

WEST COAST INLAND NAVIGATION DISTRICT

BOARD MEETING DECEMBER 18, 1981

AGENDA

I. ADMINISTRATION

- A. Approval of Minutes - Special Board Meeting, November 13, 1981
- B. Approval of Treasurer's Reports: October 31, 1981
November 30, 1981
- C. Approval of Current Bills: November 27, 1981
December 18, 1981
- D. Introduction of Guests
- E. Whitcomb and Christopher, CPA's, AUDIT REPORT, FY 1980-81.
- F. Department of Natural Resources (DNR) Internal Audit

II. OPEN TO THE PUBLIC

III. ACTIVITIES REPORT

A. Sarasota County

- 1. Manasota Key Property Appraisal

B. Pinellas County

- 1. Crystal Beach Property Sale (Mr. Perrey, WCIND Counsel)

C. Charlotte County

- 1. Department of Environmental Regulation (DER):
Law suit - (Mr. Perrey, WCIND Counsel)

IV. NEW BUSINESS

V. ANNOUNCEMENTS -

NEXT BOARD MEETING DATE

Recommended date: Friday, January 29, 1982, 10:30 a.m.,
Sarasota County, South County Annex, Venice.

The monthly board meeting of the Board of Commissioners, WEST COAST INLAND NAVIGATION DISTRICT, was held December 18, 1981, at the South County Annex, Venice, Florida, at 10:30 a.m.

Present were

Commissioners: Joseph A. Tringali, Chairman Charlotte County
 Jerry L. Hente, Vice Chairman Sarasota County
 Ernest Averill, Secretary Lee County
 Franz H. Ross, Alternate, Charlotte County

Charles E. Furbee, Executive Director
 Philip E. Perrey, Associate Counsel

Absent: Commr. W. H. Fletcher, Treasurer Manatee County

Guests: Mr. Dale Adams, Administrative Assistant,
 Division of Resource Management, DNR, Tallahassee
 Mr. Jim Armstrong, Englewood

ADMINISTRATION

The meeting convened at 10:55 a.m., with Chairman Tringali presiding. The Chairman welcomed Mr. Dale Adams as the State DNR representative. Minutes of the Special board meeting held November 13, 1981, were approved as presented.

Treasurer's Reports: October 31 and November 30, 1981 were approved as presented. Vouchers for November 27, #2473 - #2496, and for December 18, #2497 - #2516 were approved for payment.

Introduction of Guests The Director introduced Mr. Jim Armstrong, Englewood, and reported that Mr. Armstrong was an applicant for the WCIND position as Executive Director. Director Furbee recommended Mr. Armstrong for this position and Board members Averill and Hente stated their support for the Director's recommendation that Mr. Armstrong be the replacement.

Chairman Tringali stated that a Committee of the Board should be selected first to interview applicants for an orderly turnover; and he requested the Board to authorize such a plan: 1) committee of two or three members and the Director to meet with candidates and to make the recommendation before the middle of January, 1982; 2) that Director Furbee accompany the selected replacement as director to meet with County Commissions of WCIND, then to DNR, Tallahassee, and to the Corps of Engineers in Jacksonville. Mr. Adams, DNR, stated that Chairman Tringali's plan is the right route. This position of WCIND Executive Director needs to be advertised to be consistent with public employment, along with the State employment procedures.

Commr. Hente questioned whether the Board would be able to get the replacement by the middle of January.

Commr. Averill referred the Board to the last meeting's minutes, (Special Board Meeting November 13, 1981) re DNR vs WCIND, and his efforts to pursue the question of DNR authority over WCIND, since WCIND maintains that this Board should do the hiring and make the decisions.

Chairman Tringali stated that the WCIND Board will do the hiring for this position but WCIND should advertise for applicants via local newspapers and then call in selected candidates for screening.

Director Furbee advised that he had personally contacted Mr. Jim Armstrong and Mr. Clark, Sarasota County R/W Agent. Chairman Tringali stated that he had contacted Mr. Dudley, Englewood area, to state that the WCIND position was open. Mr. Jim Armstrong was the only applicant at the meeting today.

The Director stated to the Board that if he could not offer a recommendation, then he's not doing his job; that he resented the fact he works only for four (4) County Commissioners.

Chairman Tringali announced that, as chairman of the WCIND Board, he wanted to be sure that the Board follows the law and referred to Counsel Perrey.

Counsel Perrey advised that he is not aware from the WCIND Enabling Act that the Board can not appoint its executive director. There seems to be no problem with the Board in the hiring selection; follow the County employment procedures and have no trouble. The ultimate decision is with the WCIND Board.

Commr. Averill stated that WCIND has the final control and as a public agency. If WCIND advertises, it must be at once. He preferred to pursue action by the Board. He, too, stated he feels comfortable to take the Director's recommendation; but, to keep from creating problems, we would advertise and make a selection.

Chairman Tringali stated that no decisions have been made by the WCIND Board to date. He requested a committee to act in the screening, after advertising in the four-county area, and his wish to be on this Committee in view of these questions. The Board concurred that with the Committee of Commrs. Tringali and Hente and with the Director, the screening and selection be made.

Dates for the Committee to meet will be Friday, January 8, 1982, after applicants with resumes be met not later than Tuesday, January 5, beginning at 9:00 a.m., with the plan to place the new director aboard not later than the following week.

Commr. Hente moved that as internal policy, the Director will recommend the most qualified applicant for the position; motion seconded and carried. Commr. Hente moved that the Board adjust the FY 1981-82 budget to cover expenditures of beginning employment time for 1982 salary of the new director; motion seconded and carried.

Mr. Adams; DNR, referred the Board to the upcoming Bill in Tallahassee re the DNR vs WCIND to establish definite guidelines. He referred to the WCIND August 28, 1981 board meeting minutes wherein there was no other given information, either meeting minutes or agendas, since the August 28, 1981 announcement by Director Furbee that he will retire as of March 1, 1982. Mr. Adams stated that if he had known of this problem today then he could have drafted the public employment standards procedure. This position of Executive Director, WCIND, has not been ready to advertise since the August 28, 1981 meeting.

Commr. Hente reported that he personally has been concerned that "nothing has been done by the Board" for a replacement.

AUDIT REPORT: WCIND FY Ending September 30, 1981

Copies of the Whitcomb & Christopher, CPA's (WCIND Auditor, Mr. Ed. Leonard, CPA) FY 1980-81 audit report were distributed today to members and Counsel. The Director referred to the Auditor's qualified statement, re WCIND Property Account, now being eliminated in this report; and to the budget variances which were favorable. The audit invoice of \$2,345 was presented with the statement that WCIND had budgeted an amount of \$2500. The Crystal Beach Property Sale Contract was given in breakdown to date and the closing as scheduled for December 15, 1981. Also, the Director

reported that the Auditor's services included up to date (September 30, 1981) statements of accrued annual leave and for sick time accrued to date for the two WCIND office employees, Director Charles E. Furbee, and for the Secretary - Bookkeeper, Esther C. Happich.

Department of Natural Resources (DNR) Internal Audit

The personnel to meet at WCIND office for this audit were unable to do so re the scheduled dates, in reference to Longboat Pass project and the Stump Pass project. Per the request, copies of documents required were mailed to Tallahassee office.

ACTIVITIES REPORT

Sarasota County

Manasota Key Property Appraisal The Director reported that the four lots to be appraised have a "ball-park" appraised value totaling \$597,000 and he recommended that the Board place these properties on the market for sale as has been done on the previous lots sold in Sarasota County. Commr. Hente moved that the Board authorize the sale of the surplus property; motion seconded and carried.

Mr. Adams addressed the Board to state that DNR has no objection to the sale but the procedures are to be 1) appraisals; and he referred to the DNR draft of proposed rules for sale of surplus lands since this establishes procedures to protect the public interest.

Chairman Tringali stated that this WCIND surplus property was obtained by local taxpayers within the District through their elected representatives in accordance with the law and WCIND Board Counsel. The WCIND Board does not need to have Dr. Gissendanner to rule on this Board action. He stated that he believes that this WCIND Board is acting within the law.

Commr. Averill moved that regular sales procedure for the sale of these four lots be followed; motion seconded and carried.

Commr. Hente questioned the value of the four lots placed on the market for sale. The Director reviewed the values and the opportunity to get surplus property sold and monies for WCIND; also, that no tax millage will then be required for the WCIND. Funds are due the WCIND from SCL Railroad Company for the Placida SCL R.R. bridge.

Chairman Tringali stated that WCIND must make sure that this property will be made available to Sarasota County for public use first - as a part of the DNR rules procedure for sale of WCIND surplus property.

Pinellas County

Crystal Beach Property Sale - Contract Counsel Perrey gave his report, stating that, re the December 15 closing, funds to Crystal Beach Developers are now in escrow, for the date of January 5, 1982, and that WCIND will receive \$240,000 in cash or a cashier's check. Counsel referred to prior letter re the time table and this now has been changed accordingly; interest payment will be due as has been specified.

Charlotte County

DER Regulation, Re: Stump Pass Dredging Project Counsel Perrey gave his report on the law suit with copies of his MEMORANDUM - December 15, 1981, distributed now to Board members. The December 8, 1981 Norfolk Dredging Company's motion to Dismiss the Complaint has not yet been set for hearing. DER has filed reply to affirmative

defenses filed on behalf of WCIND for the Stump Pass Project. WCIND Counsel has requested John Quinlan to do legal research on some issues raised by DER in reply.

Chairman Tringali reported that whatever damage in the area, from all local reports the results of the Stump Pass project was good and overshadows any damage caused. Commr. Ross will meet today with Sarasota County marine personnel re the present findings for that dredged area.

Mr. Adams referred to an article in local paper re an error not corrected - and that the State legal staff is involved re the WCIND standpoint.

The Director showed sketches of area of Stump Pass re the buoy replacements that are necessary but local Coast Guard Auxiliary has recommended that the two Markers be replaced.

Chairman Tringali questioned the decision, re not who does the work but that the work necessary be done. He referred to recommendation that permanent Markers be established and have a permanent maintenance. He has personally furnished copies of the Stump Pass sketch for local distribution since this area is not a part of the IWW. The only entrance to the Gulf is here for neighboring Counties as well as for Charlotte County. Commr. Averill moved that the Board approve such funds to supply printed copies of the Stump Pass sketch; motion seconded and carried. The Director reported on contact with the Corps of Engineers about funds for the Gulf Coast Passes; now there is \$135,000 budget but this should be sufficient. He recommended a resolution to U.S. Government that the portion of Gulf Coast Passes (the four Counties only) is considered and said WCIND previously resolved for the Congress no longer to sponsor the Pinellas County Passes. The Board concurred.

Commr. Hente moved that the Board present to U.S. Army Corps of Engineers WCIND resolution re the River & Harbor Act for the Gulf Coast Passes Study for completion except those Passes located in Pinellas County; motion seconded and carried.

The ACTIVITIES REPORT was accepted as presented.


NEW BUSINESS


Membership - Water Resource Congress: Commr. Averill moved that WCIND continue its membership; motion seconded and carried. Annual meeting is Feb. 2 & 3, Houston, Texas. Commr. Hente moved that members and staff who plan to attend this meeting may do so at WCIND expense; motion seconded and carried.

NEXT WCIND BOARD MEETING Commr. Hente requested consideration re location for the meetings. Certain dates will be checked out, re January 21, rather than January 29; Commr. Hente stated that room for January meeting is available in Sarasota. The Director is to confirm the scheduled January date, and the place, when obtained.

Mr. Adams, DNR representative, addressed the Board to refer to today's "reasonable disagreement"; that he had not been aware from the agenda furnished him, re the replacement for Executive Director, nor proposed sale of Manasota Key lots. He referred WCIND to a draft in process being made by the Florida State Lands Department.

The meeting adjourned at 12:30 p.m.


Secretary


Chairman