

R2005 2118 OCT 18 2005

AMENDED AND RESTATED  
INTERLOCAL AGREEMENT  
CREATING THE  
TREASURE COAST REGIONAL PLANNING COUNCIL

Prepared by:

Roger G. Saberson  
Roger G. Saberson, P.A.  
70 SE 4<sup>th</sup> Avenue  
Delray Beach, FL 33483

Return to:

Liz Gulick  
Treasure Coast Regional Planning Council  
301 East Ocean Blvd, Suite 300  
Stuart, FL 34994

**A TRUE COPY  
CERTIFICATION ON LAST PAGE  
J.K. BARTON, CLERK**

Member Unit with each Principal Member Unit being entitled to a share of such proceeds bearing the same ratio as the Contribution of that Principal Member Unit to the Council in the most recent fiscal year.

4. Membership, Voting and Term of Office.

- (a) Indian River County and Martin County, and St. Lucie County, as Principal Member Units, shall each be represented by two (2) members, and Palm Beach County as a Principal Member Unit shall be represented by three (3) members. All members shall be appointed from the respective elected county Governing Body by such Governing Body.
- (b) In addition to the Principal Member Unit membership referred to in 4.(a) above, Martin County shall be entitled to one (1) municipal member to serve on the Council, St. Lucie County and Indian River County shall be entitled to two (2) municipal members each to serve on the Council, and Palm Beach County shall be entitled to five (5) municipal members to serve on the Council. Such municipal members shall be municipal Elected Officials from a Participating Member Unit who serve on a municipal Governing Body in the respective counties. The municipal members and their alternates shall be appointed by a participating member or members from the respective counties subject to the approval of the Board of County Commissioners of the applicable Principal Member Unit.
- (c) The Governor of the State of Florida shall appoint a maximum of nine (9) voting members as Appointed Representatives. Unless otherwise required by law, the counties in the Region shall be represented by the Governor's voting members in the following manner: Indian River County one (1) representative; Martin County two (2) representatives; St. Lucie County two (2) representatives; and Palm Beach County four (4) representatives.
- (d) Each Principal Member Unit shall appoint an alternate for each Appointed Representative. These alternates shall be Elected Officials and shall be approved by the Governing Body of the Principal Member Unit. In the event that neither the Appointed Representative nor his/her regular alternate is present at a Council meeting and there is another alternate from the same county present (who is not needed to attend for the Appointed Representative for whom he/she is the regular alternate) then this alternate may substitute for the absent Appointed Representative. A person that has been appointed as an alternate for an Appointed Representative from a Participating Member Unit may also serve as an alternate for an Appointed Representative from the same county under the preceding sentence.
- (e) There shall be appointed for each Appointed Representative from a Participating Member Unit one alternate. These alternates shall be municipal Elected Officials from a Participating Member Unit who serve on a municipal Governing Body. In the event that neither the Appointed Representative nor his Alternate is present at a Council meeting and there is another Alternate from the same county present (who is not needed to attend for the Appointed Representative for whom he is the regular Alternate), then this Alternate may substitute for the absent Appointed Representative. A person that has been appointed as an Alternate for an Appointed Representative from a Principal Member Unit may also

serve as an Alternate for an Appointed Representative from the same county under the preceding sentence.

- (f) The names of all of the Appointed Representatives and their Alternates shall be recorded in the Council minutes.
- (g) For the conducting of all business, each Appointed Representative or Alternate serving for an Appointed Representative shall have an equal vote, which shall be one (1) vote each.
- (h) The basic term of office for Appointed Representatives and Alternates appointed by either participating or principal members shall be for one (1) year commencing with the regular December meeting in each year. The representatives appointed by the Governor shall serve a term pursuant to law and as designated by the Governor. All Appointed Representatives shall be eligible for reappointment. All Appointed Representatives and Alternates shall serve until a replacement is appointed by the appropriate appointing authority.
- (i) The Governor of the State of Florida shall designate such ex-officio non-voting members as provided by law. Presently the Governor of the State of Florida shall designate as ex-officio non-voting members the following: a representative of the Florida Department of Transportation, a representative of the Florida Department of Environmental Protection, a representative nominated by Enterprise Florida, Inc. and the office of Trade, Tourism and Economic Development and a representative of the applicable water management district or districts. At the present time, the Governor may also appoint ex officio non voting members representing the appropriate metropolitan planning organizations and regional water supply authorities.
- (j) The South Florida Regional Transportation Authority may appoint an ex officio non-voting member to the Council and such ex officio member shall be a full time employee staff person of the South Florida Regional Transportation Authority.

5. Vacancies.

Any vacancy in membership shall be filled for the unexpired term in the same manner as the initial appointment.

6. Removal From Office.

Should a representative have three (3) consecutive absences from regular meetings with or without a justifiable reason, the Secretary-Treasurer shall so advise the appropriate member government, or the Governor, and request another appointment. Should a representative have five (5) absences during any one (1) year period, the Secretary-Treasurer shall so advise the appropriate member government. Members may be removed from the Council by the authority which made the appointment only after written notice of such removal has been given to the Council.

7. Officers, Term of Office and Duties.

- (a) The regular December meeting shall be known as the Annual Meeting of the Council, and shall be for the purpose of electing the new officers and conducting such other business as may come before the members. The Council shall elect from its membership the following officers: Chairman, Vice

Chairman, and Secretary-Treasurer. Each member so elected shall serve for one (1) year or until he is reelected or his successor is elected.

- (b) The newly elected officers shall be declared installed following their election, and shall assume the duties of office upon adjournment of the Annual Meeting.
- (c) The Chairman, who shall be chief policy officer, shall be responsible for overseeing the working organization of the Council, for seeing that all policies of the Council are carried out, for signing with the counter signature of the Executive Director as authorized by the Council any contract or other instruments which the Council deems in its interest, and for presiding over all Council meetings. The Chairman or his designated representative shall be an ex officio member of all committees.
- (d) The Vice Chairman shall act in the Chairman's absence or inability to act. The Vice Chairman shall perform such other functions as the Council may from time to time assign to him.
- (e) The Secretary-Treasurer shall be responsible for minutes of the meetings, keeping the roll of members, the financial affairs of the Council and such other duties as may be assigned to him.

8. Meetings.

- (a) The annual election of officers shall be held during the December meeting in each year.
- (b) Regular meetings shall be held on the days and times established by the Council.
- (c) Special meetings shall be called by the Chairman either at his discretion or when he is requested by at least five (5) Appointed Representatives provided adequate notice shall be given to all Appointed Representatives and Alternates stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting. However, if a determination to hold a special meeting is reflected upon the record of any Council meeting, no additional notice is necessary except as required by law.
- (d) The place and time of each regular meeting shall be determined by the Council prior to the adjournment of the previous meeting. In the absence of such determination, the time and place of the meeting(s) shall be determined by the Chairman. The Council may establish a regular meeting time and place, in which case no special action by either the Council or the Chairman is required, provided the meeting is to be held at the regular time and place.
- (e) Written notice of all Council meetings shall be mailed to each Appointed Representative and Alternate at the address, as it appears on the records of the Council, at least (7) days prior to that meeting, or earlier, if required by law. The notice shall include the date, time, place, subject of the meeting and the agenda. Business transacted at all special meetings shall be confined to the subject stated in the notice.
- (f) All official meetings of the Council shall be open to the public as required by the Florida Sunshine Law, Chapter 286, Florida Statutes.
- (g) A quorum at any meeting shall consist of a majority of the Appointed Representatives (including Alternates for Appointed Representatives when an Alternate or Alternates are serving) on the Council. A quorum shall be required for the conduct of all official business. When a quorum has been determined to be present, a majority of those present and voting may take action in all matters presented at the meeting.

Proxy voting is prohibited; however, it is understood that the vote of an Alternate is not to be considered a proxy.

- (h) The Secretary-Treasurer or his nominee, in accord with Florida's Public Records Law, Chapter 119, Florida Statutes, shall keep minutes of each meeting and distribute a copy thereof to each member government.

9. Finances.

- (a) The work year and fiscal year of the Council shall be the twelve (12) months beginning the first day of October and ending on the thirtieth day of September.
- (b) On or before the regular July Council meeting of each year, the Council shall adopt an annual budget and certify a copy thereof to the Clerk or authorized recipient of the Governing Body of each Principal Member Unit. Each Principal Member Unit shall contribute such cash amount per capita on the total population of its county as is required together with other fees, revenues and charges received by the Council, in such fiscal year, to make the annual budget. The population base for calculating such pro rata Contribution shall be the most current reported for each county in accordance with the annual estimate of population prepared by the Bureau of Economic and Business Research at the University of Florida or any successor bureau or agency thereto designated by the State of Florida.
- (c) Contributions shall be paid in full no later than November 1.
- (d) Each Principal Member Unit who does not remit the assessed amount by November 1 shall lose all voting privileges; both for representatives from the Principal Member Unit and other appointees from the same county (except the governor's appointees), until payment is made.
- (e) The following persons are designated to sign all checks issued by the Council: (1) the Chairman; (2) the Vice-Chairman; (3) the Secretary-Treasurer; (4) the Executive Director of the Council; and (5) a Council member designated by Council from the county in which the Council offices are located. All checks shall be co-signed by two (2) of the above designated persons.
- (f) The budget and such other changes, amendments or supplements as may be necessary to conduct the fiscal affairs of the Council may be amended from time to time by action of the Council; provided, however, that the budget may not be amended to increase the annual per capita Contribution by the Principal Member Units without the consent of the governing bodies of each of the Principal Member Units.
- (g) The purchase of any single item of either equipment or goods which will required the expenditure of more than five thousand dollars (\$5,000) must be approved by the Council.

10. Powers.

The Council shall have all powers granted herein including:

- (a) The powers granted to regional planning councils and regional planning agencies by Chapter 186, Florida Statutes, and other applicable federal, state and local laws as now existing and/or as from time to time amended, and pursuant to Section 163.01, Florida Statutes, the additional powers set forth herein.