

SOUTH BROWARD DRAINAGE DISTRICT  
MANAGEMENT MEETING  
**\*\*\*AGENDA\*\*\***  
THURSDAY, APRIL 1, 2010

NOTE: BOARD MEMBERS, PLEASE TURN YOUR MICROPHONES ON

01. CALL TO ORDER/PLEDGE OF ALLEGIANCE
02. DISCUSSION AND POSSIBLE ACTION REGARDING DISTRICT DIRECTOR
03. MEETINGS:
  - A. NEXT BOARD MEETING WILL BE THURSDAY, APRIL 22, 2010 AT 9:00 AM.
04. ADJOURNMENT

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ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE BOARD WITH RE-SPECT TO ANY MATTER CONSIDERED AT SUCH HEARING/MEETING MAY NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY WISH TO INSURE THAT A VERBATIM RECORD IS MADE, WHICH RECORD IS TO BE USED FOR TESTI-MONY AND EVIDENCE UPON WHICH AN APPEAL WOULD BE BASED.

IN ACCORDANCE W/THE AMERICANS W/DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS W/DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE DISTRICT AT (954) 680-3337 AT LEAST 48 HOURS PRIOR TO THE PROCEEDINGS FOR ASSISTANCE.

**SOUTH BROWARD DRAINAGE DISTRICT  
MANAGEMENT MEETING MINUTES  
APRIL 1, 2010**

**Present:**

Scott Hodges, Chairperson  
Thomas Good, Vice Chairperson  
James Ryan, Treasurer  
Robert E. Goggin, IV, Secretary  
Mercedes Santana-Woodall, Commissioner  
Vicki Minnaugh, Commissioner  
Alanna Mersinger, Commissioner

Leo M. Schwartzberg, District Director  
Douglas R. Bell, Legal Counsel  
Reina Muniz, Recording Secretary  
General Public: See Attached List

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**01. CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Meeting called to order at 9:35 A.M., followed by the Pledge of Allegiance.

**02. DISCUSSION AND POSSIBLE ACTION REGARDING DISTRICT DIRECTOR**

Commissioner Mersinger asked Mr. Schwartzberg to give the board members a description of what his responsibilities are as District Director. Mr. Schwartzberg explained what those responsibilities entailed.

Commissioner Hodges said that by knowing what Mr. Schwartzberg's tasks are, it will help with the criteria they need to place an advertisement and to determine what they are looking for when they begin their search for Mr. Schwartzberg's replacement. It was discussed whether the search should be locally or nationwide.

Commissioner Minnaugh expressed that there should be enough locals that the District doesn't have to search nationwide. She read a list of thorough criteria that should be taken into consideration while searching for a particular candidate. Mr. Bell mentioned that the last time this was done there were 47 people that had applied and the Review Committee brought it down to five. He said it was left to the Board to make the final decision. The Board would like the chosen person to have a probationary period of at least 1 month to work with Mr. Schwartzberg before he leaves.

Commissioner Ryan expressed that he agreed with what the Commissioners said in regard to the criteria for the position of District Director. He also mentioned that it is a shame that they can't hire from within. He thinks the District should have someone to assist the District Director.

Commissioner Mersinger discussed salary. Commissioner Hodges said that in the advertisement, the District can determine the range of salary to what their experience is.

Commissioner Minnaugh asked Mr. Schwartzberg, in his opinion, does he know of anyone who he feels might be a good candidate for the position.

Before answering Commissioner Minnaugh's question, Mr. Schwartzberg wanted to address Commissioner Ryan's comment regarding promoting from within. He said that he had mentioned to Commissioner Hodges that there was one thing he should have done before he announced his resignation, and that was to promote Mr. Luis Ochoa to Assistant Director. He said he intends to do that.

He mentioned that although Mr. Ochoa is not a P.E. and hasn't finished engineering school, he is intending to do so. Mr. Schwartzberg said that, in his opinion, he could not bring Mr. Ochoa into being the District Director because he still has some years to become P.E. He had high praises about Mr. Ochoa and expressed that he has progressed tremendously professionally, and taken on much more responsibilities in the last year or so. He commented that he would be a great asset to the new director because he knows so much of the hands-on operation.

Mr. Schwartzberg mentioned that there are some people he has evaluated in his own mind that he thinks would probably be good candidates for this position.

Commissioner Hodges said that the District needs to move forward with the advertisement and also in establishing a Selection Review Committee.

Commissioner Goggin expressed his feelings on the issue of how well the District is running. He mentioned that the workers that are in place are doing a great job and that they should not be touched.

Commissioner Mersinger mentioned that if the board is not comfortable with the search, that perhaps they can place Mr. Ochoa in the position as an interim. She mentioned the point of bringing someone in that may come with plans to clean house.

Commissioner Good agreed with Commissioner Mersinger on her comment and also mentioned that as another avenue, there is a professional search group that specializes in these kinds of positions. He described their process. He said they do this sort of thing for municipalities and Districts, etc., before the potential applicants come to be interviewed by the board. He also said that another avenue would be to talk to the Executive Director of Florida Association Special Districts. He said he didn't necessarily agree with the Professional Engineering requirement.

Commissioner Mersinger said that the point of hiring someone with a P.E. is because it saves money to the District. Mr. Schwartzberg described some of the design plans that he has done in-house for the District which in turn saved the District a substantial amount of money.

Commissioner Ryan said that the employees should be informed that they are in no way in jeopardy of anything from the board. He said that whatever happens, will not only be for the good of the District, but the District will have them in mind also.

Commissioner Minnaugh said that whoever comes in as new District Director will be empowered by the Board to hire and let go employees. She said she discussed this with Mr. Schwartzberg and she thinks that as the board members, something should be done proactively before anyone is hired in the District Director position. She said there should be some form of contract done for the key employees. She expressed her concern about seeing the key employees all of a sudden walking

out. She commented that not only would it hurt the District, but it would also be a disservice to the people in this District who rely on the board to come up with quick answers and help. She said that she thought having a P.E. was a good thing because she remembers when the District didn't have a P.E.; how the fees were astronomically high, and it took weeks to get an answer on a simple thing. She said that having a P.E. helped save time and money.

Commissioner Minnaugh motioned that prior to Mr. Schwartzberg leaving, he should determine who should have a contract, offer it to them, and if they were to be dismissed it would have to come before the Board for action. She doesn't think it should be left to the new District Director to decide. She asked for legal advice to Mr. Bell. Commissioner Mersinger seconded the motion.

Mr. Bell explained that previously the position described that the District Director could hire and fire any and all employees except for the attorney or the engineer. He said that it could easily be a standard as part of his job duties that he cannot fire anyone that is a current employee; or it can be limited to certain key employees, or any personnel changes would require board action.

Commissioners Goggin and Santana-Woodall fully agreed with the Commissioners comments.

Mr. Schwartzberg commented that he thought Commissioner Minnaugh's suggestion is an excellent one. He said that on the other hand, he didn't want to do anything to hamstring the new director. He said he would put a time period of a three year limit, for the simple reason that sometimes people tend to slack off, not that he sees this happening, but as the board has taught him, you don't write rules for the person, you write rules for the position. Commissioner Minnaugh agreed with this remark.

Commissioner Good commented that he also agrees with the Commissioners. He also mentioned that there should be a 3 month or 6 month probationary period, so he/she can be evaluated.

Commissioner Minnaugh made it very clear that she doesn't want someone to come in and bring their buddies into the equation and start cleaning house. All Commissioners agreed with this sentiment. They feel the staff should not be meddled with. As far as they are concerned, the staff that is in place now is doing a great job. Commissioner Minnaugh said that per Mr. Bell, there could be some kind of language in this regard placed in the contract for the District Director position.

Commissioner Goggin commented that it would be a good thing if the District brought Mr. Ochoa in as Assistant Director. Commissioner Santana-Woodall expressed her opinion on that sentiment as well and added that she would really hate to see him not become the Assistant Director, because she's dealt with Mr. Ochoa whenever he is filling in for Mr. Schwartzberg and he knows what he's doing and what needs to be done. She said he is an asset to anyone that comes in.

Commissioner Ryan asked how this would be done without micromanaging this position.

Mr. Schwartzberg reiterated that he would limit it to a specified time period and to key staff, and the District can actually name those key staff. Beyond that he would leave it to the discretion of the Director.

Commissioner Mersinger said that she would like to see a 90-day probationary period and language

for employees stating that any firing has to be documented and should not be due to capricious firing. Commissioner Good agreed with Commissioner Mersinger.

Commissioner Hodges said that this sounded more like guidance to Mr. Bell than a motion. Commissioner Mersinger then removed her second on the previous motion.

Commissioner Minnaugh made a motion that Mr. Schwartzberg and Commissioner Hodges get together and produce criteria for the position of District Director and place an advertisement. Commissioner Good commented that he would like the Board to be able to review it before it goes out. Mr. Schwartzberg replied that he would send it to each Commissioner for any comments and he proposed the District do a brief ad that says, "For detailed requirements see the South Broward Drainage District website". Commissioner Mersinger seconded the motion and it was carried unanimously.

Commissioner Mersinger made a motion to create a Selection Review Committee prior to coming to the full board. Commissioner Minnaugh seconded the motion.

Commissioner Good made a motion that the following three will be named as the Selection Review Committee: Commissioner Scott Hodges, Mr. Douglas Bell, and Mr. Jack McClusky. Motion was seconded by Commissioner Goggin and carried unanimously. Mr. Bell mentioned the District would need to do this by Resolution on the April 22<sup>nd</sup> board meeting. Commissioner Hodges agreed.

Commissioner Hodges said that the District will create a time line and add it to the advertisement. Commissioner Goggin mentioned that Mr. Schwartzberg should be in the meetings as a non-voting member. Commissioner Hodges agreed.

### 03. MEETING DATE

A. Next Board Meeting will be held Thursday, April 22, 2010 at 9:00 A.M.

**Adjournment at 10:45 A.M.**

Respectfully submitted,



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Robert E. Goggin IV, Secretary  
South Broward Drainage District

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