

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOVEMBER 16, 2011 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on November 16, 2011 at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of Chair Karson Turner and Vice-Chair Teresa Heitmann, Secretary Tom Jones was the Acting Chair for the November 16, 2011 meeting and called the meeting to order at 9:07 a.m. Secretary Tom Jones led an invocation and led the Pledge of Allegiance. Administrative Specialist II Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Tricia Duffy, Mr. Michael Grant

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

Glades County: None

Hendry County: None

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

Sarasota County: Commissioner Christine Robinson, Commissioner Tom Jones, Commissioner Carolyn Mason

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Phil Flood - SFWMD, Ms. Terri Behling - SWFWMD

MEMBERS ABSENT

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, Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Commissioner Karson Turner, Commissioner Tristan Chapman, Mr. Melvin Karau, Commissioner Joseph Miller, Commissioner Daniel Akin

Lee County: Mayor John Sullivan, Councilwoman Martha Simons, Mr. Paul Pass

Sarasota County: Councilman Kit McKeon, Mr. Felipe Colón, Mr. George Mazzarantani

Ex-Officio Membership: Mr. Jon Iglehart - FDEP

Ms. Donley explained that due to the lack of a quorum being present, the Council has the option to form a Committee of the Whole and move forward with the agenda and any actions that the Committee would recommend based on the agenda would go before the full Council at its next meeting on December 15, 2011. The Council would then approve all of the recommended actions of the Committee at that time.

Ms. Carroll moved and Commissioner Mann seconded to recommend to form a Committee of the Whole in order to move forward with the November 16, 2011 SWFRPC agenda.

Commissioner Bigelow asked how many members the Committee was short from reaching a quorum. Ms. Gwinnett replied that there are 12 members currently present and the Council needs 17 members present for a quorum. Commissioner Bigelow stated that he thought that there was a member participating by conference phone. Ms. Gwinnett replied that is correct, Commissioner Robinson is participating by conference phone and that she was included in the 12 members.

Vice Mayor Denham asked if the Committee can still vote on the issues. Commissioner Jones explained that any vote/action that this Committee takes would be a recommendation to the full Council at the next meeting.

Commissioner Mann asked for clarification how many members are we short of a quorum. Commissioner Jones replied five members. Commissioner Mann then stated that the Committee should be sensitive to the audience/public who would like to make any public comments and then not waste too much time on the agenda items, since there isn't a quorum present. Commissioner Jones explained that he doesn't believe that the Consent Agenda should take too much time and the Committee Reports are discussion items. However, he does have one request for public comment. He then reminded everyone in the audience that if they wish to address the Committee to fill out a speaker card.

Motion carried unanimously.

PUBLIC COMMENTS

Mr. Don Scott, Director of the Lee County MPO stated that he is addressing an issue which will be discussed during an item later in the agenda. He is requesting that the four MPO staff be able to work during the two furlough days. He stated that he is in agreement to not work in the office, but be able to work from a remote location or from home. The MPO staff has many items which need to be addressed over the next two to three months, including certification, Long Range Plan amendments, agenda packets mail outs, moving issues, and grants (TIGER and Brownfields) which were submitted the announcements are supposed to be made.

Mr. Scott explained that the Council's benefit with having the MPO staff working the two days would be approximately \$1,761 in indirect funding. He understands the Council's budget crisis and so does the MPO staff and MPO Board and he also understands the reasons for closing down the office; we are trying to accommodate that, but we would also like to be paid and be able to work on those days from a remote location.

Vice Mayor Denham asked Ms. Donley what is the savings during that period. Ms. Donley replied approximately \$12,630 for the two furlough days. She explained that the two furlough days would be embedded in the office being closed down.

Vice Mayor Denham asked if the Committee were to agree to the Mr. Scott's suggestion, what would be the difference in the savings. Ms. Donley replied that based on discussions with Mr. Scott, the Council can accommodate the MPO staff by allowing them to work remotely. She noted that by allowing the MPO staff to remote into their workstations it may increase the savings because the MPO is direct billed, so they would be generating indirect. Vice Mayor Denham clarified that the Council would be able to achieve the \$12,630 in savings. Ms. Donley replied yes.

Councilman Banks asked Ms. Donley if that is a decision that she can make as the Interim Executive Director. Commissioner Jones stated that he would have to interject at this time and bring that issue up under the Executive Committee report. He explained that Mr. Scott had brought this issue before the Executive Committee and his request was denied at that time. He then reminded the Committee that they can only make recommendations.

Mr. Grant suggested deferring this issue until the Executive Committee report. Commissioner Jones stated that he agreed and he had spoken to Mr. Scott in regards to that before the meeting because he didn't know if we were going to move forward with having a meeting and it was then decided to move forward with addressing this issue under Public Comment.

Commissioner Mann asked Mr. Scott if the MPO has already moved to the City of Cape Coral. Commissioner Jones asked that it be brought up under the Executive Committee report, because he feels that it will be answered during that report.

AGENDA

Councilman Banks moved and Mr. Grant seconded to recommend moving Agenda Item #9(a)2 Executive Committee Report to be the first item up for discussion. The motion carried unanimously.

AGENDA ITEM #9(a)2 Executive Committee

Commissioner Jones gave the Executive Committee report. He noted that in accordance to discussions between Ms. Donley and Mr. Scott, the MPO plans on staying within the Council's offices until March 16th. Per Ms. Donley's recommendation, the Executive Committee approved a combination of furlough and leave days over both the Thanksgiving and Christmas holidays which will have a cost savings of a minimum of \$11,000. At that time, the MPO staff not being furloughed through those holidays was discussed and denied by the Executive Committee.

Ms. Donley explained that staff had met twice on October 26th and November 2nd to discuss some actions that staff could take to assist in saving money. Staff approved and asked that it go before the Executive Committee that the Council's offices are closed down on Wednesday, November 23rd and the November 24-25 are regular holidays. This way the office would be closed and there would be some cost savings from infrastructure closure. All staff agreed to take personal leave on Wednesday, November 23rd.

Ms. Donley explained that for the Christmas holidays, the Council's policies are that the offices are closed on Christmas Eve and Christmas Day, so the offices would be closed on Friday and Monday since Christmas Eve and Christmas Day fall on a Saturday and Sunday this year. She had proposed that staff move the Christmas holidays to the Monday and Tuesday (December 26 & 27) and also move the New Year's Day holiday from Monday, January 2nd to Friday, December 30th and just shutdown the offices from December 23rd to the following Monday. Staff counter proposed and said that they would like to take the Christmas holidays as they are set out in our procedures, so that the offices would be closed Friday, December 23rd and Monday, December 26th as holidays and also the following Monday, January 2nd as a holiday and then have December 27-30 be a combination of staff taking leave and taking two furlough days. She explained that staff gets paid once a week (every Wednesday), so this would allow staff to take one furlough day on two different pay periods. She noted that it was staff consensus and it would enable the building to be shut down at 5:00 p.m. on Thursday, December 22nd and shut off all of the equipment with the exception of the server room, so that staff could access their email over the holidays, because there are some meetings that are coming up at the very beginning of January. No one would be allowed in the building to work and we would also cancel the cleaning staff.

Ms. Donley explained that Mr. Scott had approached her about consideration for the MPO and when it was first discussed it was her understanding that they wanted access to the building which would defeat the purpose of shutting down the building over the holidays, but now he has agreed to work remotely. She has spoken with IT and it is possible to leave on a couple of their computers so they could access the Virtual Personal Network (VPN) in order to get their work done. She noted that Mr. Scott had gone before the MPO Executive Committee with the proposal and it is also going before the full MPO Board on Friday. If the MPO's access was limited to working remotely, she doesn't believe that it would have a negative impact on the savings that we are trying to achieve. She noted that the MPO staff are actually RPC staff and it is a unique situation where they are starting to separate themselves.

Commissioner Mann stated that he is concerned that the Committee can only make recommendations at this time and the next Council meeting isn't until December 15th. Ms. Donley explained that the Executive Committee will be meeting on December 1st and she believes that the full Council has given guidance to the Executive Committee to take action on these types of issues. Commissioner Mann asked if the full Council gave the Executive Committee guidance of delegated authority. Ms. Donley replied delegated authority, but it is her understanding that she doesn't have the authority to make the decision.

Commissioner Jones stated that it is his understanding that this Committee can make a recommendation and that recommendation would be recognized at the Executive Committee meeting on December 1st.

Ms. Holquist moved and Councilman Banks seconded to recommend to approve that the Lee County MPO staff be allowed to work and not to have to take the furlough days in December, but that they have to work remotely and that they do not have access to the building.

Vice Mayor Denham stated that he wanted to make sure that there was going to be no impact to the cost savings.

Mr. Grant asked how this decision impacts the current budget and can it be done. Ms. Donley replied that the purpose of this proposal is in anticipation of the financial loss of when the MPO moves out of the Council's offices. The dollars are not set at this time, but we are estimating somewhere between a \$120,000 to \$150,000 loss. So we have been trying to put into place some cost savings anticipatory instead of reacting.

Commissioner Jones noted that the budget which the Council had passed did not anticipate the loss of revenue from the MPO.

Commissioner Bigelow indicated that when Lee County had implemented furloughs it was the Lee County Attorney's opinion that accessing or working remotely during furlough was in violation of laws that prohibit any work to be done. Should this Committee not hold the Lee County MPO staff to the furlough days of the RPC, then he feels that the MPO Board should, to be legally very clear, establish those as non-furlough days.

Commissioner Bigelow then asked Ms. Donley if RPC staff will have access to the server on the furlough days. Ms. Donley replied no, the server will be turned on, but staff will be taking a combination of holiday, leave and furlough. There is staff, through their own desire at times, access their work email. The Council has never had furlough days before, so she can't speak on that issue. They access their email remotely, not within the 8 to 5 timeframe, because they are anticipating an event to occur.

Commissioner Bigelow stated that it is not clear whether the Interim Executive Director/Legal Counsel of the Council stated that the RPC staff would also have access during those furlough days, because according to the Lee County Attorney's Office it is a federal wage labor law violation. Ms. Donley stated that she doesn't believe that is what she stated. Commissioner Bigelow stated that he doesn't want to get the Council into any legal hot water.

Mr. Mulhere stated that he doesn't believe that by checking email on a day off, furlough, holiday at midnight or at 2:00 a.m. could be a federal violation.

Commissioner Jones noted that a motion is on the floor to go before both the Executive Committee and the full Council.

The motion carried unanimously.

Commissioner Jones clarified that the motion passed unanimously and it is a recommendation and it will be considered by both the Executive Committee and the full Council at its December 15th

meeting. These furlough days are at the end of the December, so they will occur after the next Council meeting, so there is time for both the Executive Committee and the full Council to review this issue.

Commissioner Bigelow asked Mr. Scott to make sure that the MPO Board addresses the issue at their meeting on Friday.

Commissioner Jones continued with his report with the Executive Director Search. The Committee decided to hold a social on December 8th at a hotel and the final interviews were to be held on December 9th at the offices of the Council. The interviews are to begin between 8:00 and 9:00 a.m. and are anticipated to end around 4:00-4:30 p.m. The Executive Committee and Executive Director Search Committee will meet immediately following the interviews and members of both of the Committees will vote to select the new Executive Director and one or two alternates in case an agreement couldn't be reached on a contract. It was also agreed that Chair Karson Turner and Legal Counsel would negotiate a contract with the selected candidate.

Commissioner Jones then referred to the Council's FRCA membership. The Executive Committee discussed and decided that the Council will remain a member of FRCA for 2012 and the membership dues for FRCA were already included in the Council's approved budget. The discussion was centered that the FRCA membership was much more valuable than the amount of money for dues.

Commissioner Jones explained that another issue of discussion was Mr. Jason Utley's request, which included severance compensation and/or reinstatement of employment. There was much discussion on the issue and after consideration the Executive Committee denied Mr. Utley's request in full, including severance compensation and reinstatement of employment.

Commissioner Jones noted that at the next Executive Committee meeting the Executive Director's job description will be addressed.

Commissioner Bigelow asked if Mr. Jason Utley was alleging that any laws were violated or other violations. Commissioner Jones explained that Mr. Utley had sent two letters (October 20th and November 7th). Ms. Donley noted that the November 7th letter was only sent to certain Council members and it was not sent to staff of the Council. Commissioner Jones explained that Mr. Utley did retain services of an attorney to speak on his behalf. Commissioner Bigelow asked if an attorney was present on the behalf of Mr. Utley at the Executive Committee. Commissioner Jones replied yes and if there were allegations made, understand that a full discussion of the allegations might affect any legal action that might be filed in the future. Commissioner Bigelow requested a copy of the two letters regarding Mr. Utley's issue.

AGENDA ITEM #6 MINUTES OF THE OCTOBER 20, 2011 MEETING

Commissioner Mann moved and Councilman Banks seconded to recommend approval of the October 20, 2011 meeting minutes. The motion carried unanimously.

AGENDA ITEM #7 STAFF SUMMARIES

Ms. Donley reviewed both Item #7(a) October 20, 2011 SWFRPC Meeting Executive Summary and Item #7(b) November Activity Summary as presented. Staff is making sure that the Council has better awareness of what is going on with the Florida Regional Councils Association (FRCA) by sending out updates to the membership. Staff is continuing to work with the Council's Auditors to tighten cost controls. She noted that a preliminary audit has been received and it was a clean audit. A few things need to be finalized and it is anticipated that it will be brought before the Council at its January or February meeting.

Ms. Donley explained that staff has also finished implementation of computerization of the timesheets. Staff is continuing to explore cost cutting methods. Staff has met with three different copier companies; the current copier company which we are under contract with will be giving us an alternative proposal to our current contract. We obtained our copiers through a government contract, so since we are anticipating changing our budget in January or February based on the MPO leaving, there is a clause within the contract which allows us to cancel the current contract and reinstate some other copying methods. The Council currently spends over \$3,000 per month on copying between the leases and supplies. We also have reduced the number of phone lines coming into the office so that will also help and the closing of the offices during the month of December. Staff continues to look for grant opportunities and we were awarded a grant in conjunction with the other RPCs for energy resiliency strategy. Staff has also submitted an additional grant to USEPA for some water quality monitoring in Charlotte County in the Port Charlotte area which follows a proposal that was implemented by Charlotte County back in 2006 and also one which was submitted in 2008. Staff is also continuing to work with their partners on the Brownfields Coalition Assessment Grant.

Ms. Donley explained that one item that is not included in the summary is regarding the city members and the assessments. Staff is continuing to work through it with the City of Cape Coral and Lee County. Sarasota County had met last week and their Commission decided to pay the assessments on behalf of the cities within Sarasota County. So it is possible that the City of Sarasota will be coming back to the Council as an active member.

Councilman Banks stated that would be a very good thing.

Commissioner Jones stated that he had attended that meeting where the Sarasota County BOCC had made the decision to pay for all of the cities within Sarasota County which would clear the decks for the cities in Sarasota County to have membership and participation on the Council.

Commissioner Duffy thanked Ms. Donley for her efforts and the progress that she has made during these difficult times.

Other members also thanked Ms. Donley for her efforts as well.

Commissioner Bigelow asked how much is Sarasota County paying for all of the cities. Commissioner Jones replied approximately \$114,000, because the population is close to 400,000 at \$0.30 per capita.

AGENDA ITEM #8 CONSENT AGENDA

Commissioner Bigelow pulled Consent Agenda Item #8(e) – Southwest Florida Hazardous Materials/Emergency Preparedness Training Update for discussion purposes.

Commissioner Duffy moved and Councilman Banks seconded to recommend approval of the balance of the consent agenda: Agenda Item #8(a) Intergovernmental Coordination and Review; Agenda Item #8(b) Financial Statement for October 31, 2011 & Grant Activity Status Sheets #8(c) Sarasota County Interstate Business Center DRI - NOPC; and Agenda Item #8(d) Member Appointments and Certification for the Glades and Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged. The motion carried unanimously.

AGENDA ITEM #8(e) Southwest Florida Hazardous Materials/Emergency Preparedness Training Update

Commissioner Bigelow explained that the reason he pulled the item was the recent bomb scare at Lee County's Fleet Management facility where there was a suitcase found next to the fuel pumps. He then asked staff how the courses are marketed for Lee County employees. Mr. John Gibbons of staff explained that notifications of the courses are sent out to all of the local emergency responders throughout the six county region. At the local level, we engage with the Local Emergency Planning Committee (LEPC) and those were the folks that were appointed by the Governor and DEM to address the hazardous materials programs throughout the State with respect to the eleven LEPCs. We also meet quarterly with the Hazardous Materials Teams, which include all of the HazMat Teams within the region to inform them of the training and activities that are ongoing within the region.

Commissioner Bigelow asked how does the work that the federal government is doing going to work its way down to the local governments. He stated that he feels that there is a major disconnect between the work that the Council staff is doing and what is being done at the local level. Mr. Gibbons explained that at the local level, there are protocols and standard operating procedures that generally the HazMat Teams and the different entities, such as the Regional Domestic Security Task Force (RDSTF) that follows. At the State level, perhaps the State Emergency Response Commission (SERC) or the Florida Department of Law Enforcement (FDLE) needs to engage some public agenda process that would be more accommodating to the local governments/elected officials. However, such a process doesn't exist at this time; but if the Council wishes he would be happy to take such a recommendation back to Tallahassee to the next SERC meeting.

Vice Mayor Denham suggested that Lee County BOCC help the Council promote the courses within Lee County so there will be a wider audience. Commissioner Bigelow agreed and stated that he will pass the information along.

Commissioner Bigelow moved and Councilman Banks seconded to recommend approval of Consent Agenda Item #8(e) Southwest Florida Hazardous Materials/Emergency Preparedness Training Update.

Mr. Gibbons encouraged the Council members to attend the LEPC meetings.

The motion carried unanimously.

AGENDA ITEM #9(a)1
Executive Director Search Committee

Mr. Grant noted that the Committee met on November 4 and 5 where they interviewed nine candidates via Skype. Originally, the Committee wanted to get down to three candidates; however, the Committee felt that due to the quality of the candidates they decided to limit it to five candidates. The Committee decided to bring the five candidates for the second round of interviews on December 9th. To date, we have spent less than \$10,000 on the search and he was informed by staff that the Executive Committee gave them a budget of \$5,500, including travel, hotel, and the reception to spend on the rest of the search. He expects that the Executive Committee will be giving a report and their recommendation of a candidate to the full Council at the December 15th meeting. He thanked staff for all of their efforts during the search process. He also thanked the Committee members for all of their time and efforts that they have put into the process.

AGENDA ITEM #9(a)3
Budget & Finance Committee

Ms. Donley noted that there was not a quorum present at the November 7th Budget and Finance Committee meeting, so the next meeting has been scheduled for December 5th at 9:00 a.m. The items for discussion will be the impacts to the Council's budget from the MPO leaving and having to amend the Council's current budget as the new Executive Director comes on board.

Ms. Holquist asked if there is a sense that we will be so far under budget with the Executive Director position that it will take up much of the slack from the MPO moving out, because there was \$400,000 in the budget for both the search and salary for the new Executive Director. Ms. Donley replied that she believes that calculation could occur once the compensation package is negotiated for the new Executive Director.

Commissioner Duffy stated that she hopes that the applicants are fully aware of the financial constraints that the Council is currently facing. She hopes that they all have been doing their homework and that they can follow through with what Ms. Donley has been doing and the cost savings that we have achieved so far. There is still a lot of work to do, but she hopes that new Executive Director is a team player in that effort.

Mr. Grant urged the members to send their interview questions to staff. He then stated that Commissioner Duffy's comments would be a perfect interview question for the candidates. He noted that the Committee felt that the five finalists are very well aware and familiar with budget constraints.

Commissioner Jones stated to Commissioner Duffy that he understands her concerns and so does the Executive Committee and he then addressed the members that if there are any other issues that they would like to be considered to send them to staff.

AGENDA ITEM #9(a)4
Regional Watersheds Committee

Vice Mayor Denham stated that the pre-emption of the fertilizer ordinance is a hot item up in Tallahassee. Over the next few years local governments will be required to comply with State mandated water quality mandates (TMDL and numeric nutrient criteria). These programs are currently being implemented and will be enforced.

Vice Mayor Denham noted that the Committee is going to consider stormwater and will not consider any proposals for increased regulations. They will include recommendations on education for trying to provide some advice and counseling on stormwater.

Ms. Holquist asked where the bill is coming from. Vice Mayor Denham replied Representative Smith. He then stated that some of our colleagues from Manatee County voted in favor of the bill which was a surprise to him.

Commissioner Mann noted that Lee County has a fertilizer ordinance and the last couple of years Lee County has been rather outspoken to opposition to any of the efforts to water down by State law. Now the efforts that have been made in other counties, we have had very strong support by others on our local legislative delegation that have insisted on an exemption for those of us who have a stronger ordinance in place. The issue remains one of Lee County's priorities, which we will be working with the local delegation and also with the county's high paid lobbyists.

Vice Mayor Denham requested that the pre-emption issue be FRCA's top priority this year, because it wasn't even mentioned with FRCA last year. It is critical for this region if we believe that water quality is important. We need to have a voice from this region to represent us.

Commissioner Mann moved and Councilman Banks seconded to recommend that the pre-emption of the fertilizer ordinance be made one of the Council's legislative priorities and to be represented by our representatives of FRCA. The motion carried unanimously.

Commissioner Jones noted that the City of North Port has long since been an advocate and started at the very beginning. The city has its own fertilizer ordinance which is like for our community and the city supports that motion.

AGENDA ITEM #9(a)5
Estero Bay Agency on Bay Management

Commissioner Bigelow stated that he agrees with Vice Mayor Denham's comments; especially with reflect to Estero Bay. He explained that Estero Bay is a state preserve and just like pre-emption the State will be walking away from management or oversight of the bay. Last year, the State came close to defunding the local office and we may again face that threat again this year. In some

respects, he may agree with the State because even though it is a State preserve, it is mostly within Lee County political jurisdiction with some overlap into Collier County. But a tool that Vice Mayor Denham didn't mention is growth management.

Commissioner Bigelow stated that he is going to request that the Chair of the Lee County BOCC appoint a permanent liaison to Estero Bay ABM.

Mr. Beever of staff reviewed the item as presented.

Vice Mayor Denham asked Mr. Beever if he was going to do a report on the economic benefits of preserving the wetlands. Mr. Beever replied that the Cela Tega information have many presentations about the economic values of the conservation lands.

AGENDA ITEM #10 DIRECTOR'S COMMENTS

Ms. Donley announced the upcoming Committee meeting dates:

- Legislative Affairs Committee
November 29th at 1:00 p.m.
- Executive Committee
December 1st at 9:00 a.m.
- Budget & Finance Committee
December 5th at 9:00 a.m.

Ms. Donley also announced that the draft Executive Director Job Description was distributed and asked that the members review it and submit their comments to either Ms. Nancy Doyle or Ms. Holquist.

Ms. Holquist stated that she tried to keep it at a high level and incorporate everything from the Council's new direction presentation, which was given at the Council's October meeting. There were issues such as communication skills, getting out into the community, the need for understanding visioning, economic development, and comprehensive strategic planning. There was a huge emphasis on interpersonal communications and being able to develop a trust and relationships, not just within the Council, but also within the greater regional communities. Another key difference in developing this job description and several job descriptions throughout the State, was that none of them really called for the director to have a work plan. So she incorporated a work plan to be developed and approved by the Council and then the performance of the director is based on how effectively that is done. Also, how the director's performance is accepted within the regional community and the programs that this Council does. Finally, there is a duty that requires the director to be in charge of fund raising, because two-thirds of the Council's funds come from grants. She requested that comments on the job description be sent to Ms. Gwinnett of staff.

AGENDA ITEM #10
STATE AGENCIES COMMENTS/REPORTS

SFWMD – Mr. Flood announced that the governing board has lifted all water restrictions.

SWFWMD – Ms. Behling announced that SWFWMD are continuing with their water restrictions. They are still under restructuring and are looking at losing up to 150 more staff. She announced that Ms. Alba Mas has been named to head up the SWFWMD's Regulations Division, she was previously the Tampa Director of Regulation to replace Richard Owen. Also, a new General Counsel has been hired, Laurel Donaldson, who will start on December 12th.

FDOT – Mr. Limbaugh announced that FDOT has presented their Draft Tentative Work Program to all of the counties, MPOs and District One. It is very tentative because there is a \$1.2 billion reduction from the REC. There should be new work programs released in December which will reflect the reductions. The TRIP programs are being hit really hard, which are purely State funded. The projects are off of the State system and they are not eligible for federal funds.

Commissioner Bigelow asked Mr. Limbaugh if the congestion management signage is going in any other county. Mr. Limbaugh replied not at this time. Commissioner Bigelow expressed his concern with the signage.

AGENDA ITEM #11
COUNCIL ATTORNEY'S COMMENTS

Ms. Donley stated that a law student has accepted an externship with the Council and will be starting in January.

AGENDA ITEM #12
COUNCIL MEMBERS' COMMENTS

Commissioner Bigelow suggested reversing the order on the website for the Council's agendas and minutes so that the most current is on top.

Vice Mayor Denham announced that a juvenile male black bear has taken up residence on Sanibel Island.

Commissioner Mann announced that out of the legislative delegation meeting which was held last Tuesday, the State has begun their budget discussions and the anticipated State revenues is expected to be \$2 billion less than last year. He then suggested having a Plan B for budget preparations for next year for the Council.

Councilman Banks asked for a list of the five finalists. Mr. Grant replied that the five finalists are:

1. Andrew DeCandis
2. Thomas Heck
3. Bill Veach


4. Margaret Wuerstle
5. Jeffrey Ruggieri

Councilman Kosinski announced that the Fort Myers Beach renourishment project is approximately two-thirds complete and it looks beautiful.

Mr. McCormick as the Council's representative of the CHNEP Policy Committee expressed his concerns regarding the media's coverage on the CHNEP numerical criteria.

**AGENDA ITEM #13
ADJOURN**

The meeting adjourned at 10:50 a.m.



Commissioner Tom Jones, Secretary

The meeting was duly advertised in the November 4, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 44.