


MEMORANDUM

TO: Central Florida Expressway Authority Board

FROM:  Joseph L. Passiatore, General Counsel

DATE: August 3, 2015

SUBJECT: Change to Right of Way Committee Charter

Pursuant to direction from the CFX Right of Way Committee, the attached charter amendment removes the voting abstention requirement for matters which involve both CFX and a Committee member's governmental entity. This change comports with Florida law which allows local public officers to vote on matters involving their city or county government, F.S. 112.3143(3)(a).

CFX staff recommends approval of the change.

JLP/ml
Attachments

cc: Laura Kelley, Executive Director

A RESOLUTION OF THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AMENDING ITS RIGHT OF WAY COMMITTEE CHARTER

WHEREAS, the Central Florida Expressway Authority (“CFX”) has previously adopted a policy creating the Right of Way Committee and its Charter; and

WHEREAS, at its meeting of July 22, 2015; the Right of Way Committee recommended a change in its Charter removing the voting abstention requirement for matters which involve both CFX and a Committee member’s governmental entity.

NOW, THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY, the following Amendment is hereby adopted by the governing Board:

Section 1. ADOPTION. The section in the existing Charter entitled: “Organization” is hereby amended as follows:

Committee member appointments may not be delegated. The Committee members will serve at the pleasure of their respective jurisdictions. Committee members should have experience in Florida eminent domain matters, possess sufficient experience in property acquisition and disposition. ~~Committee members shall not vote on matters directly impacting their respective jurisdictions (i.e., engaging in any business with the Authority).~~

Section 2. The revised Charter is attached in its entirety as Exhibit “A.”

Section 3. EFFECTIVE DATE. This Resolution shall become effective upon adoption.

ADOPTED this _____ day of August, 2015.

Welton G. Cadwell
Chairman

ATTEST: _____
Darleen Mazzillo
Executive Assistant

Approved as to form and legality

Joseph L. Passiatore, General Counsel

EXHIBIT "A"

CENTRAL FLORIDA EXPRESSWAY AUTHORITY BOARD
RIGHT OF WAY COMMITTEE CHARTER

PURPOSE

The Right of Way Committee's primary function is to assist the Authority Board in fulfilling its responsibilities by providing oversight and control of the property acquisition and disposition process.

The Right of Way Committee shall oversee and assist the Central Florida Expressway Authority right of way activities. Delegation of authority for right of way acquisition activities recognizes the practical need to conduct negotiations for property acquisition, business damage claims and other matters pertinent to real estate transactions in confidence until such time as a settlement is reached.

RESPONSIBILITIES

The Right of Way Committee is responsible for conducting reviews and associated recommendations to the Board regarding property acquisition negotiations, proposed settlements, review of condemnation proceedings and mediation, and other matters related to acquisition negotiations and settlements.

ORGANIZATION

The Right of Way Committee shall be composed of five voting members as follows:

1. Orange County staff member and a designated substitute to serve in their absence, appointed by the Orange County Commission or in accordance with Orange County's policies providing for appointments to other governmental agencies;
2. City of Orlando staff member and a designated substitute to serve in their absence, appointed by the City of Orlando Commission or in accordance with the City of Orlando's policies providing for appointments to other governmental agencies;
3. Lake County staff member and a designated substitute to serve in their absence, appointed by Lake County Commission or in accordance with Lake County's policies providing for appointments to other governmental agencies;
4. Osceola County staff member and a designated substitute to serve in their absence, appointed by the Osceola County Commission or in accordance with Osceola County's policies providing for appointments to other governmental agencies;
5. Seminole County staff member and a designated substitute to serve in their absence, appointed by the Seminole County Commission or in accordance with Seminole County's policies providing for appointments to other governmental agencies.

Committee member appointments may not be delegated. The Committee members will serve at the pleasure of their respective jurisdictions. Committee members should have experience in Florida eminent domain matters, possess sufficient experience in property acquisition and

disposition. ~~Committee members shall not vote on matters directly impacting their respective jurisdictions (i.e., engaging in any business with the Authority).~~

The Right of Way Committee will be chaired on an annual, rotating basis beginning on the effective date of ~~this amendment~~ the original charter, September 11, 2014, in the following order:

Osceola County Representative
Lake County Representative
Orange County Representative
City of Orlando Representative
Seminole County Representative

The Right of Way Committee Chair shall serve as the Board Liaison and attend CFX Board meetings.

The Central Florida Expressway Authority General Counsel's office and Right of Way Counsel shall serve as advisors to the Committee. The Authority General Counsel's office shall provide support to the Committee and may retain independent consultants to assist in the conduct of Authority responsibilities, subject to the Authority's procurement policy and budget.

CONDUCT OF BUSINESS

The Right of Way Committee shall conduct business in accordance with the Central Florida Expressway Authority Property Acquisition and Disposition Procedures Manual.

MEETINGS

The Right of Way Committee shall meet as required to review negotiations and provide guidance to General Counsel, acquisition staff and consultants. Meetings may be called by the Executive Director, General Counsel or the Right of Way Committee Chair.

Public notice shall be provided in accordance with state law.

An agenda will be prepared by General Counsel and provided in advance to members, along with appropriate briefing materials.

Committee recommendations for right of way acquisition and disposition shall be submitted to the Board for approval. Draft Committee meeting minutes and any other Committee recommendations shall be submitted to the Authority Board for information and/or approval.