

PINELLAS PARK WATER MANAGEMENT DISTRICT
6460 35TH STREET N
PINELLAS PARK, FL 33781-6221
(727) 528-8022

MINUTES

November 17, 2011

(Regular Authority Meeting #2)

IN ATTENDANCE

Janet Rogers, Executive Director, PPWMD
Mike Smith, P.E. CDM, Tampa, FL
Jeff Lowe, P.E., McKim & Creed, Clearwater, FL
Lou Bommattei, Springwood II
Dan Glaser, P.E., LAN
Jennifer Cowan, Attorney for District
Maggie Mooney-Portale, Attorney for District

ROLL CALL

Mr. Farrell - Present
Mr. Taylor - Present
Mr. Tingler - Present

Chairman Charles Tingler called to order Regular Authority Meeting #2 for November 17, 2011 at 5:30 P.M.

Roll Call: Mr. Farrell, Mr. Taylor and Mr. Tingler

MINUTES

Mr. Taylor made a motion to approve the minutes of the Regular Authority Meeting #1 held on October 20, 2011. Second was made by Mr. Tingler:

No discussion. Roll Call:

Voting Aye: Mr. Taylor and Mr. Tingler

MOTION APPROVED

Mr. Farrell made a motion to approve the minutes of the Regular Authority Meeting #12 held on September 22, 2011. Second was made by Mr. Taylor:

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Taylor

MOTION APPROVED

Mr. Farrell made a motion to approve the minutes of the Final Trim Hearing held on September 22, 2011. Second was made by Mr. Taylor:

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Taylor

MOTION APPROVED

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Mr. Farrell made a motion to approve the minutes of the First Trim Hearing held on September 8, 2011.
Second was made by Mr. Tingler:

No discussion. Roll Call:

Voting Aye: Mr. Farrell and Mr. Tingler

MOTION APPROVED

08-18-11

CHANNEL 1A – RENEWAL FROM 47TH ST. TO 56TH ST.

Janet Rogers, Executive Director, stated that McKim & Creed has received the draft scope from Mike Smith, District Engineer and conducted a site visit on November 17, 2011, will be submitting a draft fee proposal the end of this week or the beginning of next week.. On December 6, 2011, Mike Smith, District Engineer and Janet Rogers, Executive Director will be attending the City of Pinellas Park Workshop to present a short presentation on the renewal work of this project.

08-18-11

CHANNEL 1B5C – RENEWAL & STRUCTURAL REPLACEMENT

Janet Rogers, Executive Director, stated that McKim & Creed has received the draft scope from Mike Smith, District Engineer and conducted a site visit on November 17, 2011, will be submitting a draft fee proposal the end of this week or the beginning of next week.

08-16-07

CHANNEL 4 AND 4E ENHANCEMENT

Janet Rogers, Executive Director, stated that the District Engineer has received and reviewed several submittals, six (6) RFI's have been responded to. Mike Smith, District Engineer and Janet Rogers, Executive Director were on site, Wednesday, Nov. 16, 2011 to review the final items that are needed to be 100% out of Greenbrier. Work has started on the 62nd Ave. crossing and traffic is flowing well. Progress meeting #5 was held on November 5, 2011. SWFWMD funding payments are on schedule and in the board members folders is an article on this project that was in the Pinellas Park Beacon.

06-23-11

CHANNEL 4 – FABRIFORM REPLACEMENT WEST OF 66TH ST

Janet Rogers, Executive Director, stated that McKim & Creed has submitted the 100% documents and would like to recommend that the District move forward and go out to advertise to bid.

Mr. Farrell made a motion to go out to advertise to bid on Channel 4 – Fabriform Replacement West of 66th Street.. Second was made by Mr. Taylor.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

FINANCE

a) Financial Statement – October 2011

Mr. Farrell read the financial statement for the month of October 2011. Mr. Taylor made a motion to approve the financial statement for the month of October 2011. Second was made by Mr. Tingler.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

b) Investment Summary – November 2011

Janet Rogers, Executive Director recommended that Thirty Thousand Dollars (\$30,000.00) be transferred from SunTrust Bank to Wells Fargo Bank. This is a transfer that is recommended once per year to cover the retirement payments that need to be withdrawn during the fiscal year.

Mr. Farrell made the motion to approve transferring Thirty Thousand Dollars from SunTrust Bank to Wells Fargo Bank. Second was made by Mr. Taylor.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

c) 4th Quarter 2010-2011 Budget Revision

Janet Rogers, Executive Director presented the 4th Quarter 2010-2011 Budget Revision. Line item adjustments were discussed along with two new repair projects that were previously motioned to begin. Mr. Taylor made a motion to approve the 4th Quarter 2010-2011 budget revision as presented by the Executive Director. Second was made by Mr. Farrell.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

d) Trim Compliance

Janet Rogers, Executive Director stated that the Trim Compliance letter had been received with no compliance issues listed.

NEW BUSINESS

Executive Director Comments

Janet Rogers, Executive Director stated the Contractors List for Minor Contract Repairs had two (2) bidders. Keystone Excavators was low bidder. The bids have been reviewed and recommendation was made that the District moves forward and issues two contracts over a three (3) year period in the amount of Three Hundred Thousand Dollars (\$300,000.00) to Keystone Excavators and All American Concrete. A brief discussion was held. Mr. Farrell made a motion to award two contracts, one to Keystone Excavators and the second one to All American Concrete for minor channel repairs in the amount of Three Hundred Thousand Dollars over a three (3) year period. Second was made by Mr. Taylor.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

Janet Rogers, Executive Director stated that Mike Smith, District Engineer and herself met on October 21, 2011, with staff members, of the City of Pinellas Park and Michael Gustafson, City Manager of the City of Pinellas Park to discuss a partnership on the Skyview Recreation Project. The City of Pinellas Park needs to do some additional research on this project, so it has been tabled at this time.

Janet Rogers, Executive Director informed the Board that the new F750 that was ordered last fiscal year has been received. There are a number of items such as the license tag, GPS, lights, etc. that needs to be installed before it is put on the road. Chairman, Charles Tingler stated that he had reviewed the truck and was very impressed and pleased with the purchase.

Janet Rogers, Executive Director reviewed the information that had been provided to the Board with the Leave of Absence request from David Cook, estimated time of absence, doctors note as read, no lifting, no pushing, no pulling, no long time sitting or standing upon release to return to work. David Cook is the main Spyder operator; one other employee with very limited skills on the Spyder is available. Subbing out Spyder work with a small selection of different types of required Spyder work was quoted which equals Ten Thousand Dollars (\$10,000.00). Recommendation was made to hire a new Spyder operator and also sub out Spyder work until the new Spyder operator can be trained in District operations. Jennifer Cowan, Attorney for the District explained to the Board members according to the employee handbook what the Board of Directors may do on granting or not granting a Leave of Absence for Dave Cook. Mr. Farrell questioned if there was a possibility of hiring a temporary Spyder operator during the Leave of Absence. Discussion was held that Janet Rogers, Executive Director had received information that there is a school in Ocala and was researching. Mr. Farrell indicated that it appears the need for two employees should be available with not knowing what may or may not occur in the future. Mr. Tingler questioned if the Leave of Absence was not granted can a review be given after the employee's surgery and healing to see if the need was still there for the position. Jennifer Cowan, Attorney for the District stated that the Board was strictly looking at granting the Leave of Absence for a specified time or not granting the Leave of Absence which in that case would require the employee to report to work. If the employee did not report to work, then there would be disciplinary action requiring the employee to report to work. If granting the Leave of Absence the District is not required to hold the employee's current position open, just a position. .

REGULAR AUTHORITY MEETING INTERRUPTED FOR PUBLIC HEARING ON REPRIMAND OF DAVID COOK – 6:00 P.M

Jennifer Cowan, Attorney for the District –

At this time we need to start the public hearing and the way the public hearing will operate, each person will be provided fifteen minutes and the Board may ask questions during testimony or hold their questions until the end. The Board will then deliberate and make their decision.

We are here today as Mr. Cook has appealed his reprimand and under the employee policy any employee who feels they have been unjustly treated are entitled to appeal their case to the District Board. The District Board, after conducting an impartial hearing, and after considering all facts presented by the Executive Director and the affected employee, may find that the disciplinary action be upheld, reversed, or in some way modified. The Board will then make their findings on whether or not the employee was treated unjustly. Based on the Board's finding then make a decision as previously stated.

Employee David Cook and Executive Director Janet Rogers were then sworn in.

Employee – David Cook

Thank you was given to the Board for hearing him out and stated that he had made a mistake on his time line. Passed out to the Board were copies of phone records, Dr's office visits that were faxed to the office. Stated that he had received, hand delivered by one of the employees a reprimand for chronic

absenteeism from Janet Rogers. Presentation was made going through the breakdown of events as he had recorded and the documents that he had presented to the Board. During his presentation Mr. Farrell corrected some of the dates. Statement was made as to attending mandatory meeting of which he was not paid. He stated that it has been policy after three days absent to bring in doctors note not on the third day. He assumed everything was okay when disability forms were signed on the 17th. He stated that he feels he had kept the District informed multiple times and did not understand where the request for leave of absence had come from. He felt personal harassment by having his home address given to an employee to deliver information along with certified letters.

Executive Director – Janet Rogers

A statement was made that her duties were to maintain the channels and in order to perform that task maintenance needed to be scheduled and the Spyder is a vital piece of equipment that the District has. The sequence of events as outlined in the Board folders was presented establishing that the employee had returned to work on October 3rd with a doctor's note stating no restrictions. In continuing through the sequence of events and stating her position requires following the employee manual that state a doctors note is required after three (3) days which enables scheduling. Information was provided up to the reprimand as the balance of the information belongs in the Leave of Absence status. The disability form was filled out for the benefit of the employee and clearly states that information was based solely from the employee and not from any doctor's notes. In closing, the reprimand was issued as no doctor's notes were received as of October 25th and she needed to push the issue in order to try to receive a return to work date so scheduling could be performed.

Jennifer Cowan – Attorney for the District

A re-instatement of the requirements of the Board to deliberate or ask questions.

Mr. Taylor – Vice Chairman

Question was asked of Janet Rogers, Executive Director as to what the reprimand meant. Janet Rogers' response was in her opinion it was a first warning that goes into the employee file, if it continued that there could be up to one weeks suspension.

Question was asked of Janet Rogers, Executive Director as to whether Dave was a good employee. Response by Janet Rogers was basically.

Question was asked of Janet Rogers, Executive Director as to how many sick days are allowed and has Dave abused it. Janet Rogers responded that Dave had fifteen hours (15) remaining.

Mr. Farrell – Treasurer

Question was asked of Janet Rogers, Executive Director as to how many sick days a year. Janet Rogers responded twelve (12) days.

Mr. Taylor – Vice Chairman

Question was asked of Janet Rogers, Executive Director how many sick days remaining up to this event.

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Janet Rogers responded one and a half days (1.5). Question was asked of Janet Rogers, Executive Director and how long has Dave been employed. Janet Rogers responded between sixteen to eighteen (16-18) years as she did not have the employment date. Eighteen (18) years were confirmed by Dave Cook.

Question was asked of Janet Rogers, Executive Director between October 4 to October 25th, no contact was made and basically no doctor's notes. Janet Rogers responded that there had been some voice messages and that once or twice had spoken to Dave, but there were no doctor's note received. She re-instated that the last doctor's note stated Dave could come back to work with no restrictions.

Janet Rogers – Executive Director

A statement was made that the hand delivery to Dave was to insure that he received the information. Jennifer Cowan, Attorney for the District stated that was upon advice of counsel.

Mr. Tingler – Chairman

Question was asked of Janet Rogers, Executive Director that according to the employee manual all employees must call in each day by 10:00 A.M. to report being out sick unless you have a doctor's note in hand. Janet Rogers responded yes.

Mr. Farrell – Treasurer

Question was asked of Dave Cook did he know that he was required to have a doctor's note. Dave Cook responded that his understanding was that on the third day or beyond a doctor's note was required upon returning to work with noted limitations.

A motion was made by Mr. Taylor that after considering all of the evidence presented at the impartial, public hearing, including testimony presented by the employee, David Cook and the District's Director, I move to find that the Director's decision to reprimand employee, David Cook was just and therefore DENY the applicant's appeal of the Director's disciplinary decision and based upon the evidence presented UPHOLD the Director's reprimand of employee David Cook.

Second was made by Mr. Farrell.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

Jennifer Cowan – Attorney for District stated that none of the Board members had spoken to employee, Dave Cook nor Janet Rogers, Executive Director showing that this was an impartial hearing. Public Hearing was closed.

RETURN TO REGULAR AUTHORITY MEETING – NOVEMBER 17, 2011

David Cook, employee was informed that he could stay as the discussion was about his Leave of Absence. Mr. Tingler requested clarification from Jennifer Cowan, Attorney for the District on Leave of Absence. Jennifer Cowan, Attorney for the District clarified that Leave of Absence without pay enabled the employee to return to the job (employment position with the District).

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Mr. Farrell requested as to when the surgery was scheduled, David Cook confirmed November 30, 2011 and that his doctor had stated that he would require two (2) to three (3) weeks for recuperation. Mr. Taylor asked if the employees received a Christmas Bonus and Janet Rogers, Executive Director stated no there were no bonuses. Mr. Taylor requested to know the days off for the Christmas and New Year Holiday and Janet Rogers explained that the holidays were on a Sunday so the District would celebrate the holiday on each Monday following the holiday. Discussion was held on the amount of time that may be needed for the employee to recuperate from surgery and clarification was made to David Cook that the District will be looking for another Spyder operator either by hiring from outside or training from inside. Mr. Taylor made a motion that it is in the best interest of the District to grant employee, David Cook request to be placed on leave of absence without pay from October 30, 2011 to January 3, 2012. Second was made by Mr. Farrell.

No discussion. Roll Call:

Voting Aye: Mr. Farrell, Mr. Taylor and Mr. Tingler

MOTION APPROVED

Jennifer Cowan, Attorney for the District reinstated to David Cook that he was responsible for making his health insurance premiums. Janet Rogers, Executive Director stated that she would send David Cook a letter stating the insurance premiums due and the dates that they are due. Mr. Taylor reinstated to David Cook the need to notify the Board by December 15, 2011 if he would need an extension. Mr. Tingler stated that he could call or write and Jennifer Cowan, Attorney for the District state that aspecified date would need to be given. Janet Rogers, Executive Director ask for verification that she is allowed to sub out Spyder work and hire another employee if unable to train from within. Mr. Taylor verified that was correct.

MISCELLANEOUS

A. Monthly Rainfall/Maintenance Report

The monthly report is included in the Boards packet.

B. Regular Authority Meeting #3 will be held on December 15, 2011, 5:30 P.M. at the District.

There was no further business to come before the Board and Mr. Farrell moved to adjourn the meeting at 6.45 P.M. Second was made by Mr. Taylor.