

MINUTES OF THE SPECIAL MEETING

**GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT**

TAMPA, FLORIDA

JUNE 17, 2011

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for a special meeting at 10:04 a.m. on June 17, 2011, at the District's Tampa Service Office. The following persons were present:

Board Members Present

H. Paul Senft, Chair
Hugh Gramling, Vice Chair
Albert G. Joerger, Treasurer
Carlos Beruff, Member
Bryan K. Beswick, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Todd Pressman, Member
Judith C. Whitehead, Member

Board Member(s) Via Teleconference

Douglas B. Tharp, Secretary
Jeffrey M. Adams, Member

Staff Members

David L. Moore, Executive Director
William S. Bilenky, General Counsel
Lou Kavouras, Deputy Executive Director
Richard S. Owen, Deputy Executive Dir.
Bruce C. Wirth, Deputy Executive Director
Kurt P. Fritsch, Acting Deputy Executive Dir.

Board Member(s) Absent

Ronald E. Oakley, Chair

A list of others present who signed the attendance roster is filed in the permanent records of the District. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

1. **Call to Order and Roll Call**

Chair Senft called the meeting to order and requested a roll call. Ms. Kavouras, Deputy Executive Director of Outreach, Planning, Boards and Ombudsman, called the roll and noted that a quorum was present. Chair Senft stated the reason for the special meeting was to consider the executive director's resignation and other related administrative matters. Mr. Bilenky, General Counsel, led the Board in the Pledge of Allegiance and offered an invocation.

2. **Additions/Deletions to Agenda**

Chair Senft referred to the revised agenda and noted that he had asked staff to add sub-topics under items 3 and 5 to provide clarification and to help focus the Board's discussion. Hearing no objections, Chair Senft noted that the agenda has been accepted as amended.

3. **Consideration of Executive Director's Resignation**

- a. Consideration of Resignation
- b. Is there any action needed on the current Employment Agreement?
- c. Consideration of Interim Executive Director?

Board members were in receipt of Mr. Dave Moore's resignation letter. Chair Senft opened the floor for comments indicating that Mr. Moore has graciously offered to stay on through the transition if asked to do so. Mr. Gramling offered that it has been his experience that once a decision has been made to separate it is usually in everyone's best interest to expedite that as much as possible. He indicated that his statement is no reflection on Mr. Moore or his willingness to help through the transition.

Mr. Gramling made a motion to accept Mr. Moore's resignation effective July 1, 2011 and that he immediately be placed on administrative leave with pay enabling him to be available to assist in the transition by whomever assumes the leadership. The motion was seconded by Mr. Joerger.

In response to Mr. Pressman's question, Mr. Gramling said the intent of his motion is to keep Mr. Moore accessible to the Board and for staff to utilize his tremendous knowledge of the organization; Mr. Moore would continue to be paid as an employee on administrative leave providing service. Mr. Joerger asked if the Board should consider August 1 instead of July 1. At Chair Senft's request, Ms. Kuligofski explained that Mr. Moore would be eligible for his benefits as an employee through the end of the month in which his employment would end. Mr. Combee asked if there is consideration to keep Mr. Moore on staff for the entire transition period of 90 or 120 days.

Mr. Pressman said he would be more comfortable determining who will run the organization prior to discussion of how and when Mr. Moore will exit the agency. Chair Senft indicated that the question of an interim executive director is on the agenda and said it is up to the Board on the order these two items are decided. Discussion ensued among Board members regarding the timing for appointment of an interim executive director.

Ms. Closshey moved to table the motion, seconded by Mr. Gramling. The motion to table passed unanimously.

Ms. Closshey then made a motion to appoint Mr. Bill Bilenky, General Counsel, as interim executive director effective today. Mr. Gramling seconded the motion.

Mr. Pressman asked if there were other qualified candidates that should be considered for the position. Discussion ensued relative to available options, the qualifications of Mr. Bilenky and Mr. Bilenky's stated intent not to apply for the permanent position.

Following discussion, Chair Senft called for the vote on the motion to appoint Mr. Bilenky as interim executive director. Motion passed unanimously.

Mr. Gramling moved to withdraw his original motion from the table. Ms. Closshey seconded the motion and the motion passed unanimously.

Mr. Gramling then withdrew his original motion and Mr. Joerger removed his second of that motion. A substitute motion was made by Mr. Gramling to accept the resignation of Mr. Moore and place him immediately on administrative leave with pay until August 1, 2011, and that he provide administrative services through the transition. Mr. Joerger seconded the motion.

Board members asked for comments from Mr. Moore. Mr. Moore expressed how much he enjoyed being able to work for the organization for over 28 years including his role as executive director for the past eight years. He said the District, as an organization, has accomplished a great deal. Mr. Moore indicated that he feels it is time to move on with the next chapter of his life. He offered to remain through the transition and stated he will serve as the Board desires in an advisory capacity to help smooth the transition. He asked for

the freedom to explore other employment opportunities while serving in that advisory capacity if the date were to be extended to August 1.

Ms. Kuligofski informed the Board that the current guidelines provide up to 120 hours of administrative leave; however, the Board has the ability to modify that policy as it desires. Mr. Gramling said that his intent is to allow Mr. Moore the flexibility to do what he needs to do and clarified that the administrative leave is merely a tool to compensate him for the services that he may continue to provide until August 1. Ms. Closshey expressed her hesitancy to consider modifying the current guidelines at this time.

Mr. Beruff offered an amendment to the motion to change Mr. Moore's end date to July 15. Mr. Combee seconded the amendment and it passed unanimously.

Mr. Gramling restated his original motion to accept the resignation of Mr. Moore, and place him immediately on administrative leave with pay through July 15, 2011 so that he is available to provide administrative services to the Board chair and interim executive director through the transition. **The motion passed unanimously.**

Several Board members thanked Mr. Moore for his professionalism, his achievements relative to involving the public in rulemaking processes, and numerous other accomplishments that are attributed to his leadership. Chair Senft asked Ms. Kavouras to gather comments and letters from Board members and others who wish to send them, and assemble a booklet to be presented to Mr. Moore.

Chair Senft acknowledged Mr. Tharp and Mr. Adams, both participating in the meeting by phone.

Mr. Tharp expressed his gratitude for the assistance Mr. Moore has provided to him. Mr. Joerger commented on the amazing accomplishments of the organization, and complimented Mr. Moore on the management team he has created and his great leadership. Mr. Combee thanked Mr. Moore for his years of service and his friendship. He spoke about the difficulties of the job, congratulated him for his length of service and wished him well. Mr. Pressman said he has never seen anyone better than Mr. Moore and spoke of his unparalleled accomplishments in the region and the positive public perception relative to the District. He expressed his disappointment in Mr. Moore's resignation.

Mr. Moore said he sees himself as a benefactor and remarked that significant trails were blazed by former executive directors in the 42 years that preceded his service. He said the District is experiencing a new paradigm, but the agency can adjust and he looks forward to another 50 great years for the organization.

4. **Discussion of Executive Director Recruitment**

- a. Overview of Board Policy 710-1
- b. Position Description Update
- c. Process to be followed for Recruitment and Selection of Executive Director

Chair Senft outlined the Board's options for recruitment of executive director candidates as outlined in Board Policy 710-1. The Board could either (1) appoint an executive director designee; (2) engage the services of an outside executive search firm or consultant; or (3) follow an internal process through the District's Human Resources Department. The

Board discussed the merits of conducting a national search, the unique aspects of Florida water law, the cost of hiring a search firm, the recruitment capabilities of the Human Resources Department, the option for head hunters to bring forth candidates, and timing recruitment with the restructure of the organization. Chair Senft suggested restructuring could be a long process, which could slow the selection of an executive director.

In response to Ms. Closshey's question, Ms. Kuligofski responded that, in order to begin the recruitment process, whether done internally or externally, the Board would need to finalize the position qualifications and requirements so the position can be advertised.

Ms. Closshey made a motion to authorize Human Resources to proceed with advertising and gathering candidates. Also, if a professional search firm provides a successful candidate, a negotiated fee will be paid for that service. The motion was seconded by Mr. Combee.

Following discussion, **Ms. Closshey amended her original motion to include a revision to the draft advertisement eliminating the word "Florida" from the second bullet and authorizing Human Resources to tweak the reference requiring possession of a Florida Driver License. Mr. Joerger seconded the amendment.**

The Board discussed whether or not knowledge of Florida specific or general water resource-related issues should be required or preferred.

Ms. Closshey then restated her motion to remove the word "Florida" from the second bullet and change "required" to "preferred." Mr. Joerger confirmed his second of the amendment. Motion passed unanimously.

The Board discussed advertising options and Chair Senft asked Ms. Kuligofski to provide a weekly recruitment update to the Board.

Mr. Gramling discussed his preference that the General Counsel report to the Governing Board and not the Executive Director. Board discussion ensued and Chair Senft suggested this be discussed further in a workshop session.

5. **Other Board Administration Matters**

- a. Future Work Session Topics
- b. Other

Mr. Senft reviewed a list of topics that have been suggested to him for future Governing Board discussion. The topics mentioned were regulation reform, surplus lands, the Evergreen salary and benefits report, options for future basin or advisory committee structure to maintain grass roots contact on a local level, and strategic planning direction.

Chair Senft referenced a June 14, 2011 letter received from Mr. Glenn Compton, Manasota 88, which was distributed to the Board members. The letter was referred to the appropriate staff to develop a response.

Chair Senft also distributed copies of a memorandum received from Jon Stevenson, Special Counsel on Policy & Legislative Affairs at the Department of Environmental Protection (DEP), regarding water management district budget direction. Chair Senft

asked for Board input on how to respond and said he planned to draft a response relative to the progress that has already been made in specific areas. Ms. Closshey informed the Board that there is updated information available regarding mitigation administration that might be relevant as the draft response is prepared. Chair Senft asked for that information to be sent to all Board members.

Chair Senft then asked Mr. Bruce Wirth, Deputy Executive Director of Resource Management, to quickly update the Board on the DEP's petition requesting the U.S. Environmental Protection Agency (EPA) withdraw its determination that numeric nutrient criteria are necessary in Florida. Mr. Wirth distributed a copy of the letter sent to DEP containing EPA's response to that request. No definitive position was taken in the letter; however, EPA seems open to negotiations to bring issues to resolution. Staff continues to monitor the issues they move forward and will keep the Board apprised.

Chair Senft asked Mr. Bilenky and the deputies to keep lines of communication open to all staff as recruitment continues and the North Highland Workload and Staffing study is released. He thanked Ms. Kuligofski for her extensive work in pulling together the materials and preparing for today's meeting.

Mr. Joerger requested that he would like to attend any special workshops on surplus lands and indicated he would be unavailable during the next several weeks.

The Board members and meeting attendees thanked Mr. Moore again for his service.

6. **Adjournment**

Chair Senft adjourned the meeting at 12:30 p.m.