

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

October 3, 2011

The South Florida Regional Planning Council met this date at Beacon Council Board Room, 80 S.W. 8th Street, Suite 2400, Miami, FL 33130. Chair Gunzburger called the meeting to order at 10:47 a.m. and the Pledge of Allegiance was said.

I. Pledge of Allegiance and Roll Call

Councilmember Patricia Asseff
Councilmember M. Margaret Bates (absent)
Councilmember Michael Blynn
Councilmember Esteban Bovo (absent)
Councilmember Heather Carruthers
Chair Suzanne Gunzburger
Councilmember Ilene Lieberman
Councilmember Manuel Marono (absent)
Councilmember Jean Monestime (absent)
Councilmember George Neugent (absent)
Councilmember Jose A. Riesco
Councilmember Stacy Ritter (absent)
Councilmember Joseph Scutto
Councilmember Rebeca Sosa
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Jimmy Weekley (absent)

The following Ex-Officio members were present:

Ms. Carole Morris, representing the South Florida Water Management District
Mr. Norman Taylor, Broward County Office of Economic Development, representing the Department of Economic Opportunity

The following Council Members and Ex-Officio Members arrived after roll call:

Ms. Aileen Boucle, representing the Florida Department of Transportation, District VI

II. Approval of Council Agenda

Councilmember Lieberman moved to approve the Agenda. Councilmember Walters seconded the motion, which carried by a unanimous vote.

H. Executive Director Employment Contract

Chair Gunzburger stated that today's meeting would be started out of order with the continuation of the Executive Committee discussion of the Executive Director Employment Contract and asked Mr. Goren, Legal Counsel, to give a brief summary.

Mr. Goren stated that the proposed contract of Jim Murley as Executive Director's language was similar to the previous Director's Contracts and subject to change. He stated that \$160,000 was the sole compensation; inclusive with any and all reimbursement of the HUD Grant was the salary; \$600/month reimbursement was a flat number for Council business and Grant expenses would be separately billed. Councilmember Asseff inquired as to the salary of the HUD Grant Project Director and Richard Ogburn, of Council staff, stated that it was \$129,517. Chair Gunzburger stated that Mr. Murley would continue with that salary until he becomes Executive Director. Mr. Murley clarified that if he received the

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Executive Director position, a new Project Director will be hired and the time spent on the HUD Grant would be charged to the Grant and the rest would be charged to various charge points on the timesheet; he would become an employee of the Council. Chair Gunzburger clarified that Mr. Murley would be getting the employee benefits of the Council and that his total compensation including the HUD Grant payment would be \$160,000. Mr. Ogburn stated that all employees, including the Executive Director, fill out a timesheet that accounts for work on individual projects, sick leave and annual leave. The allocation of time is for all the projects that the Council sustains. He stated that the budget that is brought before Council each year reflects the sources of revenues for many different projects, and the Executive Director assigns his time to the various projects in which he works. Mr. Murley explained that his salary would be coming from various projects he would be working on.

Mr. Goren continued explaining the reimbursement for expenses and term beginning October 3, 2011. He stated that the other discussion was the term of the severance package, which is three months not the six months given previously. He stated that there were other issues being discussed: Sections 1.3, reimbursement, 1.6 accrual hours, language changes to 2.4, 3.0 4.3, and 4.3.1.

Councilmember Lieberman motioned to authorize Legal Counsel to get the Attorney General's (AG) opinion with respect to the Statute that limits severance and compensation in regards to Section 4.3.1.

Councilmember Wallace reiterated language from Mr. Goren that the number in the contract is less than what is stated in the Statute. Discussion ensued defining the termination date: the one in the natural end the contract of 2014 or last day of employment. Councilmember Lieberman stated 4.3.1 needs to be more defined and stated that this Agreement should not be passed today. She then went on to make other comments on annual and sick leaves, spelling, specific working hours and the cell phone policy.

It was authorized that the Interim Executive Director survey the other Regional Councils' benefits packages. Mr. Murley agreed to do so.

Councilmember Wallace motioned the Interim Executive Director Agreement be extended for another month, Councilmember Lieberman seconded.

Mr. Murley explained his position from accepting the position of Project Director of the HUD Grant, the Deputy Director and then negotiations for the Interim Executive Director. He stated that the documents that he negotiated with Chair Gunzburger were the same terms as the previous Directors. Councilmember Lieberman stated that the items that she made comments to would clarify the contract. Chair Gunzburger stated that she was acting in the best interest of the Council during negotiations. She stated that when the previous contracts were drawn there were different parameters and Council was in a different place. Councilmember Sosa mentioned the situation in Miami-Dade County and that every governmental entity is reviewing sick and vacation days, fringe benefits and Council will have to go according to the times. She stated that there is less money and not able to pay the same as in the past and cannot be one way at the County and another at the Council. She stated that this is not personal and a contract cannot go from generation to generation. She stated that this document is flexible and should change with time. Councilmembers stated that they were very uncomfortable discussing the contract in front of the Mr. Murley.

Councilmember Lieberman made a motion to defer #III.H to the next Council meeting and direct the attorney to prepare a black line version for review for the Subcommittee within a week. Councilmember Sosa seconded the motion. Chair Gunzburger clarified that this is a substitute motion.

Councilmember Lieberman stated that her motion is a substitute motion to authorize the employment of Mr. Murley as Interim Director for another month, defer Item #III.H the Executive Director's Employment Contract and direct the Attorney within seven days to provide a black line version of the Employment Agreement to the members of the Subcommittee and bring the Item back to the Executive

Committee and full Council at next month's meeting. Councilmember Sosa seconded the motion, which carried by a unanimous vote.

Councilmember Lieberman clarified that the first step would be that Legal Counsel prepare a black line version based on today's discussion; it would then go to the Subcommittee, who will finalize and make recommendations, and will come back to Executive Committee and full Council at our next meeting.

Mr. Murley stated that Councilmembers not in attendance today may have additional comments.

Councilmember Lieberman suggested as soon as the black line version was prepared and given to the Subcommittee; a telephone conference would take place to discuss changes; then another telephone conference would take place with Mr. Murley and his recommendations.

Councilmember Asseff stated that some Councilmembers are not attending the monthly meetings. Chair Gunzburger stated that this will be discussed during "new business".

Mr. Goren stated that the motion also embraced the request for the Attorney General information regarding severance. Councilmember Lieberman stated that the motion did include her request. Mr. Goren clarified the Subcommittee is comprised of Commissioners Sosa, Lieberman, Carruthers and Wallace. He stated that this is a Sunshine issue and make sure the meeting is posted. Chair Gunzburger stated that the Subcommittee will notify Mr. Goren when the telephone conference will take place for posting purposes.

III. Action Items

A Minutes of Previous Meetings (September)

Councilmember Lieberman stated that on page 4, under N, in the second sentence that the Program is two-year old, not a two-year Program. She stated that on page 5, many Councilmembers questioned the Miscellaneous Expense and there was no explanation; the minutes stated the list would be distributed in Council packet. Mr. Murley explained that it was at Councilmember's seats. Councilmember Lieberman stated that it should not take 30 days for this to be distributed. Councilmember Carruthers stated that on page 3 she agreed with Councilmember Wallace in voting against the motion to approve the MOU regarding the Executive Director position. Councilmember Walters stated that on page 4, M. paragraph 2, the last sentence, "the contract is in good standing"; she wanted to add the clarification "what declared this was declined and measures were put in place that this would not happen in the future."

Councilmember Lieberman moved to accept the September minutes as amended. Councilmember Carruthers seconded the motion, which carried by a unanimous vote.

B. Financial Report

Councilmember Carruthers moved to approve the Financial Report. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

C. Intergovernmental Coordination and Review Report

Councilmember Blynn moved to approve the Intergovernmental Coordination and Review Report. Councilmember Sosa seconded the motion, which carried by a unanimous vote.

D. Developments of Regional Impact/Development Orders - None

E. Proposed Local Government Comprehensive Plans and Amendment Reviews - None

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F. Adopted Local Government Comprehensive Plans and Amendment Reviews - None

G. Dept. of Health Community Mini Grant For Farmers' Markets & Community Gardens

Councilmember Lieberman moved to approve the Agenda. Items D through G. Councilmember Carruthers seconded the motion, which carried by a unanimous vote.

IV. Discussion Items

A. Executive Committee Report

Chair Gunzburger stated that the Executive Committee discussed the Employment Contract which continued into the regular meeting. She stated the only other item discussed was Councilmember Carruthers comment on changes to the minutes.

B. Interim Executive Director's Report

Mr. Murley stated that the Florida Regional Councils Association (FRCA) currently has two appointments, which are Councilmember Asseff and Councilmember Carruthers, and a third appointment was needed to represent Miami-Dade County. Councilmember Blynn stated he would take the position. Mr. Murley and Chair Gunzburger thanked Councilmember Blynn. Mr. Murley stated that at the last meeting it was brought up that the Southeast Florida Regional Climate Change Compact, which is made up of the four Counties; Monroe, Miami Dade, Broward and Palm Beach will be holding a summit on December 8th, a few days after our Council meeting; both are in North Key Largo at the Nelson Center. He wanted to know if it would be possible to have the Council meeting moved to the 8th to coincide with the Summit. Councilmember Sosa stated that Miami-Dade County Members would not be able attend on the 8th. It was the consensus that the Council meeting will remain on Monday, December 5th. Mr. Murley stated that there was one other matter regarding the Miscellaneous Expenses. He stated that staff would set up a pilot of communication between meetings for Councilmembers. He stated that there would be an email that goes out with the follow ups, so there would be more information given to Councilmembers ahead of the Council packet.

C. Legal Counsel Report

Mr. Goren stated that the Attorney General (AG) has an annual review of the contract with the Agency; the purpose is for the compatibility with the State Law. On September 28, 2011 the AG's office announced the fees were fair and reasonable and allowed Mr. Goren as Counsel. He stated that if Council chose not to have Mr. Goren's office to represent Council the State would represent Council; that is an option that the Council has, but chose not to exercise. This year the AG's office agreed on Council's choice.

V. Program Reports and Activities

A. Council Mission - Promoting our Economic Prosperity

Mr. Murley stated that there was "A Return on Your Investment" document at Councilmembers' seats and the document illustrates the mission of the Council. He stated that information would be brought to Council on our staff, our partners and how our mission is being pursued. He introduced Mr. Norman Taylor, from Broward County, Office of Economic Development, representing the Department of Economic Opportunity, along with two staff members, Jeanne Tan and Isabel Cosio Carballo, to give updates on the Economic Development Summit. He stated that Mr. Nero was to speak but was out of town and could possibly give a presentation at a later date and thanked the Beacon Council for the use of its facility. Mr. Murley then asked Mr. Taylor to give an update as the County Economic Development Director.

Mr. Taylor stated that the Economic Development Organizations in the community of the tri-county area periodically looks at the local economy, workforce development, quality of life and have been known to institute for a period of time a study or a study group. He stated that about 6-7 years ago the Broward Program was called Vision Broward, Miami-Dade had One Community and Palm Beach County had a Strategic Planning Initiative. The reason he stated is because the State has become actively engaged on the statewide basis. He stated that Enterprise Florida sponsored road map projects that engaged each of the communities and that the newest initiative sponsored by the Florida Chamber of Commerce is called Six Pillars of Florida. He stated that this initiative, with a challenge to local communities, was later embraced by the Governor of the State of Florida to address how communities can be brought to a point of receptivity for local business expansion as well as relocation of other companies to our communities for the purpose of job growth and bringing in capital investment. The Six Pillars Initiative has been active for about a year. He explained that some communities have been designated by the Chamber as Six Pillar Communities; they follow the same strategic plan and thinking process as the communities in South Florida. The Governor decided in a speech in January how to link state support and assistance for the local communities in business attractions to the Six Pillars Initiative and to engage in the process in order to move forward and be in a position to talk to the State, Enterprise Florida, what was the Governor's Office of Tourism, Trade, and Economic Development, now under the Department of Economic Opportunity, about matching assistance when there are leads or prospects that may be brought into respective communities. He stated that there was a need of the Governor's Closing Fund or other state funding to support the project. He stated that the Six Pillars process has started in Broward County and, in the planning stages, comprised of Jim Murley and myself; Bob Swindel, President and CEO of Greater Fort Lauderdale Alliance; Mason Jackson, head of the Workforce Development. The issue was taken to the Florida Chamber of Commerce Conference, in Orlando, and talked to Dr. Brill, the former Director of OTTED, and now the President of the Chamber Foundation, about leveraging the work that is being done strategically through the visioning process through the Six Pillars. He stated that he was not sure about Monroe County's involvement, but there is an active initiative in Palm Beach and Miami-Dade Counties. Councilmember Carruthers stated that Monroe County does have a strategic plan and also has a plan called "The Book Communities Project" but Monroe County has not engaged in the Six Pillars Initiative. Councilmember Asseff thanked Mr. Murley and Mr. Taylor and stated that she is Chair of the Economic Development Community for Broward League of Cities and would like to meet with them and bring Six Pillars to other cities.

Councilmember Scuotto questioned the position of the Chamber regarding gambling in the counties. He stated that there are individuals coming into the state with presentations being made and this would bring jobs and businesses. He stated that state, county and city funding for new businesses when offered 10 years ago was a major source; all that has stopped and now the Governor wants to bring it back and bring the initiative but questioned the funding availability. Councilmember Scuotto stated he would like to know what the Chamber's ideas are on gambling. Mr. Taylor answered that he cannot speak for the Florida Chamber, and does not have an official position. He stated that Six Pillars Initiative allows for communities to address all the issues by infrastructure, quality of education, business growth, economic climate, climate change, all of those issues based on where they see themselves not necessarily on any predetermined agenda either by the Chamber or the Governor. He stated that the focus was on targeted industries, gambling is not considered a targeted industry. Chair Gunzburger stated that this is an issue for individual cities. Chair Gunzburger stated that there was a wide range of opinions throughout the state and the only place planned for gambling was in those two counties, so it is not known if the Florida Chamber opposes or supports it.

Mr. Murley announced that the Council will be initiating a Symposium and introduced Jeanne Tan of Council staff. Ms. Tan explained the Southeast Florida Economic Development Symposium would be at the Greater Fort Lauderdale Broward County Convention Center on October 26, 2011, from 9:30 a.m. to 2:30 p.m. She stated that the Symposium is partnered with the Treasure Coast Regional Planning Council, Federal Reserve Bank of Atlanta, the Urban League of Broward County, and the South Florida Regional Business Alliance. She explained the purpose of the Symposium is to provide attendees with

information regarding the economic development conditions, trends and initiatives in the Southeast Florida Region and provide a forum for an exchange of new ideas, contact and strategies to intent and support economic growth and innovation in the Region. She stated attendees will learn about the regional partnership and collaborative effort to create the regional Vision and Blueprint for Economic Prosperity for the seven county Region as well as Comprehensive Economic Development Strategy. She stated that the input will be used to inform and shape the Region's economic development activities in the future. The targeted audience will be the Sustainable Community Partners, financial institutions, local and state government, business communities and economic development organizations. She stated that the brochure will be finalized and emailed to Councilmembers.

Mr. Murley introduced Isabel Cosio Carballo, of Council staff, to update the Council on the Economic Prosperity document. Ms. Carballo updated Council on a Southeast Florida delegation being put together for an Equity Summit being held in Detroit, Michigan November 8-11, 2011. She stated that the Summit is based around economic development, prosperity and equity, which means that the work through the Sustainable Communities Project will be helping everyone to achieve their full potential and opportunity. She stated that there will be information on transportation and infrastructure investment, run by economic development and incorporated in our communities. She stated that the primary goal of the Sustainable Communities Program was to make sure the economy, community, and environment are integrated as our strategy is being developed. She stated that the delegation comprises various members of the Partnership for the Michigan Conference including the business community and will report back to the Council after the Conference.

B. Revolving Loan Fund Reports

1. SFRPC Revolving Loan Funds Status Report
2. Hurricane Wilma Bridge Loan Status Report
3. Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report
4. Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report – None

Councilmember Lieberman inquired if Loan #1008 payments were up to date. Cheryl Cook, of Council staff, stated yes. Councilmember Lieberman stated that on Loan #1029, the corporation holds the title to a shopping center and stated that if the asset, were acquired, the money would be paid. She stated that in reviewing Mr. Ezrol's report, that in Item 3, Loan #3024, it is requested that the judgment not be recorded unless advised to do so. Councilmember Lieberman did not understand the harm in recording the judgment as long as the loan was paid. She stated that this did not mean the title would be taken and that the judgment could be released. Councilmember Lieberman inquired on Item 4, Loan #2116, as to what the date was that the client was served and did not answer the door. She stated that this loan has had the same comment for the last two months' reports and that Affidavits of Non Service should have been received and a skip search should have been done. Councilmember Lieberman continued that on Item 5, Loan #3030, the Depositions of Defendants was on June 15, 2011, and the defendant did not appear; she inquired as to the reason the Judgment was then in October. Mr. Goren stated that Mr. Ezrol wished Council staff to work more aggressively on collections according to previous recommendations by Council. Councilmember Lieberman stated that her point was that legal action is taken if a loan is one month overdue, was not the purpose of her comments. She stated that if the defendant had not shown for the deposition, she wanted to know the reason for waiting four months to move for Summary Judgment. Her concern was in initiating legal, not in prosecuting; it should be initiated to the fullest extent and timely. She explained that she would not send an account to legal but once the case is filed; this is the problem with these three loans. Mr. Goren stated that they would be happy to confer with staff on this. Ms. Cook stated that on Item 4, Loan #2116, a skip trace worked and a notice was received from Mr. Goren's office; it would be on the next month's report.

Mr. Bob Cambric, of Council staff, stated that he attended the Metro Broward 2011 Lighthouse Awards in which 15 or so agencies were nominated and Cheryl's Revolving Loan was the first runner up. He stated

that this was her second recognition in 3 months; the Small Business Administration awarded the program the Financial Champion of the Year for 2011 in June.

- C. DRI Status Report
- D. Evaluation and Appraisal Report (EAR) Status Report
- E. Southeast Florida's Regional Vision and Blueprint for Economic Prosperity (Sustainable Communities Initiative)
- F. Budget Performance Report

VI. Announcements and Attachments

- A. Correspondence and Attendance Form
- B. Upcoming Meetings
 1. November 7th, 10:30 a.m. (Council Offices, Hollywood)
 2. December 5th, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)
 3. January 9th, 10:30 a.m. (Council Offices, Hollywood)
 4. February 6th, 10:30 a.m. (Beacon Council, Miami-Dade County)

VII. Councilmember Comments

Councilmember Asseff commented on the lack of attendance at the Council meetings. She stated that it is difficult when there are items being discussed month after month and Councilmembers are missing. Councilmember Carruthers questioned if there were attendance requirements that needed to be addressed. Mr. Goren stated that there are requirements and the Rule states three consecutive unexcused absences for dismissal are needed. Chair Gunzburger stated that there were none and requested that staff bring it back. She also stated that if a Councilmember was not interested in the position then they should resign from the Board.

Mr. Murley stated that he wanted the Councilmembers to be aware of the Budget Performance Report in which the program development number is significantly less than last month.

Mr. Wallace inquired about the membership due letters to the Counties. Mr. Murley stated that all Counties have voted to approve their annual membership dues accordingly.

VIII. Adjournment

The meeting was adjourned at 11:55 a.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the October 3, 2011 meetings of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 7th day of November, 2011.

Rebeca Sosa, Secretary

Date