

1 Introduced by Council President Holland:
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4 **RESOLUTION 2003-750- A**

5 A RESOLUTION APPROVING THE AMENDED AND
6 RESTATED INTERLOCAL AGREEMENT BETWEEN THE
7 CONSOLIDATED CITY OF JACKSONVILLE AND BAKER,
8 CLAY, FLAGLER, NASSAU, PUTNAM, AND ST. JOHNS
9 COUNTIES TO ADDRESS TECHNICAL AMENDMENTS
10 CONCERNING THE NORTHEAST FLORIDA REGIONAL
11 PLANNING COUNCIL; AUTHORIZING THE MAYOR AND
12 CORPORATION SECRETARY TO EXECUTE THE
13 AGREEMENT; PROVIDING AN EFFECTIVE DATE.
14

15 WHEREAS, the Northeast Florida Regional Planning Council
16 unanimously adopted a proposed amendment to the Northeast Florida
17 Regional Planning Council Interlocal Agreement; and

18 WHEREAS, the amendment proposes to change the name of the
19 Northeast Florida Regional Planning Council to the Northeast
20 Florida Regional Council to reflect the maturation of the
21 organization and to recognize that the breadth and diversity of the
22 programs and projects undertaken by the Council transcend
23 traditional notions of regional planning; and

24 WHEREAS, the amendment also proposes to change the title of
25 Chairman, First Vice-Chairman, and Second Vice-Chairman to
26 President, First Vice-President, and Second Vice-President to be
27 gender neutral and to distinguish the leadership titles of the
28 Council from the Chairmen of the Standing and Ad-Hoc Committees of
29 the Council; and

30 WHEREAS, the City Council of the City of Jacksonville supports
31 these technical changes to the Interlocal Agreement; now, therefore

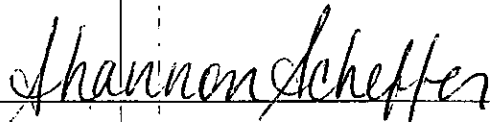
1 BE IT RESOLVED by the Council of the City of Jacksonville:

2 Section 1. The Amended and Restated Interlocal Agreement
3 between the Consolidated City of Jacksonville and the Counties of
4 Baker, Clay, Flagler, Nassau, Putnam, and St. Johns, in
5 substantially the same form attached hereto as Exhibit A, and by
6 this reference made a part hereof, is hereby approved.

7 Section 2. The Mayor and the Corporation Secretary are hereby
8 authorized to execute the Interlocal Agreement on behalf of the
9 City of Jacksonville.

10 Section 3. Effective Date. This Resolution shall become
11 effective upon signature by the Mayor or upon becoming effective
12 without the Mayor's signature.

13
14 Form Approved:

15 
16 _____

17 Office of General Counsel

18 Legislation Prepared By: Shannon Scheffer

19 6/10/03 G:\shared\LEGIS.CC\Scheffer\Res\RPC Interlocal.doc

AMENDED AND RESTATED
INTERLOCAL AGREEMENT
CREATING
THE
NORTHEAST FLORIDA REGIONAL COUNCIL
EFFECTIVE _____

AMENDED AND RESTATED
INTERLOCAL AGREEMENT
CREATING THE NORTHEAST FLORIDA
REGIONAL COUNCIL

THIS AMENDED AND RESTATED AGREEMENT, made and entered into this ___ day of _____ 2003,
pursuant to authority of Section 163.01, Florida Statutes, by and between:

BAKER COUNTY

CLAY COUNTY

DUVAL COUNTY

FLAGLER COUNTY

NASSAU COUNTY

PUTNAM COUNTY

and

ST. JOHNS COUNTY

WITNESSETH:

WHEREAS, The Florida Interlocal Cooperation Act of 1969, Section 163.01, Florida Statutes, permits local government units to make the most efficient use of their powers by enabling them to cooperate with other localities on the basis of mutual advantage; and

WHEREAS, this Agreement amends, ratifies, confirms and restates the Interlocal Agreement entered on February 14, 1977, by and among the parties to this agreement pursuant to which the Northeast Florida Regional Council was originally created; and

WHEREAS, the Florida Regional Planning Council Act, Section Chapter 186.501, Florida Statutes, mandates the creation of a Regional Planning Council in each of the several comprehensive planning districts of the state; and,

WHEREAS, the Executive Office of the Governor has designated that Comprehensive Planning District IV shall be comprised of the counties of Baker, Clay, Duval, Flagler, Nassau Putnam, and St. Johns; and

WHEREAS, the declared purpose of the Florida Regional Planning Council Act is to establish a common system of regional planning councils for areawide coordination and related cooperative activities of federal, state and local governments and ensure a broad-based regional organization that can provide a truly regional perspective enhancing the ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries; and

WHEREAS, it is the desire of the parties hereto to establish a regional planning council to serve in an advisory capacity to the constituent local governments in regional, metropolitan, county and municipal planning matters; and

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 area within this comprehensive planning region; and,

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II Florida Statutes assigns to regional planning agencies the responsibility to determine the relationship and effect of a local government's plan or element thereof to or on the strategic regional policy plan and extra jurisdictional impacts; and,

WHEREAS, the Environmental Land and Water Management Act, Chapter 380, Florida Statutes, assigns to regional planning agencies the duty to study, review and make recommendations concerning areas of critical state concern, Florida quality developments, and developments of regional impact; and,

WHEREAS, Governor's Executive Orders 83-150 and 95-359 and Presidential Executive Order 82-12372, designates the comprehensive regional planning agencies as areawide clearinghouses responsible for review and coordination regarding certain Federal programs; and,

WHEREAS, Regional Planning Councils are statutorily assigned various responsibilities in Chapter 163, 186, 240, 260, 282, 288, 339, 373, 380, 403, 419, 420, 427, and 985, Florida Statutes and other applicable federal, state and local laws.

NOW, THEREFORE, for and in consideration of mutual promises, covenants, benefits to accrue from conduct of a regional planning process, and agreements herein contained and set forth, the member governments to hereby establish, pursuant to the authority of Section 163.01 and Section 186.501, Florida Statutes, the NORTHEAST FLORIDA REGIONAL COUNCIL located in Comprehensive Planning District IV, consisting of the counties Baker, Clay, Duval, Flagler, Nassau, Putnam and St. Johns, hereinafter referred to as the COUNCIL, a separate legal entity, and do further delegate such 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 council as defined in Chapter 186, Florida Statutes and other applicable federal, state and local laws.
- (b) To provide a means for conducting the regional planning process.
- (c) To provide regional coordination for local governments in the Northeast Florida region.
- (d) To act in an advisory capacity to exchange, interchange, and review the various programs referred to it which are of regional concern.
- (e) To promote communication among local governments in the region 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 Federal, State, and local planning and development programs in order to insure the orderly, and balanced growth and development of this region, consistent with protection of the natural

resources and environment of the region, and to promote safety, welfare and to enhance the quality of life of the residents of the region.

- (g) To encourage and promote communications between neighboring regional planning districts in attempt to insure compatibility in development and long-range planning goals.
- (h) To establish an organization that will promote areawide coordination and related cooperative activities of federal, state and local governments ensuring a broad based-regional organization that can provide a truly regional perspective and enhance that ability and opportunity of local governments to resolve issues and problems transcending their individual boundaries.
- (i) To establish an organization to review Developments of Regional Impact, Florida Quality Developments and other developments defined in Chapter 380, Florida Statutes, which will collect review fees and make recommendations to the local government(s) of jurisdiction for application approval/disapproval in order to insure that quality development within the region is consistent with adopted Strategic Regional Policy Plan and Local Government Comprehensive Plans.
- (j) To establish an organization to carry out the duties, functions and activities that are to the mutual advantage of one or more of the local government units within Comprehensive Planning District IV.

2. Definitions.

- (a) Appointed Representative – policy board member of the Council.
- (b) Comprehensive Planning Districts – the geographic areas within the state specified by the Executive Office of the Governor.
- (c) Strategic Regional Policy Plan –a plan containing goals and policies that address, at a minimum, affordable housing, economic development, emergency preparedness, natural resources of regional significance and regional transportation.
- (d) Contribution – any monies received by the Council from a member government or otherwise.

- (e) Council – the NORTHEAST FLORIDA REGIONAL COUNCIL.
- (f) Elected Official – a member of the governing body of municipality or county or a county elected official chosen by the governing body.
- (g) Federal or Federal Government – the government of the United States or any department, commission, agency, or other instrumentalities thereof.
- (h) Governing body – the Board of County Commissioners or City /Town Council/Commission of any member government.
- (i) Local General purpose government – any municipality or county created pursuant to the authority granted under ss. 1 and 2, Article VIII of the State Constitution.
- (j) Member Government – any county within the Northeast Florida Comprehensive Planning District IV which is a signatory to this interlocal agreement.
- (k) Participating Member Unit – any incorporated municipality located within a member government.
- (l) Actual cost – for the purpose of project review actual cost shall be calculated on the basis of reasonably anticipated expenses related to a project review and monitoring, shall include but not be limited to, the cost of staff and other associated direct and indirect costs.
- (m) Development of Regional Impact – A development is defined to be a development of regional impact based upon the criteria in Chapter 380, Florida Statutes and Chapter 28-24, Florida Administrative Code.

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

- (a) The effective creation date of the COUNCIL is February 14, 1977.
- (b) This agreement shall continue in effect until terminated as provided in Section 3.e.
- (c) Any amendments to this agreement shall be in writing and set forth an effective date.
To put into effect any amendment, each member government shall adopt by a majority vote of its governing body a resolution authorizing its chairman or chief elected official to execute the amendment.

- (d) Notwithstanding the provisions of Chapter 186, Florida Statutes, any member government hereto may withdraw its membership by resolution duly adopted by its governing body, and upon giving written notice of withdrawal to the Council and the Chairman or chief elected official of the governing body of each member government, without the effect of terminating this agreement. The withdrawal shall only be effective at the fiscal year (September 30), with all funding and contractual obligations of the withdrawing member government continuing until that date. All property, real or personal, of the COUNCIL on the effective date of such withdrawal shall remain the property of the COUNCIL and the withdrawing member governments shall have no rights thereto.
- (e) This agreement may be terminated by resolution duly adopted by the governing body of all member governments. The effective termination date shall be after the date of said resolution unless contractual obligation would require a later termination date.
- (f) In the event there is a complete termination of this agreement, as provided for in Section 3.e., which would involve the disposition of the property of the COUNCIL, such property shall be liquidated and each member government shall be entitled to a share of the proceeds bearing the same ratio as the contribution of that member government. Said proceeds from the liquidation of the property of the Council shall be applied to satisfy debts, liabilities and financial obligations of the Council prior to any distribution to the members.
- (g) Further, in the case of a complete termination of this agreement, the non-Federal matching contribution required to match any approved Federal or State grant shall be submitted to the appropriate agency. However, the preceding notwithstanding, if the program may be canceled or terminated early, then it shall be distributed and any excess matching funds contributed by the COUNCIL shall be distributed, to each member government.

4. Membership, Voting and Term.

- (a) Each member government shall have four (4) appointed representatives of which at least three (3) shall be locally appointed representatives, including, two (2) of which shall be elected representatives of the governing body of each of the member governments; however, each member government shall have the option of appointing a person who resided within the boundaries of the member government to represent one of the positions who is not an elected representative of the governing body of that member government nor compensated by that governing body; one (1) of which shall be an elected municipal representative of a participating member unit from each member government; however, each municipality which is represented shall have the option of recommending a person who resides within the boundaries of the municipality to represent them who is not an elected municipal representative. No less than one (1) additional representative from each member government who shall be a gubernatorial appointee, pursuant to Section 186.504 Florida Statutes. The total number of appointed representatives of the COUNCIL shall be thirty-one (31) inclusive of the ten-(10) gubernatorial appointees.
- (b) Municipal representatives from the participating member units shall be appointed by the governing body of the member government. The municipal representative shall be appointed from among the recommendations provided by the governing bodies of each municipality making such recommendation. In any event, the appointment of municipal representative from each member government shall be at the sole discretion of the governing body of member government.
- (c) The Governor of the State of Florida shall appoint a maximum of ten (10) voting members. Each member government in the region shall have at least one (1) representative appointed by the Governor.

- (d) The Governor of the State of Florida shall designate ex-officio non-voting members representing the Florida Department of Transportation, Florida Department of Environmental Protection, the St. Johns River Water Management District and Enterprise Florida, Inc.
- (e) The names of all the appointed representatives shall be recorded in the COUNCIL minutes.
- (f) For the conducting of all business, each appointed representative shall have an equal vote which shall be one (1) vote for each appointed representative. In those instances where the COUNCIL may have under consideration a matter which will impact only one member government and a vote of the COUNCIL on this matter is needed or required, then a weighted vote may be taken on the question according to the following procedure:
1. Weighted Vote Procedure – a weighted vote may be invoked when the majority of the representatives of two (2) or more member governments request the same before a vote on the subject question is called. When weighted vote has been called for, then the procedure for voting shall be as follows:

Each representative shall have one vote except that the county which is solely impacted by the subject under consideration shall have an additional four (4) votes per representative. The total votes available on a weighed vote question shall then equal forty-four (44) votes. A majority vote of these present and voting is needed to pass a weighed vote question. Once a vote on a weighed vote questions has been taken, then it may be set aside only by two-thirds (2/3) vote of the member governments wherein each representative of a member government shall cast one (1) vote only.

- (g) The basic term of office for appointed representatives of the COUNCIL shall be set by the respective appointing authority. All representatives shall serve until a replacement is appointed by the appropriate appointing authority.

5. Officers. The officers of the COUNCIL shall consist of:

- (a) A President, who shall be responsible for overseeing the working organization of the COUNCIL, for seeing that all policies of the COUNCIL are carried out, and for presiding over all COUNCIL meeting. The President or a designated representative shall be ex officio member of all subsidiary committees and boards.
- (b) A Vice- President who shall preside in the chairman's absence of inability to act. The Vice President shall perform such other functions as the COUNCIL may from time to time assign.
- (c) A Second Vice President, who shall preside in the chairmen and vice-chairman's absence or inability to act. The Second Vice-President shall perform such functions as the COUNCIL may from time to time assign.
- (d) A Secretary-Treasurer, who shall be responsible for minutes of the meeting, keeping the roll of members, the financial affairs of the COUNCIL and such other duties as may be assigned.

6. Meetings.

- (a) The annual election of officers shall be held during the September meeting in each year. The terms of officers shall commence with their installation at the October meeting.
- (b) Regular meetings shall be held on the days and times established by the COUNCIL.
- (c) Special meetings shall be called by the President either at his/her discretion or when she/he is requested by at least three (3) appointed representatives, none of which may be from the same member government; provided adequate notice shall be given to all appointed representatives 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.

- (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 determination, the time and place of the meeting(s) shall be determined by the chairman.
- (e) All meeting of the COUNCIL shall be open to the public.
- (f) The Secretary-Treasurer or his/her designee shall keep minutes of each meeting and distribute a copy thereof to each member government.

7. Finances.

- (a) The work year and fiscal year of the COUNCIL shall be twelve (12) months beginning the first day of October and ending the thirtieth day of September.
- (b) On or before July 15 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 member government. Each member government shall contribute such proportionate cash amounts as determined by the COUNCIL, and approved by its governing body.
- (c) Contributions for each fiscal year shall be payable in installments as provided by the rules of the COUNCIL.
- (d) Each member government who does not remit the contribution amounts in accordance with Rules of the COUNCIL shall lose all voting privileges until payment is made.

The COUNCIL shall have the right to receive and accept in furtherance of its function; gifts, grants, assistance funds, bequeaths, and services from Federal, State and local governments 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 to regional planning councils or 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.

- (b) To adopt rules of procedure for the regulation of its affairs and the conduct of its business, and to appoint from among its members a chairman to serve annually, provided that such President may be subject to reelection.
- (c) To adopt and official name and seal.
- (d) To maintain an office at such place or places within the comprehensive planning district as it may designate.
- (e) To employ and to compensate such personnel, consultants, and technical and professional assistants, as it shall deem necessary to exercise the powers and perform the duties set forth in this act.
- (f) To make and enter all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act.
- (g) To hold public hearings and sponsor public forums in any part of the regional area whenever it deems necessary or useful in the execution of its other functions.
- (h) To sue and be sued in its own name.
- (i) To accept and receive, in furtherance of its functions, funds, grants and services from the Federal Government or its agencies; from departments, agencies, and instrumentalities of state, municipal or local government; or from private or civic sources. The regional planning councils shall, no later than January 30 of each year, render an accounting of receipt and disbursement of all funds received by them to the Secretary of the Department of Community Affairs.
- (j) To receive and expand such sums of money as shall be from time to time appropriated for its use by any county or municipality where approved by the council and to act as an agency to receive and to expend federal funds for planning.
- (k) To act in advisory capacity to the constituent local governments in regional, metropolitan, county and municipal planning matters.
- (l) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning disaster preparedness.
- (m) To fix and collect membership fees, rents or fees where appropriate.

- (n) To acquire, own, hold in custody, operate, maintain, lease or sell real or personal property.
- (o) To incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of any parties to this agreement.

- 1. The Council may issue from time to time revenue notes to finance capital improvements. Such notes shall be issued upon such terms, containing such provisions, bearing interest at such lawful rate of rates including variable rates having maturity (not exceeding 31 years from the date issuance), and supported by such other documents, all as may be established by the Council.

Such revenue notes shall not constitute "bonds" within the meaning of Article VII, Section 12 of the Constitution, which must be approved at an election of the qualified electors of the members. The revenue notes shall not constitute a general obligation of any of the members, the State of Florida or any public agency thereof, or alien upon any property owned by or situated within the territorial limits of any of the members, the State of Florida or any public agency thereof. The holders of the revenue note shall not have the right to require or compel any exercise of the taxing power of any of the members to pay principal of, redemption premium, if any, and interest on the revenue notes or to make any other payments provided for in connection therewith.

- 2. Debts, liabilities and obligations authorized by the signatories to this agreement, specifically include, but are not limited to, the undertaking of debt up to \$2,200,000 for the purpose of acquiring real and personal property for COUNCIL offices.

- (p) To dispose of any property acquired through the execution of interlocal agreement under Section 163.01, Florida Statute.

- (q) To accept gifts, grants, assistance, funds, or bequests.
- (r) To conduct studies of the region's resources.
- (s) To participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.
- (t) To select and appoint such advisory bodies as the COUNCIL may find appropriate for the conduct of its activities.

8. Immunity

All of the privileges and immunities from liability and exemptions from laws, ordinance and rules which apply to the activity of the officials, officers, agents or employees of the members shall apply to the officials, officers, agents of employees of the Council when performing their respective functions and duties under the provisions of this Agreement.

9. Limited Liability

No member shall in any manner be obligated to pay any debts, obligations or liabilities arising as a result of any actions of the Council, the representatives of any other agents, employees, officers or officials of the Council to have any authority or power to otherwise obligate the members in any manner.

10. Severability.

If any provision of this agreement or the application of such provisions to any person or circumstance shall be invalid, such invalidity shall not affect other provisions or applications of this agreement which can be given effect without invalid provisions or applications, and to this end the provisions of this agreement are declared severable.

11. Signatories.

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

IN THE WITNESS WHEREOF, the parties have officially adopted and caused this amended and restated agreement to be executed and their signature to be affixed by their respective Chairman or chief official as of the day and year first above written.

Execution of parties follows on next page.

BAKER COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISIONERS

Chairman

Execution of additional parties follows on next page.

CLAY COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Chairman)

Execution of additional parties follows on next page.

DUVAL COUNTY, FLORIDA

By: _____
Mayor, City of Jacksonville

Attest: _____
Corporation Secretary

Form Approved:

Office of General Counsel

Execution of additional parties follows on next page.

FLAGLER COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Chairman

Execution of additional parties follows on next page.

NASSAU COUNTY, FLORIDA
BY IT'S BOARD OF COUNTY COMMISIONERS

Chairman

Execution of additional parties follows on next page.

PUTNAM COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISIONERS

Chairman

Execution of additional parties follows on next page.

ST JOHNS COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

Chairman

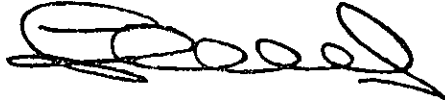
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RESOLUTION 2003-750-A

CERTIFICATE OF AUTHENTICATION

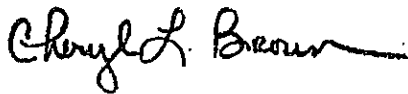
ADOPTED BY THE COUNCIL

JULY 15, 2003



LAD DANIELS
COUNCIL PRESIDENT

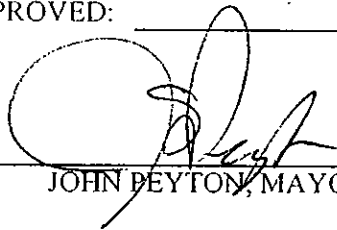
ATTEST:



CHERYL L. BROWN
COUNCIL SECRETARY

JUL 18 2003

APPROVED:



JOHN PEYTON, MAYOR

