

SWFRPC Executive Committee Meeting/Conference Call July 12, 2011

The Executive Committee of the Southwest Florida Regional Planning Council held a meeting/conference call on Tuesday, July 12, 2011 at 9:00 a.m. in the 1st floor conference room at the offices of the Southwest Florida Regional Planning Council located at 1926 Victoria Avenue in Fort Myers, Florida.

Committee Members

Commissioner Karson Turner, Hendry County BOCC (Acting Chair)
Councilwoman Teresa Heitmann, City of Naples (Treasurer)
Vice Mayor Mick Denham, City of Sanibel (Past Chair)

Staff

Mr. Ken Heatherington, Executive Director
Ms. Liz Donley, Legal Counsel
Mr. Don Scott, Lee County MPO Director
Ms. Nichole Gwinnett, Administrative Staff Specialist
Mr. Tim Walker, GIS Manager

Call To Order

Commissioner Turner called the meeting to order at 9:05 a.m.

Commissioner Turner stated that he would like to start off the meeting with taking care of the Executive Committee vacancies and then go onto the budget discussion. Vice Mayor Denham stated that there is another meeting of the FY2012 Budget Committee scheduled for today at 12:00 p.m. He then said that relative to the budget discussion he feels that both he and Ms. Donley could give an update

Commissioner Turner stated that the current vacancies are the Chair and the Treasurer. He then noted that at the last FY2012 Budget Committee meeting it was decided to make the recommendation to appoint Mr. Bob Mulhere, Collier County Governor Appointee as the new Treasurer.

Commissioner Turner stated that he would be willing to serve the remainder of 2011 calendar year as the Chair. He then asked Councilwoman Heitmann if she would be willing to step up into the Vice Chair position. Councilwoman Heitmann stated that she would be willing to perform any duty which serves the Executive Committee the best. She would be happy to move up and feels that it would be good to have someone from one of the other cities/counties on the Executive Committee, i.e. Sarasota County.

Commissioner Turner noted to Councilwoman Heitmann that she has been very consistent and brings a very solid approach to asking the correct questions in regards to the budget and drill on the details when needed. He then asked Councilwoman Heitmann if she was referencing that she was concerned that both her and Mr. Mulhere were representing the same area. Councilwoman Heitmann replied yes. Commissioner Turner stated understands her concern, but that he doesn't see a lot of members stepping up to the plate.

Vice Mayor Denham suggested to Commissioner Turner that he continues through the rest of 2011 as the Chair and then if he is willing to continue as Chair through 2012. Also, have Mr. Bob Mulhere serve as the Treasurer because he feels that he would serve the Council well.

Commissioner Turner agreed with Vice Mayor Denham's suggestions; however, he would also like to move Councilwoman Heitmann up into the Vice Chair position. Vice Mayor Denham stated that he agrees. He is also willing to continue to serve on the Executive Committee as long as it is deemed necessary.

Vice Mayor Denham stated that he is very anxious for the Council to be a solid operating unit and he is willing to help in order to achieve that goal.

Commissioner Turner asked if there needs to be a formal motion for the change in officers or can the Executive Committee make those changes.

Ms. Gwinnett asked for clarification on the committee's recommendation:

- Commissioner Karson Turner, Hendry County BOCC (Chair)
- Councilwoman Teresa Heitmann, City of Naples (Vice Chair)
- Vacancy (Secretary)
- Mr. Bob Mulhere, Collier County Governor Appointee (Treasurer)

The committee stated that is what they have recommended. Commissioner Turner then asked who would be, from the northern part of the region, a good candidate for the Secretary role.

Ms. Gwinnett explained how the potential candidates are usually chosen for the officers. She reviews the member's attendance records and also when their election term ends.

Vice Mayor Denham suggested that the Committee not make a decision today and have Ms. Gwinnett do some research and make some recommendations and then the Committee can make a decision from those recommendations. Commissioner Turner agreed.

Commissioner Turner then turned the meeting to the issue of the Executive Director, Mr. Kenneth Heatherington. He asked Mr. Heatherington if he has had any discussions with anyone in regards to the issue that the Council stated that they have no confidence in their Executive Director. Also, how do you see your role with the Council?

Mr. Heatherington replied that he had consulted with his contract legal counsel and his advice was that there were two options: 1. Continue on and try to change your opinion, or 2. Resign. Mr. Heatherington stated that he chose that he would resign. His legal counsel suggested that he draft a Separation of Agreement and standard release form at which time he would have a discussion with the Executive Committee and come up with a 45 day notice.

Mr. Heatherington stated that he was thinking the date of August 15th would be the notice date and he would be resigning before October 1, 2011, which is before the end of his contract period and the end of the Council's fiscal year.

Vice Mayor Denham stated that he was prepared to recommend that Mr. Heatherington be suspended until the end of his contract. In order to give him the opportunity to move forward without the embarrassment around the office; however, he agrees with what Mr. Heatherington has offered.

Mr. Heatherington stated that he doesn't have a problem with being around the office in order to tidy up things and transfer some of his knowledge to other people who are working on projects. The staff has been very courteous.

Councilwoman Heitmann stated that she agrees with Mr. Heatherington's offer. She then stated that she has enjoyed working with Mr. Heatherington and she is sorry for the recent decisions which have been made that have caused his separation between him and the Council. She thanked him for his work and commitment and wished him the best.

Commissioner Turner stated to Mr. Heatherington that his main concern is that he feels that the Council has a tremendous amount of "egg in its face" and before the July 21st meeting he would like to discuss how to get a solid plan together on how we can get in front of some of the different counties and save face a little bit, because he believes that there is a separate movement that is occurring where there is not a lot of confidence in the Council. With Mr. Heatherington taking the step in resigning his position he feels is a step forward in the right direction due to the recent vote of no confidence from the Council. He stated that he doesn't necessarily agree on how some of the suggestions have been made in regards to budgetary changes. He dislikes the fact that there wasn't a conversation between the Executive Committee prior to the release of the three employees who are believed to be key personnel to the RPC and its function.

Mr. Heatherington stated that he will provide a Separation Agreement to the Executive Committee as soon as it is completed.

Commissioner Turner referred to the issue of Commissioner Robinson's public records request. He directed staff to "pick up the phone" and ask that person what exactly they are looking for and how you can help with getting them the information. There needs to be an open door, transparent working relationship.

Ms. Donley stated that she has replied back to all of Commissioner Robinson's requests on July 1st; however, Commissioner Robinson hasn't replied back to any other emails regarding meetings so she is wondering if she is away on vacation or out of the office.

Vice Mayor Denham explained that he has been working with Ms. Donley and have put together a package of information which includes the new mission, direction, and key competencies. The only thing that he has a problem coming up with is what would be the appropriate organization to support the budget recommendations.

Ms. Donley stated that she is still waiting to hear back on the estimates for out sourcing the benefits, HR and payroll.

Vice Mayor Denham stated that the other issue is the role of Mr. Dave Hutchinson and it has been suggested for recommendation that he be inserted into the planning section of the organization.

Councilwoman Heitmann stated that she agrees to move forward with the structure of the Council. She then suggested having staff send out an email requesting members to share three things that they perceive are vital to the future of the Council. She requested that Ms. Donley send the email to her which she had sent to Commissioner Robinson in response to her public records requests. She also stated that she feels that an Executive Committee meeting should be held once a Secretary has been appointed so the Committee can bring them up-to-date. Also, move forward with the personnel restructuring.

Ms. Donley asked Councilwoman Heitmann if she wanted her to send out the email response to all of the Council members. Councilwoman Heitmann stated that to whoever was on the phone call, attended the meeting or saw the email, she feels would probably want to know. Vice Mayor Denham stated that he feels that it should just be sent to the Executive Committee. Commissioner Turner stated that he agrees with Vice Mayor Denham.

Vice Mayor Denham suggested that the email from Ms. Donley in regards to Commissioner Robinson's public records requests be sent to the Executive Committee and then send an email out to all Council members acknowledging that the public records requests have been answered. Commissioner Turner agreed and he also asked that in the email to state that if any Council members have any questions or concerns to please contact Ms. Donley.

Ms. Donley stated that Commissioner Robinson had one specific request which staff was not able to answer. The request was basically "prove it". The request stated "send me the information that supported this action by the Executive Director which was sent to her and she didn't interpret that information as supporting the decision and then her request was "prove it."

Vice Mayor Denham stated that he feels that the whole thing is now mute because the Executive Committee has made a decision to make some Executive Director changes. We are acknowledging that the decision was not appropriate and went forward and changed the decision, so that particular part of the question is mute. Commissioner Turner stated that he agrees with Vice Mayor Denham.

Commissioner Turner stated that with regards to the organizational proposal that both Vice Mayor Denham and Ms. Donley is working on will be discussed at the 12:00 p.m. FY2012 Budget Committee meeting.

Vice Mayor Denham asked to discuss the budget numbers in order to understand what needs to be accomplished is that the gross savings which is needed is approximately \$250,000. There also needs to be additional revenue for the search for a new Executive Director which is being incorporated into the budget savings.

Councilwoman Heitmann asked if it is possible to receive an executive summary of the budget in order to review the HR and payroll costs are so comparisons can be made. Vice Mayor Denham explained that it is currently a work in progress. We don't know what exactly it is going to be in the budget because were HR is going to fit, how many hours are needed for HR, etc. He stated that he feels that both he and Ms. Donley need to have a couple of more conversations in order to complete the organization proposal.

The meeting adjourned at 9:41 a.m.