

**Florida MPO Advisory Council
Meeting of the Executive Committee
June 4, 2021
St. Lucie, Florida
Meeting Minutes**

Committee Members in Attendance:

IN-PERSON (STAFF DIRECTORS – A TOTAL OF 6 WITH 4 MAKING AN IN-PERSON QUORUM):

Don Scott, Chair, Lee County MPO
Dave Hutchinson, Vice Chair, Sarasota/Manatee MPO
Greg Stuart, Broward MPO
Beth Beltran, Martin MPO
Carl Mikyska, Pasco County MPO
Peter Buchwald, St. Lucie TPO

IN-PERSON (OTHERS):

Paul Gougelman, MPOAC
Jeff Kramer, MPOAC/CUTR
John Waldron, MPOAC
Alison Stettner, FDOT

VIRTUAL (STAFF DIRECTORS – A TOTAL OF 3 THAT CANNOT CONTRIBUTE TO A QUORUM):

Greg Slay, Capital Region TPA
Beth Alden, Hillsborough TPO
Gary Huttman, MetroPlan Orlando

VIRTUAL (OTHERS):

Scott Koons, Gainesville MTPO
Abra Horne, FDOT
Erika Thompson, FDOT
Cathy Kendall, FHWA
Tia Boyd, CUTR
John Podczerwinsky, FDOT
Caryn Gardner-Young, FDOT
Mark Reichert, Member of the Public

• CALL TO ORDER

Don Scott, Chair, Lee County MPO, called the meeting to order at 10:06 a.m. The Chair welcomed those in attendance. A quorum was established in the meeting room.

Carl Mikyska, Pasco County MPO, made a motion to allow members attending online to participate in the meeting due to the extraordinary circumstances of COVID-19. A second was made by Beth Beltran, Martin MPO. The motion was approved unanimously.

• PUBLIC COMMENTS

No public comments were made.

• BUSINESS ITEMS & PRESENTATIONS

DESIRED FUTURE ORGANIZATIONAL RELATIONSHIP BETWEEN MPOAC AND FDOT

Chair Scott identified several organizational options for the MPOAC and FDOT, particularly with regards to the Executive Director position. These options included:

1. Remain the same within FDOT in the Central Office.
2. Remain as FDOT employees, but enter into an MOU outlining who does what between FDOT and the Governing Board.
3. Hire under a consultant contract.
4. Move the Executive Director out of FDOT and attach the positions to a host agency.
5. Move the Executive Director out of FDOT Central Office move it to a FDOT District Office.
6. Rotate the position around the MPO's as a short term responsibility.
7. Other options?

Chair Scott asked if any options were missing and asked Paul Gougelman, MPOAC Counsel, if state statutes would allow the MPOAC to be independent. Mr. Gougelman responded that the statute is not clear under the aegis of FDOT for fiscal and accounting purposes when applied to individual circumstances. Alison Stettner, Director of the FDOT Office of Policy Planning, stated that the FDOT is willing to work with the MPOAC to explore this issue more, if needed and desired by the MPOAC membership. Committee members expressed concern that there will be potential funding issues depending on the direction selected by the MPOAC (in-kind support currently provided by FDOT, etc.).

The group determined that they needed more background on the genesis of the MPOAC before any decisions could be made. Paul Gougelman, Gary Huttman (MetroPlan Orlando), and Alison Stettner provided their anecdotal knowledge of the evolution of the MPOAC.

According to their accounts:

- There was no in-house Executive Director before Howard Glassman.

- The agency functioned through free-form agency action - the Staff Directors would take turns putting the agendas together and hosting the meetings. It is believed that this format was selected out of convenience.
- The Executive Director position was added when rotating responsibilities became haphazard and an inconvenience given the MPO Staff Directors' busy schedules. Additionally, there was a need for a central repository for documents.
- The MPOAC chair at the time, Mayor Larry Schultz, noticed that the system in place wasn't working, and there needed to be one central point of contact for records, questions, and tasks.
- After the Florida legislature adopted legislation related to MPOs (s. 339.175 F.S.), it was revised to incorporate the MPOAC. It was at that time that the MPOAC was assigned to the Office of the Secretary of Transportation for fiscal and accountability purposes, but would otherwise function independently of the control and direction of the Department (s. 339.175(11)(c)(7)). Many of the decisions being discussed were made prior to the existence of the statute relating to the MPOAC.
- The conversation on the statutes continued to include:
 - The timing of the statutes, including the political climate, and cultural shifts;
 - Financial issues at the time the statutes were written; and
 - Corrective actions to give additional oversight and improve collaboration with the MPOs across Florida.

The discussion then moved to the description of the Executive Director position:

- FDOT is looking at some of the existing arrangements and is considering reclassifying the position to a Director-level position. This change could provide room for internal growth and address the existing issues related to salary and the Florida Retirement System (FRS) classification.
- Members asked for clarification on the role of the Executive Director and if "Executive Director" is the right title for the position. It was clarified that the statute states that the MPOAC shall hire an Executive Director and employ other staff as needed (Section 339.175(11)(c)(7), F.S).

Before the meeting, members conducted a search of agencies that rotate responsibilities for statewide organizations. The findings indicated that such an arrangement resulted in a variety of organizational inconsistencies, including meeting conduct, record retention, and other elements.

The group discussed the MPOAC Strategic Action Plan (the strategic plan) that was developed during Carl Mikyska's tenure as the MPOAC Executive Director and the relationship between the organizational mission, the strategic plan, and the role of the Executive Director. This led to the following statements related to broader organizational issues under review:

- Beth Beltran, Martin MPO, explained that she sees the position as a 3-legged stool – without one of the legs, the others will suffer. These three legs are the legislative component, the resources from FDOT (e.g. UPWP support, consolidated plan agreement), and the best practices/educational component. She then questioned if going independent impacts any legs of the stool.
- It was indicated that being a part of a group under the umbrella of FDOT is beneficial to all of the MPOs. Several members agreed that FDOT has been a good partner and that they don't want to sever the relationship.
- The advantages of physical proximity for problem solving on an individualized basis was also discussed, though no consensus was reached.

The discussion continued to the role of the MPOAC:

- The possibility of a hybrid option was considered. It was clarified that this option would not be feasible because the MPOAC is funded from federal planning (PL) funds.
- It was further clarified that the MPOAC does have to be a part of FDOT and PL funds may not be used to fund a separate agency. To this end, local funding may have to be used if a separate agency is formed.
- Allison Stettner stated that they use the MPOAC's strategic plan to ensure that, through the cooperative planning process, FDOT's goals align with the MPOAC's goals. This cooperation is an important part of the relationship that the Department has with the Florida MPOs. She stated that the Department does not interfere with the MPOAC's business and vice versa.

Mark Reichert was asked to share background information on the organizational structure of the Florida Transportation Commission (FTC) and its relationship with FDOT. Mr. Reichert explained that the FTC was created just before FDOT had significant financial issues. In its original creation, it did not have staff (as was the case with the MPOAC), and that FDOT provided the staff. When the Department had its financial issues, the FTC became independent with staff housed within the FDOT structure, a hosted arrangement. Mr. Reichert explained that, even though the FTC was created as an independent organization, the office was placed within the Office of the FDOT Secretary for financial and administrative support, much like the MPOAC. The follow-up discussion included the following points:

- The implementing language cannot be found, but Mr. Reichert was informed that the language that created the MPOAC mirrors the implementing language for the FTC.
- Organizationally, FTC staff are state employees, but they are not necessarily considered FDOT employees.
- The MPOAC is treated similarly to the FTC.
- Previously, the FTC got raises fairly frequently, but this is no longer the case. It is believed that the staff raises stopped because the FTC stopped asking.

- Mr. Reichert believes that the MPOs do not take advantage of their political capital to better negotiate staff salaries.
- Ms. Stettner clarified that the statutes give the commission for the FTC and the TD Board complete authority to fix salaries. This authority is not written into the statute for the MPOAC.

Greg Stuart, Broward MPO, asked if a memorandum of understanding (MOU) can be established that would outline the roles and responsibilities of the MPOAC Governing Board and the FDOT under the existing statutory structure. Paul Gougelman confirmed that an MOU could be established for that purpose. The group discussed several related topics, including the following:

- The current political climate and its potential to affect the MPOs depending on how the MPOAC chooses to proceed.
- The current FDOT Secretary has a positive relationship with MPOs and is viewed as an honest broker.
- The impact that legislative changes may have on the permanency of an MOU.
- The availability of “rate” vs. “budget” for the Executive Director and potential salary increases.
- The MPOAC strategic plan updates. The Executive Director position could be defined and filled first and the strategic plan update can be included as a focus area for the new Executive Director.
- The size and function of the MPOAC Executive Committee should be taken into consideration as they develop a plan of action.
- The concept of being independent and what it means for the MPOAC - the different gradations of being independent. Candidates for Executive Director may be asked about their ability to help accomplish independence and meet the established goals in the MOU.
- The importance of memorializing agreements to ensure consistency as time passes and leadership changes.
- The draft should be agreed upon by the MPOAC Secretary, the MPOAC Executive Committee, and the MPOAC Governing Board.

After the discussion, it was determined that the group would develop an MOU framework and draft a job description for the Executive Director position. Greg Stuart, Broward MPO, made a motion requesting that the Governing Board authorize Paul Gougelman to a) draft a memorandum of understanding (MOU) clarifying the role of the MPOAC and the Department as its host and b) draft a job description for hiring an MPOAC Executive Director that would reflect the needs outlined in the MOU and the MPOAC Strategic Action Plan update. Peter Buchwald, St. Lucie TPO, seconded the motion.

Members were asked for comments. The group had a discussion and made the following clarifications:

- The draft MOU and job description would be completed before an Executive Director is hired.
- The new Executive Director will move forward with the strategic plan update.
- A short outline will be completed at this (June 4th) meeting. This outline will be shared with all of the Staff Directors for review before the next MPOAC Policy and Technical Committee meeting in Naples on July 7th, 2021. Refinements will be made and the MOU framework and draft job description will be presented at the next Governing Board meeting on July 29, 2021. Once the Governing Board approves the MOU framework and draft job description, the MPOAC can move forward with the rest of the process, including hiring.

The motion carried unanimously.

The group broke for lunch from 11:49 a.m. until 1 p.m.

The group discussed developing a draft MOU framework to include the following items:

- Administratively hosted – organizationally separated (“independent”)
 - What support will FDOT continue to provide? – Define “administratively hosted” and outline specific elements
 - Insurance (for staff and for the organization (Liability and Workers Comp in the MPOAC name))?
 - Benefits?
 - Office space?
 - Audit?
 - Other?
 - Define organizationally separated (“independent”) and outline specific elements
- Executive Director and staff work exclusively for the MPOAC Governing Board and the Executive Committee
 - Elaborate details of what authority MPOAC Governing Board holds
 - MPOAC staff reports to the Executive Director
 - Who approves Executive Director’s timesheet?
 - Who approves travel?
 - Determination of salary?
- Work collaboratively to update and implement the MPOAC Strategic Directions Plan to ensure efficiency in the MPO planning process

Additional discussion included:

- The allocation of federal planning (PL) and urban attributable Surface Transportation Block Grant (SU) funds and centralizing the administration of the PL and SU funds through the MPOAC in the future.
- Approaching this process in two phases: (1) outlining the administrative structure and oversight of the MPOAC, specifying the functions of the Executive Director, and (2) working on the PL/SU funding issue and then updating the MOU to include these items once they have been fleshed out.
- Ensuring there are opportunities to have input at the local level.
- Making potential statutory changes in the future.
- FDOT is going to administratively host the MPOAC, but the MPOAC is an independent organization.
- Will location (Tallahassee or other) need to be specified in the MOU?
 - If the department will be providing office space, equipment, furniture, and supplies, the position would have to be in Tallahassee or in a Department operated facility. MPOAC will not be renting space.
- Funding for MPOAC lobbying efforts is separated. Only local funds are used, never federal funds.
- How insurance would benefit or hinder the MPOs and MPOAC if an incident were to occur.

Peter Buchwald, St Lucie TPO, made a motion to allow Paul Gougelman, MPOAC General Counsel, to combine the MPOAC Policy and Technical Committee generated MOU framework with his own notes and understanding of the discussion to create a preliminary draft framework for the MOU. Carl Mikyska, Pasco County MPO, seconded the motion.

Members were asked for comments. It was clarified that the items in the initial draft MOU framework are questions and concerns that members of the Committee expressed. All of these points may not end up in the MOU, but it may state that these items will be addressed through further administrative agreements. The discussion continued to include the following:

- Operating under the assumption that there will be additional authorizations.
- Budgeting for paid time off and paying out for unused leave after retirement.

The motion passed unanimously.

The committee reviewed the previous MPOAC Executive Director job description as well as one developed by Carl Mikyska at the direction of the MPOAC Executive Committee in February 2021. The group discussed the following items:

- Edits
 - Clarifying that the Executive Director oversees the production and implementation of the MPOAC Unified Planning Work Program (UPWP).

- Adding that the Executive Director serves as a technical resource and troubleshooter for MPOs and the Department on matters related to metropolitan planning functions. The person who is hired should be able to perform the duties and demonstrate expertise in these areas.
- Specifying that skills should include that eligible candidates speak English fluently. It is in the State constitution as a requirement that Florida government is conducted in English.
- Clarifying that the Executive Director will ensure the collective voice of the MPO community is incorporated into the development of the Florida Transportation Plan (FTP) and the Strategic Intermodal System (SIS) Strategic Plan.
- Advertising will be targeted within Florida.
- Where the Executive Director will be stationed
 - Is the focus on the relationship with the FDOT or is the focus on individual MPOs with the Executive Director out in the field? The Executive Committee was open to the Executive Director being stationed somewhere in Florida, but they did not discuss this topic in more detail.
 - They can add a statement noting that the position requires approximately 25-50% of the year in Tallahassee/during legislative sessions.
 - Headquartered at a DOT facility and location is flexible
 - Will they be reimbursed for travel to Tallahassee? If their home office is not in Tallahassee they can be reimbursed.
 - Six years ago, Jeff Kramer, Center for Urban Transportation Research (CUTR), developed a spreadsheet evaluating the cost differential of the Executive Director being stationed in Central Florida and Tallahassee. The spreadsheet included an 18-month cycle with travel to each MPO around the state, travel to the MPOAC quarterly meetings, and time in Tallahassee during the legislative session and at other periods throughout the year. At the time of the calculation, the cost of the Executive Director being stationed in Central Florida was cheaper when compared to being stationed in Tallahassee.
 - Technology is more available today than it was when Carl Mikyska was hired.
- Lobbying
 - The group deliberated the pros and cons of keeping the information about lobbying in the job description.
 - The role is to monitor and advise MPOs and be a resource to the legislators.
 - What happens if the Governing Board asks the MPOAC Director to advocate a position for the MPOAC to facilitate the continued evolution of the organization?

- If a person is lobbying on behalf of an organization they are required to register (2 CFR 200).
 - The group discussed the specifics about what would constitute lobbying.
 - Advocating the policy positions was a part of the Executive Director's role. Mr. Mikyska erred on the side of caution and registered using personal funds when he was the MPOAC Executive Director.
 - The Florida legislative session during 2021 could be monitored remotely, but participation was required to be in-person.
- Travel
 - 50% of travel, of which 25% will be in Tallahassee;
 - Primary travel to individual MPOs ; and
 - Occasional travel for national conferences.

Mr. Gougelman agreed to use the Committee comments and weave them into other notes, comments, etc. to create a strikethrough/underline version of the job description and preliminary MOU framework. He would have drafts of both documents sent to members of the Committee before the next Policy and Technical Committee meeting on July 7, 2021 on Marco Island.

At the next meeting the Committee will discuss the recommendation that will be made to the Governing Board to address the hiring of the new Executive Director, the process moving forward, implementing the MOU, and the proposed timeline.

• OTHER BUSINESS

- The group discussed hotel and location options for future meetings.
- The group also discussed proposed federal surface transportation reauthorization legislation being considered in the US Congress. It was noted that the US Senate version does not include member earmarks while the version being considered by the US House of Representatives does. The Senate version also does not currently include a transit element.

• ADJOURNMENT

The meeting was adjourned at 3:48 p.m.