

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SEPTEMBER 15, 2011 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on September 15, 2011 at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chair Karson Turner called the meeting to order at 9:01 a.m. Commissioner Butch Jones 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, Ms. Andrea Messina, Commissioner Robert Skidmore

Collier County: Commissioner Jim Coletta, Commissioner Donna Fiala, Councilwoman Teresa Heitmann

Glades County: Commissioner Kenneth "Butch" Jones

Hendry County: Commissioner Karson Turner, Mr. Melvin Karau

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

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

Ex-Officio Members: Mr. Jon Iglehart - FDEP, Ms. Terri Behling - SWFWMD

MEMBERS ABSENT

Charlotte County: Commissioner Tricia Duffy, Mr. Michael Grant

Collier County: Mr. Bob Mulhere, Ms. Pat Carroll

Glades County: Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Commissioner Tristan Chapman, Commissioner Joseph Miller, Commissioner Daniel Akin

Lee County: Mr. Paul Pass

Sarasota County: Mr. George Mazzarantani

Ex-Officio Membership: Mr. Johnny Limbaugh – FDOT, Mr. Phil Flood – SFWMD

INTRODUCTIONS

Chair Turner introduced the Council's newest member: Councilman Joe Kosinski from the Town of Fort Myers Beach. He also recognized Mr. Matt Spielman with U.S. Representative Connie Mack's Office and Ms. Diana McGee with U.S. Senator Bill Nelson's Office.

AWARD PRESENTATION

Ms. Donley presented Ms. Deborah Kooi of staff an award for 20 years of being an employee of the Southwest Florida Regional Planning Council.

PUBLIC COMMENTS

No public comments were given at this time.

AGENDA

Councilwoman Heitmann pulled Consent Agenda Item #7(b) Financial Statements for July 30, 2011, August 31, 2011 & Grant Activity Status Sheets.

Chair Turner asked Councilwoman Heitmann if she would agree to place that item under Agenda Item #8(a)3 Budget & Finance Committee Report. Councilwoman Heitmann agreed.

AGENDA ITEM #6 MINUTES OF THE JULY 21, 2011 MEETING

Vice Mayor Denham moved and Councilman McKeon seconded to approve the minutes of the July 21, 2011 meeting. The motion carried unanimously.

AGENDA ITEM #7 CONSENT AGENDA

Councilwoman Heitmann requested that Agenda Item #8(c) Amend FY2012 Budget to Provide for Highest Level of Core Staff Expertise and Efficiency within a Restricted Budget be incorporated under Agenda Item #8(a)3 Budget & Finance Committee Report. Chair Turner agreed.

Councilman Banks moved and Councilman McKeon seconded to approve the balance of the consent agenda as amended: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #7(c) Lee County Comp Plan Amendments (DCA 11-1) #7(d)

Southwest Florida Hazardous Materials/Emergency Preparedness Training Update; Agenda Item #7(e) Hazardous Materials Emergency Preparedness (HMEP) Planning & Training Grant Contract; Agenda Item #7(f) Comprehensive Economic Development Strategy (CEDS) Annual Update; Agenda Item #7(g) Member Appointments and Certification for the Glades and Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged; Agenda Item #7(h) Sarasota County Interstate Business Center DRI - Notice of Proposed Change; Agenda Item #7(i) Palmer Ranch DRI - Master DO & Increment 18 NOPCs; Agenda Item #7(j) North Point DRI - NOPC; Agenda Item #7(k) Lee County Gateway DRI - NOPC; Agenda Item #7(l) Pelican Preserve DRI - NOPC; Agenda Item #7(m) Sarasota Gateway DRI - Essentially Built Out Agreement; Agenda Item #7(n) Fountains DRI - Sufficiency Review Extension; and Agenda Item #7(o) Approved FY2011 Budget Amendment The motion carried unanimously.

AGENDA ITEM #8(a)1
Regional Visioning Committee

Ms. Donley gave a PowerPoint presentation.

Ms. Holquist explained that the Regional Visioning Committee has scheduled to meet every two weeks and will be putting together a recommendation package to present to the Council at its October meeting. Also, Mr. Dale Brill, President of the Florida Chamber Foundation will be coming and making a presentation at the October SWFRPC meeting.

Councilman Banks moved and Ms. Messina seconded to approve SWFRPC Resolution #2011-04 - A Resolution in Support of the Southwest Florida Regional Planning Council's U.S. Department of Housing and Urban Development's FY 2011 Sustainable Communities Regional Planning Grant Application. The motion carried unanimously.

AGENDA ITEM #8(a)2
Executive Director Search Committee

Chair Turner indicated that to date staff has received approximately 50 applications and all applications have to be postmarked by midnight today.

Commissioner Bigelow asked how long was the Executive Director position advertised and where was it advertised. Ms. Doyle of staff replied that the ad was published within the following publications: Florida American Planning Association (FAPA), Florida Administrative Weekly (FAW), Florida Planning and Zoning (FPZA), Southeast Regional Directors Institute (SERDI), and National Association of Development Organizations (NADO). She noted that 29 applicants are from within Florida and 21 are from out-of-state and the position ran for three weeks.

Commissioner Bigelow asked how the timeframe for the ad was determined. Ms. Doyle replied that it was determined by the Executive Director Search Committee.

Councilwoman Simons asked with the job description change, have we received applicants with Master Degrees in planning, regional planning, and public administration. She then asked Chair Turner as both he and Mr. Grant are reviewing the applications are they seeing some promising applicants. Chair Turner stated that is pleased with the pool, but he wants to caution the Council that he has never hired a planner before, but he has hired some professionals. When he looks at the applicants there are some professionals and they have a diverse backgrounds.

Councilwoman Simons suggested having a planner from Lee County sit with Chair Turner and Mr. Grant to help with the review of the applications.

Commissioner Mann said to give Lee County a call to see what they can do to assist if the committee feels the needs for the assistance.

Chair Turner stated that it needs to be proposed to the entire Executive Director Search Committee for their input.

Councilwoman Simons moved to obtain assistance from Lee County to help with the review of the Executive Director applications.

Commissioner Mann explained that Lee County can't be forced to do it. He said that he will look into the matter and if it works out he will offer their services.

Councilwoman Simons moved to accept any assistance from Lee County on the Executive Director Search Committee process.

Commissioner Bigelow suggested having staff contact Ms. Chris Brady, Lee County HR Director. Ms. Doyle stated that she had already been in contact with Ms. Brady and she had been very helpful.

Commissioner Bigelow expressed his concerns regarding the three week advertisement period. Chair Turner stated that he understands Commissioner Bigelow's concerns and he is shocked that we didn't receive more applicants. However, the staff can do some research and report back to entire Council to see if placing an ad for hiring an Executive Director for an RPC for a three week period is unacceptable. He then asked for input from the Council.

Commissioner Skidmore stated that he didn't feel that it was unreasonable. He doesn't feel that you can judge the quality of applicants by the number of applications received.

Vice Mayor Denham asked Chair Turner if part of the process is to bring back 3 or 4 of the top applicants to the Council for a final interview.

Commissioner Tom Jones explained that the process is as follows:

- Search Committee Chair & SWFRPC Chair Vetting Applications –October 12th
- Forward Applications to Search Committee –October 14th
- Search Committee Ranking of Selections – October 20th

Commissioner Tom Jones stated that he also doesn't believe in short circuiting the process. He has faith in both Chair Turner and Mr. Grant in handling the process and if we don't have qualified applicants then we will put the position back out to re-advertise.

Councilwoman Simons reconfirmed Commissioner Tom Jones' timeline. She clarified that the final determination will be made by the full Council.

Ms. Donley explained that both Chair Turner and Mr. Grant will be conducting the initial screening of the candidates to ensure that they meet the criteria and that they are eligible to go to the Executive Director Search Committee. All of the information will be released to the Executive Director Search Committee on October 14th and on October 20th the Executive Director Search Committee will be meeting immediately following the SWFRPC Board meeting where they will be compiling their list of semi-finalists. The Executive Director Search Committee have set aside two days of interviews (November 4th and November 5th) and out of that will come their last tier of finalists. Chair Turner was going to inform the Council at their November meeting of the progress and then move forward with the next set of screening which would go before the full Council at their December meeting.

Councilwoman Keesling asked if minutes were taken at the Executive Director Search Committee meeting. Ms. Gwinnett replied yes and that they are available on the Council's website. Ms. Donley noted that staff is aware that there is an issue with Apple/Mac software compatibility and accessing the Council's website items and they are working on fixing the issue.

Councilwoman Keesling requested that the minutes be included within the agenda packets.

Councilman McKeon asked for clarification that both background and reference checks will be performed. Chair Turner replied yes.

Commissioner Tom Jones explained that the Executive Director Search Committee had the same concerns and wanted to make sure that there was the proper vetting of all of the applicants. He explained that any member of the Council can attend the meetings even if they are not on the Committee and give their input and the minutes will be made available to everyone.

Councilwoman Simons stated that she will withdraw her motion since Lee County stated that they would look into offering their assistance.

Commissioner Mann asked if there is a certain number of applicants that the Committee is looking for the Council to interview as a whole. Chair Turner replied that it was not to exceed five applicants.

AGENDA ITEM #8(a)3 Budget & Finance Committee

Chair Turner explained to the membership that Councilwoman Heitmann will begin by addressing the Council's FY2011 Budget and it is not to be confused with the Council's FY2012 Budget which begins on October 1st.

Councilwoman Heitmann began by stating her reason for pulling Consent Agenda Item #7(b) Financial Statements for July 30, 2011, August 31, 2011 & Grant Activity Status Sheets. She explained that she was notified by staff that there is a deficit to the FY2011 Budget, more than originally anticipated. In accordance to various minutes of various committee meetings since June 16th, including the Council, there were recommendations that once we had the former Executive Director's compensation and buyout package and the FY2012 Budget Committee made recommendations that there needed to be positions eliminated in order for us to meet our existing budget.

Councilwoman Heitmann stated that there are two separate issues and with the current budget and the loss of DCA's funding, there is a deficit of approximately \$71,000. Those recommendations were made to eliminate four positions and through Council's wisdom, several recommendations were made furloughs, salary reductions, etc. However, Council decided not to move forward with any of those recommendations. Council decided to keep staff in place for the remainder of FY2011 and the Interim Executive Director would be responsible for balancing the budget. She explained that we are now facing the consequences of not eliminating those positions, the lack of funding, and the true predictions of what we would be as far as a deficit. She then asked that Ms. Janice Yell of staff to give an overview of the FY2011 budget.

Ms. Yell gave the reasons behind the FY2011 Budget deficit. She explained that approximately 70% of the Council's revenue is grant driven and they create a zero income. She then explained the Council's fringe and indirect expenses. When the predictions were made in June they were based on historical data. Staff also anticipated the loss of DCA funding, approximately \$60,000 for the last quarter. What happened was staff started charging their time to other revenue streams which was not what was originally predicted. This caused both the fringe and indirect rates to increase and it also impacted all of the grants, because it placed more of a charge onto those grants. Which some of the grants were already completed so we are not going to be able to have those funds get reimbursed back to the Council. She explained that the worst case scenario is that there is going to be a \$160,000 deficit by the end of the Council's fiscal year (September 30th). We are currently over than what was originally predicted:

- 22.94% in indirect
- 13.89% in local
- 34.82% in fringe

Ms. Yell explained that to reach the \$160,000 amount she used the percentages that are currently being charged. She then went through a slide which illustrated some of the grants which had a negative balance.

Commissioner Mann asked if the \$160,000 is a budget deficit or a cash deficit. Ms. Yell responded that it is currently a budget deficit. The money needs to come out of reserves. Commissioner Mann asked how long the Council can keep spending its reserves. Ms. Yell explained that the Council currently has \$680,090 in reserves, so if the Council approves taking the \$160,000 out of reserves that will leave a balance of \$520,090. She explained that for the FY2011 Budget it is already too late to do anything since it ends September 30th, but for the FY2012 Budget something needs to be done because the Council cannot continue at the rate that it has been going.

Chair Turner stated that there was a recommendation given before this Council back in June or July to make changes and the Council chose not to do so and to reassess at a later date. Well, the later date is today and change must occur.

Councilwoman Heitmann asked Ms. Yell to clarify in order to balance the FY2011 Budget, where the funds are coming from and the exact amount. Ms. Yell replied that her prediction for the worst case scenario, the amount is \$160,038.33. She explained in "unassigned reserves" there is \$46,000. Overall, in both "unassigned" and "assigned" reserves the Council has \$680,090. She explained that at the end of the year, if the Council had either a net loss or net gain it always rolled into the reserves. The last time that the Council had a deficit like this was when the building was purchased. Every other year the Council has always had a net gain.

Councilwoman Heitmann asked Ms. Yell that with the FY2012 Budget does the Budget & Finance Committee need to review with staff the possible deficit for that budget. Ms. Yell explained that the FY2012 Budget was already set up with position cuts and hour reductions, so if those are not implemented then there will be a deficit in the budget.

Vice Mayor Denham stated that this issue shouldn't be a surprise any anyone; however, it is more than what was anticipated. The important thing to understand is that we have taken a lot time to make this organization whole and we have recommended changes in the FY2012 Budget. He stated that this Council needs to move forward with its recommendations and not keep putting them off.

Commissioner Coletta stated that he agrees with Vice Mayor Denham. He then asked with the last budget cycle that the local municipalities have gone through, have there been any local municipalities that have withdrawn from the Council. Or have indicated that they are going to be withdrawing from the Council in the near future.

Ms. Donley explained that there is one membership entity discussing whether or not they want to continue their membership on the Council. However, that member is a city and the Interlocal Agreement that was signed by the six counties (Charlotte, Collier, Glades, Hendry, Lee and Sarasota) in 1973 and amended in 1980 have the responsibility for the local assessments lying with the counties. She has gone back through the Council's history and for reasons that she cannot find documentation for back in 1988, two cities in Lee County came to the Council and asked for permanent seats on the Council and with that started paying their own assessments. Since that time, two additional cities in Lee County have come forward and asked for permanent seats on the Council and are also paying their own assessments. Both the City of North Port and City of Venice are paying their own assessments so that they have permanent seats on the Council. However, if you look back at our minutes, rules and the Interlocal Agreement, should one of those cities that are paying their own assessment determine that they no longer want a permanent seat on the Council and they withdraw, the responsibility for their assessment reverts back to the county. So from a financial standpoint, it is a zero sum for the Council, but for a participation standpoint she feels that it is a great loss.

Commissioner Coletta stated that he feels that if it came to a vote at the Collier County BOCC they would cut the total budget for the Council and withdraw. There were comments made by

some of the Collier County Commissioners, who were previous Council members that they see little to no value of being a member of the Council. He defended the Council and deflected the criticism. He explained that the issue is the creditability of where this Council is at this point in time. He explained that the concern of the Collier County BOCC is that their local assessment was being spent and they haven't seen a payback. He hopes that the Council comes to a decision to stop the bleeding. He hates to see people suffer; Collier County has had to lay off 22% of its employees. The truth to the matter, there hasn't been a revenue stream to sustain it or the workload to justify it and he feels that same thing is true for the Council.

Councilwoman Heitmann stated that she appreciated Commissioner Coletta's comments because she feels that they are felt widespread. This is why some of its members have taken on the leadership task to bring this Council back to focus, i.e. Regional Visioning, Executive Director Search, and Budget and Finance Committee. We are in the process of transition.

Councilwoman Heitmann explained that Councilwoman Simons has suggested reviewing the Council's staff job descriptions and salaries and there are also State statutes and grants which we need to abide by.

Commissioner Coletta explained that it is the deficit that has him concerned.

Commissioner Bigelow asked for clarification on DCA's funding and if it affected the current budget. Ms. Yell replied yes, the last quarter. Commissioner Bigelow asked how much was it? Ms. Yell replied approximately \$60,000. Commissioner Bigelow stated that even if the Governor didn't veto the DCA funding, we would still have a deficit. Ms. Yell replied not necessarily. With the loss of DCA funding, you now have staff charging to local and indirect which also raises the fringe costs. So those charges are using up money that we would have at the end of the year.

Commissioner Skidmore stated that even if you cut the \$60,000 from the \$160,000 that still leaves \$100,000. So where does the \$100,000 deficit come from.

Councilwoman Simons stated that the Council paid out the former Executive Director approximately \$100,000.

Commissioner Bigelow stated that with both the departure of the former Executive Director and the loss of DCA funding, then that warrants having to take the money out of reserves. He feels that this is to put us in a corner to make a decision to terminate the four positions, which he requested the names of those staff members at the last Council meeting and was told that there were no names associated with the four positions. He was then presented with an email which predated the July Council meeting which listed four names and positions.

Councilwoman Simons stated that she had a copy of the email in question.

Commissioner Bigelow stated that he feels that this is an attempt to go with the execution of those four staff positions. He stated that he feels that we need to stick together and give ourselves some time to breath. Reserves are there when a situation occurs that wasn't predicted when the budget was developed. He feels that it is justified to use the reserves to fix the deficit for the FY2011

Budget and move forward with the FY2012 Budget without any staff layoffs or hours reductions until the new Executive Director is hired.

Councilwoman Simons suggested that she make her presentation because she feels that there is no need to cut staff, but there is a need to cut the "grave train."

Councilman Banks asked what does it cost per week to keep everyone on staff. Ms. Yell replied approximately \$48,000 between salaries, fringe and indirect. Ms. Donley explained that some of it is directly attributable to grants that are in-house.

Commissioner Bigelow stated that he agrees with Councilwoman Simons to look at keeping everyone onboard and cutting salaries.

Mr. Karau asked Commissioner Bigelow what makes him think that something is going to change. We are procrastinating here and he agrees with Vice Mayor Denham. Do you know that something is going to happen to the economy that the rest of us don't know? Hendry County went through the same thing three years ago and they are still cutting. Commissioner Bigelow stated that he is proposing a different route to fix the same problem.

Ms. Holquist explained the process which the Council had setup through Committees back in July where these issues should have been addressed. It is time now to move forward with what the Council had decided.

Councilwoman Heitmann stated that she doesn't feel that no one is in disagreement that we shouldn't move forward it is just in the way that we move forward.

Mayor Sullivan stated that he agrees with Commissioner Bigelow and we need to cut salaries and benefits not positions. He then stated that anyone that comes in from the outside will not know how to cut positions if they are not familiar with the structure of the Council.

Commissioner Robinson explained that Sarasota County BOCC makes budget adjustments every month and feels that everyone should be heard today.

Commissioner Robinson moved to allow Councilwoman Simons to present her options for consideration of all of the options on the table that we know of at this particular point so this issue can be moved forward.

Chair Turner stated that prior to Councilwoman Simons' presentation there needs to be action taken on the FY2011 Budget in regards to reserves.

Vice Mayor Denham moved and Councilman McKeon seconded to approve withdrawing an amount not to exceed \$160,000 from reserves to cover the estimated deficit for FY2011.

Commissioner Coletta asked that this doesn't preclude us from trying to make adjustments to lessen the \$160,000. Ms. Yell replied that is correct.

Ms. Messina stated that not only does it not preclude us, but we should actively do that.

Commissioner Tom Jones stated that he is surprised at the \$160,000 deficit and we do need to move forward.

The motion carried with Commissioner Bigelow opposed.

AGENDA ITEM #8(c)

Amend FY2012 Budget to Provide for Highest Level of Core Staff Expertise and Efficiency within a Restricted Budget

Councilwoman Simons gave a verbal presentation and also distributed handouts. She suggested having an audit conducted of the job descriptions and salaries by an outside agency. Have them interview both the employees and supervisors, reduce the salaries and benefits which will also reduce the retirement costs. She stated that she estimates that it would cost approximately \$7,500 to conduct the audit.

Councilwoman Simons then addressed Commissioner Bigelow's concerns regarding staff's names in relation to the four positions that were to be eliminated. He was told that there were no names associated with the four positions. She then referred to one of her handouts which included an email which listed four names with payouts. She then stated that to tell the Council that they don't know who is going to be cut is not true. She then stated that she would like to know how that list was determined, because it has everything to do with determining how to cut staff with an analysis of packages, fringe benefits, and revenues. If it is done on a staff wide basis you will come up with a fairer determination and a fairer plan to move forward. She stated that she believes in being fair and responsible.

Councilwoman Simons stated that the last Executive Director resigned his position, but she feels that the Council should have fired him and not paid him the \$100,000 that the Council just had to take out of its reserves. If we felt that he was not managing properly then you have to ask yourself is there a legacy of mismanagement being left behind and in her opinion there is.

Councilwoman Simons then asked who compiled the list of the four staff and how was it determined that these four employees, who are public record, were chosen to be laid off.

Councilwoman Heitmann thanked Councilwoman Simons for her presentation and her suggestion. She then stated that she would like to hear from Ms. Donley on how the Council is going to be moving forward.

Councilwoman Simons stated that she would like to hear from both the HR Manager and the Finance Manager and not from the Legal Counsel/Interim Executive Director on how the Council is going to move forward.

Vice Mayor Denham stated that he was personally involved and many of the issues to the cost of the employees were discussed. The decisions were based upon the workload that was perceived.

Councilwoman Heitmann stated that we need to address the personnel issues and move forward and not dwell on how we got here.

Commissioner Bigelow stated that he supports Councilwoman Simons' suggestion for an HR audit. He stated that he does not support cutting heads.

Ms. Donley explained that the FY2012 Budget includes reclassification of employees. The direction was to eliminate all of the manager and director positions and reclassify those staff. It also includes across the board cut to hours for RPC staff. She explained that when she looks at the organizational chart, which the Council approved, it lists "FTE" which is Full Time Equivalent instead of actual bodies. She explained that no decisions have been made at this time, things continue to be influx. She then announced that Mr. Dave Hutchinson is officially resigning on September 28th, so this is a position that is no longer going to be here. It was slated for reduction, but now it is going to be eliminated. She explained that she continues to look at the revenue streams that the FY2012 Budget Committee reviewed to see what revenue streams will support what level of staffing.

Chair Turner indicated that there is a policy problem where staff has been allowed to over spend on their grants without producing a deliverable. This policy needs to be addressed.

Commissioner Skidmore stated that he agrees with Chair Turner.

Councilman Banks stated that we are very weak on project management and responsibility. There needs to be better cost control.

Councilman McKeon stated that he supports the FY2012 Budget Committee's recommendation.

Councilwoman Simons stated that she hears from staff members and there is a great amount of tension on the staff. There are other things going on also and she feels that it would be helpful, especially for the moral and for the fairness factor that you spend the \$7,500 to have the audit conducted.

Councilwoman Heitmann explained that the Interim Executive Director cannot make any staffing changes without the approval of the Executive Committee. She then said that she will take public comment and come to closure on the item.

Commissioner Mann asked Ms. Donley to give him an overview of her continuing role as it relates to the FY2012 Budget, because he thought that he heard that she will be addressing many of the issues that Councilwoman Simons had addressed. If that is the case, he is totally behind her. He then asked about her role with the FY2011 Budget. Are you supposed to try to shrink that \$160,000 to try to balance the budget and to do it internally without layoffs? Ms. Donley explained that with regards to the FY2011 Budget, which concludes on September 30th, her understanding with the direction from the Council is that they just approved taking up to \$160,000 out of reserves to conclude the current fiscal year. With regards to FY2012, her understanding of the process for implementing the FY2012 Budget is that on September 30th the Council's Executive Committee has asked to meet at 9:00 a.m. at the Council's offices and she will be bringing to them recommendations with regard on how to continue staffing the Council in 2012 in

order to achieve the budget that had been approved. The guidelines which she will be working with are the current revenue streams, expertise of the current staff, and approved organizational chart. She will be bringing her recommendations to the Executive Committee so that they can make the final decision and implement. The reason why the meeting was set for September 30th is because the FY2011 Budget can't take any more hits, so any costs associated with layoffs would be rolled into the FY2012 Budget.

Ms. Donley explained that the FY2012 Budget cannot be balanced without changes to staff (reductions in salaries, changes in fringe benefits, combination of the two and an actual reduction in staff positions).

Commissioner Mann stated that he doesn't believe that no other Interim Executive Director has taken the helm with more awesome challenges and he thanked her for taking on such a task.

Commissioner Bigelow asked if Mr. Hutchinson's position was one of the positions that was going to be laid off. Ms. Donley explained that his position was going to be eliminated and all of the planners were going to be reclassified. Commissioner Bigelow asked if there are going to be additional layoffs along with salary cuts, but the Council will be able to review as Councilwoman Simons suggested the job description of each employee and their salary. Ms. Donley replied if that is the direction that she is receiving from the Council today then that is what she will provide. Commissioner Bigelow stated that he thought that it was already part of the process.

Commissioner Mann asked Commissioner Bigelow to clarify what he was asking. Commissioner Bigelow stated that he wanted to know if Councilwoman Simons' suggestions were going to be included in the recommendations regarding staff to balance the FY2012 Budget. He stated that Vice Mayor Denham had stated that it was already included in the process. Ms. Donley explained that she cannot guarantee that it will be ten bulleted points. The job descriptions will be written for the positions that are here.

Councilwoman Simons stated that it takes an analysis of what that employee is actually doing, reviewing their credentials and writing a job description and also looking at the hierarchy of how the "paper flows" and who is reporting to who in the most efficient manner.

Councilwoman Heitmann stated that if it is the will of this Council to establish a subcommittee between today and September 30th to discuss the details of what the Council would like to have looked at in the changes in job descriptions, salaries and the structure. She asked for the members' comments.

Commissioner Skidmore stated that he feels that there are too many committees currently.

Councilwoman Simons stated that this a process where the Council would be able to save thousands of dollars and fact check on what is going on in today's market with people's salaries and job descriptions. The last time when a comparison was done at the Council was back in 2006-2008.

Councilwoman Heitmann stated to Councilwoman Simons that all of the Council members have received the current job descriptions and salaries and if they have concerns or questions they can

be addressed to the Interim Executive Director so that can be taken into consideration. That is the kind of support that is needed by the Council. Then from those comments, the recommendations will be made. She stated if that suggested process is not acceptable, then she would like to have some suggestions put on the table for consideration.

Ms. Holquist stated that she is very much against it and feels that the Council just needs to move forward. Staff needs to move forward with applying for the HUD grant and get funds coming into the Council and feel positive.

Councilman Banks stated that he liked Councilwoman Simons presentation and feels that it is a good idea and feels that it is something that can implemented after the Council gets itself stabilized sometime in October.

Councilwoman Simons stated that the study could be completed by October. When the new Executive Director comes in they would have a snapshot of how they would reorganize it.

Both Mr. Karau and Chair Turner asked what action is needed. Chair Turner stated that FY2012 Budget has not been revisited and will not be reopened for discussion. He explained that the Executive Committee is scheduled to meet on September 30th at 9:00 a.m. to hear the recommendations of the Interim Executive Director and that is where those recommendations will be brought to the full Council. He feels that there will be head count reduction and hour reductions (including indirect and fringe cuts) and reclassifications of job descriptions. So he doesn't believe that there is a need for a motion.

Commissioner Mann stated that from what Chair Turner just stated and as long as the Interim Executive Director feels that she understands the instructions, he doesn't feel that there is a need for a motion.

Commissioner Bigelow stated that he feels that the Council should be able to say "yay" or "nay". Chair Turner stated that the Council will have that opportunity; however, for clarification there will be a head count reduction regardless, because the plan we voted on is moving forward. Commissioner Bigelow asked who the "heads" are. Chair Turner replied that he does not know and he doesn't believe that the Interim Executive Director knows who they are at this time.

Councilwoman Heitmann asked if there were any public comment at this time.

Ms. Messina stated that nothing from what she has heard would preclude the Interim Executive Director from asking for such a survey which is being suggested should she feel that might help her in her decision making process.

Councilwoman Heitmann explained that the suggestion of the study has a timeframe and cost commitment and it would not be included within the next two week decision. Ms. Messina said that if Ms. Donley requested additional time in order to conduct the study, she has that option. Councilwoman Heitmann replied no, it would not.

Public Comment

Ms. Geva Selarno with Non Profit Solutions Consulting explained that her consulting firm focuses on helping organizations grow and sometimes move through conflicts and issues similar to what the Council is currently facing. She explained that she has a team of consultants which she works with for a variety of different needs and one of the team members is an HR consultant. She stated that she believes that an HR analysis and audit would be good thing for the Council, but she also believes that it is time for the Council to get stabilized as soon as possible. She then proposed that if there is a way to stabilize the current situation and then also conduct an audit, but give yourself a little bit of time and do it correctly and really think about what positions are needed, what they are suppose to be doing, what the correct pay level for those positions should be would be very beneficial. She stated that she doesn't feel that the study could be completed before October 1st, so if there is any way to move forward, but also consider conducting an audit that is what she would recommend.

Chair Turner stated that we are moving forward with it and will report back to the Council in October.

Commissioner Bigelow stated that he is opposed to that.

Commissioner Bigelow moved that the Council review and oversee the plan for staff reductions and salary cuts before it is executed.

Chair Turner explained that the plan for the FY2012 Budget, which was approved at the July SWFRPC Board Meeting and was done through the FY2012 Budget Committee, had headcount reductions along with other items proposed. The Council gave the motion an endorsement and therefore it will be implemented by the Interim Executive Director. The Council did tell the Interim Executive Director that she would not be allowed to make any personnel changes within the current budget. He explained that in accordance to the Council's motion and the endorsement of the FY2012 Budget, there will be reductions made to staff. So come October 1st there will be employees that will no longer be employed with the SWFRPC.

Commissioner Bigelow stated that other then the Executive Committee, other members will not have a voice in who will be laid off. Councilwoman Heitmann stated that all members are invited to attend the September 30th Executive Committee meeting.

Chair Turner stated that at the September 30th Executive Committee meeting he does not anticipate a tremendous change one way or the other because of the will of the Council was heard, we are going to move forward with implementing that plan.

Commissioner Bigelow stated that he opposes the Interim Executive Director having the authority to terminate without the full Council having the chance the review her recommendations. Chair Turner explained that the Interim Executive Director does not have the authority to terminate without the Executive Committee interceding. Commissioner Bigelow stated that his concern is that the full Council will not have the opportunity to vote on the decision, which is what the Council had an issue with what the previous Executive Director did.

Chair Turner explained to Commissioner Bigelow that the full Council does not set day-to-day decisions for the Council.

Councilwoman Simons stated that Commissioner Bigelow wanted to give the full Council the opportunity to oversee the recommendations from the Interim Executive Director go before the full Council before they are presented to the Executive Committee on September 30th, before any action is taken.

Councilwoman Simons moved and Commissioner Bigelow seconded to hold off on the staff layoffs until the job descriptions are reclassified and the salary ranges of the current employees and hire a consultant to immediately evaluate the job classifications, salary ranges and present a recommendation to the full Council at its October 20th meeting .

Commissioner Bigelow stated that he doesn't want to see layoffs; he would rather see salary adjustments and have personnel costs come down.

Councilwoman Simons called for a roll call vote.

The motion failed with a 5 to 14 vote.

Councilwoman Heitmann moved and Commissioner Bigelow seconded to have the Executive Committee bring their recommendations regarding the reductions and adjustments of staff before the full Council at the October 20th meeting for a vote.

Mr. Karau asked what would be the purpose of the motion. Councilwoman Heitmann replied to satisfy the union in order for us to move forward and that we know that we have the full support of the Council in the visioning and the direction and the union of the Council.

Ms. Messina asked Ms. Donley if we would expect an organizational chart to accompany any layoffs, because she doesn't see the Council's role approving staff. She sees the Council's role approving an organizational chart. Ms. Donley replied yes.

Councilwoman Heitmann stated that she amended the motion to include approving an organizational chart. Commissioner Bigelow agreed to the amendment.

Chair Turner stated that for clarification the Executive Committee will review the Interim Executive Director's recommendations on September 30th, but no action will be taken regardless of what the Executive Committee recommends until the full Council has an opportunity to review their recommendations. If the Committee's recommendations do not pass the full Council then will begin from step one.

Councilman Banks noted that the FY2012 Budget will be expanded by that action and the budget will have to be amended.

Commissioner Tom Jones stated that every member of the Council had the opportunity to vote on the FY2012 Budget. Whether you did or did not agree with it, the budget was approved by this Council. The implementation of that budget is what is currently being discussed and the way that it needs to be implemented. In the timeframe that it needs to be accomplished is Ms. Donley's responsibility and it is unfortunate that it falls upon her shoulders to do it. But for us to stir around

and get into micro-managing on how our Interim Executive Director implements the budget that we approved is wrong. Ms. Donley doesn't even owe us the meeting on September 30th and she also doesn't owe us the outcome of the vote of that meeting. If we had a regular Executive Director at this time we wouldn't even be having this discussion.

Chair Turner stated that if this issue doesn't come to a closure we are going to lose some of the applicants for the Executive Director position.

Ms. Messina stated that she agrees with both Chair Turner and Commissioner Tom Jones. She stated that if this Council continues to try micro-manage, then the most important position in which this agency is trying fill is going to become compromised.

Councilwoman Heitmann withdrew her motion.

Commissioner Bigelow moved and Mayor Sullivan seconded to have the Executive Committee bring their recommendations regarding the reductions and adjustments of staff before the full Council at the October 20th meeting for a vote. The motion failed.

Chair Turner directed Ms. Donley to proceed forward and bring her recommendations to the Executive Committee at their meeting on September 30th.

**AGENDA ITEM #8(a)4
Executive Committee**

Chair Turner announced that the Executive Committee is scheduled to meet on September 30th at 9:00 a.m. in the offices of the SWFRPC - 1st floor conference room to discuss the implementation of the FY2012 Budget.

**AGENDA ITEM #8(a)5
FY2012 Budget Committee**

Chair Turner indicated to Vice Mayor Denham, as Chair of that Committee, that the Council's goal was to dissolve the FY2012 Budget Committee.

Vice Mayor Denham agreed to dissolve the Committee since it completed its mission.

**AGENDA ITEM #8(a)6
Estero Bay Agency on Bay Management**

Commissioner Bigelow asked that the ABM report be deferred until October.

**AGENDA ITEM #8(b)
Amended SRPP EAR with DCA Corrections**

Mr. David Crawford of staff began giving a verbal presentation of the item.

Commissioner Skidmore suggested that since there wasn't a quorum present that the remainder of the agenda be tabled until the October meeting. He stated that there is no sense having staff give a presentation on an item where no action can be taken.

Chair Turner thanked Commissioner Skidmore for that clarification.

Ms. Donley stated that she would like to address Agenda Item #9(b) next.

AGENDA ITEM #9(b)
City of Cape Coral Proposal to Withdraw from the SWFRPC

Mayor Sullivan read a statement from the City of Cape Coral. "On behalf of the City Council of Cape Coral we would like to extend our appreciation for the past decade of membership. It has been brought to our attention that there has been significant inequity divided between City of Cape Coral, City of Sanibel, City of Marco Island, City of Clewiston, and City of LaBelle. It was further brought to our attention that the six counties participating in the Council all have a representation through their respective county commissions. It would be our recommendation that the future financing of the organization be provided fully through the counties' budget and that the cities that pay separate membership fees be represented through their county commissions. At the current time, in this economy it is unreasonable to expect one city to pay the lion's share of membership while all of the municipalities receive an equal benefit with equal ad valorem cost. We respectfully request that the City of Cape Coral the rotational free seat for the next several years. It is highly unlikely that the City of Cape Coral will continue past September 30, 2011 as a member considering your past practice has less than reputable representation."

Mayor Sullivan announced that the City Council of Cape Coral will be voting on the issue a week from Monday on whether or not this will be ratified.

Ms. Donley gave the background on the issue and the actions which have taken place over the last six weeks.

Ms. Donley explained the SWFRPC was originally formed by an Interlocal Agreement that was signed by the six counties in 1973 and amended in 1980. At that time the Council was established so that each of the six counties received two seats on the Council and there was a third seat for each county where the county would assign to a municipality. In 1988, the Council's rules were changed at which point the provision for who filled municipal seat then resided within the cities of those counties. Originally, the county decided who got the municipal seat but then it changed statutorily that the cities decided who got that seat. In 1988, the City of Fort Myers approached the Council and said that they didn't want to continue sharing the one free seat, but they wanted a permanent seat at the Council. At that time, they were granted a seat at the Council and then the City of Cape Coral approached the Council and requested a permanent seat at the Council. The staff was directed to modify the rules which are codified in the Florida Administrative Code so that cities of 25,000 or more could have a seat at the table on the Council. There was no discussion in

the rule change or in the minutes about the allocation of the assessment that was associated with the population within that city. However, in 1988 when both the City of Fort Myers and the City of Cape Coral came to the table there seems to have been a practice that those cities, since they had permanent seats, paid for their own assessment. This practice continued on and in 1995 the rules were changed to eliminate the requirement for 25,000 or more and then the City of North Port came to the table with a permanent seat in 1996. The Town of Fort Myers Beach came to the table in 1997 and the City of Bonita Spring in 2000 and those cities pay their own assessment.

Ms. Donley explained that there are more than one city within a county that are represented at the table and it appears that there may be internal agreements at the county-city level where the county said that they will pay the city's assessment. However, she has not been able to find any documentation. The City of Cape Coral's concern came to her awareness and she attended their workshop and listened to their concerns and she has also gone to Lee County and spoken with their administrator regarding the situation. It is Lee County Administrator's understanding that that a request was sent to the Lee County BOCC and that the BOCC requested their Attorneys to look into the issue. Ms. Donley believes that a memo has been generated that went back to Lee County's Administrator regarding the issue.

Ms. Donley explained that she has also spoken with the City of Sanibel City Manager about the situation and it is her understanding that the City of Sanibel has voted that they wanted to continue on the Council even if it meant that they would be paying their own assessment.

Vice Mayor Denham stated that the City of County of Sanibel voted unanimously to fully support the Council's endeavors and would like to continue to have a seat at the table.

Mayor Sullivan stated that Ms. Donley did an extraordinary job representing the Council to the City Council of Cape Coral.

Ms. Donley stated that she needs to receive final verification from Lee County regarding the one municipal seat. She believes that seat will be released to the City of Cape Coral and she will be able to inform them formally at their meeting on September 26th.

Mayor Sullivan stated that he believes that the City Council of Cape Coral will be willing to step back in if they were allowed to get the free seat on the Council.

Ms. Donley explained that the City of Cape Coral directed her to contact the City of Sarasota because they were the one city that were at the table and withdrew in 1991. So Mr. Dan Trescott of staff contacted the City of Sarasota to have a discussion with them about why they withdrew and he has opened up communications with them about the possibility of them coming back to the Council.

Commissioner Skidmore noted that the Charlotte County BOCC has requested a statutory change to be able to withdraw from the Council. They have requested the statute to be revisited for counties that don't perceive any value in being a member of an RPC and not to have to pay their assessment.

Commissioner Bigelow stated that he is going to request that he not be reappointed to the Council, but that he continues being a member of the ABM.

Ms. Donley stated that she has spoken with Charlotte County's Attorney and they would like to look at the Council's Interlocal Agreement which was last written in 1980. There are statutes within the agreement which are cited that no longer exist. So some of things that might be up for consideration for the Council are amending the Interlocal Agreement and/or amending the rules so that they accurately reflect the manner in which the Council functions.

AGENDA ITEM #10 DIRECTOR'S COMMENTS

Ms. Donley had no comments at this time.

AGENDA ITEM #11 STATE AGENCIES COMMENTS/REPORTS

SWFWMD – Ms. Behling announced that the Southwest Florida Water Management District appointed a new Executive Director, Blake C. Guillory.

FDEP – Mr. Iglehart announced that FDEP is working on outreach strategy to assist local communities to bring in businesses and will be contacting the area's local economic development groups.

AGENDA ITEM #12 COUNCIL ATTORNEY'S COMMENTS

Ms. Donley announced that on October 3rd she will be interviewing law students at Ave Maria Law School. They have set aside three work study slots for us and she is looking forward to working with the University.

AGENDA ITEM #13 COUNCIL MEMBERS' COMMENTS

Commissioner Skidmore announced that Charlotte County is hosting its third annual Energy Conference on October 5th.

Mr. Colon stated that Mr. Scott from the Lee County MPO had made some comments regarding the high percentage billing to indirect and he didn't see those comments in the minutes. He feels that those comments should be addressed since the budget is being addressed and since he isn't too familiar with the way the budget works.

Commissioner Bigelow stated that the Lee County MPO will be addressing the issue at its board meeting tomorrow.

Commissioner Butch Jones stated that he has been on the Council for 22 years and he has never had to make such hard decisions. He also stated that he will not be able to attend the October 20th SWFRPC Board Meeting.

Ms. Messina stated that she felt that there was a very healthy dialog and that members understand the budget better than what they have in the past.

Ms. Holquist encouraged the members to send the letter of commitment for the HUD Grant.

Chair Turner requested that Ms. Holquist send an email to Ms. Donley with her request regarding the letters of commitment so she then can send it out to the Council members.

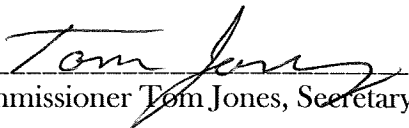
Councilwoman Heitmann stated that it is vital that every member send in their concerns or comments to the Interim Executive Director regarding the structure for her consideration.

Chair Turner thanked both Councilwoman Heitmann and Ms. Holquist for their leadership in the budget and visioning process. He then noted that there needs to be a policy where if Council members have issues which need to be placed on the SWFRPC agenda that all communication goes through the Executive Director/Interim Executive Director. Council members should not be requesting anything from any staff member of the Council. Another policy needed is a policy for cost control in regards to grants and how they are administered.

Commissioner Bigelow requested any information that has been requested from the State Attorney's Office as a public records request be on the October Agenda. Ms. Gwinnett explained that she is the Council's Records Management Liaison Officer and she has not been notified of any public records request from the State Attorney's Office.

AGENDA ITEM #14 ADJOURN

The meeting adjourned at 11:50 a.m.



Commissioner Tom Jones, Secretary

The meeting was duly advertised in the September 2, 2011 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 37, Number 35.