehensive regional planning process for the 10th Comprehensive Planning District, and

WHEREAS, Section 163.01(4) of the Florida Statutes provides that "a public agency of the State of Florida may exercise jointly with any other public agency of the State, or any other State, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately".

So. Fla. Regional Planning Council

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ATT Tom Schroeder

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FILED FOR RECORD IN DALLAS COUNTY FLORIDA 1975 APR - 8 PM 2:30 RALPH WHITE CLERK OF CIRCUIT COURT

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NOW, THEREFORE, FOR AND IN CONSIDERATION of mutual promises, covenants, benefits to accrue from conduct of a comprehensive regional planning process, and agreements herein contained and set forth, the parties signatory do hereby establish the "South Florida Regional Planning Council", of the 10th Region as a regional planning and coordinating agency, hereinafter referred to as the Council, a separate legal entity, and do further delegate such of their powers as are specified herein and agree as follows:

1. Purpose: The purposes of this agreement are:

- a. To provide local governments with a means of exercising the rights, duties, and powers of a Regional Planning Agency as defined in Chapters 23, 163, and 380 of the Florida Statutes, including those functions enumerated hereinabove by preambles, and other applicable Florida, Federal and Local law.
- b. To provide a means for conducting the comprehensive regional planning process.
- c. To provide regional coordination for the members of the Council.
- d. To exchange, interchange, and review the various programs of the individual members which are of the regional concern.
- e. To promote communication among members and the identification and resolution of common regional-scale problems.
- f. To cooperate with Federal, State, Local and non-governmental agencies and citizens to insure the orderly and harmonious coordination of State, Federal, and Local planning and development programs in order to assure the orderly, economic, and balanced growth and development of the Region, consistent with the protection of the natural resources and environment of the Region and to protect the health, safety, welfare and quality of life of the residents of the Region.

2. Comprehensive Regional Planning Process:

- a. The Council shall prepare and amend from time to time as necessary, a comprehensive plan or portions thereof for its Region. The comprehensive plan shall include a description of the continuous planning process and provide materials in both written and graphic form and in other descriptive form which shall prescribe guidelines for the orderly and balanced economic, social, physical, and fiscal development of the Region to promote health, safety, welfare, comfort, order, convenience, and general welfare. The comprehensive plan shall embody the guidelines of the Council and shall include, but not be limited to:

- (1) a statement of the objectives, standards, and principles sought to be expressed in the plan or its elements and the continuous planning process;
- (2) recommended guidelines for the most desirable pattern and intensity of activity within the Region in the light of the best available information concerning natural environmental factors, the present and prospective social, economic and demographic basis of the area, and the relation of activity within the area to activity in the adjoining areas. The activity pattern shall provide for open space as well as urban, and rural development, and shall include recommended regional-scale elements of urban and rural activities and systems;
- (3) recommended guidelines for the general circulation system for the area including land, water, and air transportation and communication facilities whether used for movement within the area or to and from adjoining and more remote areas;
- (4) recommended guidelines concerning the need for, and proposed general location of federal, state, local and other public and private works and facilities which by reason of their function, size, extent, or for any other cause extend beyond the boundaries of the jurisdiction of any unit of local general purpose government within the Region;
- (5) recommended guidelines for the long range financing and scheduling of capital projects and facilities;
- (6) recommended guidelines for meeting the housing needs of existing and prospective indigenous and immigrant population of the Region;
- (7) to the extent possible, recommended guidelines for programs within the Region for adequate economy, including industrial development, commerce, and trade; human resources; health services; management of solid and liquid waste; water supply and distribution; natural resource protection; agriculture; manpower planning, broadened employment opportunity, community facilities; quality education; public utilities and services; parks and recreation; water resources; air and water pollution; environmental health; elimination of poverty; and effective and efficient law enforcement, taking into account the purpose, nature and methods of regional plans and programs; and

(8) such other guidelines and recommendations as the Council may deem

appropriate concerning current and impending problems as may affect the Region.

b. In preparing its comprehensive regional plan, the Council shall consider appropriate studies, reports, plans and regulations, and shall take into account the existing and prospective resources, capabilities, needs and efforts of the units of local government located within the boundaries of the Region.

c. The comprehensive plan, portions thereof, and any amendments thereto shall be officially adopted by a majority vote of those members present and voting at a legal meeting after submission to the division of state planning, and to the governing body of each unit of local general purpose government within the Region for a period of not less than thirty days prior to a hearing to be held by the Council thereon after adequate notice.

d. Subsequent to the date of adoption of the comprehensive plan or element thereof by the Council, it shall not establish any policy or take any action which is not in conformity therewith or amendments thereto.

e. The comprehensive plan may be amended in the same manner as provided for the original adoption, but if the Council determines that a proposed amendment has less than Region-wide effect such amendment may be submitted only to the governing bodies of those units of local government which the Council shall determine to be affected and to the division of state planning.

f. The Council shall annually, on or before March 1, conduct a hearing to review the comprehensive plan, or completed parts of it, and the progress made for implementation of the plan or parts thereof to determine whether it is advisable to amend the plan. Notice, at least ten days prior to said hearing, shall be given to the division of state planning, all local units of general purpose government and newspapers of general circulation within the Region.

3. Effective Date, Duration, Termination, and Withdrawal:

a. The effective date of the Council will be July 1, 1974.

b. This agreement shall be effective for an initial term ending July 1, 1975, and shall continue thereafter from year to year without the necessity of formal renewal by any party hereto, unless terminated as provided in 3(g) hereinafter.

c. Amendments to this agreement shall require three-fourths (3/4) vote of principal members in addition to the three-fourths (3/4) vote of the voting members of the Council. Any amendments regarding membership, voting and finances shall be made only by the principal member units. Any amendment to this agreement shall be submitted, in writing, to each voting member at least fifteen (15) days prior to the meeting at which such amendment is to be voted upon.

d. Any party hereto or principal member unit may withdraw its membership by resolution duly adopted by its governing body, and upon giving twelve (12) months written notice of withdrawal to the chairman of the governing body of each principal member unit without the effect of terminating this agreement. Contractual obligations of the withdrawing member shall continue until the effective date of the withdrawal. All property, real or personal, of the Council on the effective date of such withdrawal shall remain the property of Council and the withdrawing principal member unit shall have no right thereto.

e. In the event there is a complete termination of this agreement which would involve the disposition of the property of Council, such property shall be liquidated and each participatory county shall be entitled to a share of the proceeds bearing the same ratio to the total proceeds as the contribution of the participatory county during the preceding fiscal year of the Council.

f. In case of a complete termination of this agreement, the non-federal matching contribution required to match any approved Federal or State grant shall be firm. The project(s) shall be completed and the required reports and accounting shall be completed.

g. This agreement may be terminated at any time by resolution duly adopted by the governing body of each and every principal member unit.

4. Membership:

a. Each participatory county with a population under 250,000 shall be entitled to have two (2) voting members on the Council and the combined municipalities within each such county shall be entitled to one (1) participating member to represent municipal interests.

b. Each participatory county with a population over 250,000 shall be entitled to have three (3) voting representatives and the combined municipalities within each such county shall be entitled to two (2) participating members to represent municipal interests.

c. The principal members shall be selected by the governing body of the respective principal member units.

d. The Council shall adopt bylaws at its first meeting after the effective date and the bylaws shall specify the procedures for selection of participating members from within each principal member unit. The procedures must provide for the broadest possible representation of municipal interests in each county.

5. Officers: The officers of the Council shall consist of the following:

a. A Chairman, who shall be the chief policy officer, is responsible for overseeing the organization of work of the Council, for seeing that all policies of the Council are carried out, and for presiding over all Council meetings. The Chairman or designated representative shall be ex officio a member of all subsidiary committees and boards.

b. A Vice Chairman, who shall act in the Chairman's absence or inability to act. The Vice Chairman shall perform such other functions as the Council shall, from time to time, assign.

c. A Secretary, who shall be responsible for minutes of the meeting, keeping the roll of members, and such other duties as may be assigned by the Chairman or the members.

d. A Treasurer, who shall be responsible for the financial affairs of the Council.

e. The original officers shall be as hereinafter provided. Thereafter, the officers shall be elected at the annual meeting of the Council and shall hold office for one (1) year or until their respective successors are elected and qualified.

f. An Executive Committee, consisting of the Chairman, immediate past Chairman, Vice Chairman, Secretary, Treasurer, and two other members elected by the Council, to insure representation from within each participatory county, shall be established to act for the Council when necessary to meet any emergency or to deal with any matters when it would be impossible or inconvenient to convene a meeting of the full Council.

6. Meetings:

a. There shall be an annual meeting for the election of officers.

b. Regular meetings shall be held at least once each month.

c. Special meetings may be called by the Chairman at his discretion and shall be called by the Chairman when requested by voting members from two-thirds (2/3) of the participating counties.

d. The place and time of each meeting shall be determined by the membership prior to the adjournment of the previous meeting. In the absence of such a determination, the time and place of meetings shall be determined by the Chairman.

e. A quorum at any meeting shall consist of a majority of the voting members provided, however, no quorum shall exist unless a voting member is present from one-half ( $\frac{1}{2}$ ) of the principal member units. When a quorum has been determined to be present, a majority of those present may take action on all matters present at the meeting. Each member present shall vote on each question presented to the Council except in the event that a member requests disqualification for cause and leaves the room. Proxy voting is prohibited.

f. The Secretary or nominee shall keep minutes of each meeting and distribute a copy thereof to each voting member.

#### 7. Finances:

a. The Council shall adopt a work program and budget for each fiscal year and shall, before August 1, certify a copy thereof to the Clerk of the governing body of each principal member unit. Each principal member unit shall include in its annual budget and provide to the Council funds in an amount sufficient to fund its proportionate or minimum share of the Council's adopted budget.

b. The proportionate share of the budget of the Council shall be an amount which bears the same ratio to the local share of the total annual Council budget as the population of each principal member unit bears to the total population of all participatory counties, based upon the most current annual population estimates provided by the Department of Administration pursuant to Section 23.019, Florida Statutes. The local share is the total annual budget minus funds supplied to the Council under contract with Federal or State agencies.

c. The Council in adopting its annual budget, may establish a reasonable minimum financial contribution from each principal member unit.

d. The Council, in its bylaws, may provide for payment, by municipalities, of up to one-third ( $\frac{1}{3}$ ) of the principal member units proportionate share in any county with less than 250,000 population and up to two-fifths ( $\frac{2}{5}$ ) in any county over 250,000 population.

e. The Council shall have the right to receive and accept in furtherance of its functions: funds, grants and services from federal, state and local government or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives in accordance with all applicable laws.

8. Powers: The Council shall have all powers granted herein, including:

a. The powers granted by Chapters 23, 163 and 380 of the Florida Statutes as now existing or as from time to time amended.

b. To conduct studies of the Region's resources with respect to existing and emerging problems of industry, commerce, transportation, population, housing, agriculture, public services, human resources, natural resources, local government, relative tax effort and fiscal capacity of local governments, and any other matters which are relevant to regional planning.

c. To adopt rules of procedure and bylaws, to regulate its affairs and conduct business.

d. To adopt an official seal.

e. To maintain an office at such place within the region as may from time to time be determined.

f. To employ and set the compensation of the executive director, who shall serve at the pleasure of the Council. The executive director shall employ and remove professional, technical, clerical or legal staff, as may be necessary to accomplish the work authorized by the Council. The executive director may make agreements with local planning or other public agencies, within or without the geographic boundaries of the Region, for temporary transfer, loan, or other cooperative use of staff employees and, with the consent of the Council or pursuant to procedures established by the Council, may acquire the services of consultants and enter into contracts on behalf of the Council.

g. To authorize compensation for members of the Council for per diem, travel, and other reasonable expenses for meetings, hearings and other official business.

h. To hold public hearings, sponsor public forums, and conduct other activities whenever deemed necessary or useful in the execution of the functions of the Council.

i. To acquire, own, operate, maintain, lease or sell real or personal property and hold title thereto in the name of the Council.

j. To fix and determine in accordance with applicable laws by resolution, rules and regulations relating to advertisement for bids, manner of bidding and amount below which same will not be required.

k. To sue and be sued, implead and be impleaded, complain and defend, intervene and appeal in all courts and administrative agencies.

l. To accept gifts, apply for and use grants or loans of money or other property from the United States, the State, a local unit of government or any person, for any Council purpose and to enter into agreements required in connection therewith, and to hold, use, and dispose of such monies or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

m. To make and enter into all contracts and agreements, and do and perform all acts and deeds necessary or incidental to the performance of its duties and the exercise of its powers.

n. To prescribe all terms and conditions for the employment of officers, employees, and agents including but not limited to the fixing of compensation and classification plans, benefits, and the filing of performance and fidelity bonds and such policies of insurance covering itself and employees as it may deem advisable.

o. To participate with other government agencies, educational institutions, and private organizations in the coordination of the activities above.

p. To fix and collect charges or fees for the provision of local assistance services and for reviews and referrals.

q. To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities.

r. To select and appoint by three-fourths (3/4) vote such ex officio, non-voting members to the Council as the Council may deem appropriate.

s. To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the Region and which the Council finds feasible to perform.

#### 9. Definitions:

a. Principal member unit -- a county signatory to this Agreement.

b. Principal member -- a county commissioner representing a principal member unit.

c. Participating member -- an elected municipal official representing municipalities within a principal member unit.

d. Participatory county -- a county signatory to this agreement whose proportionate share of the local share of the total annual Council budget is paid.

e. Voting member -- an elected local government official representing a participatory county or municipalities within a participatory county.

10. Transfer: The assets, liabilities, contract obligations, operating procedures and the policies, officers, and staff of the agency organized under Chapter 160, Florida Statutes, and heretofore known as the South Florida Regional Planning Council are hereby transferred to the Council.

11. Severability: If any section, subsection, sentence, clause, phrase or word of this agreement is for any reason held or declared to be unconstitutional, invalid, inoperative, ineffective, inapplicable or void, such invalidity or unconstitutionality shall not be construed to affect the portions of this agreement not so held to be unconstitutional, void, invalid, or ineffective; any such inapplicable or void portion or portions of this agreement did not induce its passage, and without the inclusion of any such unconstitutional, illegal, invalid, ineffective or void portions of this agreement, the signatory parties would have enacted the valid and constitutional portions thereof.

12. It is expressly understood that the terms and conditions of, and this Agreement, shall be effective between and among those parties signatory hereto; and that the validity, force and effect of their Agreement shall not be affected by one or more of the parties named herein not joining in this Agreement, any other provision of this Agreement to the contrary notwithstanding.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed and their signatures to be affixed as of the day and year first above written.

BOARD OF COUNTY COMMISSIONERS  
BROWARD COUNTY, FLORIDA  
BY: [Signature]  
Chairman

BOARD OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA  
BY: [Signature]  
COUNTY MANAGER Mayor

BOARD OF COUNTY COMMISSIONERS  
MARTIN COUNTY, FLORIDA  
BY: \_\_\_\_\_  
Chairman

BOARD OF COUNTY COMMISSIONERS  
MONROE COUNTY, FLORIDA  
BY: [Signature]  
Mayor

BOARD OF COUNTY COMMISSIONERS  
PALM BEACH COUNTY, FLORIDA  
BY: [Signature]  
Chairman

BOARD OF COUNTY COMMISSIONERS  
ST. LUCIE COUNTY, FLORIDA  
BY: \_\_\_\_\_  
Chairman

JOHN E. DUNKLE, CLERK  
Board of County Commissioners  
By: [Signature]  
DEPUTY CLERK  
Approved as to legal form and sufficiency by:

RECORDED IN OFFICIAL RECORDS BOOK  
MONROE COUNTY, FLORIDA  
RALPH W. WHITE  
CLERK OF CIRCUIT COURT

Approved as to form and legal sufficiency.  
ROBERT L. SHEVIN  
ATTORNEY GENERAL  
By: [Signature]  
Assistant Attorney General  
Date: 6/24/74

Michael B. Small  
Palm Beach County Attorney