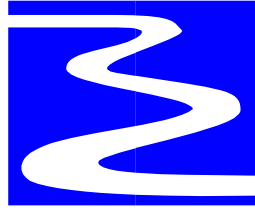




February 19, 2008
1:30 p.m.



www.hillsboroughriver.org



Tampa Union Station, 2nd Floor
601 N. Nebraska Avenue
Tampa, FL 33602
272-5940

Hillsborough River Technical Advisory Council
AGENDA

- I. Call To Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Moment of Contemplation
- ★ V. Approval of Previous Meeting Minutes – 1/15/08*
- VI. *Ecosystem Management*:
 - a) Update on Marine Contractor Licensing* (p.7)
 - b) Update on Cruise-a-cade (p.23)
 - c) Homeowner’s association sod requirements* (p.25)
 - d) Meeting locations / teleconferencing* (p.29)
 - e) Status of Hillsborough River Flows and Levels* (p.43)
- VII. *Ecosystem Safety and Education*:
 - 1. Notice of Upcoming Hillsborough River Related Events:
No Items.
- VIII. Agency Status Reports
- IX. Jurisdictional Status Reports
- X. Other Business

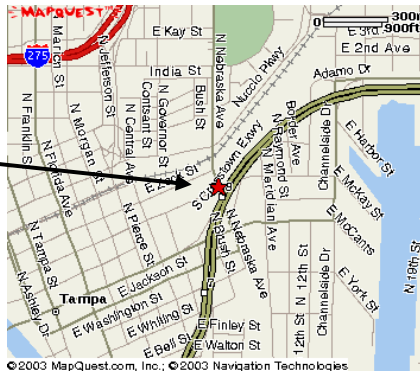
★ Indicates Action Required

* Indicates backup material provided

Presentations limited to 10 minutes. Public comment limited to three minutes please.

General Location Map to TAC Meeting

**Tampa Union Station
601 N. Nebraska Ave.
2nd Floor Conference Room
Elevator Access Available**



Parking

All meeting participants are requested to park in the south parking lots designated with the signs AMTRAK Passengers only. AMTRAK passengers are to be afforded the courtesy of parking in the front of or immediately adjacent to the building. Parking in spaces not marked as AMTRAK Passengers only are reserved for those who pay for monthly parking, and may result in your vehicle being ticketed.

This Page Left Intentionally Blank.

AGENDA ITEM V

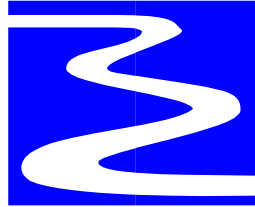
Approval of Previous Meeting
Minutes



This Page Left Intentionally Blank.



January 15, 2008
1:30 p.m.



www.hillsboroughriver.org



Tampa Union Station, 2nd Floor
601 N. Nebraska Avenue
Tampa, FL 33602
272-5940

Hillsborough River Technical Advisory Council

Meeting Summary

| | | |
|------------------|---------------|----------------|
| Robert Carnahan* | Ralph Lair * | Mario Cabana • |
| Thalia Potter* | Peter Owens* | Shawn College |
| Richard Booth* | Miller Dowdy* | Renee Benton* |
| Suzanne Cooper* | Joe Gross | Glen Lockwood |
| Tom Willett | | |

* Denotes TAC Members
• Denotes Staff Ex Officio Members

I. Call to Order

TAC Chair Robert Carnahan called the meeting to order at 1:40 p.m.

II. Roll Call

A quorum was present.

III. Pledge of Allegiance

The TAC joined in the pledge of allegiance.

IV. Moment of Contemplation

The TAC observed a moment of silent contemplation prior to beginning with the first agenda item.

V. Minutes from the 9/18/07, 10/16/07 & 11/20/07 meetings were approved.

VI. Ecosystem Management

a) Election of Officers

Mr. Robert Carnahan was elected Chair and Mr. Pete Owens was elected Vice Chair.

b) Presentation on ELAPP Process/Lopez Property

Ross Dickerson of the Hillsborough County Parks department gave a presentation on the procedures for acquiring a property under the Environmental Lands Acquisition and Protection Program (ELAPP). It was decided that the TAC would ask the Board to transmit letters to the City and County Parks Departments asking them to acquire the Lopez Property. It was also decided that the TAC would transmit a letter to the Zoning Hearing Master recommending against increased density on the Lopez property.

c) Manatee Awareness License Plate Program

Information was presented on the revenue generated from the Manatee Awareness License Plate Program.

d) Discussion regarding next Hillsborough River Interlocal Planning Board Meeting

It was proposed that the next Board meeting include the following subjects: Letters on changing the County's canoe trail to the "Alan Wright" Canoe trail, and letters regarding the acquisition of the Lopez Property.

e) Letter of support regarding Councilman Dingfelder's Environmental Initiative.

A letter was approved for transmittal supporting Councilman Dingfelder's Environmental Initiative.

f) Tampa Port Authority Minor Work Permit Applications

Port Authority Permits No. 06-053R & 07-162 were approved.

g) Status of Hillsborough River Flows and Levels
No discussion.

VII. *Ecosystem Safety and Education:*

1. Notice of Upcoming Hillsborough River Related Events:
There were no events to discuss.

VIII. Agency Status Reports

Mr. Cabana explained that the desalination plant passed its test.
Mrs. Cooper said that Tampa Bay Water is a new member of the Agency on Bay Management.

IX. Jurisdiction Status Reports

There were no Jurisdictional status reports.

X. Other Business

AGENDA ITEM VI. a.

Update on Marine Contractor
Licensing



This Page Left Intentionally Blank.



Agenda Item Cover Sheet

Agenda Item N^o _____

Meeting Date February 27, 2007

Consent Section

Regular Section

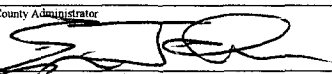
Public Hearing

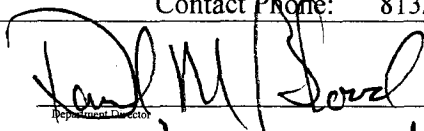
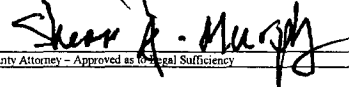
Subject: Amendment to countywide Board of Adjustments, Appeals, and Examiners Interlocal Agreements between Hillsborough County and the City of Tampa, City of Temple Terrace, and City of Plant City for the addition of a specialty license category for Marine Contractors.

Department Name: Planning and Growth Management Department

Contact Person: Jerry Sparks Contact Phone: 813/276-8334

Sign-Off Approvals

Assistant County Administrator  Date 2-16-07
Management and Budget - Approved as to Financial Impact Accuracy Date

Department Director  Date 02-15-07
Assistant County Attorney - Approved as to Legal Sufficiency  Date

Staff's Recommended Board Motion:
Approve and execute amendment to the Interlocal Agreements between Hillsborough County and the City of Tampa, City of Temple Terrace, and City of Plant City for a specialty license category for Marine Contractors. This marine contractor specialty license will be added to the existing specialty license fee category in the Building Services Division Fee Schedule. The initial licensing fee will be \$20.00 annually and renewal fees will be \$40.00 every two years. No new staff will be needed to implement this licensing program.

Financial Impact Statement:
Establishing a specialty license for marine contractors, including the collaboration needed with the local municipalities, can be accomplished with our current work force and requires no new staff.

Background:
On September 20, 2006, the Hillsborough County Board of County Commissioners directed Planning and Growth Management Staff to establish a specialty license category for Marine Contractors, in collaboration with local municipalities, to ensure that marine construction is being performed by qualified, licensed contractors. A proposed amendment to the countywide Board of Adjustments, Appeals, and Examiners Interlocal Agreements between Hillsborough County and the City of Tampa, City of Temple Terrace, and the City of Plant City were developed by the County Attorney's Office and later accepted by the respective municipalities.

List Attachments: 1) Agreements with City of Tampa, City of Temple Terrace, and City of Plant City.

**AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
HILLSBOROUGH COUNTY, FLORIDA AND
THE CITY OF TEMPLE TERRACE, FLORIDA**

This Interlocal Agreement is made and entered into as of the ____ day of _____, 2006, by and between HILLSBOROUGH COUNTY, FLORIDA, a political subdivision of the State of Florida (“COUNTY”) and THE CITY OF TEMPLE TERRACE, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida (“CITY”).

WITNESSETH:

WHEREAS, in March 1999, COUNTY and CITY entered into an Interlocal Agreement recorded in OR Book 9537 Page 436 (the “Original Agreement”) to establish CITY participation with COUNTY’s Independent Boards of Adjustment, Appeals and Examiners; and

WHEREAS, pursuant to the Original Agreement, COUNTY and CITY established a uniform system for the certification and licensing of contractors, subcontractors, specialty contractors and tradespersons; and

WHEREAS, the Original Agreement contained an Appendix A which identified contractors, subcontractors, specialty contractors and tradespersons categories covered by the Original Agreement; and

WHEREAS, COUNTY and CITY desire to amend Appendix A to add a Specialty Contractor – Marine; and

WHEREAS, the intent of COUNTY and CITY in adding Specialty Contractor – Marine to Appendix A is to respond to a request from a permitting authority to provide a mechanism for licensing individuals or entities who perform work within Hillsborough County or the municipalities for which the permitting authority requires licensure as a Marine Contractor; and

WHEREAS, COUNTY and CITY do not intend to require that only a Marine Specialty Contractor perform the work listed in the work scope for this license category, provided that any individual or entity performing work within the jurisdictional limits of COUNTY or CITY be appropriately licensed to perform such work ; and

WHEREAS, entering into this Interlocal Agreement is in the best interest of the citizens of COUNTY and CITY as it will benefit the health, safety and welfare of said citizens.

NOW, THEREFORE, in consideration of the premises, mutual covenants, promises and representations contained herein, the value and sufficiency of which is hereby acknowledged by COUNTY and CITY, COUNTY and CITY agree as follows:

ARTICLE I. Amendment of Appendix A.

Appendix A of the Original Agreement is hereby amended to add the following license category: Specialty Contractor – Marine. The work scope and requirements for this license category are attached hereto as Attachment “A” which is incorporated as an integral part of this Interlocal Agreement as an amendment to the Original Agreement.

ARTICLE II. Effective Date.

This Interlocal Agreement shall become effective upon execution by the parties hereto and upon filing of same with the Clerk of the Circuit Court of Hillsborough County, Florida, as required by Section 163.01(11), Florida Statutes, and as set forth in ARTICLE III hereof.

ARTICLE III. Recording.

The Clerk of the Board of County Commissioners for Hillsborough County is hereby authorized and directed after approval of this Interlocal Agreement by the respective governing bodies of COUNTY and CITY and the execution thereof by the duly qualified and authorized officers of each of the parties hereto, to file this Interlocal Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida, for recording in the public records of Hillsborough County, Florida.

ARTICLE IV. Full Force and Effect.

The Original Agreement shall remain in full force and effect except as specifically amended by this Interlocal Agreement.

ARTICLE V. Severability.

If any one or more of the covenants, agreements or provisions of this Interlocal Agreement shall be held contrary to any express provision of law or contrary to any policy of express law, although not expressly prohibited, contrary to any express provision of public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separate from the remaining covenants agreements or provision of this Interlocal Agreement.

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this Interlocal Agreement on the date and year first written.

ATTEST:

HILLSBOROUGH COUNTY, FLORIDA

Pat Frank
Clerk of the Circuit Court

Chairman, Board of County Commissioners

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Shawn A. Murphy
Assistant County Attorney

ATTEST:

CITY: CITY OF TEMPLE TERRACE,
FLORIDA

BY: Melissa E. Burns
(OFFICIAL SEAL)

BY: Tom D. Leland

CLASS CODE: 038265

CONTRACTOR: Specialty Contractor – Marine

EXPERIENCE: One (1) year in the same classification supervised by a State Certified General or Registered Specialty Marine Contractor.

REQUIREMENTS: For Registration in Hillsborough County:
Completed Application, including Social Security Number
Examination passed or verified Letter of Reciprocity
\$5,000 Code Compliance Bond
Proof of Workmans’ Compensation Insurance or Exemption

Additional requirements for practice in the City of Tampa, City of Temple Terrace, and City of Plant City:
City Occupational License where required by the City’s codes.

WORK SCOPE: Marine Specialty Contractor means a contractor whose services are limited to construct, maintain, alter, or repair seawalls, bulkheads, revetments, docks, piers, wharves, groins, and other marine structures including pile driving. The purpose of this license category is to provide a vehicle for licensing individuals or entities who perform work within Hillsborough County or the municipalities for which the permitting authority requires licensure as a Marine Specialty Contractor.

RENEWAL: For Renewal in Hillsborough County:
\$5,000 Code Compliance Bond
Proof of Workmans’ Compensation Insurance or Exemption

Additional requirements for practice in the City of Tampa, City of Temple Terrace, and City of Plant City:
City Occupational License where required by the City’s codes.

**FIFTH AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN HILLSBOROUGH COUNTY, FLORIDA AND
THE CITY OF TAMPA, FLORIDA**

This Interlocal Agreement is made and entered into as of the ____ day of _____, 2006, by and between HILLSBOROUGH COUNTY, FLORIDA, a political subdivision of the State of Florida (“COUNTY”) and THE CITY TAMPA, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida (“CITY”).

WITNESSETH:

WHEREAS, in June 1987, COUNTY and CITY entered into an Interlocal Agreement recorded in OR Book 5176 Page 1844 (the “Original Agreement”) to establish CITY participation with COUNTY’s Independent Boards of Adjustment, Appeals and Examiners; and

WHEREAS, the Original Agreement was amended by COUNTY and CITY in September 1987, November 1988, April 1990 and June 1996; and

WHEREAS, pursuant to the Original Agreement, as amended, COUNTY and CITY established a uniform system for the certification and licensing of contractors, subcontractors, specialty contractors and tradespersons; and

WHEREAS, the Original Agreement, as amended, contained an Appendix A which identified contractors, subcontractors, specialty contractors and tradespersons categories covered by the Original Agreement, as amended; and

WHEREAS, COUNTY and CITY desire to amend Appendix A to add a Specialty Contractor – Marine; and

WHEREAS, the intent of COUNTY and CITY in adding Specialty Contractor – Marine to Appendix A is to respond to a request from a permitting authority to provide a mechanism for licensing individuals or entities who perform work within Hillsborough County or the municipalities for which the permitting authority requires licensure as a Marine Contractor; and

WHEREAS, COUNTY and CITY do not intend to require that only a Marine Specialty Contractor perform the work listed in the work scope for this license category, provided that any individual or entity performing work within the jurisdictional limits of COUNTY or CITY be appropriately licensed to perform such work ; and

WHEREAS, entering into this Interlocal Agreement is in the best interest of the citizens of COUNTY and CITY as it will benefit the health, safety and welfare of said citizens.

NOW, THEREFORE, in consideration of the premises, mutual covenants, promises and representations contained herein, the value and sufficiency of which is hereby acknowledged by COUNTY and CITY, COUNTY and CITY agree as follows:

ARTICLE I. Amendment of Appendix A.

Appendix A of the Original Agreement, as amended, is hereby amended to add the following license category: Specialty Contractor – Marine. The work scope and requirements for this license category are attached hereto as Attachment “A” which is incorporated as an integral part of this Interlocal Agreement as an amendment to the Original Agreement, as amended.

ARTICLE II. Effective Date.

This Interlocal Agreement shall become effective upon execution by the parties hereto and upon filing of same with the Clerk of the Circuit Court of Hillsborough County, Florida, as required by Section 163.01(11), Florida Statutes, and as set forth in ARTICLE III hereof.

ARTICLE III. Recording.

The Clerk of the Board of County Commissioners for Hillsborough County is hereby authorized and directed after approval of this Interlocal Agreement by the respective governing bodies of COUNTY and CITY and the execution thereof by the duly qualified and authorized officers of each of the parties hereto, to file this Interlocal Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida, for recording in the public records of Hillsborough County, Florida.

ARTICLE IV. Full Force and Effect.

The Original Agreement, as amended, shall remain in full force and effect except as specifically amended by this Interlocal Agreement.

ARTICLE V. Severability.

If any one or more of the covenants, agreements or provisions of this Interlocal Agreement shall be held contrary to any express provision of law or contrary to any policy of express law, although not expressly prohibited, contrary to any express provision of public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separate from the remaining covenants agreements or provision of this Interlocal Agreement.

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned,

have entered into this Interlocal Agreement on the date and year first written.

ATTEST:

HILLSBOROUGH COUNTY, FLORIDA

Pat Frank
Clerk of the Circuit Court

Chairman, Board of County Commissioners

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Jan A. Meyer
Assistant County Attorney

ATTEST:

CITY: CITY OF TAMPA,
FLORIDA

BY: *Shirley Fox-Krueger*
City Clerk
(OFFICIAL SEAL)

BY: *R. Aris*
CMR4025

The execution of this document was authorized
by Resolution No. *2006-1565*

[Signature]
(signature)

- City Attorney
- Assistant City Attorney

CLASS CODE: 038265

CONTRACTOR: Specialty Contractor – Marine

EXPERIENCE: One (1) year in the same classification supervised by a State Certified General or Registered Specialty Marine Contractor.

REQUIREMENTS: For Registration in Hillsborough County:
Completed Application, including Social Security Number
Examination passed or verified Letter of Reciprocity
\$5,000 Code Compliance Bond
Proof of Workmans' Compensation Insurance or Exemption

Additional requirements for practice in the City of Tampa, City of Temple Terrace, and City of Plant City:
City Occupational License where required by the City's codes.

WORK SCOPE: Marine Specialty Contractor means a contractor whose services are limited to construct, maintain, alter, or repair seawalls, bulkheads, revetments, docks, piers, wharves, groins, and other marine structures including pile driving. The purpose of this license category is to provide a vehicle for licensing individuals or entities who perform work within Hillsborough County or the municipalities for which the permitting authority requires licensure as a Marine Specialty Contractor.

RENEWAL: For Renewal in Hillsborough County:
\$5,000 Code Compliance Bond
Proof of Workmans' Compensation Insurance or Exemption

Additional requirements for practice in the City of Tampa, City of Temple Terrace, and City of Plant City:
City Occupational License where required by the City's codes.

**AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN
HILLSBOROUGH COUNTY, FLORIDA AND
THE CITY OF PLANT CITY, FLORIDA**

This Interlocal Agreement is made and entered into as of the _____ day of _____, 2006, by and between HILLSBOROUGH COUNTY, FLORIDA, a political subdivision of the State of Florida (“COUNTY”) and THE CITY OF PLANT CITY, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida (“CITY”).

WITNESSETH:

WHEREAS, in December 2000, COUNTY and CITY entered into an Interlocal Agreement recorded in OR Book 10524 Page 583 (the “Original Agreement”) to establish CITY participation with COUNTY’s Independent Boards of Adjustment, Appeals and Examiners; and

WHEREAS, pursuant to the Original Agreement, COUNTY and CITY established a uniform system for the certification and licensing of contractors, subcontractors, specialty contractors and tradespersons; and

WHEREAS, the Original Agreement contained an Appendix A which identified contractors, subcontractors, specialty contractors and tradespersons categories covered by the Original Agreement; and

WHEREAS, COUNTY and CITY desire to amend Appendix A to add a Specialty Contractor – Marine; and

WHEREAS, the intent of COUNTY and CITY in adding Specialty Contractor – Marine to Appendix A is to respond to a request from a permitting authority to provide a mechanism for licensing individuals or entities who perform work within Hillsborough County or the municipalities for which the permitting authority requires licensure as a Marine Contractor; and

WHEREAS, COUNTY and CITY do not intend to require that only a Marine Specialty Contractor perform the work listed in the work scope for this license category, provided that any individual or entity performing work within the jurisdictional limits of COUNTY or CITY be appropriately licensed to perform such work; and

WHEREAS, entering into this Interlocal Agreement is in the best interest of the citizens of COUNTY and CITY as it will benefit the health, safety and welfare of said citizens.

NOW, THEREFORE, in consideration of the premises, mutual covenants, promises and representations contained herein, the value and sufficiency of which is hereby acknowledged by COUNTY and CITY, COUNTY and CITY agree as follows:

ARTICLE I. Amendment of Appendix A.

Appendix A of the Original Agreement is hereby amended to add the following license category: Specialty Contractor – Marine. The work scope and requirements for this license category are attached hereto as Attachment “A” which is incorporated as an integral part of this Interlocal Agreement as an amendment to the Original Agreement.

ARTICLE II. Effective Date.

This Interlocal Agreement shall become effective upon execution by the parties hereto and upon filing of same with the Clerk of the Circuit Court of Hillsborough County, Florida, as required by Section 163.01(11), Florida Statutes, and as set forth in ARTICLE III hereof.

ARTICLE III. Recording.

The Clerk of the Board of County Commissioners for Hillsborough County is hereby authorized and directed after approval of this Interlocal Agreement by the respective governing bodies of COUNTY and CITY and the execution thereof by the duly qualified and authorized officers of each of the parties hereto, to file this Interlocal Agreement with the Clerk of the Circuit Court of Hillsborough County, Florida, for recording in the public records of Hillsborough County, Florida.

ARTICLE IV. Full Force and Effect.

The Original Agreement shall remain in full force and effect except as specifically amended by this Interlocal Agreement.

ARTICLE V. Severability.

If any one or more of the covenants, agreements or provisions of this Interlocal Agreement shall be held contrary to any express provision of law or contrary to any policy of express law, although not expressly prohibited, contrary to any express provision of public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements, or provisions shall be null and void and shall be deemed separate from the remaining covenants agreements or provision of this Interlocal Agreement.

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this Interlocal Agreement on the date and year first written.

ATTEST:

HILLSBOROUGH COUNTY, FLORIDA

Pat Frank
Clerk of the Circuit Court

Chairman, Board of County Commissioners

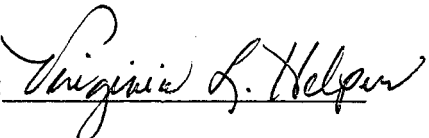
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



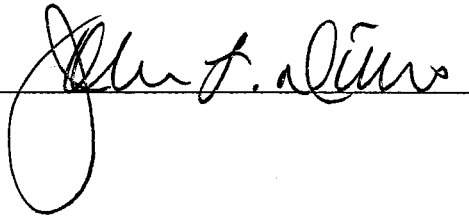
Assistant County Attorney

ATTEST:

CITY: CITY OF PLANT CITY,
FLORIDA

BY: 

(OFFICIAL SEAL)

BY: 

APPROVED AS TO FORM AND CORRECTNESS



CITY ATTORNEY

DATE 1-23-07

CLASS CODE: 038265

CONTRACTOR: Specialty Contractor – Marine

EXPERIENCE: One (1) year in the same classification supervised by a State Certified General or Registered Specialty Marine Contractor.

REQUIREMENTS: For Registration in Hillsborough County:
Completed Application, including Social Security Number
Examination passed or verified Letter of Reciprocity
\$5,000 Code Compliance Bond
Proof of Workmans’ Compensation Insurance or Exemption

Additional requirements for practice in the City of Tampa, City of Temple Terrace, and City of Plant City:
City Occupational License where required by the City’s codes.

WORK SCOPE: Marine Specialty Contractor means a contractor whose services are limited to construct, maintain, alter, or repair seawalls, bulkheads, revetments, docks, piers, wharves, groins, and other marine structures including pile driving. The purpose of this license category is to provide a vehicle for licensing individuals or entities who perform work within Hillsborough County or the municipalities for which the permitting authority requires licensure as a Marine Specialty Contractor.

RENEWAL: For Renewal in Hillsborough County:
\$5,000 Code Compliance Bond
Proof of Workmans’ Compensation Insurance or Exemption

Additional requirements for practice in the City of Tampa, City of Temple Terrace, and City of Plant City:
City Occupational License where required by the City’s codes.

This Page Left Intentionally Blank.

AGENDA ITEM VI. b.

Update on Cruise-a-cade



This Page Left Intentionally Blank.

AGENDA ITEM VI. c.

Homeowner's association sod requirements



This Page Left Intentionally Blank.

The 2007 Florida Statutes

Title XXVIII

NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE

Chapter 373

WATER RESOURCES [View Entire Chapter](#)

373.185 Local Xeriscape ordinances.--

(1) As used in this section, the term:

(a) "Local government" means any county or municipality of the state.

(b) "Xeriscape" or "Florida-friendly landscape" means quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

(2) Each water management district shall design and implement an incentive program to encourage all local governments within its district to adopt new ordinances or amend existing ordinances to require Xeriscape landscaping for development permitted after the effective date of the new ordinance or amendment. Each district shall adopt rules governing the implementation of its incentive program and governing the review and approval of local government Xeriscape ordinances or amendments which are intended to qualify a local government for the incentive program. Each district shall assist the local governments within its jurisdiction by providing a model Xeriscape code and other technical assistance. A local government Xeriscape ordinance or amendment, in order to qualify the local government for a district's incentive program, must include, at a minimum:

(a) Landscape design, installation, and maintenance standards that result in water conservation. Such standards shall address the use of plant groupings, soil analysis including the promotion of the use of solid waste compost, efficient irrigation systems, and other water-conserving practices.

(b) Identification of prohibited invasive exotic plant species.

- (c) Identification of controlled plant species, accompanied by the conditions under which such plants may be used.
- (d) A provision specifying the maximum percentage of turf and the maximum percentage of impervious surfaces allowed in a xeriscaped area and addressing the practical selection and installation of turf.
- (e) Specific standards for land clearing and requirements for the preservation of existing native vegetation.
- (f) A monitoring program for ordinance implementation and compliance.

The districts also shall work with local governments to promote, through educational programs and publications, the use of Xeriscape practices, including the use of solid waste compost, in existing residential and commercial development. This section may not be construed to limit the authority of the districts to require Xeriscape ordinances or practices as a condition of any consumptive use permit.

- (3) A deed restriction or covenant entered after October 1, 2001, or local government ordinance may not prohibit any property owner from implementing Xeriscape or Florida-friendly landscape on his or her land.

History.--s. 3, ch. 91-41; s. 3, ch. 91-68; s. 7, ch. 2001-252.

AGENDA ITEM VI. d.

Meeting locations /
teleconferencing



This Page Left Intentionally Blank.

Shawn College

From: Tracy J. Robin [TRobin@srwlegal.com]
Sent: Tuesday, February 05, 2008 1:12 PM
To: Shawn College
Subject: Planning Commission - River Board meeting attendance and voting issues

Shawn,

Attached are the two Attorney General Opinions most pertinent to the questions you raised this morning. As stated in AGO 06-20, quorum requirements cannot be met by phone attendance. A quorum must be physically present at the meeting to conduct business and make decisions. As to the issue of voting by members attending by telephone, generally, members who do not attend the meeting cannot vote. However, they can participate in the meeting and discussion. The only circumstances in which a non-attending member may vote are those where the inability to attend is caused by a health problem or some other extraordinary event. The attached opinions should be self explanatory. Please call me if you have any questions.

STRALEY & ROBIN

Tracy J. Robin
Attorney at Law

100 E. Madison Street, Ste 300
Tampa, Florida 33602
Direct: 813.901.4946
Main: 813.223.9400
Fax: 813.223.5043
trobin@srwlegal.com

This email is a PRIVATE communication and is subject to attorney-client privilege or attorney work product, to the full extent permitted by law. It is intended only for the person(s) to whom this email is addressed. If you have received this email message or any attachment in error, please do not read, copy, or use it, and do not disclose it to others. Please notify the sender of the delivery error immediately by replying to this email and then deleting the original message from your system without making a copy. Thank you.

This Page Left Intentionally Blank.

Florida Attorney General Advisory Legal Opinion

Number: AGO 2006-20

Date: June 15, 2006

Subject: Sunshine Law, metropolitan planning organizations

Ms. Renee Francis Lee
Hillsborough County Attorney
Post Office Box 1110
Tampa, Florida 33601

RE: SUNSHINE LAW--METROPOLITAN PLANNING ORGANIZATIONS--PUBLIC MEETINGS--use of electronic media technology to connect simultaneous metropolitan planning organization meetings in various counties to constitute single meeting of a joint committee created by the MPO's. ss. 286.011, 339.175. 120.54 and 120.52, Fla. Stat.

Dear Ms. Lee:

As the representative for the Hillsborough County Metropolitan Planning Organization, you ask substantially the following question:

May the Joint Citizens Advisory Committee comply with Sunshine Law in holding its quarterly meeting by linking simultaneous meetings of citizens' advisory committees in each of its participating counties, networked via computers, conference call, video or some other electronic media technology, so that all members of the committees and the public can hear and participate at the meeting, when each citizens' advisory committee has a quorum present for its meeting?

Pursuant to section 339.175(5)(e), Florida Statutes, each metropolitan planning organization (MPO) must appoint a citizens' advisory committee (CAC), with the membership of each committee reflecting a broad cross-section of local residents interested in the development of an efficient, safe, and cost-effective transportation system. In Hillsborough County, a citizens advisory committee was created to advise the MPO. Your letter indicates that four members of the Hillsborough County CAC and four members of the Pinellas County CAC make up a Joint Citizens Advisory Committee (JCAC). The JCAC advises the Chairs Coordinating Committee (CCC), created by section 339.175(5)(h), Florida Statutes, and composed of the MPOs for Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties. You state that the JCAC and the CCC meet on a quarterly basis.

The JCAC wishes to expand its membership to the other counties represented on the CCC, but geographical distance among the counties is a hindrance for travel of the members to a single location for meetings. The Hillsborough County MPO is investigating the possibility of using remote technology to expand the participation in the regional JCAC, by having simultaneous meetings in each county in which a physical quorum of the local CAC is present, with the meetings linked through networked computers, conference calls or other methods.

This office has previously concluded that citizens' advisory committees appointed by an MPO are subject to the provisions of section 286.011, Florida Statutes, Florida's "Government in the Sunshine Law." [1] Such a requirement would also apply to any other boards or commissions or subcommittees formed by an MPO to carry out official business, such as a JCAC. [2]

Section 286.011(1), Florida Statutes, provides:

"All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings."

The statute has been determined to show a legislative intent that its provisions apply to all meetings, whether formal quorum meetings or informal preliminary meetings, at which all or part of the members of a board or commission deal with matters upon which it is foreseeable that action will be taken by the board. [3]

This office has been asked on several occasions to provide assistance to local boards regarding the participation of their members in public meetings via electronic means. [4] In one instance, it was determined that a county commissioner who was physically unable to attend a commission meeting due to a serious medical condition could vote by an interactive video and telephone system when a quorum of the commission members was present at the designated public facility. [5] The system allowed the commissioner to see the other members of the board and the audience at the meeting, and the board and audience could see her.

In Attorney General Opinion 2001-66, this office considered whether an airport authority could conduct discussions or meetings over the internet when such discussions or meetings were noticed to the general public, viewable by the general public, open to input by the general public, and recorded for public inspection. This office found

that the authority members could conduct informal discussions and workshops over the internet, provided proper notice was given and interactive access by members of the public was provided. Such interactive access must include not only public access via the internet but also designated places within the authority boundaries at which the airport authority makes computers with internet access available to members of the public who may not otherwise have internet access. It was advised that notice of such discussions and workshops should also include the locations at which computers with internet access would be located. For meetings at which a quorum was necessary for action to be taken, however, the opinion concluded that physical presence of the members making up the quorum would be required in the absence of a statute providing otherwise.

The use of interactive electronic media to increase public participation in meetings and the use of such media to allow members of a board or commission to participate in a duly noticed public meeting does not necessarily raise Sunshine Law issues, but rather implicates the ability of an entity to conduct official business with a quorum. In addressing the use of interactive electronic media by members of a board or commission to participate in a meeting they are physically unable to attend, this office has concluded that such participation is appropriate only in situations where the member is suffering a serious medical condition and a quorum of the board members is physically present at the public meeting place. It is clear from the discussion above that the use of electronic media technology for conducting official business by board members has limitations when there is a need for a quorum or when a meeting must be held at a designated location.[6]

This office was recently asked to comment on the use of video conferencing and digital audio for members of the Monroe County Commission to conduct special meetings or workshops at which no official action was to be taken.[7] Because of Monroe County's unique geography spanning 120 miles connected by bridges, the board of county commissioners was exploring the use of electronic communication to hold special and workshop meetings in order to minimize the travel time and expense of commissioners and staff. After discussing the limitations on the use of such technology for regular meetings at which official actions would be taken, it was concluded that electronic media technology could be used for workshops or special meetings where no formal action would be taken. The county was advised, however, to be vigilant in adhering to the requirements of the Sunshine Law and to ensure that the meetings or workshops using electronic media technology were not forums for the commission to undertake formal decisionmaking.

In the instant situation, the individual CACs or their members would be creating a larger multi-county JCAC. All of the individual meetings of the CACs would be electronically connected and no single

location would be designated as the one at which the JCAC would meet. While the individual CACs may have a quorum present at each location for purposes of their meeting, their participation from remote locations would not appear to constitute a quorum for the JCACs meeting. [8]

The Legislature has provided authority for the use of electronic media technology for participation in meetings of statewide boards or commissions. [9] However, I have found no authority, nor has any been brought to my attention, allowing a JCAC or other committee created by an MPO to use such technology to consolidate multiple meetings at remote locations by electronic technology to form a single meeting of the committee. [10] If one of the goals of expanding the membership of the JCAC is to increase citizen participation from the counties constituting the CCC, the MPO may wish to consider designating a specific location for the quarterly meeting of the JCAC, with electronic media technology used to allow citizens in member counties to participate in the meeting. You may also wish to seek legislative changes that would allow boards or commissions with multi-county members to use electronic media technology in the same manner allowed for statewide boards or commissions.

Accordingly, it is my opinion that the Joint Citizens Advisory Committee whose members are representatives from several county metropolitan planning organizations may use electronic media technology to link simultaneously held public meetings of citizens' advisory committees allowing all members of the committees and the public to hear and participate at workshops. The use of electronic media technology, however, does not satisfy quorum requirements necessary for official action to be taken by the joint committee.

Sincerely,

Charlie Crist
Attorney General

CC/tals

[1] Op. Att'y Gen. Fla. 82-35 (1982).

[2] See Ops. Att'y Gen. Fla. 92-26 (1992) and 98-13 (1998). And see *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla.1974) (advisory board or committee appointed by a governmental body to make recommendations to the appointing authority and deliberating on matters upon which foreseeable action will be taken is subject to the Sunshine Law; scope of s. 286.011 includes the "inquiry and discussion stages" of meetings of public bodies). See also *IDS Properties, Inc. v. Town of Palm Beach*, 279 So. 2d 353 (Fla. 4th DCA 1973) (no government by delegation exception to s. 286.011; a public

body may not escape application of Sunshine Law by delegating conduct of public business through use of an alter ego).

[3] *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969), and *City of Miami Beach v. Berns*, 231 So. 2d 847 (Fla. 3rd DCA 1970).

[4] See Ops. Att'y Gen. Fla. 2003-41 (2003), 2002-82 (2002), 2002-32 (2002), and 98-28 (1998).

[5] Op. Att'y Gen. Fla. 92-44 (1992). And see Ops. Att'y Gen. Fla. 94-55 (1994) (out-of-state member of board of trustees of public museum could participate in public meetings through the use of a telephone when quorum is present, even though no statute required the presence of a quorum at meetings), 2002-82 (2002) (physically disabled member of municipal board may attend meeting electronically if quorum is otherwise physically present at meeting).

[6] See Op. Att'y Gen. Fla. 98-28 (1998), in which this office concluded that the statutory requirement that a school board meet at a specified place and the statutory recognition that a majority of those present constitutes a quorum which is required to conduct business, precludes use of electronic media to conduct a school board meeting. The opinion recognized that the convenience and cost savings of allowing members from diverse geographical areas to meet electronically might be attractive to a local board or commission such as a school board, but noted that the representation on a school board is local and such factors would not by themselves appear to justify or allow the use of electronic media technology in order to assemble the members for a meeting.

[7] See If. Op. Att'y Gen. Fla. to The Hon. Charles "Sonny" McCoy, Monroe County Commission, dated November 29, 2005.

[8] See Op. Att'y Gen. Fla. 2001-66 (2001) (physical presence of members of board necessary to constitute quorum). See, e.g., Ops. Att'y Gen. Fla. 83-100 (1983), and 89-39 (1989), quoting 62 C.J.S. *Municipal Corporations* s. 399 which provides:

"In order to constitute a quorum the requisite number of members must be actually present at the meeting and the requisite number cannot be made up by telephoning absent members and obtaining their vote over the telephone."

[9] See s. 120.54(5)(b)2., Fla. Stat., authorizing state agencies to adopt rules for conducting meetings by means of communications media technology.

[10] See s. 120.52(1), Fla. Stat., defining "[a]gency" as used in the act and stating, "[t]his definition does not include . . . any

metropolitan planning organization created pursuant to s. 339.175, [or] any separate legal or administrative entity created pursuant to s. 339.175 of which a metropolitan planning organization is a member . . ." Cf., Op. Att'y Gen. Fla. 98-28 (1998) (school board not "state agency" that may use s. 120.54(5)(b)2., Florida Statutes, for authority to conduct meetings by means of communications media technology).

Florida Attorney General Advisory Legal Opinion

Number: AGO 2003-41

Date: September 3, 2003

Subject: Sunshine, participation by telephone

Mr. Sidney R. Payne
Chair, Tampa Human Rights Board
102 East 7th Avenue
Tampa, Florida 33602

RE: MUNICIPALITIES-GOVERNMENT IN THE SUNSHINE-participation of board member by telephone due to scheduling conflict when quorum of board members physically present at meeting. s. 286.011, Fla. Stat.

Dear Mr. Payne:

On behalf of the City of Tampa Human Rights Board, you ask substantially the following question:

May a member of the human rights board who is physically absent from a board meeting because of a scheduling conflict participate in the meeting by means of a telephone conference when a quorum of the members of the board is physically present at the meeting?

Section 286.011(1), Florida Statutes, Florida's Government-in-the-Sunshine Law, provides:

"All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting."

This office has been asked on several occasions to provide assistance to local governmental boards or commissions regarding the participation of its members in a public meeting through use of telecommunications media and the compliance of such meetings with the Government-in-the-Sunshine Law. In Attorney General's Opinion 92-44, this office concluded that a county commissioner who was physically unable to attend a commission meeting because of medical treatment could participate in the meeting by using an interactive video and telephone system that allowed her to see the other members of the

board and the audience at the meeting and that allowed the board and audience to see her. This office recognized that section 125.001, Florida Statutes, required that meetings of the county commission be held in a public place in the county but noted that a quorum of the members of the county commission would be present at the public place. [1]

A similar conclusion was reached in Attorney General's Opinion 98-28, which concluded that a district school board could use electronic media technology in order to allow a physically absent member to attend a public meeting if a quorum of the members of the board is physically present at the meeting site. More recently, in Attorney General Opinion 02-82, this office concluded that physically-disabled members of the City of Miami Beach Barrier-free Environment Committee could participate and vote on board matters by electronic means if they are unable to attend, as long as a quorum of the members of the board is physically present at the meeting site. [2]

The City of Tampa Human Rights Board was created by ordinance to, among other things, receive and initiate complaints alleging violations of the city's human rights ordinance, which prohibits discrimination in employment, housing and public accommodations based on race, color, religion, national origin, sex, sexual orientation, age, handicap, familial status, or marital status. [3] As a public board created by ordinance to carry out a governmental purpose, the board is clearly subject to the Government-in-the-Sunshine Law. [4]

According to your letter, regular board meetings are held once every two months, with special meetings called by the board chair. You state that the rules of the board provide that its meetings are to be held at the city's Office of Community Relations. Such a requirement would appear to be analogous to the statutory requirements that meetings of the county commission or the school board be held at an appropriate place in the county. [5] Thus, the code clearly contemplates the physical presence of board members at public meetings.

You state that a quorum of the board would be physically present at the meeting. The member who wishes to participate by telephone conference cannot physically attend the meeting, due not to illness but rather to a scheduling conflict.

You note the reluctance of this office to extend public officials' participation in public meetings by electronic means to situations other than those involving a serious medical condition and the presence otherwise of a quorum at the public meeting place. For example, in Attorney General Opinion 98-28, this office noted that state agencies and their boards and commissions are authorized by Chapter 120, Florida Statutes, to adopt rules providing procedures for conducting public meetings by means of communications media

technology.[6] The opinion recognized the rationale behind statutory authorization for state agency use, as contrasted with local agency utilization, of communications media technology for conducting meetings:

"Allowing state agencies and their boards and commissions to conduct meetings via communications media technology under specific guidelines recognizes the practicality of members from throughout the state participating in meetings of the board or commission. While the convenience and cost savings of allowing members from diverse geographical areas to meet electronically might be attractive to a local board or commission such as a school board, the representation on a school board is local and such factors would not by themselves appear to justify or allow the use of electronic media technology in order to assemble the members for a meeting."

Concerns about the validity of official actions taken by a public body when less than a quorum is present argue for a very conservative reading of the statutes. Thus, this office has concluded that, in the absence of a statute to the contrary, a quorum of the members must be physically present at a meeting in order to take action.[7]

Where, as here, the statute or rules contemplate that the meeting will be held in a public place with the members physically present, this office has considered the participation of an absent member by telephone conference or other interactive electronic technology permissible when such absence is due to extraordinary circumstances such as illness. To conclude otherwise would alter the intent and purpose of such a statute or rule.

Accordingly, it is my opinion that where a rule or statute contemplates that a meeting will be held in a public place with the members physically present, the participation of an absent member in the meeting by telephone conference should be permitted only in extraordinary circumstances and when a quorum of the board members is physically present at the meeting. Whether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgement of the board.

Sincerely,

Charlie Crist
Attorney General

CC/tjw

[1] *And see*, Op. Att'y Gen. Fla. 94-55 (1994), in which this office concluded that a member of the board of trustees of a public museum could participate in public meetings through the use of a telephone when a quorum of the board was physically present at the public meeting. The member who was requesting to participate by telephone had health problems that precluded his attendance at the publicly designated meeting place.

[2] The Barrier-free Environment Committee was created by ordinance for the purpose of providing accessibility-related input to a number of departments within city government. This office concluded that the city code contemplated the physical presence of board members at public meetings.

[3] Section 12-5, City of Tampa Code.

[4] *See, e.g., City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971) (Sunshine law applies to any board or commission or any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision).

[5] *See*, s. 125.001 and s. 1001.372(2), Fla. Stat., respectively.

[6] *See*, s. 120.54(5)(b)2., Fla. Stat.

[7] *See, e.g., Ops. Att'y Gen. Fla. 83-100 (1983), and 89-39 (1989)*, quoting 62 C.J.S. *Municipal Corporations* s. 399, p. 757, which provides:

"In order to constitute a quorum the requisite number of members must be actually present at the meeting and the requisite number cannot be made up by telephoning absent members and obtaining their vote over the telephone."

Cf., Penton v. Brown-Crummer Inv. Co., 131 So. 14 (Ala. 1930) (where there was no quorum present at meeting of city council, but resolution was attempted to be passed by calling up absent members over the telephone, resolution of city council was ineffective); *Fagnoli v. Cianci*, 397 A.2d 68 (R.I. 1979) (in determining whether "quorum" was present at city council meeting, it was error to include member who was not physically present).

AGENDA ITEM VI. e.

Status of hillsborough river
flows and levels

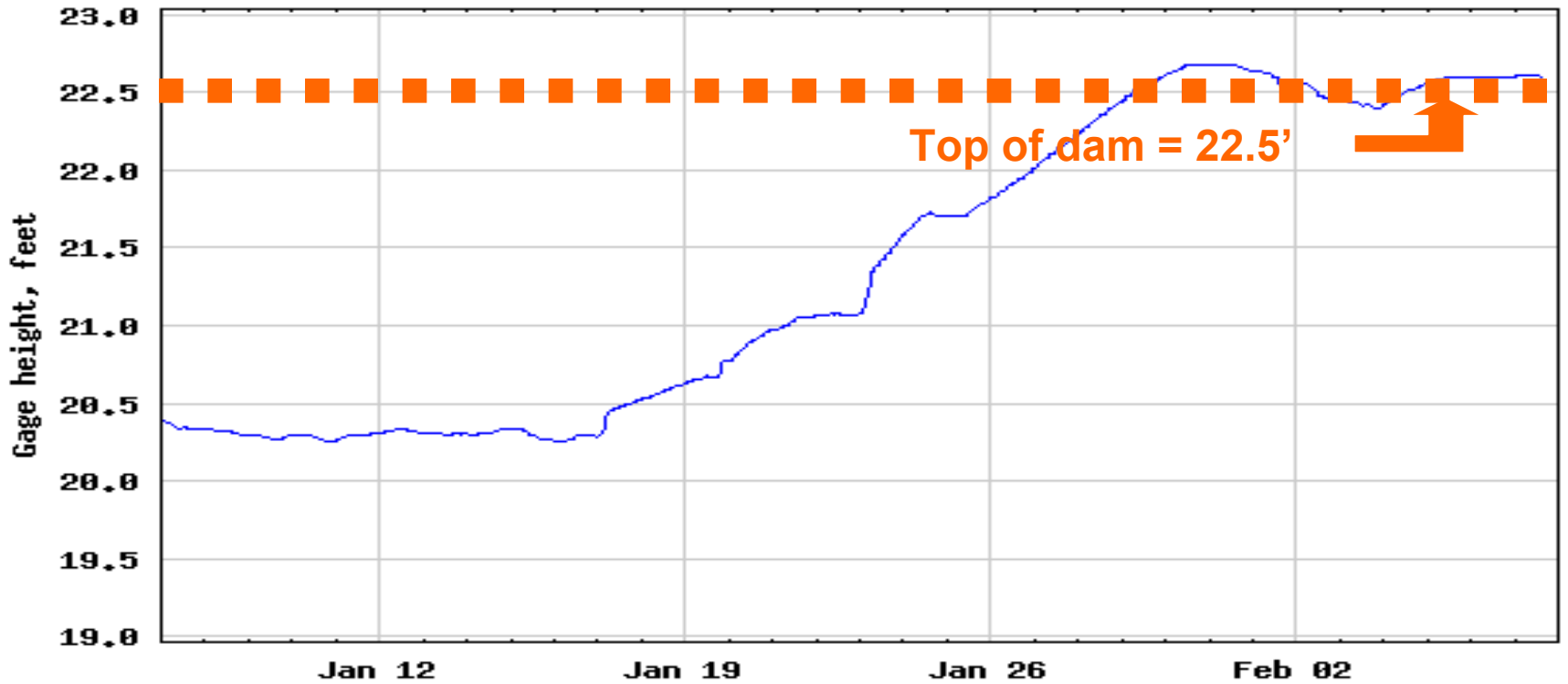


This Page Left Intentionally Blank.



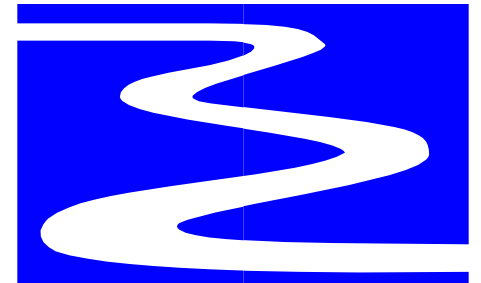
GAGE HEIGHT

USGS 02304500 HILLSBOROUGH RIVER NEAR TAMPA FL



----- Provisional Data Subject to Revision -----

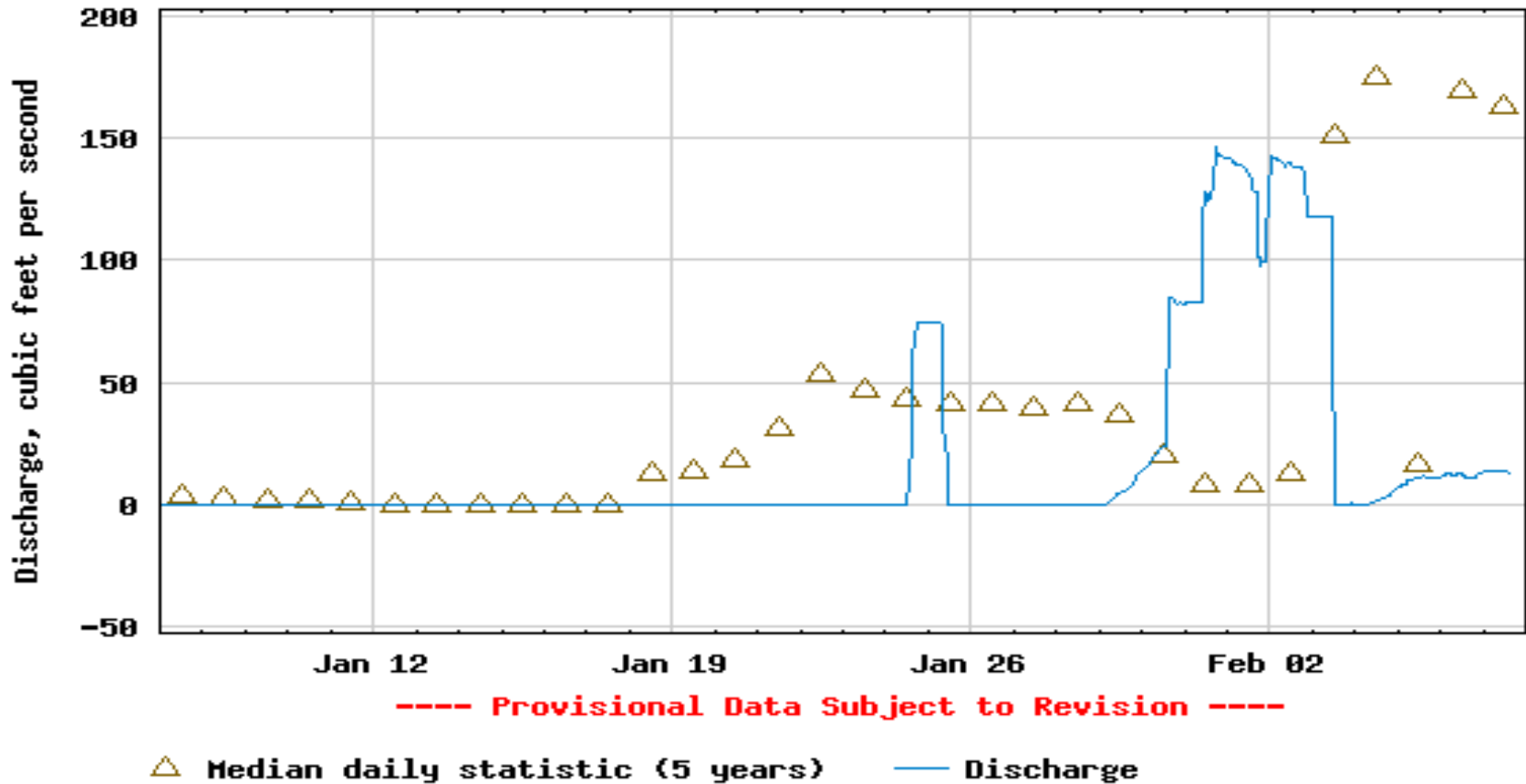
http://waterdata.usgs.gov/fl/nwis/uv/?site_no=02304500&agency_cd=USGS



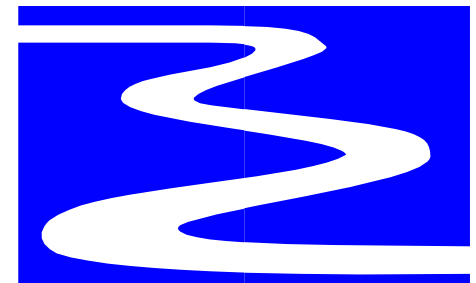


DISCHARGE

USGS 02304500 HILLSBOROUGH RIVER NEAR TAMPA FL



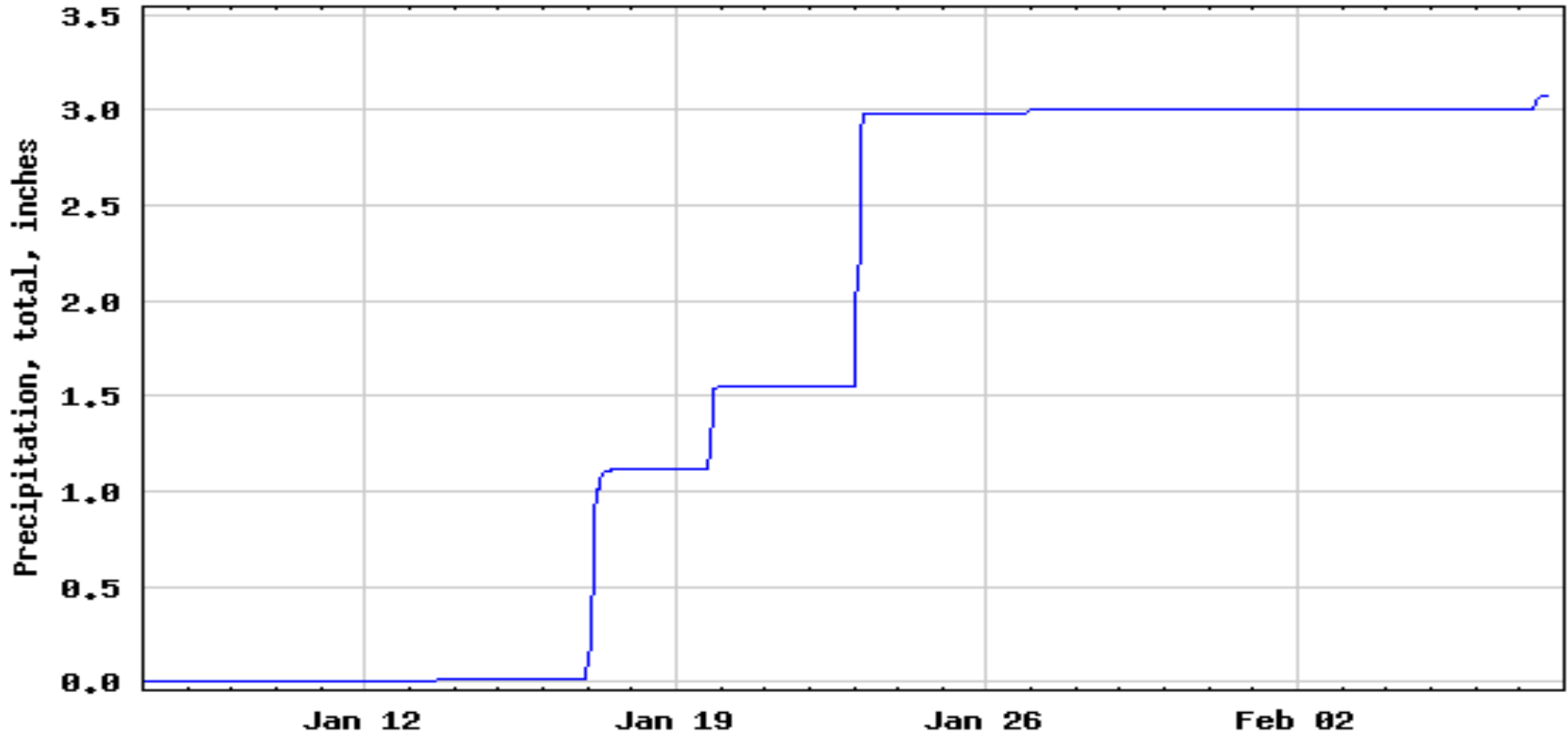
http://waterdata.usgs.gov/fl/nwis/uv/?site_no=02304500&agency_cd=USGS





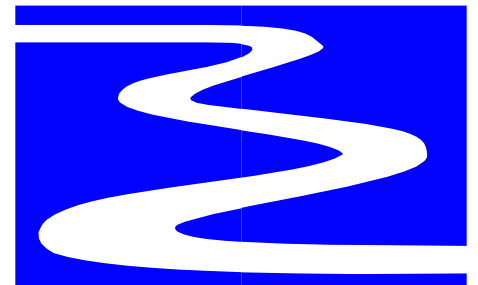
PRECIPITATION

USGS 02304500 HILLSBOROUGH RIVER NEAR TAMPA FL



----- Provisional Data Subject to Revision -----

http://waterdata.usgs.gov/fl/nwis/uv/?site_no=02304500&agency_cd=USGS



This Page Left Intentionally Blank.

AGENDA ITEM VII.

Hillsborough River Related
Events: No Items



This Page Left Intentionally Blank.

AGENDA ITEM VIII.
Agency Status Reports



This Page Left Intentionally Blank.

AGENDA ITEM IX.
Jurisdictional Status Reports



This Page Left Intentionally Blank.

AGENDA ITEM X.
Other Business



This Page Left Intentionally Blank.