

Memorandum

To: The Homeless Policy Group

From: Carl Brody, Sr. Asst. County Attorney

Re: Formalization of the Policy Group

Date: March 3, 2006

Options for Creating a Formal Legal Status

Option 1 – Section 163.01 Intergovernmental Organization

This option would require the various governmental agencies in the County to execute an interlocal agreement setting out the joint exercise of power which may address the problems concerning any issue of public importance. The interlocal allows the newly created organization to name its membership, its public purpose and the power to be exercised. An interlocal also will allow the organization to accept and disperse funding, property, and take any other action deemed necessary by the participating parties.

An organization created by interlocal agreement is truly independent as it can be authorized to acquire, own, construct, operate or manage public facilities or finance such facilities. It also receives all privileges and immunities from liability as other governmental units.

Option 2 – Section 163.02 Council of Local Public Officials

This option would require the governing bodies in the County to enter into a resolution to establish the council. The council would be formally acknowledged as a not for profit organization. The chief elected executive or if none, a member of the governing body of the governmental entity shall serve as membership, but other elected officials may serve on the council if allowed by the Bylaws.

The Council would be statutorily authorized to: 1. study the homelessness issue in the County; 2. promote cooperative arrangements and coordinate action among its members; and 3. make recommendations to other public agencies that perform local functions and services in the County. The Council would be authorized to purchase or lease facilities, equipment, and other supplies as necessary and governing bodies in the Council could disperse funds to it. The Council would also be authorized to accept grant funds from government, but unlike Interlocal Organizations, it could accept funding from private sources. Finally, Councils are required to make annual public reports of its activities to member local governments.

Note: Under either option, the organization created would be required to comply with Florida Sunshine rules. Also, both scenarios are limited to participation by governmental bodies. Private organizations cannot be signatories or direct participants.