

CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY

Regular Meeting
Monday, August 1, 2005, 4:15 p.m.

MINUTES

Having a quorum, Samia Ferraro, Chair, called the meeting to order at 4:20 p.m. and took roll.

Council Members present: Samia Ferraro (Chair) Anthony George, Jr.
Karen Ripper (Vice Chair) Laurel Hopper
Marian Carpenter Hon. Steven Levin
Debbie Crowder Dr. Sara Wilcox
Michael DiTerlizzi

Absent Council Members: Laurie Gaylord

Public present: Keith Muniz, Executive Director, The ARC of Martin County
Linda Sistarelli, Sunny Times Stables
Maria Kulp, Planned Parenthood
Danny Lyons, Executive Director, Boys & Girls Clubs of Martin County
Cheryl Bass, Director of Martin County Community Services
Mabel B. Witham, Citizen/TAC Member

Staff present: harry a. yates (Executive Director), Scott Berry (Manager of Research and Evaluation), Rebecca Galante (Executive Assistant), Genevieve Guido (Director of Administrative Services), Frances Kaleta (Administrative Assistant), Ellen Pethic (Systems Financial Analyst), Elizabeth Whittles (Director of Program Development), and Noreen Dreyer (Legal Counsel)

Invocation was given by Marian Carpenter, and the Pledge of Allegiance was recited.

A motion was made by Debbie Crowder and seconded by Tony George to adopt the Agenda after adjusting the order of Item B. (ARC's Program Reserve Request) before Item A. (Performance Review Committee [PRC] Report) of IV. Old Business. The motion passed unanimously.

A motion was made by Laurel Hopper and seconded by Debbie Crowder to approve the Minutes of June 27, 2005, as presented. The motion passed unanimously.

Old Business:

- A. ARC's Program Reserve Request was presented by Harry A. Yates. Staff recommended denial of the requested additional allocation, according to reasons in David Heaton's memorandum of 07/14/2005. Keith Muniz, Executive Director, of The ARC of Martin County and Linda Sistarelli of Sunny Times Stables reported on their additional funding request and answered Council questions. In answer to Karen Ripper's question, Ms. Sistarelli stated that she does not possess the North American Riding for the Handicapped Certification. Council would be more comfortable if Ms. Sistarelli obtained the above mentioned certification and that the program request go through the regular Technical Advisory Committee (TAC) funding process. **A motion was made by Marian Carpenter and seconded by Laurel Hopper to deny supplemental funding for The ARC of Martin County's horsemanship program, as recommended by staff. The motion passed unanimously.**
- B. The Performance Review Committee's (PRC) report was given by Karen Ripper for the evaluation of Harry A. Yates for the period of 01/01/2004 to 12/31/2004, as a recommendation to the Council. The Performance Review Committee consisted of Karen Ripper (Chair), Debbie Crowder, Samia Ferraro, and Michael DiTerlizzi. Ms. Ripper stated that the PRC met with Harry on each of the points that he raised in his 6/16/2005 response to the PRC report. Ms. Ripper reviewed the eight recommendations on Page 2 of the PRC report.

Samia Ferraro felt that basically CSCMC is doing a good job. However, the PRC would like CSCMC to do a great job, and it appears that they are well on their way to doing so. What the PRC has asked Harry to do for the last couple of years and is evident in the Executive Director/Staff Report today that it is being done is to change CSCMC to no longer fly under the radar and that we actually stand up and become visible as an active part of this community, so that the citizens understand that Martin County's children have needs (i.e., substance use, mental health, prenatal care issues). Move CSCMC to a new level and become a vocal, loud, and lobbyist spokesperson for the children in this community.

At this point Ms. Ferraro shared the FCSC business plan (draft) with its purpose to ensure that the FCSC is the recognized leader in the state on prevention and early intervention issues, to provide leadership on issues impacting children and families, and to actively support expansion of CSCs in other counties. Those first 2 issues really reflect the kind of philosophy that Ms. Ferraro is most interested in leading this organization in for this coming year. She would like Council's support and would like to know if she has it. Part of that support is asking and really demanding that the staff go out into the community to let them know what we are doing, what issues still remain, and what it is going to cost to solve them.

Michael DiTerlizzi stated that his opinion was that Harry and the organization do a good job and in most cases do a very good job, but the PRC came to the conclusion that there were a couple of things that needed improvement. The PRC felt that the public relations of the organization need to be better, so that CSCMC is out in the community. The expectations in that regard have not been met for a couple of years. Overall, Harry does a good job and is due an increase. The PRC did not totally agree on the 3% increase, so it was decided to put it out for discussion with Council. The health insurance is obviously a big issue for everyone, and the PRC is finding that premiums are going up for the employees or their benefits are being reduced. Therefore, the PRC thought it only fair to look at this issue and analyze those things. Mr. DiTerlizzi appreciated Harry's patience and being civil as he was, as it has been a trying experience for him this year.

Council Members agreed that Harry put forward his points regarding the PRC Report so that they are discussed and handled appropriately. Karen Ripper stated that the PRC had made their recommendations to present to Council after hearing Harry's issues and still feels strongly about what the PRC had written in the report, except for Item #3, which is up for discussion with the Council. The PRC felt strongly that they wanted to see some action regarding media coverage and public positioning on children's issues, more so than other agencies with Op Ed pieces with The Stuart News.

Harry A. Yates referred to the PRC Report's recommendations on Items #1 and #2, regarding quarterly evaluations and formulating 2005 fiscal year objectives/goals. Harry reported that he has always completed a fiscal year plan, which has been moved back from October to January or February because the PRC has taken longer each year to complete their reports. Harry stated that he is opposed to quarterly reports because: 1.) setting up a Performance Review Committee puts too much emphasis on a few people's opinions and his responsibility is to a ten-member Council, not just three or four PRC Members; 2.) the Council also receives Harry's monthly report in the Council Packet, which includes everything that would be included in a quarterly report. The Council also receives an annual report and distinctive reports when staff completes special projects.

Regarding PRC Report Item #3 on salary, Harry feels justified comparing his salary to the Executive Director of the Children's Services Council of St. Lucie County (CSCSLC). Although the PRC feels that St. Lucie County should not be used in comparison because their population is larger (223,572 vs. Martin County's 140,898), Harry pointed out that other factors should be taken into consideration besides population, since their staff only includes 7 versus CSCMC's 8. CSCSLC's current millage is .3915 versus CSCMC's millage at .3337. Their revenue at 95% is \$6,450,564 and our revenue at 95% \$5,626,179 (proposed Budget A). CSCSLC's total revenue is \$6,532,764 versus CSCMC's total revenue of \$8,872,201 (proposed Budget A). Their total expenses are \$6,601,135 versus our total expenses of \$8,872,202 (proposed Budget A). Their administration percentage is approximately 12.1% and our administration percentage is 10.29% (proposed Budget A). The Children's Services Council of St. Lucie County is comparatively the same as Martin County. Therefore, Harry believes that his salary should be comparable to their Executive Director's rate, at least if not more so, because Kathy Basile has only been in her position for 5 years compared to his 15 years, and he trained her when she first came on board. Also, her salary is going up to \$91,000 next year, compared to Harry's proposed increase to \$83,545.87. Doing similar jobs with similar responsibilities, Harry believes that salaries be comparable.

Harry agrees with the PRC Report's Items #4 and #5, regarding increasing the car allowance and paid annual leave.

Regarding PRC Report Items #6 and #7, Harry reported that, as the original contract of 1/15/1990 states that he was going to have dependent coverage, full dependent coverage should be covered until such time that a new contract is developed with a new Executive Director. It should not be capped at any particular rate, nor should an individual not receive full benefits merely because rates have risen. Furthermore, Harry pointed out that all seven staff members in the Children's Services Council of St. Lucie County have their entire health insurance coverage paid fully for not only the employees but also their families.

Harry also pointed out that he had not had the opportunity to fully read the FCSC report that Ms. Ferraro presented to Council today; however, he has understood that a cost is associated with the plan, as the FCSC wants to initiate it on a statewide basis and hire a statewide Executive Director at a cost of in excess of \$80,000 to \$100,000. The FCSC is also talking about hiring full-time public relations staff. The larger CSCs that are supporting this include Broward, Palm Beach, and Miami-Dade Counties, and they already have staff paid just to conduct public relations. However, the PRC wants Harry to accept that burden as well. Harry feels that, if the PRC is going to ask that additional job responsibilities be added, then it should be added in the Executive Director's salary, which is comparable to other CSCs.

Debbie Crowder stated that the PRC was looking for a way to help all of us be on track and making sure that contacts with the media and the PR parts needed for this CSCMC would actually happen, instead of always being on the back burner and never coming to fruition. Harry responded that one of the PR items included doing something with MCTV20. Although they were approached by staff, MCTV20 became backlogged and stated that they would call CSCMC when they would be ready to work with us. However, regarding The Stuart News, Harry and Elizabeth spoke to their Editor, Mark Thomasik, who indicated that the twice-a-month article was dependent upon him agreeing to it, and he did not make the true commitment. We now have a commitment through the Hometown News to do a once-a-month article starting August 15. Reporter Geoff Oldfather of The Stuart News is supposed to do an article on the Whole Child Project when he gets pictures. Harry thanked Elizabeth Whittles for 90% of the effort because she has contacts working on this process. According to Harry, the media coverage is being attempted.

Hon. Steven Levin reported that a contract implies an agreement between people, and he does not know if things should be cut out of the original contract and agrees with Mr. George that, if a new Executive Director comes on board, changes to the contract should be made then. Judge Levin stated that it is only logical to honor what is in the original contract, unless the other party of the contract agrees to changes, which changes the contract bi-laterally opposed to uni-laterally. Karen Ripper stated that there has always been that question about what happens upon retirement and spousal coverage; therefore, the PRC felt that now was the time to look at how we would go forward with the contract and make an addendum if the Council choose.

Karen Ripper stated that currently benefits are 50% of Harry's salary, and 35% is the normal range of benefits versus salary. Judge Levin is not concerned with the benefit percentage being high now but with how the contract was originally drawn. Michael DiTerlizzi said that for years the Council has just added addendums to the original contract instead of rewriting a new one, which has given an impression that the old contract is renewed but it is actually a new contract. Attorney Noreen Dreyer stated that Judge Levin has an excellent point because we are working on a contract from the year 2000, and every year there has been addendums mostly to increase salaries with some additional negotiations on occasions. Ms. Dryer reported that the original contract provides that, unless it is terminated, it is a continuing three-year contract that is renewable every year for a continuing three years with an opportunity to revisit salary and benefits. Ms. Dryer also said that there are two parties to every contract, and a contract can be amended by the mutual agreement of those parties at any time during the process. Ms. Ferraro stated that she did ask Attorney Johnathan Ferguson about this, and he told Ms. Ferraro that, if any significant changes were made, it would be easier to write a new contract.

Several Council Members expressed concern about changing a binding contract midstream and would feel more comfortable changing contract language when a new Executive Director would be hired in the future upon Harry's retirement. They also discussed the confusion of the overall performance review being very good but contract benefits were being reduced, as proposed in the PRC Report.

A discussion also occurred on what issues should be separated from the PRC's performance review and coming back to the Council to review benefits, since it does pollute the review. Council consensus agreed that a better idea might be for a group of people to look at the benefits for the Council instead of making benefits a part of the PRC Report, as this is going to be an on-going issue. A Contract Review Committee was appointed to consist of Tony George, Karen Ripper, Marian Carpenter, and Harry A. Yates. Ms. Ripper stated that they will be looking at all other agencies and will have a formal report to give to Council. Ms. Carpenter stated that, although we can gather all of the information, we can be a leader in some of these issues. Judge Levin summarized two related points: 1) proposed contract changes should be given a year in advance to allow for planning, and 2) salary needs to be reviewed and compensated accordingly to any benefit decreases.

Council consensus was to review the health, life, and dental insurance policies when they come up for renewal and work with staff to determine what is affordable and what is the best package, especially if a premium increase occurs. Genevieve Guido reported that the health insurance is renewed the 1st of March, whereas life and dental insurance are renewed on the 1st of April; all of these insurance costs are presented in the yearly budget.

A motion was made by Michael DiTerlizzi and seconded by Tony George to remove Item Nos. 6, 7, and 8 from the Performance Review Committee's (PRC) report from the Executive Director's performance review and that benefits be reviewed at the time of renewal. The motion passed unanimously.

Council had no controversy with Items #4 and #5 of the PRC Report. Council agreed that Items #1 and #2 would be changed to state the following: 1) The Performance Review Committee will be appointed before October 1, 2005, to allow adequate time to complete next year's review. 2) The Executive Director will formulate fiscal year 2005 objectives/goals and present them in regular reports to Council.

Karen Ripper made a motion to increase Harry's salary by 4%. Ms. Ferraro asked if there was a second to the motion; the motion died. In answer to Judge Levin's question, Ms. Ripper stated that she made the motion to meet somewhere in the middle of what the PRC recommended and what Harry requested. Harry responded that CSC of Palm Beach County gave a 12.5% increase to their entire staff, including the Executive Director, last year. Harry stated that Kathy Basile, his counterpart at CSC of St. Lucie County, had a salary of approximately \$76,000 last year and she went up to \$86,000 this year and will go to \$91,000 next year. Harry reported that Ms. Basile does not have a performance review to his knowledge; they just signed a contract that will take her to over a \$100,000 in the year following, which was drafted and approved by their Council.

When Mr. George was trying to get information on Friday for the two types of CSCs across the state, those that are called county controlled versus those that are independent governing bodies, the information was not there. Mr. George stated that he believes what frustrates Harry is that he was the mentor/trainer for the Executive Director of CSC of St. Lucie County, and St. Lucie County is now moving to very progressive salary increases, where they have passed us up and will continue to do so. Part of Mr. George's concern listening to Harry, Mr. George does not feel that there are any other comparable CSCs to look at other than St. Lucie and Palm Beach Counties to compare data. Mr. George feels that the Council needs to research data from the rest of the state so that we are aware of what other CSC directors are receiving. Ms. Ferraro disagrees because there are only 8 independent counties. Ms. Ferraro recommended that this information be sent back to the PRC after doing some homework.

Dr. Wilcox stated that a compensation study usually compares like positions, which would include some of the CSCs' Executive Directors, but it also compares other positions within the county that would be comparable in responsibility, budgets, number of employees, the scope of services, etc. Dr. Wilcox stated that it was more than just looking at other CSCs and feels that should be part of the consideration too.

Ms. Ferraro stated that salary is more than just salary, as salary also includes benefits. In answer to Ms. Ferraro, Harry reported that, comparing CSC of St. Lucie to Martin, the Executive Director makes \$85,000, health insurance is paid in full for not only all employees but also their entire families; also paid is life insurance up to salary, full retirement, \$9,000 toward the Executive Director's deferred compensation, car allowance of \$350, and personal holidays. Not only is the CSC of St. Lucie County's Executive Director's salary better than Harry's but also her benefits are better than Harry's, so if his benefits are calculated at 50% then Ms. Basile's have to be more, especially because of the \$9,000 being contributed toward her Deferred Compensation.

A motion was made by Karen Ripper and seconded by Dr. Sara Wilcox to utilize the 3% salary increase, as recommended by the Performance Review Committee (PRC), and accept Item Nos. 1-5 with modifications to Item Nos. 1 and 2 to state: 1.) The Performance Review Committee will be appointed before October 1, 2005, to allow adequate time to complete next year's review, and 2.) The Executive Director will formulate fiscal year 2005 objectives/goals and present them in regular reports to Council. (6) Council Members voting in favor of the motion included Samia Ferraro, Karen Ripper, Debbie Crowder, Michael DiTerlizzi, Laurel Hopper, and Dr. Sara Wilcox; (3) Council Members opposed to the motion included Marian Carpenter, Tony George, and Hon. Steven Levin. The motion carried. Ms. Ferraro stated that this PRC Report will be rewritten for the next meeting of 8/22/2005 with modifications and deletions and be brought back for signatures because it needs to be in correct form.

Samia Ferraro read from Harry's employment agreement of January 1990 from Paragraph 3, Section (d) on Page 2, which states, "Annual Leave accrual of five-sixths (5/6) work day per month (10 days per year) for year one, one and one quarter (1 1/4) work days per month (15 days per year) for year two through year four, and one and two thirds (1 2/3) work days per month (20 days per year) for year five and thereafter, unless otherwise approved by the Board. Annual Leave is not accruable or payable beyond each fiscal year, unless specifically approved by the Council." Ms. Ferraro stated that Harry had brought this to the PRC that he has not been given 20 days per year for the period of 1995 through 2005. He has only been given 15 days per year. What Harry is requesting is that CSCMC pro-rate the pay of what those 5 days would be at the salaries he was given each year and compensate him for that time. Council consensus was to table this item until actual costs can be provided from Genevieve Guido and a copy of the original contract be made available from Rebecca Galante. Michael DiTerlizzi clarified for Council that it was a provision in the original contract that was overlooked.

Judge Levin commented that he felt that the entire process of the contract and the performance review went backwards with a motion originally made by Karen Ripper to give Harry a 4% increase, which died because it was not enough when 12% is being requested. Then, when 3% was put in a motion, the motion went through. Although the motion carried, Judge Levin stated that he personally did not feel like it was the right thing to do to go down from 4% to 3% because it was brought up that we need to review comparable salaries. Samia Ferraro said that she was very uncomfortable with the entire performance review process, and she does not know how to remedy that without some human resources help on contract negotiations or where to get the information. Ms. Ferraro asked if Council Members who have HR personnel could provide training. Although Hon. Steven Levin wanted to make a motion to amend the annual salary increase for Harry A. Yates to 4%, he was instructed that, according to Robert's Revised Rules, a motion can only be amended by a member of the majority to make a motion to amend. No Council majority responded.

- C. CSCMC legal building parameters were presented by Attorney Noreen Dreyer. A written two-page report was handed out to Council at the meeting. Under Florida law, Attorney Dreyer stated that CSCMC may construct a building or become owner of a building as long as the building has been financed by cash with funds on hand {125.901(3)(a)6, Florida Statutes}. Therefore, Attorney Dreyer summarized that CSCMC has two options: 1) accumulate funds and pay for the full cost of the real estate at the time of closing after reviewing budgetary items to examine whether that is feasible or 2) the purchase of real estate can be done through a lease-purchase contract, which is commonly used where you lease the building for a term of years and ultimately have the right to purchase the building at the end of the term. It was clarified for Council that the only restriction of CSCMC to build is to have the cash on hand.

Genevieve Guido reported that CSCMC has approximately \$1.2 million that could potentially be used for a new building. Council consensus was to proceed with the Building Committee (consisting of Samia Ferraro, Michael DiTerlizzi, and Harry A. Yates with Cheryl Bass assisting) to gather information, as owning our building could save CSCMC money by not renting our office.

New Business:

- A. RFP for auditor was presented by Genevieve Guido, due to the proposed increase in auditing services from the current auditor. **A motion was made by Laurel Hopper and seconded by Tony George to approve the RFP for auditor, as presented by staff. The motion passed unanimously.**
- B. Adoption of a tentative budget for Fiscal Year 2006 was given by Genevieve Guido, as two budget proposals were given and reviewed in detail. Genevieve reviewed the handout on the comparative budget information, which compared proposed Budgets A and B with the current year's budget. Individual proposals were given to Council for Budgets A and B, and the final handout pertained to detailed program services of proposed Budget A (adds an additional 300 children to after-school programs) and Budget B (adds only an additional 100 children to after-school programs). Elizabeth Whittles reported that Budget A will allow CSCMC to complete a site expansion to after-school programs, whereas, Budget B will not allow this funding. Budget A would also allow CSCMC to form a partnership between Martin County Parks and Recreation Department and the Boys & Girls Clubs in the Jensen Beach community to service the entire youth population from elementary, middle, and partial ages in high schools. Samia Ferraro applauded proposed Budget A that would allow \$409,088 in new services, such as mental health and Building Bridges, versus \$239,680 presented in proposed Budget B. Council consensus was to have Genevieve Guido check with the county on whether fund balance should be reflected in the budget, as is the policy of Martin County, and if CSCMC should adopt the same policy.

A motion was made by Karen Ripper and seconded by Marian Carpenter to adopt a tentative budget of \$8,872,201 with a millage of .3337, as proposed in Budget A, which particularly expands after-school programs (to an additional 300 children) in conjunction with the CSCMC 5-year plan's goals. (5) Council Members voting in favor of the motion included Samia Ferraro, Karen Ripper, Marian Carpenter, Debbie Crowder, and Laurel Hopper; (3) Council Members opposed to the motion included Michael DiTerlizzi, Tony George, and Dr. Sara Wilcox. Hon. Steven Levin sustained from voting on a millage issue. The motion carried.

- C. The TRIM calendar for Fiscal Year 2006 was presented for Council approval with CSCMC's first public hearing being held on 09/13/2005 at 5:30 PM and the final public hearing being held on 09/26/2005 at 5:30 PM. **A motion was made by Debbie Crowder and seconded by Michael DiTerlizzi to approve the TRIM calendar, as presented by staff. The motion passed unanimously.**
- D. The Northland Presentation was given by Scott Berry with a plan on how targeted funding dollars would be spent that were unallocated, as a result of The Dignity Project leaving this area. The School Board has already made a significant investment in Project Northland in the 6th, 7th, and 8th grade classrooms. CSCMC would like to add elements to assist what is already occurring. The rationale of Project Northland is that the program reduces the first use of a substance by 38% of youths going into high school. (Note: Karen Ripper left the meeting.) CSCMC would like to initiate a community-wide effort and commitment with the School District and Martin County BOCC. This program would cost approximately \$130,000 to \$140,000. Council consensus was in support of this targeted funding program toward prevention.

Staff Reports:

A. Executive Director/Staff Report:

The Executive Director/Staff Report was given by Harry A. Yates. Harry reported that the Board of County Commissioners voted 3-2 in favor of supporting the position of one School Health Nurse (to collaborate with CSCMC's support of two nurses and the School District's support of one nurse). Harry thanked the support of Michael DiTerlizzi, Lee Weberman, and Susan Valliere. Harry reviewed letters (given as a handout) that were sent to The Daniel M. Foundation, Early Learning Coalition, and PACE Center for Girls for four different programs, awarded CSCMC funding in April 2005, but have not submitted their budgets so that a CSCMC contract can be written, which were to go into effect on July 1, 2005. Harry has given these agencies until 08/15/2005 to submit approved budgets, or he will be recommending to Council to rescind the award at the 08/22/2005 meeting.

B. Financial Reports:

The Financial Reports were given by Genevieve Guido. No Council comments or questions were given.

Council Member Comments:

Samia Ferraro thanked Harry A. Yates, Michael DiTerlizzi, Dr. Sara Wilcox, Pat Austin, Dr. Howard Voss, Lee Boughner, and others who showed up at the Board of County Commission Meeting to lobby for the position of a School Health Nurse, as their support helped getting this position.

Public Comments:

Danny Lyons wanted Council to understand the value of CSCMC and what CSCMC means to our community. Mr. Lyons was sent by six other agencies to represent the community non-profits to encourage Council to adopt Budget A and to thank CSCMC for our investment in this community. Mr. Lyons wants us to know that CSCMC is the leading funder in Martin County. Because of CSCMC and Harry Yates, the collaboration has brought our community together, our non-profits are accountable to CSCMC's standards, and our providers are in gratitude to CSCMC for convening other funders to collaborate with Martin County non-profits.

Cheryl Bass stated that CSCMC and the United Way are much more than funders by providing leadership on how our community's needs are accessed and knowing who to collaborate with. Regarding the School Health Nurse, everyone was comfortable having CSCMC involved with funding because of CSCMC accountability standards. Ms. Bass is very excited about joining our Building Committee in collaborating in a joint effort, as she looks beyond the bricks and mortar and sees working with CSCMC as another level of partnership to benefit the community.

As no further Council comments or questions were made, the meeting adjourned at 7:09 p.m.

Samia Ferraro, Chair

Harry A. Yates, Executive Director