

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JUNE 16, 2011**

The regular meeting of the Southwest Florida Regional Planning Council was held on June 16, 2011 at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chair Chuck Kiester called the meeting to order at 9:15 a.m. Commissioner Butch Jones led an invocation and Mr. Dave Hutchinson led the Pledge of Allegiance. Administrative Staff Specialist Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Tricia Duffy, Councilwoman Rachel Keesling, Mr. Michael Grant

Collier County: Councilman Charles Kiester, Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Ms. Pat Carroll

Glades County: Commissioner Kenneth "Butch" Jones, Ms. Shannon Hall

Hendry County: Commissioner Karson Turner, Commissioner Daniel Akin

Lee County: Commissioner Frank Mann, Mayor John Sullivan, Commissioner Brian Bigelow, Councilwoman Martha Simons, Councilman Forrest Banks, Councilman Mick Denham, Ms. Laura Holquist

Sarasota County: Commissioner Christine Robinson, Commissioner Tom Jones, Commissioner Carolyn Mason, Councilman Kit McKeon, Mr. George Mazzarantani

Ex-Officio Members: Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Mr. Johnny Limbaugh - FDOT

MEMBERS ABSENT

Charlotte County: Commissioner Robert Skidmore, Ms. Andrea Messina

Collier County: Commissioner Jim Coletta, Commissioner Donna Fiala

Glades County: Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Commissioner Joseph Miller, Commissioner Tristan Chapman, Mr. Melvin Karau

Lee County: Mr. Paul Pass

Sarasota County: Mr. Felipe Colón

Ex-Officio Membership: Mr. Phil Flood – SFWMD, Ms. Tammie Nemecek – EDC of Collier County

PUBLIC COMMENTS

Mr. Todd J Pokrywa, Vice President of Planning at Schroeder-Manatee Ranch, Inc. spoke on how he is concerned with the Executive Director's decision is laying off three of the Council's planners.

Mr. Russell Schropp spoke on how he is concerned with the Executive Director's decision is laying off three of the Council's planners.

Mr. Dan DeLisi spoke on how he is concerned with the Executive Director's decision is laying off three of the Council's planners.

Ms. Beverly Grady spoke on how she is concerned with the Executive Director's decision is laying off three of the Council's planners.

Ms. Neale Montgomery spoke on how she is concerned with the Executive Director's decision is laying off three of the Council's planners.

Ms. Stephanie Keyes spoke on how she is concerned with the Executive Director's decision is laying off three of the Council's planners.

Ms. Heather Mazurkiewicz spoke on how she is concerned with the Executive Director's decision is laying off three of the Council's planners with respect to how it will affect the Lee County MPO.

Ms. Shelley Johnson spoke on how she is concerned with the Executive Director's decision is laying off three of the Council's planners.

Mr. Bill Hammond spoke of the Estuaries DRI which went all the way to the Supreme Court. He then spoke of the accomplishments of the Southwest Florida Regional Planning Council.

Mr. Max Forgey stated that there were three things that he could always count on the Council for: 1. Unbiased information with the network of communication that no one else maintained; 2. Hold our hands through the DRI process; and 3. When a local government needed help with their local government comprehensive plan to be found in compliance with the State of Florida, the Council as always there. However, he doesn't see that same sense of mission or sense of spirit.

Mr. Wayne Daltry, former Executive Director of the Southwest Florida Regional Planning Council from 1982 to 2002. He spoke on how the State never gave the RPCs funding the first five or six years of Land and Water Management Act. The Council's mission still holds and its mission is "regional planning." He stated that the Council has never laid off an employee for the lack of funding, only when a program ended.

Mr. Mulhere announced that the Council's Executive Committee will be holding a continuation meeting from their morning meeting at 2:00 p.m.

Following the public comments the Chair moved up Agenda Item #4(a)5 Executive Committee Report.

**AGENDA ITEM #4(a)5
Executive Committee Report**

Vice Mayor Denham gave an overview of the Executive Committee meeting. He explained that the Council currently has a budget shortfall of approximately \$350,000. He stated that the Committee agreed what shouldn't be done is cut the budget and also cut the Council's essential services. He noted that the Committee agreed to continue its meeting until 2:00 p.m. at which time they would discuss the mission of the Council and outline the appropriate direction which the Council would take to address the budget, organization, staff and management issues. Then come up with a recommendation of a different approach.

Commissioner Bigelow suggested opening the item up for comment at this time. Chair Kiester agreed.

Commissioner Robinson stated that she cannot support approving the proposed budget without ratifying the personnel issues first, because those issues will affect the budget.

Councilwoman Heitmann explained that the Executive Committee decided to bring both the budget and this discussion to the full Council asking for its review and comments with a budget approval. Also, give the Executive Committee authority to make a decision on the issues that have been presented.

Commissioner Bigelow explained that he had a discussion with Mr. Heatherington shortly after the Governor vetoed the DCA funding for the RPCs and his only approach was laying off employees and cut hours. He said that he asked Mr. Heatherington to reconsider his decision and look at other options, but in the end Mr. Heatherington stated that he was hoping that legislature would convene and over-ride the Governor's budget. He stated to Mr. Heatherington that cavalry is not coming. He doesn't feel that the Executive Committee should not convene at 2:00 p.m. without knowing if the Executive Director has the Council's vote of confidence.

Mr. Mulhere suggested having a continuation of the June 16th SWFRPC Board meeting in order to allow the Executive Committee to meet and come up with a recommended course of action which can then be presented at the continued meeting to the full Council. He doesn't feel that anything is going to be solved today.

Vice Mayor Denham stated that the Executive Committee decided and agreed to discuss and approve the budget today and then at a subsequent meeting decide how the Council would take the necessary action to support that budget.

Commissioner Mason stated that she agrees with Commissioner Robinson and feels that the Council can't agree on a budget until the other issues are resolved because they are directly related to that budget.

Chair Kiester explained that the budget is a bunch of numbers and a reflection of reality. The revised budget reflects the lost funds from DCA and as Vice Mayor Denham noted the Council can move forward with approving the budget as required in order to meet the August 15th deadline. The budget illustrates what revenues and expenses the Council is going to have in the forthcoming year versus total expenditures. This is the area of concern and how we are going to deal with the shortfall.

Commissioner Robinson noted that when you ratify a budget you are not just ratifying those numbers, but you are ratifying those policies behind that budget. She then said that she will not ratify the policy behind this budget by ratifying this budget. We need this discussion before ratifying this budget, because we are sending a message that we agree with what is going on with the policy behind the budget.

Councilwoman Heitmann noted that the Council's budget is not a line item budget. Commissioner Robinson replied that it didn't matter because we are assessing our cities and counties with the budget and we are agreeing to it.

Commissioner Bigelow asked to hear from Counsel Donley because at the Executive Committee meeting she gave some legal advice which he feels that the Council should hear. He said that in accordance to the Council's rules the Executive Director has the authority to do as he sees fit in which the powers that the Council has given him. The Council decides if he is the one in which we instill our confidence. I don't know what further damage will be done, already with the layoffs and hours that have been cut which was catastrophic and deadly, the Executive Director in effect is killing the ability of this organization to serve us. He then suggested asking former Executive Director Wayne Daltry if he would be interested in serving as the Executive Director on an interim basis to help in this emergency state.

Councilwoman Simons stated that she doesn't want to see the employee's salaries or employees cut. She stated that there are items within the budget where you can go to each department and "knock off some change here and there without knocking heads off". For instance, under Professional Development there is an extremely high expense which is probably not necessary and can have approximately 10% cut and 5% can be cut from another area. She then stated that she is not willing to ratify the budget as it is being proposed. She then said that she agrees with Commissioner Robinson that when you ratify a budget you ratify a policy, so she wouldn't be voting in favor of the budget.

AGENDA ITEM #1 AGENDA

Commissioner Mann suggested that the Council approve the minutes from the last meeting, accept the consent agenda and then see how much of the rest of the agenda that can be tabled until the next regularly scheduled meeting. Then take the rest of the meeting to discuss the budget issues,

including the employee layoffs. He then stated that he is not prepared to discuss today about replacing anyone at this point in time, but there does need to be an adequate discussion on the budget.

Commissioner Butch Jones stated that he agrees with Commissioner Mann's suggestion. He then noted that Glades County hasn't laid off any employees within the last three to four years, but they did have to make some budget cuts. There has been a hiring freeze and when an employee retires those responsibilities shifts to another employee. Glades County is totally against laying off any employee and is now going to be discussing for the third year in a row a slight reduction in salaries in order to balance the budget. He then suggested for the Council to consider a 12% cut across the board in salaries then no one would lose their jobs.

Councilman McKeon stated that what he saw by observing the Executive Committee meeting in the morning that the discussion comes down to really the essence of what the Council is and to make sure that we are focused on where we should be moving forward. Hearing the discussion here and from the audience, everybody has the same concern on how to implement that in a budgetary way. He stated that he likes the idea of the Executive Committee convening and going right to the essence of who and what we are and how to move forward and make general recommendations.

Councilwoman Heitmann moved and Councilman Banks seconded to have the Council continue to move forward with the items on the agenda that are pressing on the agenda and go directly to the discussion of the management decision and reduction of the budget and concerns of this Council so that we can move forward with consideration of the budget and presenting the issues of the Executive Director upon his return.

Commissioner Tom Jones asked if the motion includes moving directly to Section 5 of the agenda to discuss the two DRIs, because those are the basic core mission of the Council and the City of North Port have significant staff present at today's meeting to try to accomplish the mission of the Council. He explained that he is looking for definition and clarification, because the City of North Port has business to conduct.

Councilwoman Heitmann agreed with Commissioner Tom Jones' comments. Chair Kiester noted that the agenda would be the first motion. Then the minutes and consent agenda needed to be approved.

Chair Kiester stated that agenda is to be amended to approve the minutes; consent agenda and then move to Agenda Item 5 Developments of Regional Impact Staff Assessments:

- 5(a) Hacienda Lakes (a.k.a. Toll Rattlesnake) DRI
- 5(b) North Port Gardens DRI

Commissioner Duffy stated that she agrees with the motion except for approving the budget and asked for clarification. She asked if the budget needs to be approved by August 1st, can a preliminary consideration of the budget be made today.

Chair Kiester asked what is the deadline for approval of the budget?. Counsel Donley replied that the Council rules specify August 15th, in previous years staff has worked hard to approve it prior to that deadline so that the budget can be expedited out to the local governments in order for them to use the Council's budget during their budget workshops.

Chair Kiester stated that the primary concern that the local governments would have in regards to the Council's budget would be the local assessments. Counsel Donley stated that the local assessments are the local governments' monetary stake. Chair Kiester then stated that if that is the reason for acting as early as we can then maybe we can separate out the local assessment section of the budget and take action on that section and then send it out to the local governments.

Councilwoman Heitmann and Councilman Banks withdrew their motion.

Commissioner Turner moved and Commissioner Butch Jones seconded to approve the agenda as amended.

**AGENDA ITEM #2
MINUTES OF MAY19, 2011**

Commissioner Turner moved and Councilman Banks seconded to approve the minutes of May 19, 2011. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Mr. Mulhere moved and Councilwoman Simons seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for May 31, 2011 & Grant Activity Status Sheet; Agenda Item #3(c) SWFRPC/SWF LEPC Scheduled Hazardous Materials Training; Agenda Item #3(d) Glades County Comprehensive Plan Amendments (DCA 11-1); Agenda Item #3(e) Acceptance of the 2011-12 Transportation Disadvantaged Planning Grant Funds; Agenda Item #3(f) FL Broadband Planning Project Grant Application; and Agenda Item #3(g) Tuscany Reserve DRI - NOPC;. The motion carried unanimously.

**AGENDA ITEM #3(h)
Hancock Creek Commerce Park DRI - Abandonment**

Mr. Hutchinson of staff gave a verbal presentation of the item.

Mr. Mulhere moved and Commissioner Turner seconded to approve staff's recommendations: 1. Accept the Hancock Creek Commerce Park Application for Abandonment as submitted and find that the development is eligible for abandonment. 2. Notify the City of Cape Coral, the Florida Department of Community Affairs and the applicant that the Council has determined the project's

eligibility for abandonment. 3. Request City of Cape Coral to provide a copy of the official recorded document abandoning the Development Order for the Hancock Creek Commerce Park. The motion carried unanimously.

**AGENDA ITEM #5(a)
Hacienda Lakes (a.k.a. Toll Rattlesnake) DRI**

Mr. Mulhere stated that has a conflict of interest and will need to abstain from voting on this item.

Mr. Hutchinson gave a verbal presentation.

Councilwoman Simons stated that she agrees with everything that staff is proposing except for the affordable housing component, because she believes that there is already a sufficient supply of affordable housing within Collier County. She said that she doesn't see how the Council can make the applicant supply affordable housing within their development. Mr. Hutchinson explained that staff can't make the applicant provide the affordable housing supply. Staff recommends the conditions to the Council then these recommendations are recommended to the jurisdiction rendering the development order and they are required to consider them, but they are not required to include them in the development order.

Commissioner Bigelow asked how the issue of sprawl is being addressed in the project. Mr. Trescott explained that this project has been under review since 2006 and there have been a lot of meetings. The project is partly in a rural fringe area, which the applicant had some development within the area but now has moved the majority of it back out into the urban area. So the issue of sprawl has been dealt with by staff working with the applicant to get the development back into the urban area. This is part of the Rural Land Stewardship in Collier County, which is one of the few in the State. Commissioner Bigelow stated that he feels that this project is premature and sprawl.

Councilman Banks moved and Commissioner Tom Jones seconded to approve staff's recommended action. "The Southwest Florida Regional Planning Council recommends Conditional Approval of the Hacienda Lakes DRI to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Collier County Board of County Commissioners.

Mr. Mulhere explained that when Collier County adopted a program entitled the Rural Fringe Mixed Use District it identified the mixed use areas in the rural fringe which could be developed and preserved a certain percentage of that acreage in perpetuity. It created a transferable development rights program, this project furthers that program some seven or eight years after its adoption. Allowing the landowner to take the development rights off the highly sensitive lands and moving into the urban area.

Mr. Rich Yovanovich of Coleman, Yovanovich and Kokester P.A. reviewed the applicant's comments illustrated within the distributed handout which addressed several issues, such as: affordable housing, energy, transportation and hurricane preparedness. He then requested that the Council adopt the modified recommendations.

Commissioner Duffy asked if Collier County requires air conditioning units of 16 seer or higher or solar hot water heaters. Mr. Mulhere explained that Collier County follows the current state building code requirements which already addresses those issues. Commissioner Duffy asked so these conditions were placed in by staff. Mr. Mulhere replied yes.

Commissioner Duffy asked then what do these recommendations have do with regional impacts. Mr. Hutchinson explained that they have to be in compliance with the SRPP in reducing energy consumption, making more efficient infrastructure, etc. Commissioner Duffy asked if they goes beyond what the county requires. Mr. Hutchinson replied yes.

Chair Kiester stated that he also likes the voluntary approach. He suggested that even though it is part of the SRPP and it is a good goal to work towards, such as what has been done with the fertilizer ordinance and other issues that were sent out to local governments that are being enacted upon. It is their choice and he suggested that if we are going to pursue an energy policy, that we follow the same path as the Council did with other issues and ask for voluntary changes to local codes/building codes as opposed to mandating it as part of this process.

Mayor Sullivan stated that he believes that in the future, the private sector will take care of the issue as various types of energy situations turn up. Once it is made economically feasible the private sector will want to do it, but for us to try dictate at this point is not going to work.

Councilwoman Heitmann asked the applicant's representative if they had spoken to the PACE Committee about the possibility of receiving a grant to offset the costs. Mr. Yovanovich replied no, we are just asking for a level playing field.

Commissioner Mason asked if staff has had the chance to review the developer's proposed changes. Mr. Hutchinson replied that some of them are minor issues and some are more major issues, but the bottom line is that staff's recommendations generally try to raise the bar and try to cover the public and provide suggestions to the local jurisdiction so they don't leave something out that might hurt them in the future. Commissioner Mason stated that she feels that both the staff and developer need to get together.

Ms. Holquist asked if these are critical issues to staff. Can staff live with the changes that are being proposed by the applicant? Mr. Hutchinson stated that he agrees.

Ms. Holquist moved and Ms. Hall seconded to approve the Hacienda Lakes DRI Staff Assessment as amended by the developer.

Mr. Hutchinson explained that what the Council did at the last meeting with another DRI was adopt the staff recommendations and also directed staff to do was work with the local jurisdiction and applicant on the final development order in order to come to an agreement. He said that he feels that it is certainly possible in this case.

Both Councilman Banks and Commissioner Tom Jones withdrew their motion.

Councilwoman Simons asked the developer if he would be willing to do a swap and take out the affordable housing and keep in the energy efficiency recommendations. She explained that

because in the long run the buyers will find that it will be more cost effective for them to purchase the home than the one across the street with the energy savings.

Vice Mayor Denham called to question. Motion carried with Mr. Mulhere abstaining from voting.

Chair Kiester stated that he is asking for a vote on the motion.

The motion carried with Councilwoman Simons and Commissioner Bigelow opposed. Mr. Mulhere abstained from voting.

**AGENDA ITEM #5(b)
North Port Gardens DRI**

Mr. Hutchinson gave a verbal presentation of the item.

Mr. Steve Boone, representative for the applicant stated that they will work with staff to move forward and the City of North Port in preparation for the final development order. He then requested that under the energy recommendations (Page 3) that the following recommendations be deleted (e, f, g, h and k).

Councilwoman Simons asked why the report was given to the applicant so late. Commissioner Tom Jones explained that this is one of issues with the core mission of the Council where one of the members of staff that was assigned to the DRI was one of the employees that were laid off. So other members of staff at the Council had to take the responsibility of completing the report.

Commissioner Duffy noted that this wasn't the first time that it happened, it also happened approximately six months ago with another project. Commissioner Tom Jones stated that it shouldn't have happened then.

Mr. Mulhere stated that it has been exacerbated by the staff changes and the existing staff because he received an email from staff at 7:35 pm in regards to this project. He appreciates the hard work that staff had put in to complete the two DRI projects, but it is not an excuse because it is very late for the applicant to react and staff to be able to react back to the applicant.

Commissioner Tom Jones moved and Mr. Mulhere seconded to approve the North Port Gardens DRI Staff Assessment with the removal of the energy recommendations e, f, g, h and k. The motion carried unanimously.

Commissioner Bigelow announced that he would like to have an alternate appointed to the Estero Bay ABM which meets on the 2nd Monday of each month at 9:30 a.m. in the conference room of the SWFRPC. He is the Council's representative, however due to a recent change with the Lee County BOCC schedule he is not able to attend all of the meetings.

AGENDA ITEM #6(b)
Presentation of the Final SRPP for DCA Transmittal – Mr. David Crawford

Mr. Crawford gave a verbal presentation of the final SRPP EAR.

Ms. Holquist moved and Commissioner Mason seconded to approve the formal transmittal of the SRPP EAR document to the DCA. The motion carried unanimously.

Commissioner Tom Jones thanked Mr. Crawford for all his work on the SRPP EAR.

Chair Kiester stated that the next item will consist of resuming the discussion of the Executive Committee's discussion regarding staff organization, budget cuts, and the Council's budget.

AGENDA ITEM #4(b)
SWFRPC Annual Budget FY 2011/12 – Ms. Janice Yell

Chair Kiester asked for Ms. Yell to give a brief summary of the proposed budget.

Commissioner Bigelow asked if the Executive Committee has the authority to change the leadership of the Council. Counsel Donley explained that the contract between the Executive Director and the Council, Section 4: Termination states "This contract will become effective October 18, 2007 and will automatically be extended annually unless terminated by 2/3rds vote of the full Council." Commissioner Bigelow stated that if the Executive Committee is going to reconvene at 2:00 p.m. then the staff members who have been laid off have until June 29th, then they are gone. Holding an emergency meeting of this Council and expecting that we are going to be able to get a majority of us here is impracticable. If the Executive Committee is going to be meeting at 2:00 p.m. then the Council should provide information on how they want to proceed with the current leadership of the Council.

Mr. Grant stated that he feels that type of discussion is a little bit premature at this time. He feels that there should be a discussion on the budget first to see what the numbers say and then why the decisions were made. He is not prepared to make changes to the leadership of the Council at this time, until he sees what the budget numbers are and reaffirm that the central mission of this agency is land use planning on a regional basis.

Commissioner Bigelow stated that he doesn't believe that the Council will be able to reach that goal at this time. The Executive Director has decided to take three key planners out of commission on June 29th, which is a done deal unless the Council decides to reverse the decision. The only way it can be done, according to Counsel, is dealing with the Executive Director.

Mr. Grant stated that obviously there is a difference of opinion with that issue. He said that he feels that the budget needs to be discussed first before moving onto any other issues.

Ms. Yell of staff gave a verbal overview of the proposed budget.

Commissioner Bigelow why did the Executive Director make the decision to lay off four employees.

Commissioner Turner asked to proceed with the budget discussion first and then proceed with the questions regarding staff.

Counsel Donley explained that there are two other programs within the Council, the Charlotte Harbor National Estuary Program (CHNEP) and the Lee County Metropolitan Planning Organization (MPO) which receives funding directly for their staff. The regional planning council professional staff has been directly funded through designated "pots of funds". The DCA funds which were vetoed by the Governor were used to fund the local government comprehensive plan reviews. Mr. David Crawford filled that position and now those funds are no longer available to fund that position. In the past, the Council has used local funds to supplement DCA dollars to enable us to achieve our mission. So, over the last few years there has been the use of the local funds, which are the local assessments, to help supplement the decrease in dollars received from DCA. Overall, when the professional staff is filling out their timesheets they are billing to a specific project.

Commissioner Bigelow stated to Counsel Donley that someone can take what you just said and interpret this way. "There is no other possible approach to take but the way of the axe approach." Counsel Donley said with some of the projects that is correct. Such as, with the DRI assessments the funds that come in for the DRI assessments have to be used by the staff that is working on the DRIs. The local funds are where there is some ability to move some funds around. She then explained that staff has created a spreadsheet showing various options with salary cuts, furloughs, etc. and what those impacts would be. Ms. Yell showed the spreadsheet to the Council members.

Commissioner Bigelow asked Counsel Donley that as an alternative, staff could be "flat lined" and also reduce top heavy management in size and costs and then use those monies to keep the organization alive and full. Counsel Donley asked staff to show the slide which shows staff's pay compensation. She then gave an explanation about staff's titles. Chair Kiester clarified that within the public sector when you can't fiscally award your employees you give them titles. Commissioner Bigelow stated that some of the employees look like they have both the titles and the salaries.

Counsel Donley reminded the members that the only funds that are allowed to be moved around are the local assessment funds. All the other funds within the RPC's budget are committed funds because they are either contractual or grant funds dedicated to certain paths. Those certain paths help pay for the indirect costs (HR, Finance, etc.).

Commissioner Robinson asked for clarification that the member assessments are the most flexible out of all of the funds. Counsel Donley replied yes. Commissioner Robinson asked that in the budget that is being proposed and asked to approve, by approving the budget we are agreeing to assess the cities and counties for flexible funds and then it is up to the Executive Director on how to spend those funds. Counsel Donley replied yes. Commissioner Robinson then said so by approving the budget today we are authorizing the Executive Director to spend the flexible funds as he sees fit. Counsel Donley replied yes. Ms. Yell explained that the flexible funds also pay for

the building, lights, etc. Counsel Donley clarified that all of the funds that comes into the RPC pays for the indirect (building, lights, etc.)

Mr. Mulhere stated that he is sure that there was an exercise done that identified funding that was dedicated that was inflexible your ability to redirect that funding to make up a shortfall due to the funding cuts. There was an amount that was left that is flexible which includes the assessments and probably some other funds. Because if some grant funds could go towards salaries that would also have been included in reduced amount. There are some amounts of dollars that are flexible. What is the total amount of personnel costs? Ms. Yell replied approximately \$2 million. Mr. Mulhere asked if anyone looked at the total personnel costs to see if anyone is not flexible. Counsel Donley explained that there are both the CHNEP and MPO funds and also an EPA grant. She explained that the CHNEP and MPO funds which are approximately \$2.4 million are not funds which the RPC can take dollars from directly, they support the indirect rate of the whole RPC. The \$1.24 million is for all of the RPC staff, including the CHNEP and MPO.

Mr. Mulhere referred to page 2 of the proposed budget, line item under expenditures “direct personnel costs – total RPC” is \$1.2 million. Ms. Yell explained that is RPC. Mr. Mulhere stated so that would be the flexible personnel costs without impacting CHNEP and MPO which could be adjusted. Ms. Yell explained that there are also other programs within the RPC besides the CHNEP and MPO.

Mr. Beaver explained that both he and Ms. Whitney Grey of staff bill directly to an EPA grant. He explained that 99% of Ms. Grey’s salary comes out of grants which are fixed and approximately 80% of his salary comes out of grants which are fixed and they are RPC staff.

Counsel Donley clarified that the only dollars that are flexible within the RPC’s budget are the local assessment dollars, which is the \$456,000.

Mr. Mulhere stated that so either the Executive Committee or the full Council could come up with some recommendations for other ways that the shortfall could be addressed. If the Executive Director had other options to consider then the way that he had chosen it would be at his peril to not do so. But the Executive Director is not present, so the best thing that we can do is make some recommendations of addressing this budget’s shortfall other than the elimination of the four positions.

Councilwoman Simons stated that she would like to see expenditures reduced other than across the board as has been recommended. She explained that her reasoning is because she doesn’t know if some of the staff is getting overpaid in their positions while some are being underpaid. She suggested having staff supply salary ranges for each of the positions by a comparable comparison. Counsel Donley explained that to her understanding the HR Operations Manager does a regular salary comparison with the other regional planning councils.

Councilwoman Simons then suggested getting rid of the refreshments for the meetings.

Ms. Holquist explained that after working with staff for several years on the budget, the indirect rate is very difficult to understand. So when you are recommending getting rid of the Finance

Manager or the HR Manager you will be affecting other projects and programs. We need to be very careful on how this is handled.

Councilman Banks asked if only counties pay the assessments or do cities also pay. Ms. Yell brought up the spreadsheet which illustrated which cities and counties pay the local assessments.

Commissioner Duffy asked if the Lee County MPO rents space from the Council or are they part of the Council's budget. Counsel Donley explained that the Lee County MPO is currently within a transition period. The MPO Director was hired by the MPO and reports to the MPO. The staff of the MPO are technically staff of the RPC, but they are dedicated to the MPO. Currently, before the MPO Board there is a rental agreement which will impact how the direct rate is calculated, because the cost of space is imbedded in the indirect. The MPO pays for itself and allows the regional planning council to have indirect dollars to pay for support services.

Commissioner Duffy stated that she is not an opponent of cutting positions but maybe it is necessary; however, the positions which were cut may not have been the correct positions to cut. Charlotte County had to cut over \$100 million out of their budget over the last five years and it was done based on the county's strategic plan.

Vice Mayor Denham stated that from the comments that have been made from the members, he is hearing that in order to make a budget cut of approximately \$300,000 that we need to find a way to do that in a way different from what has been proposed by the Executive Director.

Councilwoman Simons stated that she serves on 10 different boards and travels a lot. The Council is the only board which pays her for her travel and with all of the members on the Council that must be a lot of money for travel.

Mayor Sullivan stated that he would like to see the budget put together in such a way that the members can tell which categories can be cut and those that can't.

Chair Kiester recommended that the Council consider putting into abeyance and recommending to the Executive Director that he put into abeyance any layoffs of staff at this time. Secondly, he requested that the Executive Director review other options. He suggested waiting until those options are completed until holding another meeting of the Executive Committee. Then the other issue is dealing with the budget.

Vice Mayor Denham moved and Mr. Grant seconded to at which time the Council have more time to review the budget more carefully, the Council feels that they should suspend the directive of the layoffs of staff, until the Executive Director has found a more appropriate means of cutting the budget to meet the \$350,000 deficit.

Mr. Grant clarified that if the motion is passed then it is a recommendation that is being made as an agency to the Executive Director, but there is nothing that binds him to follow through with the recommendation. Chair Kiester replied that is correct. Mr. Grant asked if there should be another motion that the Council should continue this meeting to another date. Because if you vote on this motion then you will need another motion to continue the meeting to another date in order to review the recommendations and also further comment and approve the budget.

The motion carried unanimously.

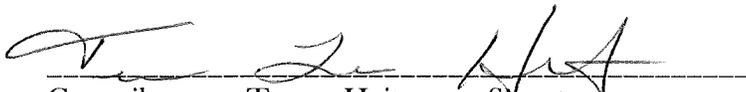
Mr. Mulhere moved and Vice Mayor Denham seconded to continue the June 16th SWFRPC Board Meeting to Thursday, June 30th at 9:00 a.m., including the discussion of the Agenda Item #4(b) SWFRPC Annual Budget FY 2011/12 and that staff make all the necessary efforts to ensure that there is a quorum present. Also, all preparations are to be taken as a fall back for a July meeting in case a quorum cannot be present for the June 30th meeting. The motion carried unanimously.

Mr. Grant clarified that the remaining items on the agenda would be reviewed and discussed at the continuation meeting.

Chair Kiester stated that since the Council has continued its meeting to June 30th that the Executive Committee will not continue its meeting at 2:00 p.m.

**AGENDA ITEM #10
ADJOURN**

At 10:45 a.m. the meeting was adjourned to meet 9:00 a.m. on June 30th.



Councilwoman Teresa Heitmann, Secretary

The meeting was duly advertised in the June 3, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 22.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robert J Mulhern, hereby disclose that on June 16, 192011:

(a) A measure came or will come before my agency which (check one)

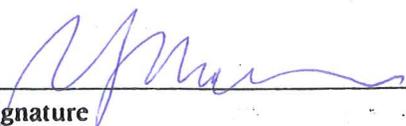
inured to my special private gain; or

inured to the special gain of my client Hacienda Lakes, LLC, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

6-26-2011

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name: Daniel Delisi
(Please Print)

Organization (if any): Delisi Fitzgerald, Inc.

Address: 605 Hendry St., Ft. Myers

Agenda Item Number: Public comments

Amount of Time Requesting: 15 min

Daniel Delisi
Signature

6/16/11
Date