

Bylaws

September 26, 2019



Bylaws

North Central Florida Regional Planning Council
2009 NW 67th Place
Gainesville, Florida 32653-1603
352.955.2200

Adopted February 27, 2003
Amended August 26, 2010
Amended September 26, 2013
Amended December 14, 2017
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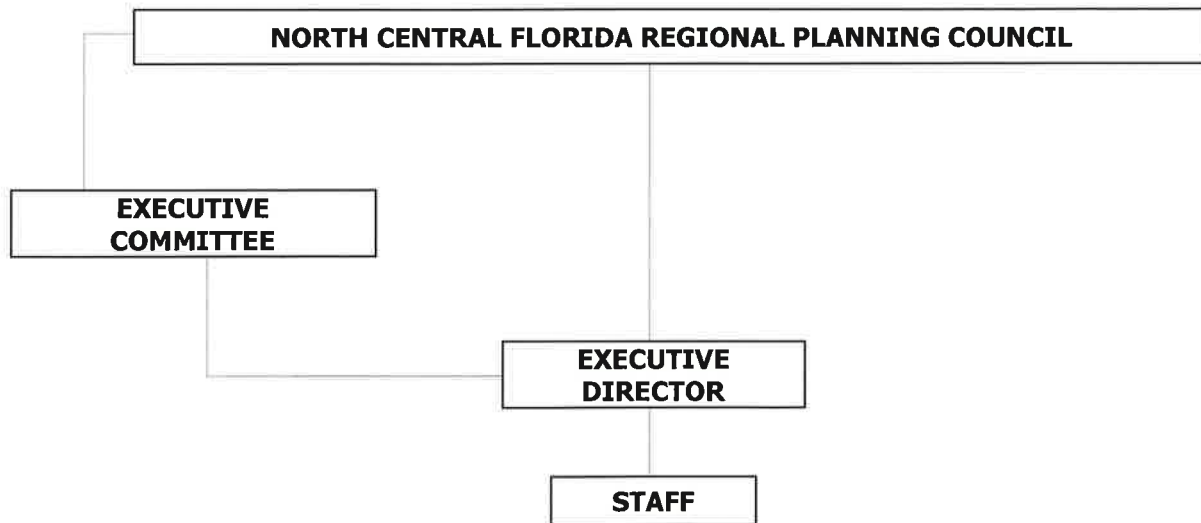
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Section 1: Organization.

There is hereby organized a regional planning council under the authority of Section 186.504, Florida Statutes, with the formal organization being formed under authority of Section 163.01, Florida Statutes, pursuant to a properly executed interlocal agreement, which shall be known as the NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL, an association of the local governmental units located within the counties of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor and Union counties. The organization chart shall be as shown below. Council offices shall be in those urban centers designated as Metropolitan Statistical Areas as defined by the United States Office of Management and Budget.

ORGANIZATION CHART





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Section 2: Definitions.

As used in these Bylaws:

- (1) "Agency Head" shall mean the North Central Florida Regional Planning Council.
- (2) "Council" shall mean the North Central Florida Regional Planning Council composed of the general voting membership.
- (3) "Governmental Unit" or "General Governmental Unit" shall mean any county or incorporated municipality located within the "region" or "planning region" as defined herein.
- (4) "Interlocal Agreement" shall mean the "Interlocal Agreement Creating the North Central Florida Regional Planning Council" as amended, said Interlocal Agreement being more particularly described as that document filed in the Office of the Circuit Court Clerk of Alachua County, Florida, on October 10, 1975, in Official Records Book 968, pages 195 through 206, and subsequent amendments.
- (5) "Population" shall mean the population according to the last official estimate of population being determined annually by the Florida Office of Economic and Demographic Research or its successor agency pursuant to Chapter 186, Florida Statutes, as amended.
- (6) "Region" shall mean the area embraced by the counties of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor and Union; and such other counties as may from time to time be added or deleted by the Executive Office of the Governor or the Florida Legislature.



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Section 3: Objectives and Purposes.

The Council has been empowered by the member governmental units to carry out the following purposes:

- (1) To provide a means of exercising the rights, duties and powers of a regional planning agency set forth by Chapters 163, 186 and 380 of the Florida Statutes, and other applicable Florida, Federal and local law.
- (2) To serve as regional coordinator for local government activities in the Region.
- (3) To exchange, interchange and review various programs of the individual members which have a relationship to regional problems.
- (4) To promote communication between the members for conservation and compatible development of the member counties.
- (5) To cooperate with federal, state, local and non-governmental agencies to accomplish these objectives.



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Section 4: Membership, Representation, Voting and Finances.

(1) Type of Membership and Representation.

Each unit of general purpose local governments within the Region may become a member of the Council with direct, allotted representation as provided in Section 3.a. of the Interlocal Agreement used by member governmental units to create the Council. The Governor of the State of Florida, as required by Chapter 186, Florida Statutes may also appoint representatives as provided in the Interlocal Agreement.

(2) Terms of Representatives and Representation Composition.

- (a) Terms---Terms of city and county representatives allotted to member counties, member cities and the Governor, respectively, shall be as stipulated in the Interlocal Agreement used in forming the Council. However, the term of a representative appointed by the Governor whose term has expired shall continue indefinitely until the representative is reappointed or a replacement representative is appointed.
- (b) Composition--- At least two-thirds (2/3) of the representatives serving on the Council shall be officials elected to serve on the governing body of local governments or other county elected officials chosen by said governing bodies or the Governor.

(3) Voting.

Each representative shall have one vote on matters considered by the Council.

(4) Finances.

- (a) On or before July 1st of each year, the Council shall establish the member unit dues assessment for the subsequent fiscal year and shall notify the chief administrative officer of the governing body of the member units of such member dues assessments. Each member unit shall include in its annual budget an amount sufficient to pay such member unit dues assessment.
- (b) The fiscal year of the Council shall commence on the first day of October and end on the last day of September in each year. On or before September 30th of each year, the Council shall adopt a budget for the subsequent fiscal year.
- (c) The Council shall have the right to receive and accept in furtherance of its functions, funds, grants and services from federal, state and local governments, or their agencies and from private and community sources, and to expend therefrom such sums of money as shall be deemed necessary from time to time for the attainment of its objectives.
- (d) Any member unit dues assessment based upon a per capita formula shall use the population being determined annually by the Florida Office of Economic and Demographic Research or its successor agency pursuant to Chapter 186, Florida Statutes, as amended, for the year preceding the member unit annual dues assessment; provided, however, that the minimum contribution due from any member unit shall be \$750. Any cost incurred by the Council in providing special services to member units shall be the sole responsibility of the member unit receiving such services.



- (e) Any unit of local government eligible for membership under this agreement, which is not a member of the existing North Central Florida Regional Planning Council shall make an initial contribution based upon the per capita assessment as established annually at the time the budget is adopted, provided that membership is acquired during the first six months of the fiscal year; whereas, if membership is acquired during the last six months of the fiscal year, the initial contribution shall be based upon one-half (1/2) of the per capita assessment established for that fiscal year.



Section 5: Council.

- (1) There shall be a Council composed of all voting representatives of each member governmental unit and of the voting representatives appointed by the Governor of the State of Florida as provided in the Interlocal Agreement used in forming the Council.
- (2) Powers of the Council shall be as stated in the Interlocal Agreement used by member governmental units to create the Council, which are all powers granted by law, including without limiting the generality of the powers granted by Chapters 163, 186 and 380 of the Florida Statutes as now existing or as from time to time amended; and furthermore, shall have the specific powers:
 - (a) To adopt bylaws, for the regulation of its affairs and conduct business, and to elect from among its members a chair to serve annually.
 - (b) To adopt an official name and seal.
 - (c) To maintain an office(s) in an urban center(s) designated as metropolitan statistical area(s) by the United States Office of Management and Budget.
 - (d) To employ and to compensate such personnel consultants, and technical and professional assistants it deems necessary to exercise the powers and duties set forth herein. Compensation to staff members shall be consistent with that which is provided in pay plans adopted by local general purpose governmental units in the vicinity of the Council's offices having similar positions.
 - (e) To accept gifts, grants, assistance, funds or bequests.
 - (f) To hold public hearings and sponsor public forums in any part of the Region whenever the Council deems necessary or useful in the execution of the functions of the Council.
 - (g) To acquire, own, hold in custody, operate, maintain, lease and sell real or personal property and hold title thereto in the name of the Council.
 - (h) To dispose of any property acquired through the execution of an interlocal agreement under Section 163.01, Florida Statutes as amended.
 - (i) To sue and be sued, in its own name.
 - (j) To accept and receive in furtherance of its functions, funds, grants and services from the federal, government or its agencies, from departments, agencies and instrumentalities of municipal or local government, or from private or civic sources.
 - (k) To receive and expend such sums of money as shall be, from time to time, appropriated for its use by any member unit when approved by the Council and act as an agency to receive and expend federal funds for planning.
 - (l) To make and enter into all contracts and agreements, necessary and incidental to the performance of its duties and the execution of its powers as provided herein.
 - (m) To incur debts, liabilities or obligations which do not constitute the debts, liabilities or obligations of any of the parties to the Interlocal Agreement, as amended, creating the Council.
 - (n) To act in an advisory capacity to its constituent local governments in regional, metropolitan, county and municipal planning matters.
 - (o) To cooperate, in the exercise of its planning functions, with federal and state agencies in planning for emergency management.
 - (p) To fix and collect membership dues, rents or fees where appropriate.
 - (q) To conduct studies of the resources of the Region.
 - (r) To participate with other governmental agencies, educational institutions, and private organizations in the coordination or conduct of its activities.



- (s) To enter into contracts to provide, at cost, such services related to its responsibilities as may be requested by local governments within the Region and which the Council finds feasible to perform.
 - (t) To select and appoint such advisory bodies as the Council may find appropriate for the conduct of its activities;
 - (u) To provide technical assistance to local governments on growth matters;
 - (v) To perform a coordinating function among other regional entities relating to preparation and assurance of regular review of its regional plan, with the entities to be coordinated determined by the topics addressed in its regional plan;
 - (w) To coordinate land development and transportation policies in a manner that fosters regionwide transportation systems;
 - (x) To use personnel, consultants, or technical or professional assistants of the Council to help local governments within the geographic area covered by the Council conduct economic development activities; and
 - (y) To provide consulting services to a private developer or landowner for a project, if not provided in a review capacity in the future, except that statutorily mandated services may be provided by the Council regardless of its review role.
- (3) The Council shall establish its meeting dates at its annual meeting each year, and the May meeting shall be the Annual Meeting.
- (4) At the Annual Meeting, the Council shall elect officers, adopt the annual Budget and Work Program (Overall Program Design), and conduct other business which may be deemed appropriate.
- (5) Special meetings of the Council may be called for any appropriate purpose by the Chair or by written request of any fifteen (15) voting members of the Council.
- (6) Written notice of Council meetings shall be mailed or sent electronically to each member at the member's mailing or email address, as it appears on the records of the Council, at least seven (7) days prior to that meeting. The notice shall state the time, place and object of the meeting and the business to be transacted.
- (7) A majority of the Council shall constitute a quorum at any Council meeting. When a quorum is present, the majority of the votes cast shall decide any question, other than amendments to the Strategic Regional Policy Plan, which shall require an affirmative vote of a majority of the total representatives on the Council.
- (8) All regular and special meetings, workshops or public hearings of the Council or of any Council Committee shall be open to the general public.
- (9) The Chair, in consultation with the Executive Director, shall have the authority to cancel or reschedule any regular or special meeting of the Council.



Section 6: Officers---Duties---Term of Office.

- (1) The members of the Council shall elect a Chair, Vice-Chair and Secretary-Treasurer to serve as officers of the Council. The officers shall be elected from among the members of the Council and may be elected or gubernatorial appointees no more than one (1) of who may be from representatives appointed by the same general purpose local governmental unit and no more than one (1) may be a gubernatorial appointee from the same county as another gubernatorial appointee. When a vacancy occurs among the officers, the vacancy shall be filled in the same manner in which the preceding officers were originally elected.
- (2) The officers shall perform the duties enumerated below and other duties prescribed by the Council:
 - (a) The Chair shall preside at meetings of the Council and of the Board; sign, with the counter-signature of the Secretary-Treasurer, or Executive Director, as authorized by the Council, any contracts or other instruments which is deemed in the Council's best interest; and perform such other duties incident to the office as may be prescribed by the Council.
 - (b) The Vice-Chair shall assist the Chair in the performance of the Chair's duties, and either in the absence of the Chair or in the event of the Chair's inability or refusal to act, shall have the powers and shall perform the duties of the Chair.
 - (c) The Secretary-Treasurer shall see that minutes of the meetings and the records of the Council are kept; attest the signatures of the Council officers; and see that notices are duly given in accordance with the provisions of these Bylaws or as required by law.
 - (d) The Secretary-Treasurer shall, see that proper financial records of the Council are maintained in accordance with generally accepted governmental accounting principles. Further, the Secretary-Treasurer shall, in general, perform all duties that may be assigned to him/her by the Chair or the Council.
- (3) Each member elected to an office shall serve for one (1) year or until a successor is elected, and shall not be eligible for reelection to the same officer position in a succeeding year once their service for the one (1) year term of office has been completed and provided that the immediate past-Chair shall not be eligible to be elected to another officer or Executive Committee member position until two (2) years have elapsed following the end of their term as immediate past-Chair nor shall an elected official immediate past-Chair be succeeded in the office of Chair by a representative appointed by the same general purpose governmental unit or a gubernatorial appointee from the same county as another gubernatorial appointee.
- (4) Newly elected officers shall be declared installed following the election, and shall assume the duties of office upon adjournment of the Annual Meeting at which they are elected.



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Section 7: Executive Director.

The Executive Director shall be responsible for all personnel and administrative matters as prescribed by the Council through adopted policies. The Executive Director shall function as agency clerk responsible for filing final Council decisions. The Executive Director is also authorized to attest the signatures of Council officers when appropriate, and to execute contracts and other documents when authorized by the Council.

The Executive Director shall be responsible for the execution of the Council approved work program and activities of the Council and staff management. The Executive Director shall exercise supervision over professional and technical planning employees and support staff. The work of the Executive Director shall be performed with independence, subject to Council policies and professional standards, in accordance with broad directives from the Council.



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Section 8: Standing and Special Committees.

(1) There shall be maintained four standing committees as follows:

(a) Executive Committee.

1. The Executive Committee shall be composed of the Council officers and the immediate past-Chair, or another Council member selected by the Council if the immediate past-Chair is not a member of the Council, and one (1) additional member selected by the Council.
2. The Executive Committee shall have the duty to conduct the business of the Council between regular meetings and advise the Council of matters of day-to-day operations. Any action taken by the Executive Committee between regular meetings shall be placed on the agenda to be ratified by the Council at the next regularly scheduled meeting.
3. In the event the Council fails to assemble a quorum for the purpose of transacting business at any regular or called meeting, the Executive Committee is authorized to act on behalf of the Council at the time and place of a scheduled meeting. In such instances, all members of the Council who are present may vote on items considered by the Executive Committee, and a majority of those voting shall decide any question under consideration. Actions of the Executive Committee shall be final.
4. The Executive Committee shall also act as the Personnel Committee for the Council.

(b) Finance Committee.

The Finance Committee shall be composed of two (2) Council members appointed by the Chair and ratified by the Council, and the Secretary-Treasurer who shall be the Finance Committee Chair. The purpose of the Finance Committee shall be to develop and to recommend an annual budget and budget amendment(s) to the Council for consideration. The Finance Committee shall also, review the annual financial audit of the Council and recommend the annual financial audit to the Council for consideration.

(c) Program Committee.

The Program Committee shall be composed of eight (8) members appointed by the Chair and ratified by the Council, and the Vice-Chair who shall be the Program Committee Chair. The purpose of the Program Committee shall be to develop and recommend an Annual Work Program (Overall Program Design) to the Council for consideration.

(d) Clearinghouse Committee.

The Clearinghouse Committee shall be composed of nine (9) Council members appointed by the Chair and ratified by the Council. The Clearinghouse Committee shall have the following responsibilities:

1. To review amendments to Developments of Regional Impact and make recommendations to the Council for final action;
2. To review proposals to nominate for consideration possible Areas of Critical State Concern and make recommendations to the Council for final action;



3. To review comprehensive plans or amendments thereto of local governments and make recommendations to the Council for final action, except in the case of comprehensive plans or amendments thereto of local governments which require action prior to the next regular meetings of the Council, in which case, the Clearinghouse Committee is delegated the responsibility for forwarding comments to the Florida Department of Economic Opportunity or its successor agency pursuant to Chapter 163, Florida Statutes as amended, and local governments; and
4. To provide policy oversight to staff reviews of proposals/projects submitted to the Council for review pursuant to Presidential Executive Order 12372 and Gubernatorial Executive Order 83-150, the Intergovernmental Coordination and Review Process.

The Clearinghouse Committee shall develop procedures where necessary to guide actions of the Clearinghouse Committee and staff and present the proposed procedures to the Council for approval.

(2) Special- Ad Hoc or Advisory Committees.

The Council shall establish and maintain such Special Ad Hoc or Advisory Committees as it deems necessary to carry out the purposes and objectives of the Council. Special Ad Hoc or Advisory Committees shall be created or dissolved by the Chair subject to approval of the Council.

(3) Committee Appointment.

All committees and chairpersons thereof shall be appointed by the Council Chair subject to ratification by the Council unless otherwise provided herein.



Section 9: Waiver of Notice.

Whenever any notice is required to be given under the provisions of these Bylaws to any member, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated herein, shall be deemed equivalent thereto.



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Section 10: Disclosure; Legal Defense.

- (1) All voting members of the Council shall comply with the provisions of Chapter 112, Part III, Florida Statutes, as amended relating to Standards of Conduct for Public Officials and Employees, particularly those portions requiring Disclosure of Private Interests for Public Officials and Employees, and those portions requiring that no official use his/her position to secure special privilege or exemption for himself/herself and others.
- (2)
 - (a) When any Council member or staff shall be sued individually as a result of activities connected with his/her Council association, the Council shall provide funds for the legal defense of the affected member or staff so long as that person has acted in good faith within the limits of his/her responsibility and authority.
 - (b) Upon written request presented to the Executive Director, the Council, at its next regularly scheduled meeting, shall make a determination of good faith, solely for purposes of deciding whether the Council shall finance the legal defense of the member or staff. Should the Council determine that the member or staff has acted in good faith within the limits of his/her responsibility and authority, the Council shall obligate the Council to provide financial resources in an amount to be determined by the Council but in no event to exceed its unobligated cash fund balance and any insurance voluntarily maintained for that purpose to defend any member or staff against whom legal action has been taken. To qualify for payment pursuant to this Policy, the attorney for the member or staff must be chosen by the member or staff from a list of three (3) eligible attorneys provided by the Council.



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Section 11: Amendments.

These Bylaws may be altered, amended or added to by vote of the Council provided that:

- (1) Notice of the proposed changes shall normally contain a full statement of the proposed amendments.
- (2) The proposed amendment(s) is/are placed on the agenda of the next scheduled meeting following such presentation.
- (3) The proposed written changes shall be mailed or sent electronically to all Council members at least seven (7) days prior to the meeting at which a vote will be held.
- (4) Council members may propose relevant changes from the floor to any proposed amendment under consideration on the agenda.
- (5) The Council adopts the proposed amendment(s) by a two-thirds (2/3) majority vote of the representatives to the Council present at the Council meeting for this purpose, a quorum having been established.



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Section 12: Proxy.

Voting by proxy is not allowed. Voting members must be present to cast a vote.



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Section 13: Removal from Office.

The Council shall request that appointing governmental units or the Governor, as applicable, consider removing voting representatives with excessive absences from regular meetings in accordance with the following procedure:

- (1) The Executive Director shall annually notify the Council in writing the attendance record of all voting representative(s) for the Program Year ending in the month of May by September 1st of each year.
- (2) The Chair shall annually notify in writing all appointing governmental units or the Governor, as applicable, the attendance record of their voting representative(s) for the Program Year ending in the month of May by October 1st of each year.
- (3) Should a voting representative have absences equal to or greater than one-half of the regular meetings for the Program Year ending in the month of May, the Chair shall request that the appointing governmental unit or Governor, as applicable, encourage the offending voting representative to attend meetings on a regular basis or consider removing the offending voting representative and replacing them with another qualified person.



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Section 14: Adoption.

These Bylaws shall be effective upon their adoption by a two-thirds (2/3) majority of the representatives to the Council present at a meeting of the Council for this purpose, a quorum having been established.



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Section 15: Procedure.

Unless otherwise provided for herein, Robert's Rules of Order as revised shall rule.



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Section 16: Information Inquiries and Public Access.

The principal office of the Council is located at 2009 N.W. 67th Place, Gainesville, Florida 32653-1603. The office hours are Monday through Friday, from 8:00 a.m. to 5:00 p.m. All official forms, publications and documents of the Council are available for public inspection, except those forms and documents exempt from public inspection pursuant to Chapter 119, Florida Statutes, as amended, at the Council's principal office during regular business hours. Persons wishing photocopies may receive same at the prevailing cost per sheet.



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Section 17: Public Participation.

Members of the public shall be given a reasonable opportunity to be heard on a proposition before the Council. The opportunity to be heard need not occur at the same meeting at which the Council takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the Council takes the official action. This provision does not prohibit the Council from maintaining orderly conduct or proper decorum in a public meeting. Except during the public comment portion of a duly advertised Council public hearing or as provided herein members of the public shall be prohibited from making statements or asking questions during any Council public meeting or any committee of the Council. The opportunity for members of the public to be heard is subject to policies adopted by the Council as provided herein.

- (1) Policies of the Council which govern the opportunity for members of the public to be heard at public meetings are, as follows:
 - (a) Members of the public shall be allowed three (3) minutes to address the Council or any committee of the Council following the making of a motion that has been properly seconded concerning a proposition before the Council or any committee of the Council. Such comments shall be directed to the Chair;
 - (b) The Council may, at its discretion, require representatives of groups or factions on a proposition to address the Council or any committee of the Council, rather than allowing all members of such groups or factions to address the Council or any committee of the Council, at meetings in which a large number of individuals wish to be heard;
 - (c) Forms shall be provided at public meetings of the Council or any committee of the Council for citizens and groups to use in order to inform the Council of a desire to be heard; to indicate support, opposition or neutrality on a proposition before the Council or committee of the Council; and to indicate designation of representatives to speak for members of the public, groups or factions on a proposition before the Council or any committee of the Council if desired; and
 - (d) The Council shall include an item on the agenda of Council and committees of the Council public meetings for public comment offering members of the public and representatives of groups or factions an opportunity to comment or to be heard on any matter pertinent to the Council not included as an agenda item at such public meeting. Such comments shall be limited to three (3) minutes and directed to the Chair. Forms shall be provided at public meetings of the Council for citizens and groups to use in order to inform the Council of a desire to make a public comment or be heard on any matter pertinent to the Council not included as an agenda item at such public meeting.



- (2) All comments made by Council members, Council staff, guests and members of the public during any public meeting of the Council shall be governed by the City, County and Local Government Law Section of the Florida Bar Civility Pledge, as follows:
- (a) We will be respectful of one another even when we disagree;
 - (b) We will direct all comments to the issues; and
 - (c) We will avoid personal attacks.

DULY ADOPTED by the North Central Florida Regional Planning Council on the 27th day of February 2003.
DULY AMENDED by the North Central Florida Regional Planning Council on the 26th day of August 2010.
DULY AMENDED by the North Central Florida Regional Planning Council this 26th day of September 2013.
DULY AMENDED by the North Central Florida Regional Planning Council this 14th day of December 2017.
DULY AMENDED by the North Central Florida Regional Planning Council this 26th day of September 2019.

NORTH CENTRAL FLORIDA
REGIONAL PLANNING COUNCIL

ATTEST:

SEAL

Scott R. Koons, AICP
Executive Director

Robert Wilford
Chair

North Central Florida Regional Planning Council

Bylaws Team

Scott R. Koons, AICP, Executive Director

** Tara Tucker, Executive Assistant to the Executive Director

* Primary Responsibility
** Secondary Responsibility



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North Central Florida Regional Planning Council

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