



Council Meeting Agenda

Wednesday, April 21, 2010
10:00 am

309 Cranes Roost Blvd., Suite 2000 Altamonte Springs, Florida 32701

I. Call to Order and General Business

- Call to Order – Chair, Mary Martin - Vice Mayor, City of Port Orange
- Roll Call – Karen Heine

II. Consent Agenda

- March 2010 Minutes – Secretary Daniel O’Keefe (**Attachment 1**)
- March 2010 Financial Report – Treasurer Elaine Renick (**Attachment 2**)
- FRCA Memorandum of Understanding - (**Attachment 3**)
- Intergovernmental Coordination and Review of Public Transportation Coordination Joint Participation Agreement – Fred Milch (**Attachment 4**)

III. MetroPlan Orlando FY2010/2011 and FY2011/2012 Unified Planning Work Program (UPWP) – Fred Milch

IV. Overview Presentation of Enterprise Florida, Inc. – Liefke Cox (20 minutes)

V. LYNX Fleet conversion to bio-diesel – Laura M. Minns (20 minutes)

VI. Chair’s Report – Mary Martin

- Wekiva River System Advisory Management Committee – Member needed to replace Jon Rawlson
- New Gubernatorial appointment and reappointment announced

VII. Banking/Pension Committee Status Update – Dan O’keefe

VIII. Planning Manager’s Report – George Kinney

IX. Executive Director’s Report – Phil Laurien

- Legislative Bills potentially affecting RPC
- Amtrak/FEC/FDOT Application
- Poitras – Non-DRI (GOAA)
- Mid year Budget Preview
- Follow-up on 3/17/2010 *myregion* presentation to ECFRPC

X. Announcements/Comments

- An opportunity for Council members and members of the public to bring up events, issues or other items of interest to the Council.
- 2060 Plan Public Hearing dates
 - (a) April 19th @ 6:00 pm Volusia MPO, 2570 International Speedway Blvd, Daytona Beach, Florida
 - (b) April 27th 2:00 pm-5:00 pm @ Space Coast TPO, Govt. Center, 2725 Judge Fran Jamieson Way, Bldg. C, 3rd Floor, Viera, Florida

XI. Adjournment

ATTACHMENT 1

March 2010 Minutes

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

COUNCIL MEETING MINUTES

March 17, 2010

Commissioner Grieb Presiding for Chair Vice-Mayor Martin

In Attendance:

County Representatives:

Commissioner Bolin, Brevard County
Commissioner Nelson, Brevard County
Commissioner Cadwell, Lake County
Commissioner Renick, Lake County
Commissioner Boyd, Orange County
Commissioner Brummer, Orange County
Commissioner Carey, Seminole County
Councilwoman Northey, Volusia County

Municipal Representatives:

Mayor Randels, Space Coast League of Cities
Mayor Land, City of Apopka, Tri-County League of Cities, Orange Co. Representative
Commissioner Grieb, City of Kissimmee, Tri-County League of Cities, Osceola Co. Representative

Gubernatorial Appointees:

Mr. Al Glover, Brevard County
Mayor Melissa De Marco, Lake County
Mr. Jon Rawlson, Orange County
Mr. Dan O'Keefe, Orange County
Ms. Melanie Chase, Seminole County
Mr. William McDermott, Economic Development

Ex-Officio Members:

Ms. Nancy Christman, St. Johns River Water Management District
Mr. Richard Burns for Ms. Vivian Garfein, Florida Department of Environmental Protection
Ms. Cecelia Weaver, South Florida Water Management District
Jon Moore for Susan Sadighi, Florida Department of Transportation

Other Attendees:

Mr. Jeffery Jones, Osceola County Smart Growth Manager
Ms. Courtney Miller, Florida Department of Transportation
Ms. Laura Minns, LYNX
Ms. Shelley Lauten, *myregion.org*

Members not in Attendance:

Commissioner Arrington, Osceola County
Commissioner Hawkins, Osceola County

Commissioner Mike McLean, Seminole County
Councilman Kelly, Volusia County
Commissioner Sheehan, City of Orlando
Commissioner Krebs, Winter Springs, Tri-County League of Cities, Seminole Co.
Representative
Vice Mayor Martin, Volusia County League of Cities
Mr. Julius Melendez, Osceola County, Osceola Co. School Board (Florida School Board Association)
Ms. Aileen Cubillos, Seminole County, Gubernatorial Appointee
Mr. Lonnie Groot, Volusia County, Gubernatorial Appointee
Commissioner Jack Bridges, City of Sanford (non-voting member)

ECFRPC Staff:

Executive Director Philip Laurien
Attorney Jerry Livingston
Mr. George Kinney
Ms. Claudia Paskauskas
Mr. Fred Milch
Ms. Tara McCue
Ms. Elizabeth Rothbeind
Mr. Keith Smith
Ms. Gina Marchica
Ms. Karen Heine
Mr. Matthew Boerger
Mr. Chris Chagdes
Ms. Kate Hillman

I. Call to Order and General Business

Vice Chairwoman Cheryl Grieb is acting chair for today's meeting. She called the meeting to order at 10:00 a.m. Ms. Karen Heine called the roll and announced a quorum was present.

II. Consent Agenda

Commissioner Grieb asked for a Motion to Approve the February 2010 Minutes and the February 2010 Financial Report.

The Motion to approve the February 2010 Minutes and February 2010 Financial Report was made by Mayor Randels and seconded by Commissioner Northey. All approved.

III. Osceola County Conceptual Master Plan- Jeffery Jones- Osceola County Smart Growth Manager

Mr. Jones presented the Osceola County Conceptual Master plan and the large scale planning efforts being undertaken by Osceola County. Three conceptual master plans covering about 50,000 acres of the county are underway. He discussed the three conceptual master plans the county is currently working on, stating that these plans cover about 50,000 acres of the county. Mr. Jones said the focus is on creating urban infill and urban expansion areas instead of allowing growth to occur in outlying areas. He went over the Future Land Use maps for the county which he explained is currently very low density. Mr. Jones

highlighted partners in this process including the City of Kissimmee and the City of Saint Cloud. Mr. Jones discussed the differences between suburban and urban development and how changes in landscaping and streetscaping would turn current development patterns into areas that are more urban and include defined sidewalks, on street parking, and bringing buildings to the street. Mr. Jones emphasized need for an urban growth boundary in Osceola County and how having one would benefit the overall master plan.

Mr. Jones said the Comprehensive Plan is step one and that the Conceptual Master Plans are step two. He described the stakeholder groups as staff members from public agencies, property owners, and neighbors where the development will take place. Between thirty and forty people attended each meeting, including DCA and RPC staff. Mr. Jones mentioned that each conceptual map is a separate plan amendment and that each amendment includes development programs, urban form principle and a defined review process.

Mr. Rawlson asked where the northeast district was located in proximity to Medical City in Orange County. Mr. Jones said it was 6.4 miles from Medical City. Councilwoman Northey asked what the projected timeline for making this study a reality. Mr. Jones replied that they didn't really focus on the timeline when doing this study, but that the models used do reflect a buildup that would happen by 2035. Mr. Jones went on to talk about the importance of how to connect these development opportunities with transit. He outlined employment centers that would be located in each district as a part of the conceptual plan.

Mr. McDermott asked about designations like CRA or Enterprise Zones. Mr. Jones said that Osceola County is not currently looking at this but they might in the future. He said the county has found that mechanisms in place are not what will be ultimately needed to aggressively attract and create the types of communities they are interested in developing.

Commissioner Brummer asked how they determined where the urban growth boundaries would be in the Conceptual Master Plan. The determination was made by looking at the current development pattern of one unit per acre, and then moved to three units per acre while looking out to 2035.

Mr. O'Keefe asked how Osceola has dealt with the DCA and the needs analysis for these plans. Osceola County has been working to reconfigure the northeast district to make sure it fits the requirements set forth by the DCA. He mentioned that Osceola's County Manager has met with the DCA Secretary to discuss the definition of "need."

Mayor Randels had a question about residents outside the urban areas, how did Osceola County convince them that making these changes was important? Mr. Jones replied that a lot of this was done in the comprehensive plan for the county, but that the support of county commissioners helps.

IV. ECFRPC 2060 Plan Public Hearing (SRPP)

Mr. Kinney presented the new Strategic Regional Policy Plan Executive Summary which was handed out to Council Members. Mr. Kinney outlined the next steps in the SRPP adoption process. Staff requested permission from the Council to begin the public input process. The statute requires that public meetings must be held throughout the region. Mr. Kinney demonstrated website applications for public use and comments. He then showed the

adoption schedule for the SRPP and how this schedule will be updated. Mr. Kinney stated that it is the intention of the RPC Staff to hold a total of four public workshops throughout the region. He highlighted the notes at the bottom the schedule on the website that show the state mandates that must be followed in the adoption process. Mr. Kinney also showed the Council how the staff will be receiving and recording all comments.

Director Laurien stated that the Executive summary that was handed out to Council Members is a slimmed down version of the policy plan. He emphasized that all the policies are the same, but that this is a more user friendly format. He also mentioned that the CD version is identical to the one handed out in January, but that all comments received have been tracked and will be resolved later in the process. Director Laurien went over the timeline for the SRPP approval process. Acting Chairwoman Grieb asked for a motion to move forward with public meetings.

Motion was made by Mr. Glover and seconded by Councilwoman Northey. Attorney Livingston clarified that this motion is meant only to give the Regional Planning Staff authority to move forward with the process, this is not a motion to approve the SRPP. Commissioner Brummer commented on the climate change section and asked for some references to be removed. Director Laurien stated the staff would note Commissioner Brummer's comments in the matrix table and they would be reviewed by a committee of Council Members for resolution later in the summer.

16 votes in favor of the motion. Commissioner Brummer opposed.

V. Commuter Assistance Program-Courtney Miller (FDOT)

Ms. Miller from Florida DOT gave the Council an overview. She stated that the program is best described as a call to action for Florida residents to 'rethink' how they get to and from work. Florida DOT wants to encourage people to make a better choice in terms of getting to and from work by utilizing modes other than single occupancy vehicles. Ms. Miller described these modes as vanpooling, car sharing, telecommuting, using LYNX and other bus services, and biking. She spoke about "ridematching", employer outreach that will take place to educate local employers on implementing policies that will support this program.

Ms. Miller also highlighted the commuter outreach, incentive programs, and smart growth best practices. Ms. Miller gave some statistics to the Council that shows the need for this program. Ms. Miller said that the positive impacts of this program would result in less congestion on local roads and better air quality. She closed with providing the Council with the website for this program: www.reThinkyourcommute.com

Acting Chairwoman Grieb called for questions. Councilwoman Northey asked whether Ms. Miller would be available to talk about the program to various communities in the region. Ms. Miller would be happy to do so. Ms. Minns from LYNX asked for clarification on coordination between LYNX and this program. The program is meant to supplement outreach and marketing efforts of other transit agencies. Commissioner Carey asked if teleconferencing for monthly Regional Planning Council Meetings might become an option. Director Laurien agreed that teleconferencing is a good idea, but that there may be issues on establishing a quorum. Attorney Livingston added that under Florida Sunshine Laws it may

not be possible. Acting Chairwoman Grieb said that teleconferencing could be looked at and asked that Attorney Livingston look into it and report back to the Council.

VI. *myregion.org* update- Shelley Lauten

Ms. Lauten explained that she was giving this update on *myregion.org* at the request of Regional Council Board Members in order to explain new changes and discuss issues that have come up in the direction, roles, responsibilities, and mission of *myregion.org*.

Ms. Lauten talked about the history of the organization and where the organization is going in the future. Ms. Lauten talked about creating a regional agenda, regional research, regional consensus, and partner roles. She discussed organizational changes and new leadership groups for *myregion.org* in the future. She mentioned that *myregion.org* is working on a study that would look at creating a “Super Region” that would encompass the Tampa Bay Area and the Central Florida Region. Ms. Lauten showed a concept that included economic centers.

Commissioner Bolin said that the economic circles, wouldn’t work in Brevard because they cut Brevard County in half and could lead to fragmentation. Ms. Lauten replied that what *myregion.org* is trying to do is just give counties a regional economic platform.

Commissioner Nelson concurred with Commissioner Bolin’s comments. especially in Brevard County, and that these economic circles are becoming very divisive. Commissioner Renick asked about the push for major reorganization. The push came from the Board of Directors who were concerned that the regional agenda was not moving forward.

Ms. Lauten emphasized that the economic centers are meant to get leaders together to discuss economic issues. Commissioner Renick noted that local governments are already doing something similar.

VII. Proposed Wekiva Trail Letter- Council Endorsement Sought

Ms. McCue explained a letter of support to FDOT and the Expressway Authority showing consensus for the Wekiva Expressway Efforts. This letter shows consensus in the crossing priority.

Acting Chairwoman Grieb called for a Motion of Approval. The Motion was made by Councilwoman Northey and seconded.

Commissioner Carey mentioned the challenges associated with right of way constraints in Seminole County. Those constraints are being looked at and are in the feasibility study.

Commissioner Brummer noted the project is not classified as a multimodal project. Ms. McCue indicated that there are portions of the trail that are recreation, but there are also portions that are multimodal. The idea is to have universal support behind the first phase and then shift support to the second phase. Director Laurien stated that the letter is a draft and t Council Members can recommend changes.

With regard to trail connectivity, Commissioner Carey suggested that right of way and trail crossings should be looked at. It would be a great opportunity for Seminole County residents to use a trail that passes through to Lake County.

Acting Chairwoman Grieb called for Council suggestions. Council discussed potentially amending the letter.

Ms. McCue then indicated that the letter had already been signed by the Office of Greenways and Trails.

A suggestion was offered to amend the term of “second priority” to “equal priority.”

Commissioner Bolin made a Motion to Amend the letter to change “second priority” to “equal priority.” The motion was passed with Councilwoman Northey and Commissioner Cadwell opposed.

VIII. Chair’s Report- Mary Martin

Acting Chairwoman Grieb asked for nominations to fill a vacancy in the Executive Committee. Commissioner Brummer nominated Commissioner Carey. Commissioner Carey declined due to time availability. Commissioner Carey nominated Ms. Melanie Chase from Seminole County. All were in favor.

Acting Chairwoman Grieb reported that Brevard County Commissioner Chuck Nelson would be replacing Commissioner Infantini on the Regional Council. Commissioner Brummer nominated Jon Rawlson to replace Dan O’Keefe on the Wekiva River System Advisory Management Committee. This motion was seconded by Commissioner Nelson and all were in favor.

IX. Pension Language Revision- Jerry Livingston

Attorney Livingston recommended that current RPC pension plan and assets be transferred from Baltimore to Central Florida so they can be administered and managed locally. Director Laurien is the trustee for the plan and it is his recommendation that the Pension Committee meet with a local law firm so the investments can be managed locally. Director Laurien said that the Pension Committee and the Banking Committee will meet to discuss.

Acting Chairwoman Grieb stated that the committee will meet and then make a recommendation back to the Council.

X. Executive Director’s Report- Phil Laurien

Director Laurien gave a Banking and Investments Update to the Council. The committee has a meeting with 5/3rd Bank who recommended an operation checking account and that we invest the bulk of assets in a tiered rotating series of CDS. Mr. Glover questioned the rate of return as possibly too low. Director Laurien will convene a meeting of the Banking Committee to discuss these options. The Council agreed to merge the Banking and Pension Committees so that one meeting could cover both issues.

Director Laurien provided a legislative update. Director Laurien mentioned that there are no new major growth management bills being proposed and he briefly discussed the correction bill for SB 360 and exemptions for transit oriented development.

XI. Planning Manager's Report- George Kinney

Mr. Kinney offered the Planning Manager's Report. There were eleven comprehensive plan reviews for February.

XII. Announcements/Comments

Ms. Christman announced that April is Water Conservation Month and that the proclamation from the St. Johns River Water Management District can be used by local governments if they want it for water conservation events in their area. She also mentioned that they are moving forward on rule amendments that would change some of the water conservation guidelines.

Acting Chairwoman Grieb mentioned that April 17th is the kick off for Earth Week and that members can go to <http://www.kissimmee.org/> for more information.

Ms. Minns from LYNX announced that the entire fleet of LYNX Buses are being converted to biodiesel.

XIII. Adjournment

There being no further business before the Council, Commissioner Grieb adjourned meeting at 12:04 p.m.

ATTACHMENT 2

March 2010 Financial Report

Financial Forecast

Statement of Condition as of March 31, 2010

Cash-in-bank on March 1, 2010		\$2,417,793.19
Deposits and Interest - March 2010	\$175,693.59	
Checks Issued - March 2010	<u>-\$152,190.40</u>	
Cash-in-bank on March 31, 2010		<u><u>\$2,441,296.38</u></u>

Financial Forecast for April 2010

Operating Cash April 1, 2010		\$2,441,296.38
Accounts Payable on April 1, 2010		<u>-23,592.33</u>
Net Operating Cash for April 1, 2010		\$2,417,704.05

Anticipated Revenue/Expense for April 2010:		
Accounts Receivables (Revenues)	\$48,549.19	
Accounts Payables (Expenditures)	<u>-126,548.02</u>	
Net Anticipated Revenue/Expense		<u>-77,998.83</u>
Anticipated Operating Cash for May 1, 2010		<u><u>\$2,339,705.22</u></u>

	Budget	2/28/2010 Year to Date	Actual March	Current Year to Date	Under (Over)	50.0%
Personnel						
Salaries & Wages (Permanent)	851,920	344,314	73,574	417,888	434,032	49.1%
Fringe Benefits	300,000	111,821	23,525	135,346	164,654	45.1%
Outside /Temporary Services	26,000	4,472	2,125	6,597	19,403	25.4%
Contract Labor-SRPP and contracts	83,645	308	-	308	83,337	0.4%
Interns	30,000	10,610	2,206	12,816	17,184	42.7%
Unemployment	3,500	3,025	-	3,025	475	86.4%
Total Personnel	1,295,065	474,550	101,430	575,980	719,085	44.5%
Overhead						
Annual Audit	17,000	578	-	578	16,422	3.4%
Advertising/Regional Promotion	4,000		-		4,000	0.0%
Computer Ops (General)	29,664	15,323	509	15,832	13,832	53.4%
Depreciation/Use Charge	12,000	5,000	1,000	6,000	6,000	50.0%
Equipment (General)	22,000	4,745	1,220	5,965	16,035	27.1%
Equipment Maintenance/Rental	1,500	75	-	75	1,425	5.0%
Equipment Lease/Sales Taxes	400	2	-	2	398	0.5%
Graphics/Outside Printing	30,000	7,353	4,745	12,098	17,902	40.3%
Insurance	14,000	3,812	879	4,691	9,309	33.5%
Inter-Regnl Bd Rel (travel/training)	3,500	395	-	395	3,105	11.3%
Legal Counsel	44,000	16,667	3,333	20,000	24,000	45.5%
Library/Publications/Subscriptions	3,000	668	184	852	2,148	28.4%
Office Supplies	12,000	3,307	566	3,873	8,127	32.3%
Pension Fund Mgmt. Fee	900		-		900	0.0%
Postage	12,000	1,666	541	2,207	9,793	18.4%
Professional Dues	26,000	11,626	1,988	13,614	12,386	52.4%
Rent	119,000	49,583	9,917	59,500	59,500	50.0%
Office Maintenance	2,000	1,303	72	1,375	625	68.8%
Staff Training	9,000	2,031	-	2,031	6,969	22.6%
Telephone & Communications	8,000	2,547	742	3,289	4,711	41.1%
Staff Travel	24,000	6,698	861	7,559	16,441	31.5%
Recruiting	4,000		-		4,000	0.0%
Hmep Training	40,000	2,682	-	2,682	37,318	6.7%
GIS Coordination	3,000		-		3,000	0.0%
GIS Data Collection	1,500		-		1,500	0.0%
Consultants (DRI)	64,000	15,014	1,938	16,952	47,048	26.5%
Consultants(SRPP)	15,000		-		15,000	0.0%
Consultants(UASI Training & Exercs	164,000	24,000	-	24,000	140,000	14.6%
Consultants CFGIS/LRTP tool	10,000		-		10,000	0.0%
Consultants (Cape Canaveral)		300	-	300	(300)	
Consultants (TIC Plan)			5,400	5,400	(5,400)	
CFGIS Web Site Maintenance		10,000	-	10,000	(10,000)	
Storage-Off Site Records	1,600	550	321	871	729	54.4%
Meeting Expenses	10,000	1,741	61	1,802	8,198	18.0%
REMI Annual Maintenance	20,000	8,583	1,717	10,300	9,700	51.5%
S. Bitar VISA Sponsorship	4,000	720	-	720	3,280	18.0%
Total Overhead	731,064	196,969	35,994	232,963	498,101	31.9%
Total Expenditures	2,026,129	671,518	137,425	808,943	1,217,186	39.9%

East Central Florida Regional Planning Council
Financial Report
March
2010

Project:	General	DRI Reviews	FY10 DCA	FY10 LEPC Staff Support	FY10 Haz Mat Emrg Preparedness	FDOT Cont't & Imp of CFGIS	Regional Evacuation Study	USDC ED/AC/EDS FY08-FY09	REMI Seminole County Public Schools	17-92.2 Seminole County	Casselberry Intersection 17-92 & 436	SR 50 Corridor Study	Cape Canaveral Visioning	Palm Bay Sign Code	State TEP 2010-2012 Update	State TEP 2011-2013 Update
Revenues Paid:																
Member Assessments	579,209.00															
Member REMI Contributions																
Federal					187.88			8,880.88								
State										98,000.00						3,750.00
Local																
DRI Fees		80,935.41														
Other	10,030.49															
Total Revenues Received	589,239.49	80,935.41	230,487.12	14,423.42	187.88	10,986.59	0.00	8,880.88	0.00	98,000.00	0.00	0.00	0.00	6,000.00	3,750.00	0.00
Account Receivables:																
Member Assessments																
Federal					3,111.82			7,645.01								
State																
Local/Other						1,836.69			5,000.00	1,100.00						
Total Accounts Receivables	589,239.49	80,935.41	285,523.00	17,418.04	3,299.70	22,823.28	30,626.16	27,993.41	5,000.00	99,100.00	0.00	13,779.42	0.00	6,000.00	3,750.00	102.54
EXPENDITURES	589,239.49	80,935.41	285,523.00	17,418.04	3,299.70	22,823.28	30,626.16	27,993.41	5,000.00	99,100.00	0.00	13,779.42	0.00	6,000.00	3,750.00	102.54
Salaries	110,889.78	37,126.30	135,941.38	7,454.98	1,325.59	3,151.84	17,477.12	15,707.46	3,610.90	22,534.73	277.55	8,529.37	7,349.54	2,158.39	1,876.65	59.56
Fringe Benefits (Pool)	35,210.21	12,382.89	40,616.14	2,504.21	445.28	977.65	5,827.78	5,276.30	1,212.94	6,569.13	93.23	2,060.35	2,356.36	676.79	630.39	20.01
Indirect Cost (Pool)	42,128.55	14,276.17	50,911.14	2,871.78	510.64	1,190.75	6,720.06	6,050.76	1,390.97	8,392.22	106.92	3,053.60	2,798.74	817.54	722.92	22.95
Unemployment Comp	3,025.00															
Audit Fees																
Advertising/Regional Promotion																
Computer Operations	7,804.97						6,500.00									
Dues	2,221.90															
Equipment	4,965.43						1,000.00									
Graphics	4,197.02	57.65	9,361.66	74.28	588.80		186.89	6.99	1.46	681.61		66.95	385.58	2.17	5.71	
Inter-Regnl Bd Relations	395.22															
Legal	19,999.98															
Office Supplies	344.45		592.94													
Postage	539.19	76.95	501.90	887.05	6.56	3.04	6.58					2.44				
Publications	634.03		125.75	65.56												
Recruiting																
Rent																
Equipment Rent & Maintenance			75.00													
Staff Training	1,805.75			225.00												
HMEP Training				2,259.67	422.83											
Taxes, Sales/Property	2.00															
Telephone																
Travel	2,541.76	63.69	1,742.42	1,020.31			407.73	951.90		188.92		66.71	189.41	64.92		
Temporary Labor/Outside Services	1,667.60		3,236.40	255.20												
Interest Expense																
DATA Fees																
Consultants			16,951.76	308.00									300.00			
GIS Coordination																
CFGIS Workshop Expense																
Meeting Expenses	1,802.47															
REMI Annual Maintenance	10,300.01															
Web Site Maintenance										10,000.00						
Web Site Upgrade																
S. Bihar VISA Sponsorship	720.00															
Office Maint/Printing	1,374.67															
New Office Fit Up																
TOTAL EXPENDITURES	252,569.99	80,935.41	243,412.73	17,418.04	3,299.70	22,823.28	30,626.16	27,993.41	6,216.27	38,376.98	477.70	13,779.42	13,379.63	3,719.81	3,236.67	102.54

East Central Florida Regional Planning Council
 Financial Report
 March
 2010

RDSTF	UASI RFP	UASE 2010 Exerciser	TTC Plan	Rollins College	Camp Blanding Exercise	Total
						579,209.00
						0.00
1,935.88	25,000.00	27,000.00			5,010.00	71,764.64
						255,897.13
						104,000.00
						80,935.41
1,935.88	25,000.00	27,000.00	0.00	0.00	5,010.00	1,101,836.67
						0.00
2,769.21			12,372.26			11,467.52
						56,627.00
						83,646.61
				1,272.10		7,372.10
						0.00
4,705.09	25,000.00	27,000.00	12,372.26	1,272.10	5,010.00	1,260,949.90
2,688.39	2,594.50	610.65	3,939.49	773.29	1,422.39	387,499.87
903.06	871.52	205.12	1,323.32	192.84	477.80	120,833.32
1,035.61	999.44	235.23	1,517.55	278.59	547.93	146,580.06
						3,025.00
						0.00
						0.00
						14,304.97
						2,221.90
						5,965.43
1.05	5.25	0.20	73.37	14.02	0.20	15,710.86
						395.22
						19,999.98
						937.39
61.67	60.75			0.44	5.44	1,962.38
	16.39					841.73
						0.00
						0.00
						75.00
						2,030.75
						2,682.50
						2.00
						0.00
15.31		15.28	118.09	13.36	158.97	7,558.78
						5,159.20
						0.00
		24,000.00				46,959.76
				5,400.00		0.00
						0.00
						1,802.47
						10,300.01
						10,000.00
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						1,374.67
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4,705.09	4,547.85	25,066.48	12,372.26	1,272.10	2,612.73	808,943.25

ATTACHMENT 3

FRCA Memorandum of Understanding



East Central Florida Regional Planning Council

Resolution

MEMORANDUM OF UNDERSTANDING AMONG THE REGIONAL PLANNING COUNCILS THAT COMPRISE THE FLORIDA REGIONAL COUNCILS ASSOCIATION REGARDING THE PROVISION OF TECHNICAL ASSISTANCE

WHEREAS, Florida Regional Planning Councils, hereinafter referred to as the "RPCs", are the designated agencies for the regional planning implementation of Chapter 163, Florida Statutes, Chapter 186, Florida Statutes and Chapter 380, Florida Statutes;

WHEREAS, the RPCs have review and recommendation responsibilities in the areas of natural resources, economic development, emergency management, transportation, affordable housing and other strategic regional requirements;

WHEREAS, the RPCs perform technical assistance to their local governments in performing their comprehensive planning statutory requirements;

WHEREAS, individual RPCs have varying levels of expertise in the above strategic issue areas;

WHEREAS, individual RPCs responsibility for implementation of Chapters 163, Florida Statutes, 186, Florida Statutes and 380, Florida Statutes, can be aided by the expertise of other Florida RPCs;

WHEREAS, Florida's eleven RPCs are members of the Florida Regional Councils Association (FRCA); and

WHEREAS, the purpose and intent of this Memorandum of Understanding is to delineate responsibilities and foster cooperation between the RPCs regarding reviews of Applications for Development Approval (ADAs), local government comprehensive plans and other regional planning and planning technical assistance activities.

NOW, THEREFORE, the RPCs through the FRCA hereby understand and agree, as follows:

SECTION I. NOTIFICATION

If an RPC is asked to provide technical assistance outside of their boundary and within the boundary of another RPC, the requested RPC shall notify the RPC of jurisdiction and jointly discuss the nature of the requested technical assistance. The RPCs shall coordinate in the provision of these services to the satisfaction of the client.

SECTION II. MUTUAL AID

RPCs that need technical assistance in performing their statutory requirements or in the provision of technical assistance to local governments and other clients within their region shall give consideration to other RPCs that have the appropriate expertise on staff to mutually provide technical assistance to the client or to perform their review and reporting responsibilities (i.e., DRI reviews).

SECTION III. STATEWIDE TECHNICAL ASSISTANCE

FRCA shall cooperatively work together to provide technical assistance to Federal, State and regional agencies when needed at a statewide level. The option that one RPC with special expertise in an issue area will take a lead role and subcontract to the remaining RPCs shall be encouraged, with the lead RPC being appropriately compensated for their coordination services.

SECTION IV. LIABILITY

The Parties agree that by execution of this Agreement, no Party will be deemed to have waived its statutory defense of sovereign immunity, or increased its limits of liability as provided for by Florida Statutes.

IN WITNESS WHEREOF, the East Central Florida Regional Planning Council has executed this Memorandum of Understanding, through its governing body signed by and through its Chairman and attested by its Executive Director, authorized to execute same by the East Central Florida Regional Planning Council governing body action on the 21st day of April, 2010.

ATTEST:

EAST CENTRAL FLORIDA
REGIONAL PLANNING COUNCIL

PHILIP LAURIEN, AICP
EXECUTIVE DIRECTOR

MARY MARTIN, CHAIR

ATTACHMENT 4

Intergovernmental Coordination and Review of Public
Transportation Coordination Joint Participation
Agreement



March 10, 2010

Mr. Philip C. Laurien, AICP
Executive Director
East Central Florida Regional Planning Council
309 Cranes Roost Blvd., Suite 2000
Altamonte Springs, FL 32701

Re: Intergovernmental Coordination and Review and Public Transportation Coordination
Joint Participation Agreement (ICAR)

Dear Mr. Laurien:

The current ICAR agreement was signed in June of 2005. Under Section 6.03(a), Duration, it is required that this agreement be reviewed at the end of every five (5) year term and either amended or affirmed for an additional five year term.

Please note that Section 6.04, Notices, is revised to change the addresses of the following agencies: Central Florida Regional Transportation Authority; Orlando-Orange County Expressway Authority; Sanford Airport Authority; and the East Central Florida Regional Planning Council.

We are requesting that your agency review this agreement and have your Board reaffirm the agreement with the noted address changes, as required by Section 6.03(a), or inform me of any other amendments your agency would suggest the members consider. The METROPLAN ORLANDO Board reaffirmed the ICAR with the noted address notification changes at its regularly scheduled meeting of March 10, 2010, VIII. Consent Agenda Item D.

Enclosed are two signed copies of the amended agreement. Note that Section 6.07 allows for "this agreement and any amendments hereto, to be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument." After approval by your board return one copy to me at METROPLAN ORLANDO and keep one for your records.

Thank you for your assistance in getting our region's Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreements up-to-date. I look forward to hearing from you soon by returned signed agreement that your agency's board has reaffirmed the provisions of the ICAR for another five (5) years from June 2010 thru June 2015.

Sincerely,

A handwritten signature in black ink that reads "Carolyn C. Small".

Carolyn C. Small, CPA
Director of Finance and Administration

Enclosures

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**INTERGOVERNMENTAL COORDINATION AND REVIEW
AND
PUBLIC TRANSPORTATION COORDINATION
JOINT PARTICIPATION AGREEMENT**

THIS JOINT PARTICIPATION AGREEMENT is made and entered into this ____ day of _____, 2010 by and between the FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter "Department"); the ORLANDO URBAN AREA METROPOLITAN PLANNING ORGANIZATION, d/b/a METROPLAN ORLANDO (hereinafter the "MPO" or the "Metropolitan Planning Organization"); the EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL (herein after the "Regional Planning Council"); the CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY d/b/a LYNX (hereinafter the "Transit Authority"); the GREATER ORLANDO AVIATION AUTHORITY and the SANFORD AIRPORT AUTHORITY (hereinafter the "Aviation Authorities"); and the ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY AND THE SEMINOLE COUNTY EXPRESSWAY AUTHORITY (hereinafter the "Expressway Authorities").

RECITALS

WHEREAS, the Federal Government, under the authority of 23 U. S. C. and any subsequent applicable amendments requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process in designated metropolitan areas to develop and implement plans and programs consistent with the comprehensively planned development of the metropolitan area;

WHEREAS, 23 U. S. C. 134 (a) and (b), and Section 339.175, Florida Statutes, provide for the creation of metropolitan planning organizations to develop transportation plans and programs for metropolitan areas;

WHEREAS, the aforementioned federal laws require that the State, the Metropolitan Planning Organization, and the operators of publicly owned transportation systems shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning (including corridor and subarea studies pursuant to 23 Code of Federal Regulation 450.316 and 450.318) and programming;

WHEREAS, pursuant to Section 20.23, Florida Statutes, the Department has been created by the State of Florida, and the Department has the powers and duties relating to transportation, all as outlined in Section 334.044, Florida Statutes;

WHEREAS, pursuant to 23 United States Code 134, 49 United States Code 5303, 23 Code of Federal Regulations 450.306, and Section 339.175, Florida Statutes, the Orlando Urban Area Metropolitan Planning Organization, d//b/a METROPLAN ORLANDO has been designated and its membership apportioned by the Governor of the State of Florida, with the agreement of the affected units of general purpose local government, to organize and establish the Metropolitan Planning Organization;

WHEREAS, pursuant to an interlocal agreement executed on June 7, 2000, as amended, and filed with the Clerk of the Circuit Court of Orange, Osceola, Seminole and Volusia Counties, the Orlando Urban Area Metropolitan Planning Organization, d/b/a METROPLAN ORLANDO was established;

WHEREAS, pursuant to Chapter 75-464, Laws of Florida, the Greater Orlando Aviation Authority was created and established;

WHEREAS, pursuant to Chapter 71-924, Laws of Florida, the Sanford Airport Authority was created and established;

WHEREAS, pursuant to Section 348.75 et seq., Florida Statutes, the Orlando-Orange County Expressway Authority was created and established;

WHEREAS, pursuant to Section 348.95 et seq., Florida Statutes, the Seminole County Expressway Authority was created and established;

WHEREAS, pursuant to Section 343.6 et seq., Florida Statutes, the Central Florida Regional Transportation Authority was created and established;

WHEREAS, pursuant to Section 339.175(9)(a)2., Florida Statutes, the Metropolitan Planning Organization shall execute and maintain an agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the Metropolitan Area;

WHEREAS, the aforesaid agreement must describe the means by which activities will be coordinated and specify how transportation planning and programming will be part of the comprehensively planned development of the Metropolitan Area;

WHEREAS, pursuant to Section 186.505, Florida Statutes, and Rule 29F-1.01, Florida Administrative Code, the East Central Florida Regional Planning Council was established and operates with a primary purpose of intergovernmental coordination and review;

WHEREAS, pursuant to Section 186.505(24), Florida Statutes, the East Central Florida Regional Planning Council is to review plans of metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government comprehensive plans adopted pursuant to Chapter 163, Florida Statutes;

WHEREAS, the Regional Planning Council, pursuant to Section 186.507, Florida Statutes, is required to prepare a Strategic Regional Policy Plan, which will contain regional goals and policies that address regional transportation issues;

WHEREAS, based on the Regional Planning Council's statutory mandate to identify inconsistencies between plans of metropolitan planning organizations and applicable local

government comprehensive plans, and to prepare and adopt a Strategic Regional Policy Plan, the Regional Planning Council is appropriately situated to assist in the intergovernmental coordination of the intermodal transportation planning process;

WHEREAS, pursuant to Section 186.509, Florida Statutes, and Rule 29 F-3, Florida Administrative Code, the Regional Planning Council has adopted a conflict and dispute resolution process;

WHEREAS, the purpose of the dispute resolution process is to reconcile differences in planning and growth management issues between local governments, regional agencies, and private interests;

WHEREAS, the parties hereto have determined that the voluntary dispute resolution process is useful in the process of resolving conflicts and disputes arising in the transportation planning process;

WHEREAS, pursuant to 23 Code of Federal Regulations 450.310(b) and Section 339.175(9)(a)3., Florida Statutes, the Metropolitan Planning Organization must execute and maintain an agreement with the operators of public transportation systems, including transit systems, commuter rail systems, airports, and seaports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, and seaport planning (including corridor and subarea studies pursuant to 23 Code of Federal Regulations 450.316 and 450.318) and programming will be part of the comprehensively planned development of the Metropolitan Area;

WHEREAS, it is in the public interest that the MPO, operators of public transportation systems, including transit systems, commuter rail systems, port and aviation authorities, jointly pledge their intention to cooperatively participate in the planning and programming of transportation improvements within this Metropolitan Area;

WHEREAS, the undersigned parties have determined that this Agreement satisfies the requirements of and is consistent with 23 Code of Federal Regulations 450.306 and Section 339.175(9)(a), Florida Statutes; and

WHEREAS, the parties to this Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be located and developed in relation to the overall plan of community development.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties desiring to be legally bound, do agree as follows:

ARTICLE 1
RECITALS; DEFINITIONS

Section 1.01. Recitals. Each and all of the foregoing recitals be and the same hereby incorporated herein and acknowledged to be true and correct. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

Section 1.02. Definitions. The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

Agreement means and refers to this instrument, as amended from time to time.

Corridor or Subarea Study shall mean and refer to studies involving major investment decisions or as other identified in 23 Code of Federal Regulations 450.318 and 450.318.

Department shall mean and refer to the Florida Department of Transportation, an agency of the State of Florida, created pursuant to Section 20.23, Florida Statutes.

FHWA means and refers to the Federal Highway Administration.

Long Range Transportation Plan is at a minimum a 20-year plan which: identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities; indicates proposed transportation enhancement activities; and, in ozone/carbon monoxide nonattainment areas, is coordinated with the State Implementation Plan, all as required by 23 United States Code 134(g), 23 Code of Federal Regulations 450.322, Section 339.175(6), Florida Statutes.

Metropolitan Area means and refers to the planning area as determined by agreement between the Orlando Urban Area Metropolitan Planning Organization, d/b/a METROPLAN ORLANDO, and the Governor in the urbanized areas designated by the United States Bureau of the Census as described in 23 United States Code 134(b)(1) and Section 339.175, Florida Statutes, which shall be subject to the Metropolitan Planning Organization's planning authority.

MPO means and refers to the Orlando Urban Area Metropolitan Planning Organization, d/b/a METROPLAN ORLANDO, formed pursuant to Interlocal Agreement dated June 7, 2000, as amended or superseded from time to time.

Regional Planning Council means and refers to the East Central Florida Regional Planning Council created pursuant to Section 186.505, Florida Statutes, and identified in Rule 29F-1.01, Florida Administrative Code.

Transportation Improvement Program (TIP) is the staged multi-year program of transportation improvement projects developed by a metropolitan planning organization consistent with the Long-Range Transportation Plan and developed pursuant to title 23 United States Code 134(h), 49 United States Code 5304, 23 Code of Federal Regulations 450.324 and Section 339.175, Florida Statutes.

Unified Planning Work Program is the annual program developed in cooperation with the Department and public transportation providers, that lists all planning tasks to be undertaken during a program year, with a complete description thereof and an estimated budget, all as required by 23 Code of Federal Regulations 420 and 450.314, and Section 339.175(8), Florida Statutes.

ARTICLE 2 PURPOSE

Section 2.01. Coordination with public transit operators. As set forth in Article 3 of this Agreement, the purpose of this Agreement is to provide for cooperation with the Department, METROPLAN ORLANDO, the Transit Authority, the Port Authority, the Aviation Authorities, and the Expressway Authorities in the development and preparation of the Unified Planning Work Program, the Transportation Improvement Program, the Long-Range Transportation Plan, and any applicable Corridor or Subarea Studies.

Section 2.02. Intergovernmental coordination; Regional Planning Council. As set forth in Article 4 of this Agreement, the purpose of this Agreement is to provide a process through the Regional Planning Council for intergovernmental coordination and review and identification of inconsistencies between proposed Metropolitan Planning Organization transportation plans and local government comprehensive plans adopted pursuant to Chapter 163,, Florida Statutes, and approved by the Florida Department of Community Affairs.

Section 2.03. Dispute resolution. As set forth in Article 5 of this Agreement, the purpose of this Agreement is to provide a process for conflict and dispute resolution through the Regional Planning Council.

ARTICLE 3 COOPERATIVE PROCEDURES FOR PLANNING AND PROGRAMMING WITH OPERATORS OF PUBLIC TRANSPORTATION SYSTEMS

Section 3.01. Cooperation with operators of public transportation systems; coordination with local government approved comprehensive plans.

(a) The Metropolitan Planning Organization shall cooperate with the Transit Authority, Port Authority, Aviation Authorities, and the Expressway Authorities to coordinate the planning and programming of an integrated and balanced intermodal transportation system for the Metropolitan Area.

(b) The Metropolitan Planning Organization shall implement a continuing, cooperative, and comprehensive transportation planning process that is consistent, to the maximum extent feasible, with port and aviation master plans, and public transit development plans of the units of local governments whose boundaries are within the Metropolitan Area.

(c) As a means towards achievement of the goals in paragraphs (a) and (b) and in an effort to coordinate intermodal transportation planning and programming, the Metropolitan Planning Organization may include as part of its membership officials of agencies that administer or operate major modes or systems of transportation, including but not limited to transit operators, sponsors of major local airports, maritime ports, and rail operators. The representative of the major modes or systems of transportation may be accorded voting or non-voting advisor status. In the Metropolitan Area if authorities or agencies have been or may be created by law per F.S. 339.175 (2)(b) to perform transportation functions, and are performing transportation functions, and that are not under the jurisdiction of a general purpose local government represented on the Metropolitan Planning Organization, the Metropolitan Planning Organization shall request the Governor to designate said authority or agency as a voting member of the MPO. If the new member would alter local government representation in the Metropolitan Planning Organization, the Metropolitan Planning Organization shall propose a revised apportionment plan to the Governor to ensure voting membership on the Metropolitan Planning Organization to an official representing transportation operating agencies or authorities which have been, or may be, created by law.

(d) The Metropolitan Planning Organization shall ensure that representatives of ports, transit authorities, and airports within the Metropolitan Area are provided membership on the Metropolitan Planning Organization's Technical Advisory Committee.

Section 3.02. Preparation of transportation related plans.

(a) Although the adoption or approval of the Unified Planning Work Program, the Transportation Improvement Program, and the Long-Range Transportation Plan is the responsibility of the Metropolitan Planning Organization, METROPLAN ORLANDO, development of such plans or programs shall be viewed as a cooperative effort involving the Department, the Transit Authority, the Port Authority, Aviation Authorities, and the Expressway Authorities. In developing its plans and programs, METROPLAN ORLANDO, the Metropolitan Planning Organization, shall solicit the comments and recommendations of the parties to this Agreement in the preparation of such plans and programs.

(b) At the commencement of the process of preparing the Unified Planning Work Program, the Transportation Improvement Program, or the Long-Range Transportation Plan, or preparing other than a minor amendment thereto (as determined by the Metropolitan Planning Organization), the Metropolitan Planning

Organization shall extend notice to the Department, the Transit Authority, the Aviation Authorities, and the Expressway Authorities advising the scope of the work to be undertaken and inviting comment and participation in the development process. The MPO shall ensure that the chief operating officials of the Department, the Transit Authority, the Port Authority, Aviation Authorities, and the Expressway Authorities shall receive written formal notice of all public workshops and hearings relating to the development of such plans and programs. It is stipulated by the parties to this Agreement that the failure by METROPLAN ORLANDO, the Metropolitan Planning Organization to properly extend written or other notice shall not invalidate, or lodged as a claim to invalidate, the adoption of the aforementioned plans and programs.

(c) Local government comprehensive plans.

(1) In developing the TIP, Long-Range Transportation Plan, or a Corridor or Subarea Studies, or preparing other than a minor amendment thereto (as determined by the MPO), METROPLAN ORLANDO the Metropolitan Planning Organization, the Central Florida Regional Transportation Authority, the Greater Orlando Aviation Authority and the Sanford Airport Authority, and the Orlando-Orange County Expressway Authority shall consider for each local government in the Metro Area: (i) the comprehensive plan future land use elements; (ii) the goals, objectives, and policies of the comprehensive plans; and (iii) the zoning, of each local governments in the Metropolitan Area. Based upon the foregoing review and a consideration of other growth management factors, the MPO, the Transit Authority, Aviation Authorities, and the Expressway Authority, may provide written recommendations to local governments in the Metropolitan Area in the development, amendment, and implementation of their comprehensive plans. A copy of the recommendations may be sent to the Regional Planning Council.

(2) METROPLAN ORLANDO, the Metropolitan Planning Organization, agrees that, to the maximum extent feasible, the Long-Range Transportation Plan and the project and project phases within the Transportation Improvement Program shall be consistent with the future land use element and goals, objectives, and policies of the comprehensive plans of local government in the Metropolitan Area. If the MPO's Transportation Improvement Program is inconsistent with a local government comprehensive plan, the MPO shall so indicate, and the MPO shall present, as part of the Transportation Improvement Program, justification for including the project in the program.

(d) Multi-modal transportation agency plans.

(1) In developing the Transportation Improvement Program, Long-Range Transportation Plan, or a Corridor or Subarea Studies, or preparing other than a minor amendment thereto (as determined by the Metropolitan Planning Organization , METROPLAN ORLANDO the Metropolitan Planning

Organization shall consider the affected master plans of the Central Florida Regional Transportation Authority, the Greater Orlando Aviation Authority and the Sanford Airport Authority, and the Orlando-Orange County Expressway Authority. Based upon the foregoing review and a consideration of other transportation-related factors, METROPLAN ORLANDO, the Metropolitan Planning Organization, may from time to time and as appropriate, provide recommendations to the parties to this Agreement as well as local governments within the Metropolitan Area, for the development, amendment, and implementation of their master, development, or comprehensive plans.

(2) In developing or revising their respective master or development plans, the parties to this Agreement shall consider the draft or approved Unified Planning Work Program, Transportation Improvement Plan, Long-Range Transportation Plan, or Corridor and Subarea Studies, or amendments thereto. Based upon the foregoing review and a consideration of other transportation-related factors, the parties to this Agreement may from time to time and as appropriate, provide written recommendations to the Metropolitan Planning Organization MPO with regard to development, amendment, and implementation of the plans, programs, and studies.

(3) METROPLAN ORLANDO the Metropolitan Planning Organization agrees that, to the maximum extent feasible, the Transportation Improvement Program shall be consistent with the affected master plans and development plans of the parties to this Agreement.

(e) By "letter agreement" to be executed by METROPLAN ORLANDO, the Metropolitan Planning Organization, and the affected Transit Authority, Port Authority, Aviation Authorities, Expressway Authority and public transit providers represented by Metropolitan Planning Organization members, METROPLAN ORLANDO, the Metropolitan Planning Organization, and the affected agencies or authorities shall mutually develop a process for planning coordination, forwarding recommendations, and project programming consistency. This process shall be the same as the METROPLAN ORLANDO INTERNAL OPERATING PROCEDURES, attached hereto as Exhibit I, to be referred to as the "letter agreement". The parties to this Agreement agree, that METROPLAN ORLANDO the Metropolitan Planning Organization need only include in the Transportation Improvement Program those state-funded airport and seaport projects that directly relate to surface transportation activities. The process agreed to in the "letter agreement" (the METROPLAN ORLANDO INTERNAL OPERATING PROCEDURES) shall provide flexible deadlines for inter-agency comment on affected plans referenced in this section. Upon approval, the "letter agreement" (METROPLAN ORLANDO's Internal Operating Procedures) shall be appended to this Agreement and shall be an exhibit hereto.

ARTICLE 4
INTERGOVERNMENTAL COORDINATION AND REVIEW

Section 4.01. Coordination with Regional Planning Council. The Regional Planning Council shall perform the following tasks:

(a) Upon receipt, review the draft of the proposed Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto, as requested by the Metropolitan Planning Organization, to identify inconsistencies between the foregoing plans and programs and applicable local government comprehensive plans adopted pursuant to Chapter 163 *et seq.*, Florida Statutes, for counties and cities within the Metropolitan Area and the adopted Strategic Regional Policy Plan.

(1) The parties hereto recognize that, pursuant to Florida law, the Long-Range Transportation Plan of METROPLAN ORLANDO, the Metropolitan Planning Organization, must be considered by cities and counties within the Metropolitan Area in the preparation, amendment, and update/revision of their comprehensive plans. Further, the Long-Range Transportation Plan and the projects and project phases within the Transportation Improvement Plan are to be consistent with the future land use element and goals, objectives, and policies of the comprehensive plans of local governments in the Metropolitan Area to the maximum extent feasible. Therefore, upon completion of its review of the draft proposal, the Regional Planning Council shall advise the Metropolitan Planning Organization and each affected county or city of its findings;

(2) Upon final adoption of the proposed Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto, METROPLAN ORLANDO, the Metropolitan Planning Organization, may request that the East Central Florida Regional Planning Council consider adoption of regional transportation goals, objectives, and policies in the Strategic Regional Policy Plan implementing the adopted Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto. If the proposed plan, program, or study, or amendments thereto, was the subject of previous adverse comment by the East Central Florida Regional Planning Council, the Metropolitan Planning Organization will identify the change in the final adopted plan intended to resolve the adverse comment, or alternatively, the Metropolitan Planning Organization shall identify the reason for not amending the plan as suggested by the East Central Florida Regional Planning Council.

(b) Provide the availability of the conflict and dispute resolution process as set forth in Article 5 below.

ARTICLE 5
CONFLICT AND DISPUTE RESOLUTION PROCESS

Section 5.01. Disputes and conflicts under this Agreement. This process shall apply to conflicts and disputes relating to matters subject to this Agreement, or conflicts arising from the performance of this Agreement. Except as otherwise provided in this Article 5, only representatives of the agencies with conflicts or disputes shall engage in conflict resolution.

Section 5.02. Initial resolution. The affected parties to this Agreement shall, at a minimum, ensure the attempted early resolution of conflicts relating to such matters. Early resolution shall be handled by direct discussion between the following officials:

for the Florida Department of Transportation: by the District Director for Planning and Programs
for METROPLAN ORLANDO, the Metropolitan Planning Organization: by the Executive Director
for the East Central Florida Regional Planning Council: by the Executive Director
for the Central Florida Regional Transportation Authority: by the Executive Director
for the Greater Orlando Aviation Authority: by the Executive Director
for the Sanford Airport Authority: by the Executive Director
for the Orlando-Orange County Expressway Authority: by the Executive Director
for the Seminole County Expressway Authority: by the Executive Director

Section 5.03. Resolution by senior agency official. If the conflict remains unresolved, the conflict shall be resolved by the following officials:

for the Florida Department of Transportation: by the District Five Secretary
for METROPLAN ORLANDO the Metropolitan Planning Organization: by the Chairman of the Board
for the East Central Florida Regional Planning Council: by the Chairman of the Board
for the Central Florida Regional Transportation Authority: by the Chairman of the Board
for the Greater Orlando Aviation Authority: by the Chairman of the Board
for the Sanford Airport Authority: by the Chairman of the Board
for the Orlando-Orange County Expressway Authority: the Chairman of the Board
for the Seminole County Expressway Authority: the Chairman of the Board

Section 5.04. Alternative Regional Planning Council dispute resolution. If a resolution is not possible, the parties may undertake dispute resolution pursuant to the

Regional Planning Council procedure set forth in Rule 29F-3, Florida Administrative Code, attached hereto as Exhibit II. All parties to the dispute must agree to undertake this procedure before it may be invoked.

Section 5.05. Resolution by the Office of the Governor. If the conflict is not resolved through conflict resolution pursuant to Sections 5.02, 5.03, and 5.04 of this Agreement, the parties shall petition the Executive Office of the Governor for resolution of the conflict pursuant to its procedures. Resolution of the conflict by the Executive Office of the Governor shall be binding on all parties.

ARTICLE 6 MISCELLANEOUS PROVISION

Section 6.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 6.02. Amendment of Agreement. Amendments or modifications of this Agreement shall only be made by written agreement signed by all parties here to with the same formalities as the original Agreement.

Section 6.03. Duration; withdrawal procedure.

(a) Duration. This Agreement shall have a term of (5) years and shall automatically renew at the end of said (5) years for another (5) year term and every (5) years thereafter. At the end of the (5) year term and at least every (5) years thereafter, the parties hereto shall examine the terms hereof and agree to amend the provisions or reaffirm the same. However, the failure to amend or to reaffirm the terms of this Agreement shall not invalidate or otherwise terminate this Agreement.

(b) Withdrawal procedure. Any party may withdraw from this Agreement after presenting in written form a notice of intent to withdraw to the other parties to this Agreement and the MPO, at least (90) days prior to the intended date of withdrawal; provided, that prior contractual commitments made prior to withdrawal are effective and binding for their full term and amount regardless of withdrawal.

Section 6.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice is required to be given and shall be addressed as follows:

Executive Director
METROPLAN ORLANDO
315 E. Robinson Street, Suite 355
Orlando, Fl. 32801-1949

Executive Director
East Central Florida Regional Planning
Council
309 Cranes Roost Blvd., Suite 2000
Altamonte Springs, FL 32701-

Executive Director
Greater Orlando Aviation Authority
Orlando International Airport
One Airport Blvd
Orlando, Fl 32827-4399

President/CEO
Sanford Airport Authority
1200 Red Cleveland Blvd
Sanford, Florida 32773-6844

Executive Director
Central Florida Regional Transportation Authority
455 North Garland Avenue
Orlando, Fl 32801

Executive Director
Orlando-Orange County Expressway Authority
4974 ORL Tower Rd.
Orlando, Fl 32807

Executive Director
Seminole County Expressway Authority
520 West Lake Mary Blvd. #200
Sanford, FL 32773

Secretary, District Five
Florida Department of Transportation
719 S. Woodland Blvd
Deland, FL 32720

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

Section 6.05. Interpretation.

(a) Drafters of Agreement. All parties hereto were each represented by, or afforded the opportunity for representation by legal counsel, and participated in the drafting of this Agreement and in the choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

(b) Severability. Invalidation of any one of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.

(c) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word "shall" is mandatory, and "may" is permissive.

Section 6.06. Attorney's Fees. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney's fees in connection with such proceeding.

Section 6.07. Agreement execution; use of counterpart signature pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

Section 6.08. Effective date. This Agreement shall become effective upon its execution by all parties hereto.

Section 6.09. Other authority. In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is required under applicable law to enable the parties to enter into this Agreement or to undertake the provisions set forth hereunder, or to observe, assume or carry out any of the provisions of the Agreement, said parties will initiate and consummate, as provided by law, all actions necessary with respect to any such matters heretofore required.

Section 6.10. Parties not obligated to third parties. No party hereto shall be obligated or liable hereunder to any party not a signatory to this Agreement. There are no express or intended third party beneficiaries to this Agreement.

Section 6.11. Rights and remedies not waived. In no event shall the making by the Department of any payment to the Metropolitan Planning Organization constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Metropolitan Planning Organization, and the making of any such payment by the Department while any such breach or default exists shall in no way impair or prejudice any right or remedy available to the Department in respect of such breach or default.

IN WITNESS WHEREOF, the undersigned parties have executed this Joint Participation Agreement on behalf of the referenced legal entities.

Signed, Sealed, and Delivered in the presence of:

METROPLAN ORLANDO

BY: Bill Boyd
Chairman

ATTEST: Dena Lallier
DATE: March 10, 2010

EAST CENTRAL FLORIDA REGIONAL
PLANNING COUNCIL

BY: _____
Chairman

ATTEST: _____
DATE: _____

THE CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

BY: _____
Chairman

ATTEST: _____
DATE: _____

THE GREATER ORLANDO AVIATION
AUTHORITY

BY: _____
Chairman

ATTEST: _____
DATE: _____

THE SANFORD AIRPORT AUTHORITY

BY: _____
Chairman

ATTEST: _____
DATE: _____

THE ORLANDO-ORANGE COUNTY
EXPRESSWAY AUTHORITY

BY: _____
Chairman

ATTEST: _____
DATE: _____

THE SEMINOLE COUNTY EXPRESSWAY
AUTHORITY

FLORIDA DEPARTMENT OF
TRANSPORTATION

BY: _____

Chairman

BY: _____

District Five Secretary

ATTEST: _____

DATE: _____

ATTEST: _____

DATE: _____

APPROVED AS TO FORM, LEGALITY
DEPARTMENT OF TRANSPORTATION

BY: _____

ATTORNEY

DATE: _____

TITLE: _____

[Every participant identified in this Agreement shall sign and date this Agreement with the appropriate witnesses]

EXHIBIT I

VII. **OPERATING PROCEDURES**

1. METROPLAN ORLANDO shall meet at least four times a year at a time and location designated by METROPLAN ORLANDO and at such other times as the Chairman or METROPLAN ORLANDO may determine necessary.
2. Advance notification of all meetings, both regular business and special, shall be provided as required by applicable law.
3. A quorum shall consist of a majority of those members entitled to vote. A majority shall consist of one-half the voting members plus one.
4. METROPLAN ORLANDO members must be present to cast a vote. Any business transacted by METROPLAN ORLANDO must be approved by not less than a majority of the votes cast.
5. Voting shall be by voice. A roll call vote shall be held if the voice vote is other than unanimous. All other questions or procedures shall be governed by the most recent edition of Robert's Rules of Order.
6. All METROPLAN ORLANDO Board and committee meetings will be open to the public.
7. The public may obtain information or make submissions or requests concerning METROPLAN ORLANDO matters to the Office of the Executive Director, METROPLAN ORLANDO, 315 E. Robinson Street, Suite 355, Orlando, Florida 32801, or at such other location designated by METROPLAN ORLANDO.
8. The procurement of goods and services shall be conducted in accordance with applicable federal and state law and Resolution No. 05-01, Resolution Adopting the Procedures for Purchases, Sales, Services, and Contracts of METROPLAN ORLANDO, and as amended from time to time. Employees of METROPLAN ORLANDO shall be bound by the provisions of Chapter 112, Part III, Florida Statutes. Procedures for the resolution of protests arising from any contract bidding process shall be as provided in Resolution No. 05-01, Resolution Adopting the Procedures for Purchases, Sales, Services, and Contracts of METROPLAN ORLANDO, and as amended from time to time.

VIII. **PROCEDURES FOR PUBLIC INVOLVEMENT PROCESS**

1. The Safe, Accountable, Flexible, Efficient, Transportation, Equity, Act: A Legacy for Users, or SAFETEA-LU requires all Metropolitan Planning Organizations to establish a public involvement process in conjunction with the overall transportation planning process occurring within their respective urban areas. METROPLAN ORLANDO's public involvement policy shall ensure that the requirements and criteria established under the SAFETEA-LU legislation are met. The SAFETEA-LU legislation states that public involvement processes be proactive and provide complete information, timely public notice, full access to key decisions, and opportunities for early and continuing involvement of the public in developing plans and Transportation Improvement Programs.

2. In complying with the SAFETEA-LU public involvement requirements listed above, METROPLAN ORLANDO shall specifically implement the following procedures for Federal-aid highway and transit programs:
 - a) All meetings of METROPLAN ORLANDO, the Municipal Advisory Committee (MAC), the Transportation Technical Committee (TTC), the Citizens' Advisory Committee (CAC), the Bicycle and Pedestrian Advisory Committee (BPAC), and other Committees as may be established, shall be open to the public and opportunities for public comments shall be provided. All public meetings and hearings shall be held in locations that are accessible to people with disabilities.
 - b) METROPLAN ORLANDO's public involvement process shall provide for early and continuing involvement in the transportation planning and programming process to all segments of the community. As specifically stated in the SAFETEA-LU legislation, these segments are freight shippers, users of public transit, citizens, providers of transportation, affected public agencies, representatives of transportation agency employees, other interested parties and segments of the community affected by transportation plans, programs, and projects. The process shall also provide for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low income and minority households which may face challenges accessing employment and other amenities.
 - c) Prior to the adoption of the Long Range Transportation Plan, at least one public hearing on the Plan shall be held in each county within the Orlando Urbanized Area. Notices of the public hearings shall be published in the Orlando Sentinel, as well as in other local newspapers published for minority communities. The comments received from the public at these hearings shall be taken into consideration by METROPLAN ORLANDO and its subsidiary committees before the Long Range Transportation Plan is adopted.
 - d) A public hearing shall be held in conjunction with the preparation of the TIP Prioritized Project List. Any comments received from the public will be taken into consideration by METROPLAN ORLANDO and its subsidiary committees before the TIP Prioritized Project List is adopted.
 - e) Copies of both the TIP Prioritized Project List and the final adopted TIP shall be made available for review by the public at the METROPLAN ORLANDO staff offices, the local government planning departments, and public libraries in the Orlando Urbanized Area. The locations where the TIP may be reviewed shall be shown in a legal notice that shall be published in the Orlando Sentinel, as well as in other local newspapers published for minority communities.
 - f) Copies of notices of the public hearings referred to herein and notices of the plans and reports referred to herein shall be provided to all persons, including private providers of transportation who have requested to be provided with copies of such notices, proposed plans and reports.
 - g) The METROPLAN ORLANDO staff shall make presentations to various groups, civic organizations, Chambers of Commerce, etc. regarding the

transportation plans and programs occurring within the Orlando Urbanized Area.

- h) An annual report will be produced and distributed to provide information on transportation-related activities occurring in the Orlando Urbanized Area.
- i) From time to time, surveys may be conducted to obtain a sample of public opinions on the transportation related issues affecting the Orlando Urbanized Area, and to help METROPLAN ORLANDO determine what goals and objectives to pursue in planning for the future development of the Orlando Urbanized Area's transportation system.
- j) Periodic newsletters on transportation issues may be published and distributed by METROPLAN ORLANDO.
- k) METROPLAN ORLANDO may provide various means for the public to obtain information regarding transportation planning activities. These means may include, but not be limited to, the Internet, published advertisements, TV and radio advertisements, participation at community expositions and events, public information videos, public service announcements, display boards in public buildings, and brochures.
- l) METROPLAN ORLANDO shall also coordinate with all local governments during the development and amending of their respective comprehensive plan traffic circulation and/or mass transit elements, and shall encourage local governments to present information and receive input on state and Federal transportation projects and programs.
- m) In accordance with the provisions of SAFETEA-LU, public meetings that are part of the public participation plan will be conducted at convenient and accessible locations at convenient times. In addition, METROPLAN ORLANDO will utilize visualization techniques to describe the plans and make public information available, when possible, in an electronically accessible format.

IX. PROCEDURES FOR AMENDING THE LONG RANGE TRANSPORTATION PLAN AND THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

- 1. The process for amending the adopted Orlando Urbanized Area Long Range Transportation Plan is established as follows:
 - a) Amendments to the Long Range Transportation Plan may be requested for consideration by METROPLAN ORLANDO at any time.
 - b) Amendments shall be requested in writing and shall be addressed to the METROPLAN ORLANDO Executive Director.
 - c) Projects subject to the amendment request and review process:
 - (1) Any transportation project which involves a major improvement and funded either entirely or in part by Federal or State funds that are proposed to be added to or deleted from the adopted Long Range Transportation Plan shall be subject to the amendment request and review process.

- (2) Any proposed transportation project that is of a new or prototype technology, and will impact the adopted Long Range Transportation Plan, shall be subject to the amendment request and review process.
 - (3) Any non-Federal or non-State funded proposed transportation project that has a major impact on the transportation system shall be reported to METROPLAN ORLANDO for addition into the Long Range Transportation Plan.
- d) Who may submit an amendment request:
- (1) Amendment requests may be initiated by either a government or quasi-government agency such as the State, a city or county or a transportation authority.
 - (2) Amendment requests originating from the private sector shall be sponsored by the local government of jurisdiction.
- e) Who shall approve an amendment request:
- (1) The Transportation Technical Committee shall review the requested amendment based upon a technical evaluation of its merit and shall make recommendations to METROPLAN ORLANDO.
 - (2) The Citizens' Advisory Committee shall review the requested amendment and shall make recommendations to METROPLAN ORLANDO.
 - (3) The Bicycle and Pedestrian Advisory Committee shall review the requested amendments that impact existing or proposed bicycle and pedestrian facilities and shall make recommendations to METROPLAN ORLANDO.
 - (4) The Municipal Advisory Committee shall review the requested amendment and shall make recommendations to METROPLAN ORLANDO.
 - (5) The recommendations of either the Citizens' Advisory Committee and/or the Bicycle and Pedestrian Advisory Committee shall be reported to the Transportation Technical Committee.
 - (6) METROPLAN ORLANDO shall consider the recommendations of its subsidiary committees and shall exercise final approval or disapproval of the amendment request.
- f) Action upon submittal of an amendment request.
- (1) The Plans and Programs Subcommittee of the Transportation Technical Committee shall screen the amendment request to determine if there is a major impact upon the transportation system and if a detailed analysis of the project, as defined in the following paragraphs, is needed.
 - (2) Projects that have a total construction cost of less than \$4 million are to be considered a minor transportation improvement and a detailed analysis will not be required.
- g) If a detailed analysis is required, the amendment request shall describe the project and its location and shall include an analysis of the project impacts, as follows:
- (1) Traffic.

- a. Current year and future year consistent with current adopted Long Range Transportation Plan.
 - b. Average daily traffic (ADT) and peak-hour.
 - c. Directional traffic load.
 - d. Level of Service and roadway capacity.
- (2) Environmental and social impacts.
- a. Minimal, moderate, or major impact on air quality.
 - b. Minimal, moderate, or major impact on wetlands displaced.
 - c. Minimal, moderate, or major impact on homes and businesses displaced.
 - d. Minimal, moderate, or major impact on public facilities.
- (3) Compatibility with all applicable local comprehensive plans and programs.
- a. Existing and future land use.
 - b. Capital Improvement Programs.
 - c. Traffic Circulation and Transit Elements.
- (4) Compatibility with METROPLAN ORLANDO adopted Long Range Transportation Plan and ECFRPC Strategic Regional Plan.
- (5) Financial impact.
- a. Project capital cost subdivided according to preliminary engineering and design, right-of-way acquisition, and construction.
 - b. Identification of the funding source, time period and impact on other projects.
- (6) Contribution to implementation of multi-modal transportation system.
- a. Potential for inclusion of future transit facilities; such as, but not limited to, light rail transit and exclusive bus lanes.
 - b. Proximity to existing or proposed transit routes, transit centers and/or multi-modal facilities, and major activity centers.
 - c. Inclusion of transit passenger amenities.
 - d. Inclusion of bicycle and pedestrian facilities based on the following criteria:
 - (1) Expected facility usage.
 - (2) Contribution to regional bicycle and pedestrian systems.
 - (3) Accident reduction.
 - (4) Linkage with other transportation modes.
 - (5) Improvement to school access.
 - (6) Inclusion in adopted Growth Management Plans.
- h) Process of Evaluation:
- (1) The following checklist of evaluation criteria developed by METROPLAN ORLANDO will be utilized to evaluate each amendment request:
 - a. Have the categories of information stipulated below been provided in sufficient detail?
 - (1) Traffic.
 - (2) Environmental and Social Impacts.

- (3) Compatibility with Local Comprehensive Plans.
- (4) Compatibility with ECFRPC Strategic Plan and METROPLAN ORLANDO currently adopted Long Range Transportation Plan.
- (5) Financial Impact.
- (6) Contribution to implementation of multi-modal transportation system.
 - b. Has an adequately-sized impact area been identified which includes the major arterials affected?
 - c. Has the applicant used officially adopted Levels of Service tables (FDOT) in preparing its report on traffic impacts?
 - d. Has the applicant assumed various transportation projects which may be of benefit to its project to be funded and constructed in the immediate time period when there may be no commitments for doing so?
 - e. Has the applicant used an acceptable method for measuring impacts to air quality?
 - f. Will the applicant prepare a mitigation plan for environmental (wetlands, etc.) impacts?
 - g. Has the applicant identified not only the project costs, but also the sources of funding?
 - h. Has the applicant provided evidence of funding commitments, both from itself and other parties if involved.
 - i. Does the project incorporate mobility improvements that address capacity or concurrency improvements?
 - j. If it is a transit project, is it compatible with the adopted Transit Development Plan or Regional Transit Systems Concept Plan?
 - k. Does the project add to the connectivity of the current transportation system, and/or enhance the movement toward a seamless transportation system?
- (2) Within 30 days of receipt of the amendment request, the Plans and Programs Subcommittee of the Transportation Technical Committee shall review the amendment request to determine if a detailed analysis is needed. Concurrently, the METROPLAN ORLANDO staff will review the request to determine if it contains sufficient information upon which to base an analysis of the project.
 - a. If the METROPLAN ORLANDO staff finds that the amendment request contains insufficient information upon which to rule, the staff shall identify and request in writing from the applicant, prior to the expiration of the 30 day examination period, the additional information needed.
 - b. If the METROPLAN ORLANDO staff finds that the amendment request contains sufficient information upon which to rule, the staff shall notify the applicant in writing that the amendment request has been accepted for review.
- (3) Upon determination that the amendment request contains sufficient information upon which to rule, the METROPLAN ORLANDO staff

shall distribute the amendment request copies to all members of the METROPLAN ORLANDO Board and its subsidiary committees. The METROPLAN ORLANDO staff shall initiate a justification analysis of the amendment request three months prior to formal action being requested of the Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee.

- (4) The applicant and the METROPLAN ORLANDO staff will present the amendment request and the staff justification analysis findings to the Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee, one month prior to the regularly scheduled meeting at which this committee will present its formal recommendations to METROPLAN ORLANDO. The applicant will be advised in writing by METROPLAN ORLANDO when the amendment request has been placed on the METROPLAN ORLANDO meeting agenda. The Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee shall present their formal recommendations to METROPLAN ORLANDO within three months from the date the applicant is notified that the amendment request has been accepted for review.
 - (5) The applicant and the METROPLAN ORLANDO staff also will present the amendment request and the staff justification analysis findings to METROPLAN ORLANDO, one month prior to the regularly scheduled meeting at which METROPLAN ORLANDO will take formal action on the amendment request, approving or disapproving the request. The applicant will be advised in writing by METROPLAN ORLANDO when the amendment request has been placed on the METROPLAN ORLANDO meeting agenda. METROPLAN ORLANDO shall exercise final approval or disapproval of the amendment request within three months from the date the applicant is notified that the amendment request has been accepted for review.
 - (6) Upon approval of the requested amendment, the METROPLAN ORLANDO staff will initiate appropriate network changes to the Long Range Transportation Plan.
- i) The process for amending the adopted Orlando Urban Area Transportation Improvement Program (TIP) is established as follows:
 - (1) When amendments may be requested:
 - (2) Amendments involving Federal and/or State funded projects may be accomplished at any time.
 - (3) Projects funded locally are included in the TIP for information purposes and may be amended at any time by the local government or transportation agency.

- j) Amendments requesting additions, deletions or rescheduling must be requested in writing and shall be addressed to the METROPLAN ORLANDO Executive Director:
- k) Project Requirements:
 - (1) If the amendment request involves a major improvement it must also be included as part of METROPLAN ORLANDO's adopted Long Range Transportation Plan and an amendment to the Long Range Transportation Plan must be requested in accordance with this rule.
 - (2) If the amendment request involves a Transportation Systems Management (TSM) improvement, it must have had a:
 - a. Traffic Study completed, if it is a turning lane project, or
 - b. Signal Warrant completed, if it is a signalization project.
 - (3) Amendment requests must include the project's location, description, the reason for its addition, deletion or rescheduling, source of funds and its impact on other projects.
- l) Process for approval:
 - (1) Upon receipt of an amendment request, the METROPLAN ORLANDO staff shall include the request on the agenda of the next regularly scheduled meeting of the Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee, Municipal Advisory Committee and the METROPLAN ORLANDO Board.
 - (2) The Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee shall review the requested amendment at their next regularly scheduled meeting and shall recommend approval or disapproval to METROPLAN ORLANDO.
 - (3) Upon METROPLAN ORLANDO approval of requested amendments involving highway transportation projects, the METROPLAN ORLANDO staff will send copies of the METROPLAN ORLANDO action to FDOT for submittal to the Florida Department of Community Affairs (DCA) and the Federal Highway Administration (FHWA).
 - (4) Upon METROPLAN ORLANDO Board approval of requested amendments involving mass transit projects, the METROPLAN ORLANDO staff will send copies of the METROPLAN ORLANDO action to FDOT for submittal to the Florida Department of Community Affairs and the Federal Transit Administration (FTA).
 - (5) Upon METROPLAN ORLANDO approval of requested amendments involving mass transit projects, the METROPLAN ORLANDO staff will send copies of the METROPLAN ORLANDO action directly to all private providers of transportation in the Central Florida area who have requested to be placed on the mailing list for such copies.

X. PROCEDURES FOR REVISING ORLANDO URBAN AREA BOUNDARY

- 1. The process for revising the Orlando Urban Area boundary is established as follows:
 - a) When revisions may be requested:

- (1) METROPLAN ORLANDO may consider revisions to its urban area boundary during the 10 year interim period between each decennial census taken by the Federal Bureau of Census in order to include areas anticipated to become medium and high density residential developments within the 10 year period.
 - (2) METROPLAN ORLANDO will consider requests for revision of an established urban area boundary for comprehensive plan purposes only.
 - b) Who may submit a request for revision:
 - (1) Requests for revisions to the urban area boundary may only be initiated by the local government having primary jurisdiction over the area to be added to or deleted from the urban area boundary.
 - (2) The request for revision must have the endorsement of all other local governments within the area to be added to or deleted from the urban boundary prior to submittal to METROPLAN ORLANDO.
 - c) Revisions shall be requested in writing and shall be addressed to the METROPLAN ORLANDO Executive Director.
 - d) Process for approval of a request for revision:
 - (1) Upon receipt of a requested revision, the METROPLAN ORLANDO staff shall include the request on the agenda of the next regularly scheduled meeting of the Transportation Technical Committee (TTC) and METROPLAN ORLANDO.
 - (2) The TTC shall review the requested revision at its next regularly scheduled meeting and shall recommend the approval or disapproval to METROPLAN ORLANDO based upon a technical evaluation of its merit.
 - (3) METROPLAN ORLANDO shall consider the recommendation of TTC and shall exercise final approval or disapproval of the requested revision.
 - (4) Upon METROPLAN ORLANDO approval of the requested revision, the METROPLAN ORLANDO staff will send copies to the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA).
 - (5) Upon FDOT and FHWA approval of the requested revision, the FDOT and FHWA shall prepare a revised urban boundary map in Mylar original for signature by the METROPLAN ORLANDO Chairman.
2. The urban boundary of the Orlando Urbanized Area may be revised to include the following types of land area:
- a) Territory that is made up of one or more contiguous census blocks having a population density of at least 1,000 persons per square mile and that is either:
 - (1) Contiguous and directly connected by road to the existing urban area;
 - (2) Non-contiguous with the existing urban area boundary but is within 1 1/2 road miles of the existing urban boundary and connected to it by one or more census blocks that are adjacent to the connecting road.

The combination of these intervening census blocks with the census blocks within the territory to be added to the existing urban boundary must have an average total population density of at least 500 persons per square mile; or

- (3) Territory meeting the population density criterion but that is non-contiguous with the existing urban area boundary by reason of being separated by water or undevelopable territory. It must, however, be within five (5) road miles of the urban area boundary, those five (5) miles including no more than 1-1/2 miles of developable territory.
 - b) The term “undevelopable territory” is defined by the U.S. Census as including only mud flats, marshlands, steep slopes, and other terrain on which development is virtually impossible because of physical limitations. To be classified as undevelopable, the territory must not contain any existing housing or commercial structures. Military installations, parks, and forest preserves shown on the Census Bureau’s maps at the time of the decennial or special census also may be classified as undevelopable territory. The land use zoning of an area is not considered when applying this criterion.
 - c) Territory that has a population density of less than 1,000 persons per square mile provided that it either:
 - (1) Eliminates an enclave of no more than five (5) square miles in the territory surrounding it when that surrounding territory qualifies for inclusion within the urban boundary on the basis of population density (i.e., the surrounding territory would have in excess of 1,000 persons per square mile), or:
 - (2) Closes or eliminates an indentation in the urban boundary created when the contiguous territory around it qualifies on the basis of population density (i.e., 1,000 persons per square mile). However, the indentation must:
 - a. Measure no more than one (1) mile across the open end,
 - b. Have a depth at least two times greater than the distance across the open end, and
 - c. Encompass no more than five (5) square miles.
3. The local government initiating the revisions to the urban area boundary shall provide the following information to METROPLAN ORLANDO and the Transportation Technical Committee:
- a) Physical Description:
 - (1) Size of the revision area in square miles.
 - (2) Identification of the revision area boundary, generally roads, power line easements, or other easily recognizable physical features.
 - b) Demographic Characteristics:
 - (1) Population within the revision area, both permanent and temporary, and a determination whether the population density of the revision area is greater or less than the current urban area as a whole.
 - (2) Identification of the employment base size within the revision area.
 - c) Transportation System Characteristics:

- (1) Lane miles of functional classification changes and federal system changes specified in section 6 below and identified by specific links.
 - (2) Identification of changes by specific links in Levels of Service ratings as a result of reclassification.
 - (3) Identification of existing peak-hour and daily traffic volumes on the road links.
 - (4) A comparison of the peak-hour to daily traffic volumes and a determination if they fall within the FDOT "K" factor utilized for that category of urban road facility.
- d) Financial Considerations:
- (1) Identification of the effect that an urban boundary expansion will have on current federal aid funds.
 - (2) Identification of the effect that an urban boundary expansion will have on current Federal Transit Act (FTA) Section 5303 and 5307 funds (because of reduced overall population density).
- e) Other Considerations:
- (1) Identify existing "planned" (within adopted Long Range Transportation Plan) and "programmed" (within current Transportation Improvement Program) transportation facility improvements.
 - (2) Identify if a change to existing road improvement priorities is proposed as a result of the urban boundary revisions.
4. Territory that contains a large concentration of non-residential urban land use, such as an industrial park, office complex, or major airport, may not be used solely as justification for a requested revision to the urban area boundary unless the territory also will qualify under paragraph (2)(a) or (2)(b) above.
5. Urbanized Areas, as defined by the U.S. Census, is incorporated by reference herein.
6. Revising the urban area boundary also affects the categorization of road systems. When the urban area boundary is expanded, the following changes are mandatory to the highway system as it is presently categorized:
- a) Functional classification changes.
 - (1) Rural Minor and Rural Principal Arterials become Urban Minor and Urban Principal Arterials respectively.
 - (2) Minor and Major Collectors become Urban Collectors.
 - b) Federal system changes.
 - (1) Rural Federal Aid Interstate and Rural Federal Aid Primary become Urban Federal Aid Interstate and Urban Federal Aid Primary respectively.
 - (2) Federal Aid Secondary becomes Federal Aid Urban.

EXHIBIT II

CHAPTER 29F-3 — REGIONAL DISPUTE RESOLUTION PROCESS

29F-3.101	Purpose.
29F-3.102	Definitions.
29F-3.103	Participation.
29F-3.104	Costs.
29F-3.105	Timeframes.
29F-3.106	Public Notice, Records and Confidentiality.
29F-3.107	Pre-Initiation Meeting.
29F-3.108	Situation Assessment.
29F-3.109	Initiation of the Process by Jurisdictions.
29F-3.110	Requests to Initiate Submitted by Others.
29F-3.111	Settlement Meetings.
29F-3.112	Mediation.
29F-3.113	Advisory Decision-Making.
29F-3.114	Settlement Agreements and Reports.
29F-3.115	Other Existing Dispute Resolution Processes.

29F-3.101 — Purpose.

- (1) The purpose of this rule is to establish a voluntary regional dispute resolution process (RDRP) to reconcile differences on planning, growth management and other issues among local governments, regional agencies and private interests. The process consists of two required components: (a) process initiation (initiation and response letters); and (b) settlement meetings; and four optional components: (a) pre-initiation meeting; (b) situation assessments; (c) mediation; or (d) advisory decision-making.
- (2) The RDRP's intent is to provide a flexible process that will: clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; allow flexibility in the order in which the procedures are used; provide for the appropriate involvement of affected and responsible parties; and provide as much process certainty as possible.
- (3) The RDRP may be used to resolve disputes involving extra-jurisdictional impacts arising from: the intergovernmental coordination elements of local comprehensive plans required by s. 163.3177, F.S.; inconsistencies between port master plans and local comprehensive plans; the siting of community residential homes required by s. 419.001(5), F.S.; and any other matters covered by statutes that reference the RDRP.
- (4) The RDRP shall not be used to address disputes involving environmental permits or other regulatory matters unless all the parties involved agree to initiate use of the RDRP.
- (5) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that entity is entitled to such a determination under statutory or common law.
- (6) Participation in the RDRP as a named party or in any other capacity does not

convey or limit intervenor status or standing in any judicial or administrative proceedings.

- (7) The RDRP does not supplant local processes established for resolving intra-jurisdictional disputes and is not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations within their jurisdiction.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.102 — Definitions.

- (1) "Situation Assessment" is a procedure of information collection or "fact finding" that may involve review of documents, interviews or an assessment meeting leading to a written or verbal report identifying: the issues in dispute; the stakeholders; information needed before a decision can be made; and a recommendation for appropriate dispute resolution procedures.
- (2) "Pre-Initiation Meeting" is an informal conference with the RPC staff in order to ascertain whether the likely dispute is appropriate for the RDRP.
- (3) "Facilitation" is a procedure in which the facilitator helps the parties design and follow a meeting agenda and assists parties to communicate more effectively throughout the process. The facilitator has no authority to make or recommend a decision.
- (4) "Mediation" is a procedure in which a neutral person assists disputing parties in a negotiation process to explore their interests, develop and evaluate options, and reach a mutually acceptable agreement without prescribing a resolution. A mediator may take more control of the process than a facilitator and usually works in more complex cases where a dispute is more clearly defined.
- (5) "Advisory Decision-Making" is a procedure aimed at enhancing the effectiveness of negotiations and helping parties more realistically evaluate their negotiation positions. This procedure may include fact-finding, neutral evaluation, or advisory arbitration, or any combination of these in which a neutral party or panel listens to the facts and arguments presented by the parties and renders a non-binding advisory decision.
- (6) Jurisdiction is any local or regional public agency, including a special district, authority or school board.
- (7) "Named Party" shall be any jurisdiction, public or private organization, group or individual who is named in an initiation letter, including the initiating jurisdiction, or is admitted by the named parties to participate in settlement of a dispute pursuant to 29F-3.103. Being a "named party" in the RDRP does not convey or limit standing in any judicial or administrative proceeding.
- (8) "Representative" is an authorized agent who is given guidance by a named party to represent the named party in an RDRP case. Section 29F-3.103(5) sets forth the designation process.
- (9) "Initiation Letter" is a letter from a jurisdiction formally identifying a dispute and asking named parties to engage in this process to resolve the dispute, and, at a minimum, attend the initial settlement meeting. Section 29F-3.110 specifies what must be included in an initiation letter.

- (10) "Response Letter" formally notifies the initiator and other named parties that a party is willing to participate in the RDRP and, at a minimum, attend at least one settlement meeting.
- (11) "Settlement Agreements" are voluntarily approved by the individual or governing body authorized to bind the named party. Agreements shall take the form of memorandums of understanding, contracts, interlocal agreements or other forms mutually agreed to by the signatory parties or as required by law. A settlement may be agreed to by some or all of the named parties.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.103 — Participation.

- (1) Named parties shall automatically be allowed to participate. Other jurisdictions, public or private organizations, groups, or individuals suggested by named parties in response letters or during RDRP meetings or submitting a petition to participate, may become named parties if agreed to by a two-thirds majority of the participating named parties, except as provided for in 29F-3.103(2). Fee allocation agreements will be amended as appropriate.
- (2) All initiation and response letters made in accordance with intergovernmental coordination elements (ICE) of local government comprehensive plans shall only list affected jurisdictions as named parties. The named parties may at the initial settlement meeting or at subsequent RDRP meetings add public or private named parties by mutual agreement of all the current named parties.
- (3) Named parties who do not respond within 21 calendar days of receipt of the initiation letter may not participate in the RDRP unless they submit a petition for participation.
- (4) Jurisdictions, public or private organizations, groups or individuals seeking to become named parties shall submit to the East Central Florida Regional Planning Council (RPC) staff a written petition to participate, including reasons for the request. Such jurisdictions, public or private organizations, groups, or individuals shall become named parties if agreed to by a two-thirds majority of the named party, prior to or during RDRP meetings.
- (5) Each of the jurisdictions, organizations, groups or individuals participating as named parties in this process shall designate a representative, in writing, or be represented by the chief executive officer. Such a representative shall have authority to act, subject to such qualifications imposed by the party as the representative may advise all other named parties in advance, and the responsibility for representing that party's interest in this process and for maintaining communications with that party throughout the process. Jurisdictions are encouraged to designate a representative to participate in the RDRP in advance of initiating or receiving a request.
- (6) Any named party may invite individuals or organizations to attend meetings under this process who can provide information and technical assistance useful in the resolution of the dispute. The parties, by agreement, or the presiding neutral shall determine when and under what circumstances such invited parties may provide input.

- (7) All communications by a named party called for in this process shall be submitted to all other named parties and the RPC staff in writing.
- (8) All named parties who agree to participate in this process commit to a good faith effort to resolve problems or disputes.
- (9) Any named party may withdraw from participation in the RDRP at any time upon written notice to all other named parties and the RPC staff.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.104 — Costs.

- (1) The RPC shall be compensated for situation assessments, facilitation of settlement meetings, mediation, technical assistance and other staff services based on reasonable actual costs. Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.
- (2) The costs of administration, settlement meetings, mediation or advisory arbitration shall be split equally between the parties unless the parties mutually agree to a different allocation. The agreed upon cost allocation shall be documented in a written fee agreement.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.105 — Timeframes.

- (1) The initial meeting of the participating parties shall be scheduled and held within 30 days of the date of receipt of the last response letter or conclusion of the 21 calendar day response period referenced in 29F-3.103(3), whichever occurs first.
- (2) Additional settlement meetings, mediation or advisory decision-making shall be completed within forty-five (45) days of the date of the conclusion of the initial settlement meeting.
- (3) Excepting the 30-day period for the initial meeting, all time frames specified or agreed to in this process may be shortened or extended by mutual agreement of the named parties.
- (4) Where necessary to allow this process to be effectively carried out, named parties should address deferring or seeking stays of judicial or administrative proceedings.
- (5) The participating parties may, by agreement, utilize procedures in the RDRP in any order.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.106 — Public Notice, Records and Confidentiality.

- (1) Named parties should consider appropriate opportunities for public input at each step in this process, such as allowing the submittal of written or verbal comments on issues, alternative solutions and impacts of proposed agreements.

- (2) Applicable public notice, public records, and public meeting requirements shall be observed as required by Chapters 119 and 120 or other applicable Florida Statutes.
- (3) Participants in these procedures agree by their participation that no comments, meeting records, or written or verbal offers of settlement shall be entered by them as evidence in a subsequent judicial or administrative action.
- (4) To the extent permitted by law, mediation under this process will be governed by the confidentiality provisions of applicable laws, which may include Chapter 44, F.S. Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.107 — Pre-Initiation Meeting.

A jurisdiction, organization, group or individual contemplating initiation of this process may request an informal pre-initiation meeting with the RPC staff in order to ascertain whether the potential dispute would be appropriate for this process.

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.108 — Situation Assessment.

- (1) A jurisdiction, organization, group or individual may request that the RPC staff or other neutral perform a situation assessment at any time, before or after initiation of the process.
- (2) The situation assessment may involve examination of documents, interviews assessment meetings or any combination of these and shall recommend issues to be addressed, parties that may participate, appropriate resolution procedures and a proposed schedule.

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.109 — Initiation of the Process by Jurisdictions.

- (1) This process is initiated by an initiation letter from the representative of the governing body of a jurisdiction, other than the regional planning council, to the named parties as provided for in 29F-3.103 and to the RPC staff. The initiation letter must be accompanied by a resolution of the governing body authorizing initiation or by a copy of a written authorization of a representative to initiate requests to use the RDRP.
- (2) Such an initiation letter shall identify: the issues to be discussed; named parties to be involved in the RDRP; the initiating party's representative and others who will attend; and a brief history of the dispute, indicating why it is appropriate for this process.
- (3) Named parties shall send a response letter to the RPC staff and all other named parties confirming their willingness to participate in a settlement meeting within twenty-one (21) calendar days of receiving the initiation letter. This response shall include any additional issues and potential named parties the respondent wishes

considered, as well as a brief history of the dispute and description of the situation from the respondent's point of view.

- (4) Upon receipt of a request, the RPC staff shall assess its interest in the case. If the RPC is a named party or sees itself as a potential party, it shall notify the named parties of the nature of its interest and ascertain whether the parties desire an outside facilitator for the initial settlement meeting.
- (5) In instances where the RPC is not a named or potential party, it may, upon its own initiative, recommend that a potential dispute is suitable for this process and transmit its recommendation to potential parties, who may, at their discretion, choose to initiate the RDRP.
- (6) The RPC staff shall schedule a meeting at the most convenient time within the thirty (30) day period provided for in 29F-3.105(1).
- (7) In the event that a dispute involves jurisdictions under two or more regional planning councils, the process adopted by the region of the initiating jurisdiction shall govern, unless the named parties agree otherwise.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.110 — Requests to Initiate Submitted by Others.

- (1) Private interests may ask any jurisdiction to initiate the process.
- (2) Any public or private organization, group or individual may request that the RPC recommend use of this process to address a potential dispute pertaining to a development proposal that would have an impact on an adjacent local government or identified state or regional resources or facilities, in accordance with 29F-3.109(5). Such a request shall be submitted in writing and shall include the information required for an initiation letter in 29F-3.109(2).
- (3) After reviewing the information submitted by, and consulting with, the requesting organization, group or individual, the RPC staff will conduct a situation assessment and respond in writing. The situation assessment shall involve an informal review of provided documents and other information, interviews or meetings as necessary to determine the issues in dispute, the stakeholders, additional information which is needed to reach a decision and an opinion of whether the dispute meets the intent and purpose of the RDRP, as stated in 29F-3.101.
- (4) If the RPC staff determines, through the situation assessment, that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requester. If determined to be suitable for the process, the written determination shall include a recommendation that one or more of the jurisdictions among the potential parties initiate the process. The RPC may also suggest that other processes be used. Any party may request that the staff's determination of the suitability of the dispute for this process be reviewed by the governing board of the RPC at its next regularly scheduled meeting. Such requests must be made in writing and delivered to the Executive Director of the RPC within 15 days of the date of the staff's written determination. In making its decision, the governing board shall consider the situation assessment report, and other information which may

be presented, for conformity with the criteria and intent of this chapter.
Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.111 — Settlement Meetings.

- (1) Settlement meetings shall, at a minimum, be attended by the named parties' representatives designated pursuant to Section 29F-3.103(3).
- (2) Settlement meetings shall be facilitated by an RPC staff member or other neutral facilitator acceptable to the parties and shall be held at a time and place acceptable to the parties.
- (3) At the settlement meeting, the parties shall: consider adding named parties, consider guidelines for participation, identify the issues to be addressed, present their concerns and constraints, explore options for a solution and seek agreement.
- (4) The parties shall submit a settlement meeting report in accordance with 29F-3.115(4) of this process.
- (5) If an agreed-upon settlement meeting is not held or a settlement meeting produces no agreement to proceed to additional settlement meetings, mediation or advisory decision-making, any party who has agreed to participate in this procedure may withdraw and, if so inclined, proceed to a joint meeting of governing bodies pursuant to Chapter 164, F.S., litigation, administrative hearing or arbitration as appropriate.

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.112 — Mediation.

- (1) If two or more named parties submit a request for mediation to the RPC, the RPC shall assist them to select and retain a mediator or the named parties may request that the RPC select a mediator.
- (2) All disputes shall be mediated by a mediator who understands Florida growth management issues, has mediation experience and is acceptable to the parties. Parties may consider mediators who are on the Florida Growth Management Conflict Resolution Consortium rosters or any other mutually acceptable mediator. Mediators shall be guided by the Standards of Professional Conduct, Florida Rules of Civil Procedure, Rule 10, Part 11, Section 020-150.
- (3) The parties shall submit a mediation report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.113 — Advisory Decision-Making.

- (1) If two or more of the named parties submit a request for advisory decision-making to the RPC, the RPC shall assist the parties to select and retain an appropriate neutral, or the parties may request that the RPC make the selection.
- (2) All disputes shall be handled by a neutral who understands Florida growth

management issues, has appropriate experience and is acceptable to the parties.

- (3) The parties shall submit an advisory decision-making report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.114 — Settlement Agreements and Reports.

- (1) The form of all settlements reached through this process shall be determined by the named parties. The following are examples of acceptable formats for presenting the settlement: interlocal agreements, concurrent resolutions, memoranda of understanding, plan amendments, deed restrictions.
- (2) Agreements may be reached by two or more parties even if all of the named parties do not agree or do not sign a formal agreement.
- (3) After settlement meetings, mediation or advisory decision-making under this process, the named parties shall submit a joint report to the RPC staff which shall, at a minimum include:
 - (a) identification of the issues discussed and copies of any agreements reached;
 - (b) a list of potentially affected or involved jurisdictions, organizations, groups or individuals (including those which may not be named parties);
 - (c) a description of agreed upon next steps, if any, including measures for implementing agreements reached;
 - (d) a time frame for starting and ending informal negotiations, additional settlement meetings, mediation, advisory decision-making, joint meetings of elected bodies, administrative hearings or litigation;
 - (e) any additional RPC assistance requested;
 - (f) a written fee allocation agreement to cover the costs of agreed upon RDRP procedures. The report shall include all material any named party wishes to include.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.115 — Other Existing Dispute Resolution Processes.

- (1) The RDRP is a voluntary opportunity for parties to negotiate a mutual agreement. It may be used before, in parallel with or after judicial or administrative proceedings.
- (2) When appropriate, parties may obtain a stay of judicial or administrative proceedings to provide time for RDRP negotiations.
- (3) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that person is entitled to such a determination under statutory or common law.
- (4) Participation in the RDRP as a named party or in any other way does not convey or limit intervenor status or standing in any judicial or administrative proceedings.
- (5) In addition to the RDRP 186.509, F.S., parties may consider the applicability of other resolution processes which exist within Florida Statutes including: Intergovernmental Coordination Element, Section 163.3177(h)(1) & (2), F.S.; Port

Master Plans, Section 163.3178, F.S.; Community Residential Homes, Section 419.001(5), F.S.; Cross Acceptance Negotiation Process, Section 186.505(22), F.S.; Location of Spoil Sites, Section 380.32(14), F.S.; Termination of the Development of Regional Impact Program, Section 380.27, F.S.; Administration Procedures Act, Chapter 120, F.S.; Florida Governmental Cooperation Act, Chapter 164, F.S.; Mediation Alternatives to Judicial Action, Chapter 44, F.S.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

