

## **SWFRPC Executive Committee Meeting/Conference Call July 21, 2011**

The Executive Committee of the Southwest Florida Regional Planning Council held a meeting/conference call on Tuesday, July 21, 2011 at 8:30 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)

### Other Members

Mr. Bob Mulhere, Collier County Governor Appointee  
Commissioner Tom Jones, City of North Port  
Councilman Kit McKeon, City of Venice  
Ms. Andrea Messina, Charlotte County Governor Appointee

### Staff

Mr. Ken Heatherington, SWFRPC Executive Director  
Ms. Liz Donley, Legal Counsel  
Ms. Nichole Gwinnett, Administrative Staff Specialist  
Mr. Dan Trescott, DRI Coordinator

### Call To Order

Commissioner Turner called the meeting to order at 8:31 a.m. He then introduced the other Council members who were present.

Commissioner Turner stated that first order of business was to recommend that Commissioner Tom Jones, City of North Port as the Council's new Secretary and Mr. Bob Mulhere, Collier County Governor Appointee as the Council's new Treasurer to the full Council.

**Councilwoman Heitmann moved and Vice Mayor Denham seconded to make the following recommendations to the full Council:**

- **Commissioner Tom Jones, City of North Port – Secretary**
- **Mr. Bob Mulhere, Collier County Governor Appointee – Treasurer**

**The motion carried unanimously.**

Commissioner Turner asked if the members had a chance to review the Executive Director's Separation and Release Agreement and if so, do they have any comments. He then stated that he had a meeting with Mr. Heatherington where they went through in detail the specifics. We have agreed to, in

principal a separation agreement where the Council has been served a letter from Mr. Heatherington stating his resignation as of July 31<sup>st</sup> and he is going to have his attorney review everything in finite detail.

Vice Mayor Denham asked if the Separation Agreement conforms to Mr. Heatherington's contract. Commissioner Turner replied that he will let Ms. Donley reply to that, but to the best of his knowledge it does conform; however, there was a little bit of give and take on both sides and ultimately we met in the middle. Ms. Donley explained that the compensation portion of the Separation Agreement complies completely with the contract; the severance pay portion, because this is a situation that wasn't contemplated within the four corners of the contract, is severance pay in exchange for his resignation is equitable. The gross dollar amount is less than what was seen earlier this week.

Vice Mayor Denham asked what the next step is.

Commissioner Turner stated that he wanted to ask the other members who are present if they had a chance to review the Separation Agreement and if they had any comments. He is trying to avoid a lengthy debate at the Council meeting; he would like to have a motion from the Executive Committee to take to the Council.

Mr. Mulhere asked if the scheduled leave and unscheduled leave is accrued leave. Ms. Donley replied yes.

**Councilwoman Heitmann moved and Vice Mayor Denham seconded to recommend approval of the Executive Director's Separation and Release Agreement and resignation to the full Council. The motion carried unanimously.**

Commissioner Turner then stated that he would also like to have full support of the Executive Committee to recommend Ms. Liz Donley as Interim Executive Director.

**Vice Mayor Denham moved and Councilwoman Heitmann seconded to recommend to the Council to appoint Ms. Liz Donley as the Interim Executive Director to the end of the calendar year. The motion carried unanimously.**

At this point a member of staff audibly indicated disagreement with the Committee's action.

Commissioner Turner then stated that the next issue is the Budget and Finance Committee's recommendation to withdraw funds from the reserves this fiscal year to cover the balance of the budget.

**Vice Mayor Denham moved and Councilwoman Heitmann seconded to approve the Budget and Finance Committee's recommendation and recommend to the Council to withdraw \$10,600 from the reserves in order to cover the balance of the current fiscal year budget. The motion carried unanimously.**

Commissioner Tom Jones thanked both Commissioner Turner and Mr. Heatherington for working through the issues of the Separation and Release Agreement.

Commissioner Turner stated that Mr. Heatherington had noted that his resignation letter was not sent out to the full Council, but it will be sent out in an email very shortly.

The meeting adjourned at 8:40 a.m.