

**MINUTES OF THE METROPOLITAN PLANNING ORGANIZATION BOARD
EXECUTIVE COMMITTEE**

Held on December 7, 2011

The following members were present for the meeting of the MPO's Executive Committee on December 7, 2011 at the offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida.

Commissioner Frank Mann
Councilman John Spear
Councilman Tom Leonardo
Councilman Kevin McGrail
Vice-Mayor Bob Raymond
Mayor Kevin Ruane

Lee County Commission
City of Bonita Springs
City of Fort Myers
City of Cape Coral
Town of Fort Myers Beach
City of Sanibel

Those also in attendance included: Johnny Limbaugh, Russ Muller, and Trinity Scott with FDOT; Scott Coovert with Lee County Attorney's Office; and Don Scott and Meghan Marion of Lee County MPO.

CALL TO ORDER

The meeting was called to order at 11:01 a.m. by Mr. Scott.

APPROVAL OF MINUTES

Agenda Item #1 – Minutes from the November 15, 2011 MPO Executive Committee Meeting

MOTION BY MAYOR RUANE TO APPROVE THE MINUTES FROM THE NOVEMBER 15, 2011 MPO EXECUTIVE COMMITTEE MEETING. SECONDED BY VICE-MAYOR RAYMOND. MOTION CARRIED UNANIMOUSLY.

NEW BUSINESS

Agenda Item #2 – Public Comments on New Business Items

None.

Agenda Item #3 – Update on the Lease Agreement with the City of Cape Coral

Mr. Scott stated that the City Council has the Lease Agreement on their agenda for their Monday meeting to approve.

Councilman McGrail stated that he will be sponsoring that motion and believes that it will be unanimously voted on to be approved.

Agenda Item #4 – Review and Approve the Policies and Procedures Document

Mr. Scott stated that we need to put together a Policies and Procedures document for just the MPO. He reviewed some of the changes to what is currently offered by the RPC such as: bi-weekly payroll; Paid Time Off instead of Scheduled and Unscheduled. He stated that some of the items might need to be amended based on when we start getting the benefits for the employees.

Councilman Spear arrived at 11:10.

MOTION BY VICE-MAYOR RAYMOND TO APPROVE THE POLICIES AND PROCEDURES DOCUMENT. SECONDED BY COUNCILMAN MCGRAIL. MOTION CARRIED UNANIMOUSLY.

Agenda Item #5 – Review and Approve the MPO Director Contract

Mr. Scott distributed a comparison spreadsheet for the MPO Director contract.

Councilman Leonardo stated that he feels that this contract compares to others across the state and he feels it should be approved.

Vice-Mayor Raymond agreed with Councilman Leonardo.

Commissioner Mann asked if the salary is the same.

Mr. Scott replied yes.

Commissioner Mann asked about airfare for travel outside the area for conferences.

Mr. Scott replied that it is signed off by the Chairman.

Commissioner Mann replied that he is okay with that as long as it is signed off by someone.

Councilman Spear spoke in regards to the last paragraph where it states that if we run out of money we send Don home until we find the money, which he said makes sense, but that there should be an ending time to that. He said that after 30, 45, 60, 90 days something ought to happen, either the contract ought to terminate or he should be given the opportunity to resign.

Mr. Scott replied that we have never gotten there in the past but assumes if we are shutting down we will be holding a meeting about it and how the Board would like to proceed in the meantime.

Mayor Ruane agreed with Councilman Spear and stated that something should be in 90, 120 days or something.

Councilman Spear stated that he feels it should be 45 days.

Commissioner Mann asked if there are some guidelines by law.

Mr. Coovert replied that if there are no funds Staff will not be required to work.

MOTION BY COUNCILMAN SPEAR TO APPROVE THE MPO DIRECTOR'S CONTRACT WITH THE ADDITIONAL LANGUAGE IN THE LAST PARAGRAPH THAT AFTER 45 DAYS OF NO FUNDING THE MPO DIRECTOR WILL BE GIVEN THE OPTION TO EITHER TERMINATE THE CONTRACT OR RESIGN. SECONDED BY MAYOR RUANE. MOTION CARRIED UNANIMOUSLY.

Agenda Item #6 – Review and Approval of the Request for Proposal for Audit Services

Mr. Scott stated that we are looking for approval to go out for an RFP for Audit Services. He stated that this will help with the separation from the RPC but also to provide some policies and procedures for our accounting services and hopefully this will all help when we get to our first year end audit. He stated that he proposes that the Executive Committee will serve as the Selection Committee for that RFP.

Commissioner Mann asked what this is going to cost.

Mr. Scott replied that he is not really sure but that looking at other ones that have been done in the past single audits are usually in the \$15,000 - \$25,000 range depending on the size of the MPO but this is a separation audit so its different.

Commissioner Mann asked Mayor Ruane if he has a sense of what this is going to entail.

Mayor Ruane replied that since this is being brought up he stated that he had a conversation with the MPO Staff and stated that the City of Sanibel is up for Vice-Chairman next year and he would like to take that seat but he would also like to sit as the Treasurer and was told that wasn't allowed. He stated that he doesn't have a problem doing a separation audit they are commonly down but he doesn't hold any active licenses at this time. He stated that he could do it and it would cost a lot of money. He stated that basically what you are paying for is for someone to give you their letterhead stating that they reviewed it and you are getting coverage from a malpractice carrier. He stated that what you really pay for is the insurance coverage not the time.

Councilman Leonardo doesn't understand why we can't hire a local company to come in and do the audit and we can sign off on it instead of spending/ \$25,000.

Mayor Ruane stated that we as a policy board need to decide what we want to get out of this separation.

Mr. Scott stated that if we want to use federal money to pay for this, than we need to include all of this language that is included in the contract.

Ms. Scott stated that Mr. Scott is correct, all of the federal language has to be included if you want it to be eligible for federal reimbursement. She stated that if you want to pay for it with your local funds you can move forward and do the audit however you would like; you will have to follow your adopted procurement procedures. She stated that this audit is more than just cutting the ties. It's looking at what this MPO has paid for over

the last five years in regards to the indirect rate. She stated that she had done extensive research into this indirect rate and has found numerous things that were not eligible for federal reimbursement but because they were within the overall indirect rate they didn't see it. She stated that there will most likely at the end of this be a charge back to the RPC of what monies need to come back to the MPO which ultimately need to go back to the federal government which will ultimately mean more planning dollars for this area. You will actually be getting your money back for things that you have been paying for such as a car that is not allowable for reimbursement but because it was in the indirect we were not aware that they were purchasing those items until it was already done.

Mayor Ruane agreed with Ms. Scott and said that if no one is checking what is going into the indirect rate that there will be a charge back number to the RPC for items that are not allowable for reimbursement. He stated that it is probably going to be a charge back number that is equal to or greater than what the audit is going to cost.

MOTION BY COUNCILMAN LEONARDO TO APPROVE THE REQUEST FOR PROPOSAL FOR AUDIT SERVICES. SECONDED BY MAYOR RUANE. MOTION CARRIED UNANIMOUSLY.

Mr. Scott stated that when we added a Treasurer we were also trying to have additional check signers. He asked if there are any restrictions in the bylaws for an Officer to serve two positions.

Ms. Marion replied that she doesn't believe so and would check into it. She also stated that if the MPO Board as a whole is okay with Mayor Ruane serving as the Vice-Chairman and the Treasurer then it would be fine.

Mayor Ruane stated that ultimately the Treasurer should be the first check signer because you would want the treasurer to sign off of the checks before you put your signature next and know that they have looked at the information. He stated that he doesn't want to pass on the Treasurer position but he can't pass on the Vice-Chair position. He stated that he would like to do both.

Agenda Item #7 – Review and Comment on Language Revisions to the Staff Services Agreement with the RPC as Board gave Direction for MPO Designated Employees to Work during the RPC Furlough Days in December

Mr. Scott stated that he had a conversation with the attorney Mr. Coover as to whether this needed to be changed and originally it was brought up by Ms. Donley that there needed to be a change in the language for the Staff Services Agreement to cover the 4 MPO employees. He stated that since that time Ms. Donley has responded with "she suggests that we add a clause that the MPO will assume all liability and the costs associated with the establishing of RPC Staff". Mr. Scott stated that he would only cover the 4 MPO staff if that were to occur. He stated that there is some disagreement as to whether we even need to do this but since she brought it up we were trying to get something out there for review and input. He stated that he assumes we will figure something out before we get to the RPC Council meeting and MPO Board meeting.

Mr. Coover stated that he originally thought that we could just separate and move on but obviously it's not going to be an amicable separation. He stated that we want to put

something in front of Liz Donley and the RPC Staff and say okay if you want something in writing here it is.

Councilman Leonardo asked if we are just talking about the furlough days.

Mr. Scott replied yes.

Councilman Leonardo stated that he looked at the language and it looked fine to him. He also asked why the MPO can't conduct business somewhere else during those furlough days such as at the County or from home.

Mr. Scott replied that we are saying that we will not be working from this building during those days and that we would be working from a different location. But Ms. Donley is raising that there will be grievances from RPC Staff if they are required to take the furlough days and the 4 MPO employees are able to work.

MOTION BY COUNCILMAN LEONARDO TO AMEND THE CURRENT STAFF SERVICES AGREEMENT WITH ADDITIONAL LANGUAGE THAT STATES THE MPO WILL ATTAIN LIABILITY TO THE EXTENT OF ONLY MPO DESIGNATED EMPLOYEES. SECONDED BY MAYOR RUANE. MOTION CARRIED UNANIMOUSLY.

Other Business

Agenda Item #9 – Public Comments on Items not on the Agenda

None.

Agenda Item #10 – Announcements

None.

Agenda Item #11 – Topics for next meeting

None.

Agenda Item #12 – Information & Distribution Items

Distributed in agenda packet.

ADJOURNMENT

Meeting adjourned at 11:45 a.m.