

**MEMORANDUM**  
**FROM**  
**THE DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**

**TO:** BOCC Members

**DATE:** June 16, 2016

**FROM:**

  
David Loveland, Director

**RE:** RPC MEMBERSHIP/CITY SEATS

Commissioners-

This memo will attempt to summarize the research done by my office and the County Attorney's Office regarding the County membership rules for Regional Planning Councils, how seats for cities are addressed, and how that relates to membership dues payments. There are various regulations and agreements that address the membership requirements, which lead to some inconsistencies, and there is some variation in the current application of rules, both within the Southwest Florida Regional Planning Council and as compared to other Regional Planning Councils. Much of the discussion about membership tends to get caught up in the overall role and function of Regional Planning Councils, but this summary attempts to focus strictly on the membership issue. We also have not attempted to address any legislative efforts to allow an opt-out of RPC membership by counties. At the end of the memo is a list of options to address the membership/dues issue and a staff recommendation on which to pursue.

**CURRENT SWFRPC MEMBERSHIP AND DUES**

The Southwest Florida Regional Planning Council is a six-County body as originally established under State law and a membership interlocal agreement in 1973. The membership dues assessment for each County remains unchanged since 1973, at 30-cents per population. The membership interlocal agreements and SWFRPC by-laws indicate that each County gets three seats, two County Commission seats and one city seat, with additional cities that want a seat having the option to participate and pay dues (thereby reducing the County's obligation by that amount). In practice, Lee County is the only one of the six that has cities paying for additional seats, with the other Counties covering the full costs regardless of how many city seats they have.

The voting membership is to be made up of two-thirds elected officials from the area's counties and municipalities, and one-third gubernatorial appointees. Excluding the appointees and focusing strictly on the elected officials for each County, the current membership and dues are as follows:

		<b>FY 16 DUES</b>
<b>CHARLOTTE COUNTY</b>		
Charlotte BOCC	Commissioner Tricia Duffy	\$49,340
Charlotte BOCC	Commissioner Ken Doherty	
City of Punta Gorda	Councilman Gary Wein	
<b>COLLIER COUNTY</b>		
Collier BOCC	Commissioner Tim Nance	\$101,035
Collier BOCC	Commissioner Penny Taylor	
City of Naples	Councilwoman Teresa Heitman	
City of Marco Island	<i>Vacant</i>	
<b>GLADES COUNTY</b>		
Glades BOCC	Commissioner Tim Stanley	\$3,856
Glades BOCC	Commissioner Weston Pryor	
City of Moore Haven	Councilwoman Pat Lucas	
<b>HENDRY COUNTY</b>		
Hendry BOCC	Commissioner Karson Turner	\$11,369
Hendry BOCC	Commissioner Don Davis	
City of Clewiston	Commissioner Sherida Ridgdill	
City of LaBelle	Commissioner Julie Wilkins	
<b>LEE COUNTY</b>		
Lee BOCC	Commissioner Frank Mann	\$157,647
Lee BOCC	Commissioner Cecil Pendergrass	
City of Cape Coral	Councilman Jim Burch	\$0*
City of Fort Myers	Councilman Forrest Banks	\$20,831
Town of Fort Myers Beach	Councilwoman Anita Cereceda	\$1,875
City of Sanibel	Vice-Mayor Mick Denham	\$1,947
City of Bonita Springs	<i>Vacant</i>	\$13,746
<b>SARASOTA COUNTY</b>		
Sarasota BOCC	Commissioner Carolyn Mason	\$116,142
Sarasota BOCC	Commissioner Charles Hines	
City of North Port	Vice-Mayor Rhonda DiFranco	
City of Venice	Councilman Fred Fraize	
City of Sarasota	Mayor Willie Shaw	

*\*Would be \$49,080 based on population if the City paid.*

## **MEMBERSHIP RULES FOR SWFRPC**

### Sec. 186.504, Florida Statutes

Subsection (2) indicates that membership shall include representatives appointed by each of the member counties, and representatives from other member local general-purpose governments within the geographic area. Subsection (5) clarifies that the

statute does NOT mandate municipal government membership or participation, but counties have to be a member.

Florida Administrative Code 291-1.004

Specifies that each of the six counties will have two voting members appointed by their respective BOCC's, and that all municipalities within each county shall collectively select one representative to be a voting member. Allows each city the option to be a member, separate from the collective seat.

Interlocal Agreements

Original agreement from November, 1973 was executed by the six counties, referred to as "member units," and established the per capita assessment rate of 30-cents. The agreement was amended in June 1974 to address alternate members, meeting dates and the signing of checks. An additional amendment in 1980 revised the membership rules to clarify that each county will have three voting members – two from the BoCC and one from a municipality – and an alternate. Language was added to indicate that the one representative for a municipality serves "at the pleasure of the appointing Board of County Commissioners."

**OTHER REGIONAL PLANNING COUNCILS**

A comparison of the current payment approach for cities and dues basis for each of the other nine regional planning council's follows:

<b>RPC</b>	<b>FUNDING APPROACH</b>
Apalachee	Counties pay flat rate plus per capita rate
Central Florida	Counties pay per capita rate
East Central Florida	Counties pay per capita rate
North Central Florida	Counties/Cities pay per capita rate, plus flat rate for Cities
Northeast Florida	Counties/Cities pay per capita rate
South Florida	Counties pay per capita rate
Southwest Florida	Counties pay per capita rate but in Lee County some Cities pay, which reduces County payment
Tampa Bay	Counties/Cities pay base fee, and Counties also pay a per capita rate
Treasure Coast	Counties pay per capita rate
West Florida	Counties/Cities pay per capita rate

**OPTIONS**

At the end of 2015, the SWFRPC was proposing to revise its membership agreement in a number of ways, including the membership set-up. Those proposed revisions do not appear to be moving forward, which is advantageous to us because there were some

proposals that potentially benefitted Lee County but there were others that were questionable. Instead, the SWFRPC's by-law committee discussions have framed four options for the members to consider, all of which will require modifying documents to reflect the selected approach:

1. Status quo – no change in practice.
2. One municipality is paid for by each county, and all other cities "at the table" pay per capita with that amount reducing the applicable county's fees.
3. Every municipality member pays per capita with that amount reducing the applicable county's fees.
4. All counties pay all fees, no fees to municipalities.

**The fairest approach and the one we recommend is No. 3, in which everyone who has a seat pays dues.** If that approach were to be implemented, the payments to the SWFRPC for FY 17 would change as follows based on projected population (assuming all cities participate):

	FY 17 DUES UNDER CURRENT APPROACH	FY 17 DUES WHERE EVERYBODY PAYS
<b>CHARLOTTE COUNTY</b>		
Charlotte BOCC	\$50,142	\$44,840
City of Punta Gorda		\$5,302
<b>COLLIER COUNTY</b>		
Collier BOCC	\$103,141	\$90,389
City of Naples		\$5,858
City of Marco Island		\$5,019
Everglades City*		\$1,875
<b>GLADES COUNTY</b>		
Glades BOCC	\$3,856	\$1,981
City of Moore Haven		\$1,875
<b>HENDRY COUNTY</b>		
Hendry BOCC	\$11,429	\$7,322
City of Clewiston		\$2,232
City of LaBelle		\$1,875
<b>LEE COUNTY</b>		
Lee BOCC	\$110,282	\$101,247
City of Cape Coral	\$49,952	\$49,952
City of Fort Myers	\$21,178	\$21,178
Town of Fort Myers Beach	\$1,879	\$1,879
City of Sanibel	\$1,951	\$1,951
City of Bonita Springs	\$13,970	\$13,970
Village of Estero*		\$9,035
<b>SARASOTA COUNTY</b>		
Sarasota BOCC	\$117,627	\$74,785

City of North Port		\$18,670
City of Venice		\$6,425
City of Sarasota		\$15,872
Town of Longboat Key*		\$1,875

*\*Doesn't currently have a seat*

The proposed FY 17 budget for the SWFRPC (which will be discussed at the June 18<sup>th</sup> meeting) is currently assuming that all the cities in Lee County will be paying their own way except Estero, which gets the free seat covered by the County dues (although Estero had previously indicated it doesn't want a seat). **The SWFRPC Executive Director is asking for the Lee County BOCC to confirm which city would get the free seat next year.**

- cc: Roger Desjarlais, County Manager  
 Doug Meurer, Assistant County Manager  
 Glen Salyer, Assistant County Manager  
 Chris Brady, Assistant County Manager  
 Pete Winton, Assistant County Manager/CFO  
 Dave Harner, Assistant County Manager  
 Betsy Clayton, Communications Director  
 Richard Wesch, County Attorney  
 Michael Jacob, Chief Assistant County Attorney  
 Mikki Rozdolski, DCD Planning Manager

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# SARASOTA COUNTY GOVERNMENT

## Office of the County Attorney

### Interoffice Memorandum

No. 1411

**TO:** Honorable Chair and Members of  
the Board of County Commissioners

**FROM:** *SED* Stephen E. DeMarsh, County Attorney

**RE:** Withdrawal from the Southwest Florida Regional Planning Council

**DATE:** December 6, 2016

The Board has asked whether it may cease to pay dues to the Southwest Florida Regional Planning Council ("SWFRPC"). The County may cease paying the SWFRPC one year after it provides formal notice to the agency that it is withdrawing from participation.

#### **Background**

The SWFRPC is one of the Regional Planning Councils ("RPC") authorized by Chapter 186, Florida Statutes. Sarasota County is assigned to the SWFRPC by the Governor. Section 186.504(5) requires that each county be a member of a RPC. Therefore, Sarasota will remain, at least nominally, a member of the SWFRPC whether it participates or not.

Section 186.505(12) authorizes RPCs to "fix and collect membership dues...where appropriate." The mechanism that the SWFRPC uses to fix and collect dues is a 1973 "Interlocal Agreement Creating the Southwest Florida Regional Planning Council." Under the Interlocal Agreement, each "principal member" (i.e. county) is assessed \$.30 per capita annually. That amount has not changed. Each fiscal year the SWFRPC uses the current population figure to assess the County's share, and submits quarterly invoices. In November 2011, the Board authorized full payment for the entire County population, to allow each municipality to participate without charge. The charge for FY 2015-16 was \$116,142, or \$29,036 per quarter.

The Interlocal Agreement allows counties to withdraw by adopting a resolution giving twelve months' written notice to the chair of each other member county. If the Board would like to terminate its obligation to pay the dues, it would need to adopt a resolution notifying the other members, and continue to pay the quarterly payments for the next year. Our understanding is that staff will be bringing the resolution back as a separate agenda item later.

Please see Alan Roddy or me if you have any questions about this matter.

**RESOLUTION NO. 2017-  
OF THE BOARD OF COUNTY COMMISSIONERS  
OF SARASOTA COUNTY, FLORIDA**

**RE: WITHDRAWAL FROM THE SOUTHWEST FLORIDA REGIONAL PLANNING  
COUNCIL**

WHEREAS, Sarasota County joined the Southwest Florida Regional Planning Council as a principal member through the “Interlocal Agreement Creating the Southwest Florida Regional Planning Council” of November 8, 1973; and

WHEREAS, substantial changes have occurred to both growth management systems and the landscape of the State of Florida, the Southwest Region, and Sarasota County since 1973; and

WHEREAS, Sarasota County’s planning efforts are best focused on Sarasota County itself, and coordinated with other government entities by continuing direct cooperation with municipal and neighboring County governments where appropriate; and

WHEREAS, the Board of County Commissioners desires to withdraw from participation from the Southwest Florida Regional Planning Council; and

WHEREAS, Section 2.d of the Interlocal Agreement requires that any principal member of the Regional Planning Council that desires to withdraw may do so by notifying the other principal members twelve months in advance.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sarasota County, Florida, in public meeting assembled:

1. The Board of County Commissioners of Sarasota County hereby provides notice that it is withdrawing from the Southwest Florida Regional Planning Council, effective twelve months from the date of this Resolution.
2. The County Administrator is directed to provide copies of this Resolution to the other principal members in accordance with the Interlocal Agreement, and to the Regional Planning Council and the municipalities within Sarasota County.
3. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

BOARD OF COUNTY COMMISSIONERS OF  
SARASOTA COUNTY, FLORIDA

By: \_\_\_\_\_  
Chairman

ATTEST:

KAREN E. RUSHING, Clerk  
of Circuit Court and ex officio  
Clerk of the Board of County  
Commissioners of Sarasota  
County, Florida.

By: \_\_\_\_\_  
Deputy Clerk