

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
JUNE 30, 2011 CONTINUATION MEETING**

The continuation meeting of the June 16<sup>th</sup> meeting of the Southwest Florida Regional Planning Council was held on June 30, 2011 at the Southwest Florida Regional Planning Council - 1<sup>st</sup> Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Due to the recent resignation of Chair Charles Kiester, Vice Chair Karson Turner will serve as the Acting Chair. **Acting Chair Karson Turner** called the meeting to order at 9:00 a.m. **Commissioner Carolyn Mason** led an invocation and led the Pledge of Allegiance. Administrative Staff Specialist Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

**Charlotte County:** Councilwoman Rachel Keesling, Commissioner Robert Skidmore, Ms. Andrea Messina, Mr. Michael Grant

**Collier County:** Commissioner Jim Coletta, Commissioner Donna Fiala, Councilman Charles Kiester, Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Ms. Pat Carroll

**Glades County:** Commissioner Kenneth "Butch" Jones

**Hendry County:** Commissioner Karson Turner, Commissioner Joseph Miller, Commissioner Daniel Akin

**Lee County:** 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, Mr. Felipe Colón

**Ex-Officio Members:** Mr. Johnny Limbaugh - FDOT

**MEMBERS ABSENT**

**Charlotte County:** Commissioner Tricia Duffy

**Collier County:** None

**Glades County:** Commissioner Paul Beck, Councilwoman Pat Lucas

**Hendry County:** Commissioner Tristan Chapman, Mr. Melvin Karau

**Lee County:** Commissioner Frank Mann, Mr. Paul Pass

Ex-Officio Membership: Mr. Phil Flood - SFWMD, Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Ms. Tammie Nemecek - EDC of Collier County

## AGENDA

Chair Turner stated that under Administrative Issues, he didn't see any necessary reason to have reports given on the following items:

- Agenda Item #4(a)2 - Estero Bay Agency on Bay Management
- Agenda Item #4(a)3 - Legislative Affairs Committee
- Agenda Item #4(a)4 - Regional Watersheds Committee
- Agenda Item #4(a) 5 - Executive Committee

Chair Turner requested a brief report from Commissioner Mason on the Budget & Finance Committee. Then move forward with the process and continuation of the Council's FY 2011/2012 Budget.

Vice Mayor Denham moved and Ms. Holquist seconded to approve the agenda as amended. The motion carried with one opposed.

### AGENDA ITEM #4(a)1 Budget & Finance Committee

Commissioner Mason noted that the Budget and Finance Committee held a meeting on June 29th which several options were presented and reviewed. She then asked that Mr. Heatherington give an overview of the four options which staff presented to the committee and then she will present the option which the committee chose to recommend to the Council.

Mr. Heatherington gave a PowerPoint presentation which gave an overview of the Council's FY 2011/2012 budget which begins October 1<sup>st</sup>.

Mr. Heatherington reviewed the following four options that were presented to the Budget and Finance Committee:

*Option 1: The budget that was originally approved by the Council's Budget and Finance Committee before the Governor's veto. He explained that he requested that Option 1 be included before the June 16<sup>th</sup> SWFRPC Meeting which showed the elimination of four positions and also the reductions of hours in four indirect employees. He explained that Option 1 was just a consideration and all of the employees have been reinstated and there has been a public statement issued.*

*Option 2: Included additional revenue, such as staff being notified by EDA that there was a grant increase. An increase in revenue was also added to the DRI category. Staff was hoping that the additional revenue would offset the budget, but it did not there was still a negative balance of \$225,000.*

*Option 3: Showed the additional revenue sources in Option 2 and also identified reduction in operational expenses, but no changes in personnel. Once again, the budget was in the negative by \$225,000.*

*Option 4: Showed the additional revenue sources as included in Option 2 and also including the reduction in operational expenses as noted in Option 3. Also included was a salary reduction in the salary line expenses in order to balance the budget.*

Mr. Heatherington noted that Option 4 was the only option which balanced the budget at this time.

Councilman Kiester stated to Mr. Heatherington that staff's proposed cuts to staff wandered across the board. He asked if there was a reason for that. Mr. Heatherington referred to Option 4 and noted that he voluntarily gave up 6.5%, legal counsel voluntarily gave up a percentage of her salary, etc. The total budget reduction was \$250,000.

Councilman Kiester asked Mr. Heatherington why wasn't there a standard percent cut across the board for all staff. Mr. Heatherington explained that it was one of the considerations and with a 10% cut across the board of unfunded positions, there was still a shortfall of \$69,205.

Mr. Mulhere asked with the 10% cut across the board is there any room attributable to DRIs. Mr. Heatherington replied yes. Mr. Mulhere asked how much? Mr. Heatherington replied that he believed that Option 4 had \$147,000 for DRIs.

Councilman Banks asked for the recommendation from the Budget and Finance Committee.

Ms. Holquist asked Mr. Heatherington if he stated that the RPCs no longer have to review DRIs by statute or law. If this is true, then the revenue will go away from the DRIs. Mr. Heatherington stated that it is questionable. By statute or law, in HB7207 the RPCs are required to continue some sort of review. The "some sort" is the questionable part. FRCA has been told by their Executive Director that there is no "free lunch", the RPCs no longer have a contract with DCA and local developers aren't required to have a state review process; so what are you going to do and how are you going to fund that position is the question. The RPCs have made a commitment to their local governments that they will work with them in trying to address their comprehensive plan issues and DRIs, but they don't know how it will be done financially at this time.

Chair Turner stated that he feels what Ms. Holquist was saying is that if the Council was going to lose a revenue source, then according to the proposed budget, there is \$147,000 attributable for DRIs, how the Council can approve that amount as a revenue source. Ms. Holquist stated that she wasn't aware of the issue which Mr. Heatherington had noted. She stated that if a developer has the choice of not going through the DRI process, then they will choose to not go through it. Chair

Turner stated that he doesn't believe that the legislature has made a final decision on that issue at this time.

Mr. Mulhere explained that when he recently attended the DRI workshop, he spoke with Mr. Tom Beck of DCA and he clearly stated that there is no change and then subsequently indicated in writing that there is no change to the requirements and the statutory requirements in relation to DRIs.

Chair Turner asked Mr. Mulhere if he feels that the DRI process is going to be as rigorous. Mr. Mulhere replied yes, because there will be no change.

Vice Mayor Denham stated that it is his understanding that the decisions made by the legislature relative to this issue is probably going to take them to October before all of the dust settles and they decide what they are going to do. It is his impression that in the discussions that he has had that the DRI process will continue and may become more rigorous. The State has stated that they will not oversee local planning authorities' positions and the State expects the local authority to be just as rigorous in examining their expansions and developments in requirements of DRIs on a local budget.

Mr. Mulhere asked what the shortfall was with the 10% cut across the board. Mr. Heatherington replied \$69,205. Mr. Mulhere asked if he is correct that there is approximately \$650,000 in the Council's reserves. Mr. Heatherington replied yes. Vice Mayor Denham noted that the \$650,000 does not appear anywhere within Option 4. Mr. Heatherington referred to the first page of Option 4. He noted that there is currently \$680,000 in the reserves, but actually only a third of the reserves can be used by the RPC, because of the CHNEP and the MPO have the other two-thirds. Vice Mayor Denham asked if the same amount of reserves have been maintained in Option 4. Mr. Heatherington replied yes.

Commissioner Mason stated that the Budget and Finance Committee had recommended Option 4 be presented to the full Council for consideration. Also, the committee had recommended that Mr. Heatherington present all options to the Council and also place names on the organizational chart. The committee also asked staff to present revenues versus expenditures. She explained that the committee had decided to meet on a monthly basis in order to monitor the revenues and expenditures.

Chair Turner noted that the Council's Auditor, Mr. Jeffrey Tuscan had placed an emphasis on having the Budget and Finance Committee meet on a regular basis due to the issue of the lack of liquid cash.

**Mr. Grant moved and Vice Mayor Denham seconded to accept the Budget and Finance Committee's recommendation of Option 4 for discussion purposes.**

Chair Turner stated that he felt that there wasn't a general consensus at the Budget and Finance Committee meeting on Option 4. The Committee felt that they needed to bring the option, which had a balanced budget, before the Council for discussion.

Councilman Kiester stated that there is an administrative rule which allows RPCs to charge up to \$75,000 for a DRI. He then stated that he would like to present an Option 5 which consists of the firing of the Executive Director and replace him with someone on staff as the interim which will save \$133,000. The remainder of the shortfall can then be made up by cutting salaries across the board or by taking a close look at positions such as Purchasing Agent, Human Resources Director, and PR Specialist, for a staff of 26 is not necessary. He noted that at a recent Executive Committee meeting everyone was in agreement that there was a need to take a look at the Council's organizational chart.

Councilwoman Simons referred to the retirement cut in Option 3. She then referred to Option 4 and noted that there was \$60,000 taken off. She asked if the 3% for FRS is reflected in the salaries for both Option 3 and 4. Ms. Donley explained that it is embedded already into the salaries.

Vice Mayor Denham stated that it is time for the Council to review how we do our business, what we do, how we do it, how we manage it, and how to move forward. He sees a degree of dissatisfaction of how it is being run. He noted that he feels that the Council should re-think its role, how the organization looks like, how the organization is structured, and what is in the organization. None of that has been done with any great imagination or vision. He stated that he cannot accept any of the options until he can perceive that.

Vice Mayor Denham asked how the amount for DRIs was arrived at. Did staff go around the region and approach every community within the region and ask for a list of potential DRIs. If this hasn't been done then he can't accept the proposed revenue figures for DRIs.

Chair Turner turned over the discussion to public comments at this time.

## PUBLIC COMMENTS

Ms. Karen Bickford, Lee County Division of Natural Resources, spoke on the importance of the Southwest Florida Regional Planning Council.

Ms. Stephanie Keyes, former SWFRPC staff member (1979 to 1982), spoke on how the Council doesn't need administrative staff specialists, office manager, etc., because when she was a regional planner during those 3-4 years at the Council, the finance manager and accounting clerk were the same person, who also put the toilet paper on the rolls and paper towels. She stated that during her tenure that the Council, it had the most DRIs in its history along with comprehensive plans and was continually busy with reports after reports. The Executive Director also served as the HR Director and the Planning Director served as the Information Specialist and HR. She stated that the organizational chart is not in line with what the Council has always done and stood for. She then stated that most of the private sector firms probably don't have as many administrative positions as what the Council has currently.

Ms. Neale Montgomery stated that Administrative Code 9J2 regarding DRIs was not repealed; however, 9J5 regarding comprehensive plans was repealed. The rules regarding DRIs were not repealed, the rules regarding Chapter 380.06 which require the review by the RPCs and sufficiency reviews were not repealed. The items that were repealed were the thresholds for movie theaters,

industrial and hotels. She noted that there is another administrative code relative to the SWFRPC which states that they can charge fees and they do charge fees. The statute states that if staff goes over the \$75,000 and if the applicant challenges it that there is a process which needs to be followed. She asked the Council to make their decision on accurate law and facts.

Mr. Mike Roeder stated that he recently attended the FPZA Conference in Naples and listened to Mr. David Crawford's presentation on the SRPP and it reminded him why he got into the planning profession. He noted how important the planners are to the Council.

Mr. John Wilson, Lee County Public Safety Director stated that the SWFRPC has been a leader in dealing with regional issues, especially in dealing with hurricanes. This Council has a nationwide reputation. The process and methodology that is used to define hurricane risks started at this Council back in the late 1970s. When he read the proposed cuts in the news paper he and the other Southwest Florida Emergency Managers were totally amazed at what was being presented. We rely upon this Council to identify a hurricane risk and clearance times that we need to base our decisions on. He is glad to see that the Council is reconsidering the proposed cuts.

Mr. Wayne Daltry, former Executive Director of the SWFRPC stated that he agrees with Mr. Mulhere in his suggestion, that if cuts have to be made that it is better to do cuts across the board. If you don't pull from the reserves for emergencies then I hate to see the emergency when you have to look at the reserves, if this isn't called an emergency. He then addressed Vice Mayor Denham's concern that if you take it from the reserves then it should be targeted to do a visioning over the next few months; because this is like coming back to the 1970s when the local governments were going to be where the State of Florida charted; because the local governments weren't working together and were focusing on their own economic engines. They were drawing things up and putting things together and the State's role was then connecting the dots and putting together some critical facilities. That was then and it looks like it is now, so this could be the greatest time in your history.

Mr. Max Forgey, Forgey Planning Services and also the former Planning Director of Charlotte County and former employee of the SWFRPC. He reiterated what he had spoken of at the June 16<sup>th</sup> SWFRPC meeting which he believed to be the Council's core mission.

Ms. Beverly Grady stated that every organization has to look at their strengths, weaknesses, threats and opportunities. The Council is facing a financial challenge which is the same financial challenge that all of the local governments are facing along with some of the private sector.

Ms. Diane Ebert, Collier County Planning Commission spoke on how valuable the planners are for the Council.

Mr. Neno Spagna spoke on the importance of the regional planning councils. He understands the difficult economic times; he was one of 31 employees recently laid off from the City of Naples. He asked that the Council re-evaluate their budget and try to come up with an option to save the planner's jobs. He then said that as a "classic" planner he has seen Florida grow and it is now time to sit back and take inventory and list what is available, what is needed and how to get there.

**AGENDA ITEM #4(a)1 CONTINUED**  
**Budget & Finance Committee**

Mr. Jeff Tuscan, Tuscan and Company referred to the comments made in regards to the reserves. The Council is an entity which has a \$3 million budget and the amount of \$680,000 is the audited amount from last year. He is using a \$600,000 figure, because as Mr. Heatherington had mentioned the DCA budget was cut and is suppose to take effect as of July 1<sup>st</sup> and the Council has a quarter left of its fiscal year. Those costs that would normally be paid by that revenue stream, the expenses are still there unless something is done, but the revenue is not. So you may end up using part of those reserves before you enter into FY 2012. If you estimate \$600,000, it is really not a lot based on a \$3 million budget. He noted that he has always recommended 3-6 months of reserves.

Mr. Tuscan explained that one of the other issues that the Council has is that it is very highly grant funded. There is generally a high turnaround time when the expenses are submitted for reimbursement. The Council often has the reserve in place fronting those expenses while waiting on the receivables to be paid. The second issue is that hurricanes and other issues have been discussed and those issues is the reason for the reserves (i.e., insurance deductibles, funding costs) when those things don't occur. Many of the local governments have had funding shortfalls over the last couple years out of their reserves. The Council doesn't have that many reserves to do that with. Also, the Council currently doesn't have any way to build those reserves. Since the Council is highly grant funded, most of it doesn't cover the administrative costs associated with those grants so they are paid out of the local government's assessments.

Mr. Tuscan pointed out that the Council must have an adopted budget by August 15<sup>th</sup>; however, the budget can be amended at any public meeting. He cautioned the Council approving an overly optimistic revenue side because the revenues are optimistic and the expenses are guaranteed. He then pointed out that two-thirds of Council's budget was personnel.

Mr. Grant asked Mr. Tuscan if it is true that part of the reserves belong to both the CHNEP and MPO. Mr. Tuscan explained that they are not specifically allocated, but there are three entities within the Council, so essentially yes.

Mr. Grant asked if the \$147,000 figure for DRIs is realistic. Mr. Heatherington explained that the figure was comprised from an email received from Mr. Dan Trescott of staff which listed a breakdown of what he had in-house for DRI's and what was expected to come in.

Mr. Dan Trescott of staff stated that Mr. Heatherington is correct with the \$147,000 with the existing in-house DRIs. But what Mr. Heatherington failed to include was an additional \$60,000 for approximately 10 NOPCs. This is based on comments that he has received from all over the region on how much DRI work there is going to be and the fact there is an uptick of work already occurring. Also, there is another \$40,000 for storm surge atlas work that staff will begin within the next two weeks, which is not part of the budget. He said that there is another \$100,000 that is not included in the budget and that he feels that the budget cuts are unnecessary at this time.

Chair Turner stated to Mr. Trescott that even though he had some finite information, he still feels that there is still a need for budget cutting.

Commissioner Robinson stated that she did a search through her emails to find when she was first notified of the layoffs and she could not find it anywhere. She then said that the first instance where she became aware of the layoffs is when a developer notified her on June 15<sup>th</sup> of the situation. She said that without the proper information she felt that the Council did the responsible thing at its June 16<sup>th</sup> meeting by not adopting the budget. Subsequent to the meeting, she returned to her planning staff and started having discussions. Then she started, in order not to inundate the Council staff with records requests, she was very precise in the items that she requested in order to understand the budget decision. Because we are suppose to hold the administration responsible and we are accountable to our citizens and so we must make them accountable.

Commissioner Robinson stated that she requested information on June 21<sup>st</sup> and June 22<sup>nd</sup>, certain information that wasn't voluminous in nature. She stated that she requested the most of the information three times and at one time she received one item which kind of answered the question, but not really. I have been ignored and not responded to. She was told that Mr. Heatherington was going to call her and that hasn't happened.

Commissioner Robinson stated that when she received the information for the Budget & Finance Committee meeting, which was held on June 29<sup>th</sup>, she reviewed it and it became increasing aware the budget proposals which were forwarded to the Council were half hearted attempts to answer requests for additional options. Options 2 and 3 are not viable options because they place the Council in a deficit, so she feels that they were presented to just placate the Council in order to give the Council more than one option to choose from. So now we have Option 4 which she feels she doesn't have the basis for. She had requested information such the planning responsibilities for the business plan or the work scope of the planning responsibilities for the upcoming budget year and beyond. She responded by asking if there was an existing matrix that was used. She stated that what was sent to her was a matrix that was created that week, not one that was used in planning and budgeting. She explained that she had asked for that pre-existing matrix and what was provided was a matrix which was used for grant applications.

Commissioner Robinson stated that she had asked for the Council's level of service standards which were completely ignored. She asked for the memo regarding the release of a certain planning employee. She received it and she followed up with asking further questions and the reply was that she received was "Mr. Heatherington will contact you regarding his decision." That was sent on Wednesday, June 22<sup>nd</sup> and she has yet to hear back from Mr. Heatherington in regards to that issue. On Wednesday, June 22<sup>nd</sup> she requested information regarding an email which she was copied with by Mr. Heatherington regarding that his decision was made unilaterally, portions, feedback from local governments, what was received from local governments regarding DRIs. She asked how you made your points clear to local governments on whether or not they will comply with local responsibilities. They were completely unanswered. She stated that she cannot vote on a budget when she doesn't have the correct information from the administration. These are clear examples of in subordination to the members of the Council. It is very disturbing to her that she cannot get planning documents for the budget from the administration staff and as a result she is not in support of voting on the budget.

Councilwoman Simons stated that she requested a copy of Commissioner Robinson's request in regards to the employee's administrative leave documentation and she also did not receive a reply.

She stated that she received an automated reply on June 23<sup>rd</sup> stating that Mr. Heatherington will return to the office on June 20<sup>th</sup>. Ms. Donley called and asked her to refine her request which was done and the information was sent and received.

Commissioner Tom Jones referred to page 2 of Option 4 and the income from the RPC, MPO and CHNEP and then the expenses. He noted that the proposed cuts are to the RPC staff since both the MPO and CHNEP staffs are fully grant funded. The idea is that the expenses are disproportionately centered on the RPC.

Commissioner Skidmore stated that he has been asked if the employees of the RPC were given bonuses last year. Is this true? Mr. Heatherington explained that at the end of the Council's fiscal year the Council had some carry forward funds and staff had worked very hard on trying to bring grants and it was his way of thanking them.

Mr. Mulhere asked if the \$680,000 in reserves was derived from grants and other funds or significantly from DRIs. Mr. Tuscan explained that the issue is that they are not portionally allocated. At the end of the year, there is an indirect allocation that goes against those grants. In the past, grants used to have an administrative component which now they do not so there were a variety of things that built it.

Vice Mayor Denham suggested that the Council needs to agree on a budget number which Option 4 supplies. He then proposed that while both Commissioner Robinson and Commissioner Tom Jones have concerns relative to the details of the budget, we need to agree on a budget number. Then many of us are not very happy with the way things have been constructed that we set ourselves with a task that by October 1<sup>st</sup>, we possibly reassemble what has been presented and come up with a mission, organization and core competences and all of the other issues that a regional organization needs to do to move it forward in a more satisfactory way. He then offered his services.

Chair Turner agreed with Vice Mayor Denham.

Ms. Messina stated that it seems that no one is happy with the way that this has come about. There are questions of creditability and decision making and it seems to her that it wouldn't be unreasonable to say that I am not prepared to vote on the budget today. She said that she doesn't want to wait until October.

Ms. Holquist stated that out of all of the Council Members she has probably been the closest to the budget over the last four years. She noted that Vice Mayor Denham has also been involved. Last year the Budget Committee did take a close look at the budget and Mr. Heatherington did not want to layoff any of the staff or make any salary cuts, so what has been done over the last three years is cut back at the operating expenses. She feels that a committee of the Council needs to be formed to work towards Vice Mayor Denham's suggestions of reorganization. She said that she would offer her services to serve on the committee. She stated that her recommendation is to follow Vice Mayor Denham's recommendation to work towards a solution in order to understand the laws better and what the Council will need to look at in order to move forward. Then take that and get the buy in from all six counties.

Ms. Holquist stated that she disagrees with Councilman Kiester's recommendation for the change in leadership at this time. The worst thing you can do in the time of a crisis is have a change in leadership. She suggested that over the next six months the Council's committee needs to take a look at all of the rules, personnel to see what the reconstituted rule would look like then move forward.

Ms. Holquist recommended passing the budget today and forming a committee and inviting everyone who wants to attend.

Commissioner Fiala stated that she supports the motion.

Commissioner Bigelow requested a roll call vote and then stated that he will not support the motion. He explained that he will seek Mr. Heatherington's termination as Executive Director due to the discussion that he had with Mr. Heatherington in regards to the employee layoffs.

**Mr. Grant called to question. The vote carried with three opposed.**

**Mr. Grant moved and Vice Mayor Denham seconded to accept the Budget and Finance Committee's recommendation of Option 4. The motion failed with a vote of 9-14.**

Councilman Banks recommended offering Option #4 as a tentative budget.

Mr. Grant stated that he would agree to make it a motion if it was legal to have a tentative budget.

Counsel Donley stated that the Council is obligated to send certified copies of the budget to the counties by August 15<sup>th</sup> so that they can use it in their budgeting process. She is not sure if the counties would accept a tentative budget.

Vice Mayor Denham stated that he would like to amend his previous proposal and that by August 15<sup>th</sup> that we come up with an organizational approach, mission and a new direction for the Council in concert with approval of the reduction (\$230,000) as necessary.

Councilman Kiester stated that he would support that and he then referred to the organizational chart and the Council's top heavy management.

Vice Mayor Denham clarified that all options are on the table.

**Vice Mayor Denham moved and Councilman Kiester seconded to accept the need to reduce the budget by approximately \$250,000, thereby accepting Option #4. However, by August 15<sup>th</sup> perform a detailed review of all of the issues that have been brought before the Council today. The direction in which the Council is going, composition of the organization, and whether or not the organization is appropriate for moving forward to a revitalized RPC.**

Mr. Mulhere stated that he will volunteer his time.

Commissioner Mason stated that Commissioner Robinson is her colleague and due to Florida's Sunshine Laws they are unable to discuss the issues among themselves. She then stated that she is really disturbed that she did not receive the answers that she was seeking or adequate answers to questions that she had posed to staff and administration. She is especially disturbed because she knows of one other person from Sarasota County that is experiencing the same problem. She feels that it is a real problem when there is a member who feels that they cannot vote on an issue because she didn't receive the information which she had requested.

Commissioner Mason then stated that she doesn't feel comfortable being on the Budget and Finance Committee and feels that she needs to resign her position. She stated to those members who are interested in the budget to step up to the plate and become members of the Budget & Finance Committee.

Mr. Grant asked if the motion passes will there be a need to have another full meeting before August 15<sup>th</sup>. If so, then part of motion should include a date for the next meeting.

Ms. Messina stated that the role of the governing body is governance and vision and she feels that it is staff's job to bring back a budget and have either the Budget and Finance Committee meet to review staff's budget or form another committee of volunteers to review before August 15<sup>th</sup>. She wants to be careful about micro managing. Our job is to give parameters for the budget and staff's job is to provide the budget.

Commissioner Skidmore stated that it is clear that there are two competing issues: Staff leadership and passing the budget. He asked how can you pass a budget if you don't have confidence in your Executive Director.

Councilman Banks called to question. The vote carried with Councilman Kiester opposed.

Vice Mayor Denham moved and Councilman Kiester seconded to accept the need to reduce the budget by approximately \$250,000, thereby accepting Option #4. However, by August 15<sup>th</sup> perform a detailed review of all of the issues that have been brought before the Council today. The direction in which the Council is going, composition of the organization, and whether or not the organization is appropriate for moving forward to a more revitalized RPC.

Councilman Kiester withdrew his second and then Ms. Holquist seconded the motion.

Vice Mayor Denham moved and Ms. Holquist seconded to accept the need to reduce the budget by approximately \$250,000, thereby accepting Option #4. However, by August 15<sup>th</sup> perform a detailed review of all of the issues that have been brought before the Council today (reviewing all options). Hold a meeting with staff and volunteers from the Council towards the end of July to discuss the direction in which the Council is going, composition of the organization, and whether or not the organization is appropriate for moving forward to a more revitalized RPC. A roll call vote was conducted, the motion passed with a 14 to 10 vote.

Commissioner Skidmore moved and Commissioner Tom Jones seconded to hold a vote of confidence for the Executive Director, Mr. Kenneth Heatherington. The motion carried unanimously.

Commissioner Bigelow moved and Councilman Banks seconded to issue a statement of “no confidence” in its Executive Director, Mr. Kenneth Heatherington.

Councilman Kiester stated that he doesn't trust Mr. Heatherington because he doesn't check with any of the Council members. He isn't sure that Mr. Heatherington even knows “the hand that feeds him”. He moves forward without any consultation that he has witnessed or have been involved with. This has been a problem since he has been Chair of the RPC and this is one of the reasons that he had to resign his position as Chair. He urged the Council to seriously consider replacing the Executive Director.

Commissioner Robinson stated that she would have been willing to work with staff two weeks ago in order to obtain the information that she had requested. But not to receive even a response from the Executive Director, not even an email or a phone call should really bother everyone. Public records requests were not fulfilled should really be a concern. She stated that her next motion would be to direct staff to answer public records requests.

Mr. Mulhere stated that his decision needs to be based purely on what he perceives to be the best interest of the RPC.

Ms. Messina asked if the Council passes the motion and states that they have no confidence in Mr. Heatherington's leadership, what are the next steps (Executive Director Contract, obligations, financial commitments, etc.). Counsel Donley explained that the contract which is in enforce between the Council and the Executive Director, the termination clause states that in order to be able to terminate the Executive Director requires a two-thirds vote of the full Council. Two-thirds of the full Council consists of 23 members. It appears to her that having a vote of no confidence places the Council in a position of notifying the Executive Director that there needs to be a conversation where there would be a discussion of some sort of an exit strategy between the two parties.

Commissioner Bigelow stated that at the June 23<sup>rd</sup> Executive Committee meeting he did ask Mr. Heatherington to consider handing in his resignation at the June 30<sup>th</sup> Council meeting. He asked Mr. Heatherington if he had prepared any documents to that nature. Mr. Heatherington replied no, there is an annual evaluation process which was established along with his contract which is prepared annually each October. He has prepared an evaluation for what he has done over the year.

Commissioner Coletta stated that the committee which will be meeting to review the budget and organization of the Council will also be reviewing the Executive Director's performance over the year. So the vote of no confidence may not be self serving and is there really enough information at this time to take such action. Has the response time for the records requests been reasonable, were the records which were requested readily available, etc. He stated that he doesn't feel comfortable at this point in time that he can vote for no confidence. He feels that the Council is acting out of emotions and if it wasn't for the budget cuts, he feels that we wouldn't be having this

discussion; however, he feels that it is a good exercise and the committee will come up with a wonderful organization in the end.

**The motion passed with five opposed.**

Commissioner Bigelow suggested that he would entertain that the Executive Committee hold a meeting and ask that the Executive Director consider bringing an exit strategy to the Executive Committee and also have the Executive Committee appoint an Interim Executive Director from within staff.

Chair Turner agreed with Commissioner Bigelow's suggestion and asked if it needed to be in the form of a motion. Chair Turner stated that it seems to him that the Council had just decided what Commissioner Skidmore had mentioned and what had been obvious to many of us in the room. There are two issues that have been discussed today. There are many members that have issues with the administrative process on how the RPC is being run. The second issue is with the budget. The Council has dealt with the budget issue and hopefully will remedy that issue. The Council just had a vote of no confidence and it was an overwhelming show of support by the Council that it did not have the confidence in its Executive Director, Mr. Kenneth Heatherington. So from this moment forward, he agrees with Commissioner Bigelow's suggestion to have the Executive Committee meet with Mr. Heatherington. He then suggested to Mr. Heatherington have an exit strategy in place for the Executive Committee meeting.

Counsel Donley stated that she believes that the direction which the Chair gave the Executive Committee is within the realm of the current responsibilities of the Executive Committee. She then reminded the Council that for actual termination of the Executive Director there needs to be a two-thirds vote of the full Council.

Ms. Messina reminded the Chair that the Executive Committee has one fewer member due to the recent resignation of former Chair Charles Kiester.

Councilman Kiester recommended that a governor appointee be appointed to the Executive Committee.

Commissioner Robinson moved and Councilwoman Simons seconded to have all public records requests be forwarded to Legal Counsel Liz Donley and responded to in some written form within 48 hours of receipt. Pending response on whether they have it or don't, at least receive a response or acknowledgement of the status of the public records request within 48 hours. The motion carried unanimously.

Vice Mayor Denham named off the following members who volunteered their time for the working group:

- Vice Mayor Mick Denham, City of Sanibel
- Ms. Laura Holquist, Lee County Governor Appointee
- Councilwoman Teresa Heitmann, City of Naples
- Commissioner Butch Jones, Glades County BOCC

- Commissioner Christine Robinson, Sarasota County BOCC
- Mr. Bob Mulhere, Collier County Governor Appointee

Vice Mayor Denham stated that he will work with Counsel Donley for a time certain to set a meeting date and time for the first working group meeting.

Ms. Holquist suggested setting up continuous meetings between now and August 15<sup>th</sup> on a certain day and time (ex. Every Monday morning @ 10 a.m.) and staff publishes one notice listing that information which will cover all of the meetings. You can always cancel a meeting, but it is difficult to schedule one.

Councilman Banks volunteered to participate on the Budget & Finance Committee.

**AGENDA ITEM #10  
ADJOURN**

Commissioner Tom Jones moved and Councilwoman Heitmann seconded to reinstate the July 21<sup>st</sup> as the next SWFRPC Board Meeting date at 9:00 a.m. The motion carried unanimously.

The meeting adjourned at 11:55 a.m.



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Councilwoman Teresa Heitmann, Secretary

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

**Name:** Karen Pickford  
(Please Print)

**Organization (if any):** Lee County DNR

**Address:** 500 Manroad St. Ft Myers FL 33901

**Agenda Item Number:** \_\_\_\_\_

**Amount of Time Requesting:** 3 min

**Signature** [Handwritten Signature]

**Date** 6/30/11



REQUEST FOR PLACEMENT ON AGENDA  
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

Stephanie Keyes  
\_\_\_\_\_  
(Please Print)

Organization (if any):

Former SWFRPC staff

Address:

8433 Brittonis Dr  
Fm 41 FL 33912

Agenda Item Number:

Org Chart

Amount of Time Requesting:

3 min

Signature

S. Keyes

Date

6-30-11

REQUEST FOR PLACEMENT ON AGENDA  
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

Neale Montgomery  
(Please Print)

Organization (if any):

Address:

1850 Hendry St  
St. Myers

Agenda Item Number:

budget for organization

Amount of Time Requesting:

Signature

Neale Montgomery

Date

6/30/11

**REQUEST FOR PLACEMENT ON AGENDA  
OF THE**

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name: MIKE ROEDER  
(Please Print)

Organization (if any): \_\_\_\_\_

Address: 1625 HENRY ST.  
FT MYERS FL 33901

Agenda Item Number: 4 a) 1) BUDGET & FINANCE COMMITTEE

Amount of Time Requesting: 3 MINUTES

Mike Roeder  
Signature

6/30/11  
Date

**REQUEST FOR PLACEMENT ON AGENDA  
OF THE**

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

**Name:**

John A. Wilson  
(Please Print)

**Organization (if any):**

LEE County Public Safety

**Address:**

14752 Beechcroft / Six Mile Cypress Pkwy  
Fort Myers, FL

**Agenda Item Number:**

**Amount of Time Requesting:**

**Signature**

**Date**

11/30/2011

**REQUEST FOR PLACEMENT ON AGENDA  
OF THE**

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

**Name:**

*WAYNE ADRY*  
\_\_\_\_\_  
(Please Print)

**Organization (if any):**

*FRIENDS OF NEW SEASNA*  
\_\_\_\_\_

**Address:**

\_\_\_\_\_  
\_\_\_\_\_

**Agenda Item Number:**

\_\_\_\_\_

**Amount of Time Requesting:**

\_\_\_\_\_

*Wayne*  
\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

REQUEST FOR PLACEMENT ON AGENDA  
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

May Furgley  
(Please Print)

Organization (if any):

FURLEY PLANNING SERVICES

Address:

PO BOX 101365  
CAPO C FL 33910

Agenda Item Number:

Amount of Time Requesting:

1 MIN

Signature

M. Furgley

Date

REQUEST FOR PLACEMENT ON AGENDA  
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name: Beverly Grady  
(Please Print)

Organization (if any): \_\_\_\_\_

Address: \_\_\_\_\_

Agenda Item Number: June 30th special meeting

Amount of Time Requesting: \_\_\_\_\_

Signature

Date

**REQUEST FOR PLACEMENT ON AGENDA  
OF THE**

**SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

**Name:**

DIANE EBERT

(Please Print)

**Organization (if any):**

RCPC

**Address:**

**Agenda Item Number:**

**Amount of Time Requesting:**

**Signature**

**Date**