

SWFRPC Executive Committee Meeting/Conference Call September 30, 2011

The Executive Committee of the Southwest Florida Regional Planning Council held a meeting/conference call on Thursday, September 30, 2011 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. The following Committee Members, Members and Staff were in attendance:

Committee Members

Commissioner Karson Turner, Hendry County BOCC (Chair)
Councilwoman Teresa Heitmann, City of Naples (Vice-Chair)
Commissioner Tom Jones, City of North Port (Secretary)
Mr. Bob Mulhere, Collier County Governor Appointee (Treasurer)
Vice Mayor Mick Denham, City of Sanibel (Past Chair)

Other Members

Councilman Kit McKeon, City of Venice

Staff

Ms. Liz Donley, Interim Executive Director
Ms. Nichole Gwinnett, Administrative Specialist II
Ms. Nancy Doyle, HR Operations Manager
Mr. Dan Trescott, DRI Coordinator
Mr. Jason Utley, Senior Planner
Mr. David Crawford, Principal Planner
Mr. Jim Beever, Senior Planner

Call To Order

Chair Turner called the meeting to order at 9:04 a.m.

Item #2 - Approval of Minutes (July 12, 2011, July 21, 2011 and August 18, 2011)

Councilwoman Heitmann moved and Vice Mayor Denham seconded to approve the minutes of July 12, 2011, July 21, 2011 and August 18, 2011 as presented. The motion carried unanimously.

Item #3 - FY2012 Budget Implementation

Ms. Donley reviewed the item as presented. She stated that she is recommending that the following positions be eliminated:

- Planning Director which is currently vacant due to attrition
- Senior Planner DRI, which would be a layoff

- Account Clerk, which would be a layoff
- Information Records Clerk, which would be a layoff

Then the following would be reclassifications, hour reductions and salary changes:

- Administrative Manager Finance would be offered a position to Cost Accountant II w/hour reduction to 32 hours per week.
- Administrative Manager/HR Operations would be offered a position to Administrative Services Coordinator w/hour reduction to 32 hours per week.
- Planning Manager would be eliminated and offered a position of Planner IV w/salary reduction
- Principal Planner HazMat would be offered a Planner IV at same rate of pay.
- Principal Planner Comp Planning would be offered a Planner IV position w/hours reduction but at the same salary rate.
- Principal Planner Environmental would be offered a Planner IV position at the same rate of pay.
- Network Administrator/Senior Planner would be offered a Planner III/Network Administrator position.
- Senior Environmental Planner would be offered a Planner II.
- Public Information Specialist/Webmaster would be offered a Planner I/IT Support position.
- GIS Graphics Manager would be eliminated and would be offered a GIS Analyst II/Facilities w/hour reduction to 30 hours per week.
- Graphics/Analyst would be offered a GIS Analyst I position.
- Administrative Staff Specialist would be offered a position as Administrative Specialist II.
- Administrative Specialist Sr. would be offered a position as Administrative Specialist II.

Ms. Donley then showed the Committee members the Council's current positions titles, classifications salary ranges and actual salaries. The position that would have a salary change would be the Planning Manager and the positions with the hour reductions are:

1. Administrative Manager Finance
2. Administrative Manager/HR Operations
3. Principal Planner Comp Planning
4. GIS Graphics Manager

Ms. Donley showed the Committee members the proposed new organizational chart with the class titles, functional job descriptions, and proposed staff for the positions and the full time equivalent for those positions. She showed the chart of the Council's current funding streams and the lead staff for those funding streams along with the support staff. She noted that there has been no change in the lead staff for the funding streams. She stated that she believes in accordance to the proposed organizational chart and the position of staff, we have the support on board to fulfill our commitments in order to successfully complete these projects.

Vice Mayor Denham stated what is not clear is the reporting structure on the proposed organizational chart. Ms. Donley stated that currently everyone is reporting to the Executive Director. She explained that her concern with doing any additional organizational changes is that there is a new Executive Director coming in and this is how we have been functioning for the last four months.

Vice Mayor Denham asked what the status of the Executive Director Search is. Ms. Donley replied that it is her understanding that the final candidate will be brought before the full Council in December. Vice Mayor Denham stated that that activity will be concluded by the end of the year. Chair Turner replied yes.

Mr. Mulhere suggested calling the proposed organizational chart an “interim” organizational chart, because it would allow the new Executive Director to decide whether or not he/she needs someone below them. He then noted that at this point we are eliminating one position instead of two out of planning and cutting back hours on a number of employees. Ms. Donley clarified that there are 4.7 FTEs being eliminated. Under this scenario there is one vacancy and the elimination of four persons. Mr. Mulhere asked Ms. Donley if she looked at a scenario where the pain was spread across the board, where there would be no elimination of positions. Ms. Donley replied that scenario was reviewed, but the difficulty of doing an across the board cut was there are employees that are direct billed and we need that direct billing to produce both the indirect and fringe to cover our indirect staff. Her concern is that we have commitments with grants and we have money to be spent and if we start pulling back on spending that money it can affect our ability to capture funding in the future. It also affects staff’s ability to complete their work on time.

Ms. Donley explained that we are also going to be looking at our revenues and payouts on a weekly basis. We have implemented electronic timesheets and we are fully utilizing our accounting software, so if there are any red flags they will come up sooner and we will act upon them more quickly. She would like to be able to come back to the Budget and Finance Committee, Executive Committee or full Council if we need to additional trimming of either support staff or other staff that are not fully billable or furlough during the holidays. If the Council decides to do furloughs, she would like to have that decision made sooner rather than later so that staff can plan for it, no later than the end of October or beginning of November.

Councilwoman Heitmann asked what the savings of doing the furloughs are. Ms. Donley replied approximately \$23,000 for direct payroll per week.

Councilwoman Heitmann asked with the reduction in finance are we then going to be carrying additional expenses to our accounting services. Ms. Donley replied that from a preliminary discussion with the Council’s Auditors, Mr. Jeff Tuscan, about using them for CPA issues some of it is included in our base rate for the audit; however, some of it would not be so she needs to have additional discussions with Mr. Tuscan on what that rate would be. Vice Mayor Denham said that there will probably be additional expenses. Ms. Donley agreed and stated that there may be additional in-house changes with those services.

Councilwoman Heitmann stated that she feels that these decisions needed to be made three months ago. However, it was the wisdom; institutional knowledge, disruption, and chaos that had us delay these decisions. Rightfully so, we focused around the new direction and new Director, obviously we had a major upset with our budget and it rattled us at our last meeting. She stated that her major concern is losing institutional knowledge and not restructuring more appropriately. She does feel better about the implementation of the organization in temporary, but after reviewing Councilwoman Simons’ proposal for a job description and salary study; she supports having us really look at the positions and salaries because she feels that this was not a detailed review of staff.

Ms. Donley explained that there are some challenges at the Council with staff because we have staff's longevity. The institutional knowledge that everyone keeps referring to, for an example both of the administrative staff have over 20 years with the Council, which is unusual. There is planning staff with more than 20 years with the Council. So with the proposed organizational chart we are retaining that institutional knowledge and it comes at an expense and the positions that are being eliminated are not the positions with the longest time in. One of the challenges, people have discussed succession planning and from a budgetary standpoint, we do not have that luxury.

Vice Mayor Denham stated that the Council has been dealt with a very difficult hand and it was somewhat unexpected and the decisions which had to be made were difficult. We are going to have criticism, but we have retained an enormous amount of institutional knowledge within the organization. The decisions being made are extremely difficult on a personal level in order to try to put something in place and he feels that we have done the best job that we can under the circumstances. He feels that it should have been done several months ago and by letting it go one for as long it did led to distrust within the organization. We now need to rebuild the organization as a team.

Vice Mayor Denham explained that he has spoken to the area's entire local legislative delegation and there is a concern among our State Legislators on the role of the RPCs. The City of Cape Coral issue seems to have been resolved, but there seems to be issues among Collier County and Charlotte County. He noted that when he met with Representative Roberson, he was shown a letter from Charlotte County BOCC asking Representative Roberson to pass legislation allowing a county to remove itself from an RPC. These are the types of issues which we need to quickly address if we are to be a successful RPC.

Vice Mayor Denham stated that the following should be addressed to the Council:

- What the Council should look like and what actions should be taken.
- Visit each of the communities of the Council on a quarterly basis.
- Executive Summary of each Council Meeting (include the goals and objectives of the Council and what are the Council's priorities).
- Provide each community of profile of staff and skill set.
- List of current grants.

Vice Mayor Denham explained that all of the issues that Councilwoman Simons noted in her report are being addressed. We are going to be reviewing all job descriptions, positions have been eliminated, the span of control has been eliminated, etc.

Mr. Mulhere stated that he agrees with Vice Mayor Denham's comments and suggestions. He also stated that he appreciates the concept of reviewing job descriptions; however, with longevity comes a desire to, especially when times are good, reward people. Often that comes in the form of a title change along with some salary increase. But sometimes there are people in a position such as planning that in order to reward them for the hard work that they have done they are promoted into a job description or title that assumes a higher level of professional certification, education, experience or combined. Then there is the problem where we can't determine who is the professional and who is not the professional because you have staff mixed up in the titles. So he feels that a job description and salary study does need to be conducted, but we need to be careful of what we call certain positions and salaries.

Vice Mayor Denham said that he feels that it has already been done.

Mr. Mulhere stated that the human impacts with this proposal are that several employees will retain their jobs, but will be making less money. The one human impact that he is concerned with is that Mr. Jason Utley's position will be eliminated and he has dealt with Mr. Utley on many projects. He is highly professional and if there was a way to retain him it would make a lot of sense to him, but if there isn't a way he appreciates it. We need to be committed to that if we have grant revenues in the future that may require Mr. Utley's services that he is the first person that we contact.

Chair Turner stated that he also has visited with many of the Legislators and he also brought the issue of the RPCs up at the Florida Association of Counties event that he recently attended. He explained that the Council is going through some growing pains and he asked the question to the members on what they thought of their RPC and how was their relationship with their RPC. He didn't tell them that he was the Chair or member of the SWFRPC. What he heard was an astounding positive sense of the RPCs throughout the State. What he feels is that the Council has some allies out there, but we have to be very careful because when he visits with the Legislators there is a common theme to put the ominous back on the Council and make 100% of these entities stand alone and either the RPCs exist or they go away.

Vice Mayor Denham stated that it is very important at the next Council meeting that we stand as one and support what we are proposing here.

Councilwoman Heitmann stated that she agreed to that when it was first presented to Council thinking that there would be an open discussion at Council about the recommendations and it just went forward. That is where she was extremely disappointed, because she went with the Executive Committee knowing that we had to be one and then with the lack of commitment or conversation within the full Council was extremely disappointing to the process. She then stated that she agrees that the Executive Committee needs to go forward as a team and support with whatever we decide is the process.

Chair Turner stated that he feels that the decisions had to be made and we needed to stop delaying "pulling the trigger".

Commissioner Jones stated that these decisions have to be made and if we don't back our Interim Executive Director and/or new Executive Director then we are not doing our job. We are not here to be the Director, but to approve or disapprove the actions taken on behalf of the whole Council for the Council and for betterment of this organization. He noted that he has given his support to Ms. Donley for the decisions that she has made and he has the greatest respect for Mr. Utley and all of our planning staff, but these decisions have to be made. Ms. Donley was put in the position of making these tough decisions, so the least we can do is back her up.

Mr. Jason Utley of staff stated that he understands that these decisions have to be made due to the current difficult financial situation that the Council is facing. He then pointed out to the members that two of the awards on the wall in the conference room are due to his involvement at the Council. He noted that he is a certified planner, LEED accredited professional, professional transportation planner, and project management professional. He was the only employee listed for elimination from the professional staff under this proposal. At the same time, he doesn't want to delay any action; however, he would like the Committee to consider, due to his longevity and credentials over other employees, to pay him two weeks for every year of service with the Council. He went on to state that the money could come out of reserves and the Council can then move forward and he could support that decision.

Councilwoman Heitmann asked Ms. Donley if Mr. Utley's request was ever presented to her and if so were budget calculations performed. Ms. Donley replied no and she doesn't believe that under the new State Statute which took effect on July 1st that the Council would legally be able to award Mr. Utley his request. There was a change to the statute with regard to employee layoffs and buyouts. Also, Mr. Utley is a non-contractual, but an "at will" employee.

Mr. Mulhere asked Mr. Utley how many years of service? Mr. Utley replied 5.5 years.

Ms. Donley explained the current policy of the Council. Employees that are terminated with the Council for whatever reason get paid out their accumulated scheduled leave up to 160 hours and any unscheduled leave (sick) that is accumulated is forfeited. She also noted that this proposal included that instead of the two weeks notice which is the Council's policy, the Council will pay two weeks of Administrative Leave.

Chair Turner stated that this is a bit of an unusual situation.

Mr. Mulhere suggested not making a decision at this time since the Committee doesn't know what the fiscal impact is at this time.

Mr. Utley stated that it would be \$27.86 multiplied by 40 hours.

Councilwoman Heitmann moved and Vice Mayor Denham seconded to consider the proposal and bring it before the Budget and Finance Committee on October 6th, along with the ramifications of the Florida Statute.

Chair Turner asked Ms. Donley if she was comfortable proceeding with Mr. Utley's request. Ms. Donley replied that she is concerned with setting a precedent and there are two other employees slated to be laid off who also have some longevity with the Council. Chair Turner stated to that point, the licensing, accreditation and that whole process from the professional standpoint, not to minimize the other positions, is there a point to be had there as well. Ms. Donley replied that would be the Executive Committee's decision. However, her only concern is that she would have to re-read the statute, because she had to acquaint herself with it when it came to Mr. Heatherington's Severance Package and he is was not covered under the new law because he had a contract pre-dated July 1st.

Councilwoman Heitmann stated that that is why she didn't feel that it was appropriate to have the issue discussed in this forum with the both the legal and financial ramifications.

Commissioner Jones stated that he feels that Mr. Utley's request is secondary to the Committee's business and it can be taken to the Budget and Finance Committee for discussion. He feels that Ms. Donley is correct and it would violate the recently enacted State Statute regarding extra compensation.

The motion passed with both Chair Turner and Commissioner Jones opposed.

Commissioner Jones stated that the reason that he voted against the motion was because he believes that it violates the State Statute.

Vice Mayor Denham stated that the Council needs to do some additional marketing and he would be willing to volunteer his time to help with the effort. Chair Turner asked how we get the word out about the Council to the communities throughout the region.

Councilwoman Heitmann suggested through FRCA, invite Mr. Ron Book, Executive Director of FRCA to a Council meeting.

Ms. Donley explained that a letter was sent on behalf of the Executive Committee to Mr. Ron Book and Mr. Scott Koons stating that the Executive Committee was recommending withdrawal from FRCA at this point in time she hasn't received a response. However, they are holding their quarterly meeting for the Executive Directors up in Tallahassee next week which she was planning on attending via conference phone. She still hasn't received the minutes from the June meeting when they discussed raising their dues.

Mr. Mulhere stated that he received a phone call from Mr. Brian Teeple from the Northeast RPC asking why the SWFRPC wants to withdraw from FRCA, so he explained to Mr. Teeple the reason is that the Council didn't feel that they were getting the value for their dues and then the increase in dues when everyone is struggling. Mr. Teeple asked what he thought should be done and he said that someone should come down and talk to us.

Vice Mayor Denham stated that he asked the Florida League of Cities about FRCA and their lobbyists and they said that they don't see them. Mr. Mulhere said then that is an issue. He then noted that FRCA hired Ms. Sheri Coven who worked under Tom Pelham in DCA. He explained that there isn't a lot of support from the legislature. The RPCs need to stand on our own two feet and demonstrate that we have a value and if we do that we still need someone that can speak on behalf of the RPCs in the legislative process.

Councilwoman Heitmann noted that FRCA did save the RPCs from the first cut.

Chair Turner clarified that it was the Governor who cut the RPCs, not the legislature.

Chair Turner stated that there needs to be a common theme approach towards lobbying our legislature to make sure that the legislators within the regions understand that we want RPCs. We do feel that there is a logical reason for these entities to exist and it gives them a better argument towards the Governor and/or friends in Committee.

Vice Mayor Denham moved and Mr. Mulhere seconded to approve the Interim Executive Director's recommendations with his additional recommendations and forward the recommendations and presentation to the Council. The motion carried unanimously.

Chair Turner asked that a draft policy be presented at the next Council meeting on how to identify the grants issue with regards to overruns and placing safeguards. Ms. Donley replied yes, and she also was going to bring job cost controls before the Budget and Finance Committee.

Mr. Beever of staff asked to speak in regards to the grants overruns. He clarified that there were indirect overruns on some of the grants. The spending for direct on the grants was all within the budget. He then explained the indirect rate which covers the support staff, building, etc. and is adjusted at the end of the process to reflect what the indirect truly was for that calendar year.

Chair Turner explained what he wants included in the policy.

Item #4 - Adjournment

The meeting was adjourned at 10:13 a.m.