

**PLANTATION ACRES IMPROVEMENT DISTRICT  
REGULAR MEETING**

**November 30th, 2017**

**Member Present:** J. Gary McAlpin, Chairman  
Edward N. Szerlip, Vice Chair  
Jesse Varnell, Commissioner  
Louis Flanigan, Commissioner  
James Davis, Commissioner

**Present:** David Fradley, District Engineer  
Joe Telles, District Administrator  
Jeffrey Siniawsky, District Attorney

**Absent:** Angel Alvarez, District Manager

**Chairman McAlpin:** Called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag followed by the roll call indicated the above members were present. There was a quorum.

**MINUTES** - Regular Meeting Minutes of November 30<sup>th</sup>, 2017. Motion to approve the Regular Minutes of October 26<sup>th</sup>, 2017. Motion carried unanimously by voice vote.

**Chairman McAlpin:** Motion was for the October 26<sup>th</sup>...we don't have in our packet the Budget Meeting Minutes and we will postpone approval until next meeting.

**District Attorney Siniawsky:** You have two sets of minutes to approve; the corrected Budget Minutes from September. Was the motion to approve both sets or just the one? The revised budget minutes were sent electronically.

**Commissioner Davis:**

**Chairman McAlpin:** Do I have a motion to approve? Motion and a second carried unanimously by voice vote.

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**PUBLIC COMMENTS-**

**Mary Giordano** (460 Mill Springs LN): Concerned with the flooding in the Southeast Acres and the other concern is if they are going to pave the road(s) and making them higher. If the roads are going to be raised higher my concern is that the water will come into the houses. I appreciate everyone on the Board for taking care of the Acres over the years.

**District Engineer Fradley:** Explained the two canals that drain to the pumps stations and the small pipe across the road, replaced with culverts and when pumps are on the ponds are drawn down, there are a series of ponds in the area not connected yet; must wait for ground water to drop to see relief; we have a pipe that connects to the pond installed about seven years ago. South Acres some dry spots sooner than others; there is some impact, but not much, since your losing some storage, but the threat of your plants doesn't outweigh an emergency such as the ability to not drive on the road(s).

**Chairman McAlpin:** Roads will be resurfaced if at a 7' elevation which is a design standard. If lower the Board is asking the City to bring them to 7' by engineering survey as determined. It will improve your situation and with the design for the South Acres connecting all the ponds that would pump it out quicker. Our pumps have been solid although there are some things we are concerned about such as fixing and maintaining since they have been in operation for thirty (30) years. We performed will during the last major storm however; we want to continue to do that.

**District Attorney Siniawsky:** Doc, it was the Dixie Drainage District back then.

**William Beazley** (11701 Tara Drive): Mary brought up the issue that I wanted to bring up. I want to address it strictly as a lay person. I'm not an engineer however; it seems to me that if you raise the road up the water is going to go up and into the houses. It must go somewhere. I continue to hear that some people in the South part of the Acres couldn't get to their

homes, but it would seem like to me that the inconvenience doesn't compare to flooding a house. One of the two houses flooded is mine. My garage was flooded at this much water and the house down the street at one of the other Board meetings it went into their living room. If we raise that road, and again, strictly as a lay person that water must go somewhere. Into my garage and their house. Hears and understands what is being said but I don't believe it because that South Acres Broward Blvd. essentially cuts off. The garage was built after the house and I assume it was built to specs and elevation is part of the specs. I looked up the stats for 2004 and it wasn't 7". I hope your correct about this and when you raise it up we're not in trouble. What I'm hoping is that when you put the pipes in the corner of the South Acres that it will help push the water in that direction.

**Chairman McAlpin:** We're only talking about raising the roads that are low and not a complete repave of the District (South Acres and 5<sup>th</sup> Street) not a tremendous volume to displace; provides road access for those communities to get in and out. You must rely on what the engineer is saying and when we connect the canals we will drain faster going up to a peak flood. I don't see the problem you're describing when raising the roads in locations and the volume you see in your garage by any appreciable amount. We can't make any guarantees we can only do the best we can for the entire community. On this issue we respect what you're saying but we must respectfully disagree, and I don't want you to go away thinking we don't care. We do have leverage since we must sign on the City's drainage permit for repaving and unless we sign they can't play. The letter was written in a strong manner ad we don't want them to blow off the Acres.

**District Engineer Fradley:** Roads are at a critical level because they're too low and sub-standard; during the storm it wasn't moving but everything leveled out; there will be areas where maybe some water drains across the street and get cut off but won't be critical. We have no land restriction and taken care of in the 1990's. It used to be that way. We made a connection. When the pumps are on the water goes down but not immediately. You have a problem because you house is low and there's no way to fix that. Garage didn't have an elevation criterion until recently.

**Commissioner Varnell** Your concern is real; does displace the water into the yards; but since water seeps its own level, and when we were totally under water, its not just your area displaced. There's not guarantee we will get the elevation done. Only attempting to improve the Acres and the environment. We must get the City and its not in our control.

Public comment of the meeting was closed by Chairman McAlpin.

### **DISTRICT ADMINISTRATOR'S REPORT**

District Administrator Telles provided an overview of the Consent Agenda and Cash Flow ending October 31<sup>st</sup>, 2017.

**Operation and Maintenance:** Month of October \$23,306.74

**Administration:** Month of October \$37,410.04 – half represents the District' general insurance policy (\$13,449.00) and the other after paid the 1<sup>st</sup> of November.

**Financial Expenses:** October \$0.03 (Assessors Collection Fee)

**Emergencies and Contingencies:**

**Capital Reserves:**

**Total Expenditures:** October \$60,716.81

**Receipts:** Month of October Interest -Non-Ad Valorem is \$33.27; Interest Bank Accounts is \$10.68; PetSmart – Annual License Fee collected \$7,501.23 for a total \$7,545.18

**Bank Balances:** Cash Account/Checking/Money Market/Fiscal & Equipment Reserve as of October 31<sup>st</sup>, 2017 is \$115,712.57

**Bond and Permit Account:** Total \$534,485.16

**District Administrator Telles:** Responding to Chairman McAlpin the cash flow from property taxes received on November 23<sup>rd</sup>, 2015 was \$130,000; a substantial check on December 12<sup>th</sup>, 2017 in an amount of \$300,000 to \$500,000;

Chairman McAlpin asked for Motion to approve the Consent Agenda and the General Ledger of October. Motion carried unanimously by voice vote.

**District Administrator Telles:** Request that the Board approve currently the October invoice for District Attorney Siniawsky's firm so that they don't have to wait until the January meeting. Motion to approve District Attorney Siniawsky's October invoice. Motion carried unanimously by voice vote.

**Commissioner Davis:** Plantation Baptist Security Release please explain it to me Jeff.

**District Attorney Siniawsky:** That is for the release of the security since they have a certain point in construction where they get a refund of their \$200,000 bond range based on the percentage of completion. Bond refund of \$44,149.50.

**Chairman McAlpin:** Majority of invoice billed for canal and drainage easements clearing. Tony, any residents refusing to comply?

**District Attorney Siniawsky:** Haven't had any correspondence or communication with anybody so I presume based on what Angel had reported last month people have complied or are in the process of complying. A lot of that took place after the letters went out and other communication from people with questions or complaints in some cases. A couple of people that said they couldn't get it done within that period and needed additional time.

**Tony:** Several residents called for additional extensions because the company they contacted are unable to do the work due to other contracts they have.

**Chairman McAlpin:** Requested Jeff to provide for the next meeting a list on those residents that have not complied in case we have to send a tickler letter; raised concerns on the difference of the amount of the billing for P.A.I.D. and the developer's in the Acres. We're sending a message to our contractors and consultants that for the same type of service they get another cost. None of the funds comes to P.A.I.D.

**District Attorney Siniawsky:** It's fair because the \$200.00 an hour is a government rate. It's a significant discount from what we charge private sector clients. The \$350.00 an hour is a preferential rate that you receive of \$200.00 an hour. There's no reason a developer who creates work should benefit from that preferential rate. In fact, the \$350.00 an hour is something of a preferential rate and a significant reduction of what I would typically charge private sector clients. To charge a private sector or a developer that comes in and creates work for me or David a preferential government rate is not fair. They're getting a benefit that they otherwise would not receive. They're not getting the same services. They're getting a different service than the general government services that I provide to you at \$200.00 an hour for a different level of work and they're not your contractors and consultants they are developers that are coming in. We would charge anywhere from \$420.00 to \$600.00 an hour depending on which attorney worked on it. It's not a double bill. I don't double bill you. What you are looking at is for work that I charge you directly attributed to work for you at \$200.00 an hour.

**Commissioner Varnell and Vice Chair Szerlip** like the fact that we are getting the discount and that the residents are paying less money.

**District Engineer Fradley-** Recently Jeff had to write the Resolution and the Encroachment Agreement which the applicants would have had to pay their attorney \$400.00 to \$600.00 to do it for them. Jeff is doing it for the benefit of P.A.I.D.

**Chairman McAlpin:** Motion made and second to approve the invoice of October for legal services. Motion carried unanimously by voice vote.

### **LEGAL REPORT –**

**District Attorney Siniawsky:** I do have a couple of items to report to you as part of my report tonight. **a)** As I mentioned in last month's meeting the legislative session is gearing up, committee meetings have already taken place and there are a couple of items that are coming out of committee and of course we will continue to track things through the sessions that are of interest to you in effect. There are two Bills which could have a possible affect on the District. One is a Senate Bill

which will modify the open meeting requirements and the notice requirements when two or more Commissioners are at a function at outside of a regularly scheduled meeting. It could be beneficial although I think it has some limited application to it since there's always a concern that you can't talk about things outside of regularly scheduled properly noticed meetings and you vote on in the foreseeable future. Over the years you have heard me constantly caution against any discussion of that kind. So, there might be a little be of loosening with that when it comes to certain functions and meetings. **b)** The second one is a House Bill and there's also a companion Senate Bill that deals with two matters one of which is what they call a transparency in taxation that will impose certain restrictions on debt particularly tax supported debt now you are a special assessment and you don't impose Ad-Valorem tax however; if you were to ever and there has been talk about raising money to do certain projects and bond issues which would then be supported by tax so there's restrictions that the legislation is looking to put on local government's ability to tax and to raise taxes. But another part of that comes with annual audit requirements and one of the additional requirements they seem to be imposing is if this legislation goes forward and approved and certain affidavits that will need to be included and some about the Chair at the time the audit is submitted to the Department of Financial Services. So, we will continue to look at those sessions which I believe will began in January and run for ninety (90) days and they keep on moving it up every year and we'll continue to track Bills. **c)** the last item that I have for you is that our firm puts on a local government seminar every year and its taking place next Friday on December 8<sup>th</sup> at the International Fishing Hall of Fame over in Dania Beach. It is a free seminar and registration starts at 9:00am. The seminar is from 9:00am-3:30pm. While not all topics will remain to P.A.I.D. there are certain things you might find of interest such as a panel regarding post hurricane and how to deal with it lessons learned from the last couple of years, labor and employment law, the ABC's of Construction, and an ethics panel. If anyone is interested I'm happy to distribute the invitation out to everybody. Its gone out to most of the Cities in South Florida, our firm represents twenty-two (22) municipalities in Miami, Dade, and Broward Counties as well as the City of Marco Island over in Collier County so there will be a lot of other local government officials and an opportunity to network as well and learn something maybe.

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**ENGINEER'S REPORT -**

- A. CONSENT ITEMS –
  - A1. Asurion SDR (S1710.01) ..... Site Data Record Approval Application meets the criteria of the District; recommendation to approve. Chairman may sign original after Board approval and after owner and surveyor have signed original.

**Chairman McAlpin:** Motion and a second made to approve Asurion SDR. Motion carried unanimously by voice vote.

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- B. QUASI-JUDICIAL ITEMS

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- C. BOARD ACTION ITEMS - None

- D. Discussion Items:

**D1.** Preliminary 2017 Option Plan-Priority Drainage Improvement (D0902.01) .....Summary

Option Plan presented and discussed in April. Consensus from the meeting was that pump stations need attention. After discussion P.A.I.D. experienced two major storms (June Storm & Hurricane Irma). Following the June storm, we received input from some residents and evaluated the impact throughout the District.

The "Stormwater Management Improvements Priority Map" has been updated. Three areas were reclassified as a "Phase 1" priority; additionally, all the right-of-way in Plantation Acres South and NW 5th Street (at Old Hiatus Road) was classified as a "Phase 1" Priority.

Preliminary plan of potential projects remained the same as presented in April. Summary of options are as follows:

1. Main 6H - NW PAN This project is a carry-over from the 2015 Option Plan. It involves extending drainage into the northwest corner of PAID to help drain one of the areas subject to frequent standing water.
2. 118th Avenue This project is a carry-over from the 2015 Option Plan. It involves constructing or reconstructing the swales and culverts along 118th Avenue.
3. SE Acres This is a new project for consideration. It involves extending positive drainage to interconnect the remaining drainage ponds in Plantation Acres South.
4. Pump Station 1 through 6 - Conveyance This is a new project for consideration. It involves the lining of the culvert from the canal to the pump well, re-cladding the steel walls of the well, reconstructing the weir and baffle, replacing the culvert from the pump well to the C-42 Canal and installing a concrete endwall. The work is shown as six separate projects due to their cost.

At this stage the study and the cost estimates are very preliminary.

**District Attorney Siniawsky:** 5<sup>th</sup> Street was used as an example of the low roads in the drafted letter to the City.

**District Engineer Fradley:** Recommends that Angels crew or contractors do investigation for repairs first for pump #6. Go in and look if we can fix it or place a bid. Advised there would not be time this year to put a plan in place.

**Chairman McAlpin:** Joe advised that there is about \$225,000.00 this year for capital projects. One priority we need to fix one pump station, do the investigation first and with the repair look at the wet wells and the other one is at the South Acres the most egregious area. Do the engineering this year and a project we can do this year. Joe, I want an ongoing detail list of the swales, this is for Angel, which I asked for in the last meeting; which ones inspected, and which ones repaired; focus on these three things. I will recuse myself from the 5<sup>th</sup> Street item since it's a government thing and I live there.

**District Administrator Telles:** Advised there is \$225, 000 for canals and \$150,000 to fix one pump station.

**Commissioner Varnell:** Need to work on the 5<sup>th</sup> culvert by the canal the catch basin shouldn't be that expensive.

**Commissioner Davis** asked Chairman his opinion on the South Acres and the ponds need to be connected to allow for water to flow faster. I like your idea on the monthly agenda progress Jesse

**District Engineer Fradley:** Philosophy is to first fix what you know to be broken; once we contact the ponds the problems will disappear. Water will go over to the #1 station. The engineering for the South Acres will cost \$400,000.00. I want you to tell us what it will take to get it done this year. Two months for the engineering, puts us into three months with Board approval, then the SFWMD.

**Commissioner Varnell:** Should be able by 2018 to do the engineering, contracts, awards notices, and bidding this year and in phases break it down depending on cost and connect two or three ponds and get close to next year's budget. I would like to see on each agenda meeting an update on the phases we are doing, and the residents can see that we are making progress. Any resident can go on the website and see what is being done with the taxes.

**District Attorney Siniawsky:** You are looking at about a seven-month process.

**District Engineer Fradley:** Would like to restore everything the way it was originally built or a single pump that has only suction. Want to pump the station dry and go in and do any accounting of what's in there. Go in and assess it and maybe fix it.

**Chairman McAlpin:** Dave, for the January meeting please have a scope of work on pump station #6 and a preliminary design so that we can have an idea on the cost. Joe, have Angel start and have at least an outline of the major swales and if he needs help Dave can have one of his engineers break it up. Do we have a consensus or need a motion on this Jeff?

**District Attorney Siniawsky:** You don't need a motion Gary you could give Dave direction to come back to the meeting in January with the consensus.

**D2. Road Resurfacing- Letter to City dated November 30, 2017 (Distributed) (D1701.01)**

**District Engineer Fradley:** Letter drafted from P.A.I.D. to the City regarding the resurfacing project planned by the City in the next three years, or so. The letter introduces the recommendation of raising the streets in Plantation Acres South and NW 5th Street. (Correct spelling for Commissioner **Jesse Varnell**). Made a call to the City and spoke with the engineer only to make sure this wasn't a rumor and he advised that this was targeted in the next three years or sooner.

**Chairman McAlpin:** Vice Chair Szerlip will sign since this affects 5<sup>th</sup> Street and I'm excusing myself.

**D3. Approved Building Permits (D9408.02 & D9408.03) ..... Summary**

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>PAID No.</u>
1.	Petit-Jeune (Clearing & House	2170 N.W. 124th Avenue	B1612.01
2.	DSL Construction & Inv., LLC (House)	11670 N.W. 6th Place	B1709.01
3.	Marchetti (Pool)	2831 N.W. 114th Avenue	B1703.02
4.	Watkivs (House)	11361 N.W. 19th Court	B1710.01
5.	Shady Lane Trust, LLC (Fence)	11360 S.W. 1st Court	B1710.02
6.	Watson (Fence)	11261 N.W. 27th Court	B8908.03
7.	Nachabe (Driveway)	12041 N.W. 11th Street	B9706.07
8.	Kitzmiller (Fence)	11500 N.W. 21st Street	B9411.01
9.	Frucht (Fence & Generator)	11700 S.W. 1st Court	B1408.05
10.	Curry (Spa)	11371 N.W. 6th Street	B0308.03
11.	McCaw (Driveway)	11940 N.W. 26th Street	B0110.07
12.	Bleibel (Fence)	12301 N.W. 4th Street	B0108.08
13.	Curtis (Fence)	11731 N.W. 25th Street	B9912.02
14.	DSL Construction & Inv., LLC (Clearing)	1490 N.W. 116th Avenue	B1711.01
15.	DSL Construction & Inv., LLC (Clearing)	1360 N.W. 116th Avenue	B1711.02
16.	Rice & Korn (Fence)	1594 N.W. 114th Terrace	B8609.01
17.	Vera (Addition)	11881 Hermitage Drive	B9507.04
18.	Dubberly (Fence)	11711 N.W. 27th Court	B9607.07
19.	Morse (Patio Deck)	1560 N.W. 117th Avenue	B0410.01
20.	Organ (Shed)	11800 Tara Drive	B0407.05
21.	Hyppolite (Driveway)	11700 N.W. 4th Street	B9401.01

**Certificates of Occupancy (Approved)**

<u>No.</u>	<u>Name</u>	<u>Address</u>	<u>PAID No.</u>
1.	Lawrence (House)	12160 N.W. 28th Court	B1008.03
2.	Tempero (Addition)	12101 N.W. 2nd Street	B0501.01
3.	Odicio (House)	11780 N.W. 26th Street	B0602.05

**Commissioner Varnell:** Requested Dave a form to add to the P.A.I.D. website for residents to download and complete.

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**DISTRICT MANAGER'S REPORT:** (Tony)

**Last month's follow up:** Additional time has been given to the residents for removal of storm debris within the canal system.

**Pump Station** – Routine operations at all stations.

**Canals:** This Month – 3.81' Previous Month Total – 3.82' Yearly Total – 4.04'

**Rainfall:** This Month – 3.63" Previous Month's Total – 8.25" Yearly Total – 50.03"

**Projects:** Trash racks at all canal wet wells have been removed, restored, and returned into place; there are several sections awaiting replacement that were not restored.

**Fleet:** Routine oil changes for all fleet vehicles.

**Safety:** No incidents to report.

**District Engineer Fradley:** Angel advised that he needs a contractor to do the work on the easements where there are down trees because of concerns to resident's driveways; doesn't have the expertise to put the culverts in; swale work he can do with the crew. Needs bigger equipment; he will do the inspection; before the start of the driveways the cleanup must be completed; needs to itemize the conditions they're in; we only know where the ones we installed are at and not the one's from the older developments. Will have Angel do an asset list.

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**Old Business** – None

**New Business** –

**District Administrator Telles:** 1) Website (Mary) worked on it last week and would like to know if there are any suggestions; posting anticipated projects for this year; applications for residents to download; at some point move to electronic submittal of permit forms; website ready for review 2) Trailblazer needs work and we need to put one out for bid and that's difficult especially on a used one; searched internet for City and other municipalities and vehicles are difficult especially with the high mileage; looking for a basic Ford F150, crew cab, 6/12' bed, and tow package, not a passenger but a utility vehicle; we have our Ford discount, last time piggyback with the City of Plantation's fleet discount also. I was told to consider used vehicles and with new vehicles you get a warranty package; budgeted \$28,000.

**Chairman McAlpin:** Consider the piggyback contracts and come back in January and let us know what the best cost is. We don't want someone else's problem with surplus government vehicles.

**Commissioner Davis:** What happened with the auction idea?

**District Attorney Siniawsky:** The only one you could do would be government. Dade County auctions and in fact they have auction stores or a surplus however; you're dealing probably with high used and every used vehicle is from another government. You will have to come back to the Board for final approval.

**District Administrator Telles:** That's what I've researched Jeff. I have the engagement letter for the 2016/2017 audit from the same excellent firm we have used in the past. They went up \$200.00 in price.

**Chairman McAlpin:** Law requires this audit. Joe has had a working relationship with this firm. The cost is \$9,800.00. Motion to approve the P.A.I.D. audit for 2017 with the office of Keith McCullum. Motion and a second made to approve. Motion carried unanimously by voice vote.

**Chairman McAlpin:** I would like at this time to excuse Tony from the meeting. Thank you very much for being here tonight you can wait outside, and we will call you back to lock up.

**District Attorney Siniawsky:** This is a public meeting, and anybody is permitted to observe.

**Chairman McAlpin:** I understand but he's an employee.

**District Attorney Siniawsky:** Regardless of whether he is an employee I am advising you and simply advising you and you can do as you want I'm sure but I'm telling you that the open meeting law allows anyone, employee and non-employee, a resident of Margate, to attend this meeting.

**Chairman McAlpin:** Angel's performance has been dropping and issues with attendance. Since he reports to Joe, please pick it up from here.

**District Administrator Telles:** He has medical problems and has been admitted to the hospital several times for surgery and has been in intensive care. There has been a lot of family burden placed on him personally and medically. He has missed more days than he has for sick leave and vacation. The Board last year stated that he can take Family Medical Leave (FMLA). I'm working with him and don't want to kick him down since he's had these difficulties however; he's not performing all his duties. I'm hoping things get better but there is always a new issue that arises.

**Chairman McAlpin:** Tonight, is a classic example, he knows he needs to be here when the Board meets as part of his duties and responsibilities however; he's home taking care of the grandchildren. This is an indication of what has been happening and I don't know how much he's here physically during the week. I can't comment but have some suspicion. We probably need to officially put him on written notice that his performance is not to standard and identify where the standards have slipped, a 90-day probation is fair and then evaluate his performance and if there isn't an improvement we move to the next step and terminate. Angel's has been very good over the years but he's not now. We can be empathetic, but his problems can't become ours because we have a job to do and he should be here realistically eight (8) hours and if there is a storm and we need him for twenty-four (24) than he must be here. He must fulfill the duties and obligations as District Manager. I would hate to get to the point of tracking his moves and prefer a discussion with Angel.

**District Attorney Siniawsky:** Angel is a salaried at-will employee and serves at the will of the Board. There is no employment contract and he's no union. May I ask if Angel has been counseled at all?

**District Administrator Telles:** It is getting to the point where he is letting me know at the last minute. I didn't know he wouldn't be at this meeting until yesterday. I had researched, and my wife looked up the FMLA and she told me it only applies to an employee for an employer with fifty (50) plus employees within a seven-five (75) mile radius.

**Chairman McAlpin:** He reports to the Board, but Joe manages him.

**District Attorney Siniawsky:** Joe is not his supervisor nor is Joe his manager under the employee manual. It is not official under your employee manual. He reports to the Board. It's not unusual to have GPS' on vehicles. In fact, I did a resolution earlier this year which the decision was made not to bring this forward that would have put Angel under Joe's supervision. If the Board empowers Joe to do so that's fine. I prefer to check with our labor employment attorney on the FMLA since it's a legal question and should be answered by someone whom is an expert. It won't cost you any money.

**District Administrator Telles:** Suggested previously to place a GPS on vehicle(s). It all seems so archaic.

**Commissioner Varnell:** Perhaps an app on the phone such as "Find My Friend".

**Commissioner Davis:** Agrees a GPS and probation is an excellent idea.

**Vice Chair Szerlip:** Angel for the past 10 ½ to 11 years has been pretty good and feels he needs to be told the specific criteria he must do. I disagree with the GPS because I think its immoral. We have a cell phone and we can call him. That is how I feel and it's my opinion.



**Commissioner Varnell:** Jeff are we under any requirements for standards on employees? Do we have an employee manual concerning employees? Can you email it to us please?

**District Attorney Siniawsky:** You do have an employee manual that I would have to look at and I wish I had know this was coming up so that I could have prepared for that. I think you might have been going in this direction. Angel should probably be counseled first on what his job deficiencies are and given a reasonable opportunity to...I'm responding to what Commissioner Varnell has to say...and you step up the action. The employee manual applies to all of them.

**Commissioner Flanigan:** Disagrees with any type of probation, GPS, or tracking on the phone. Angel has a better rapport with the residents out here than anyone in this room. He has worked his tail for us for a long time. He's been a good man and he's having a difficult time right now. Anybody or anyone one of use can fall on hard times and I know very well he wants to be back here at work and doesn't want to be noticed as a linger. I think we're over reacting to this situation.

**Chairman McAlpin:** Understands however; lack of performance during the storm; and we weren't prepared with the pumps and it was a major issue and I haven't seen an improvement since then. Let's look at the employee manual over the next two months; Joe counsels him; currently not on probation; the Board is serious about this situation and we a discussion here tonight. When we meet in January see if there's been an improvement. I also agree that Angel's been an excellent employee; but in my opinion, this has been a long stretch. Joe and I had this discussion about three months ago. Joe please sit down with Angel in the next week with expectations at the office, overtime, advanced notice when not able to attend the monthly Board meeting(s), crew management, deficiencies, paying close attention to the swales issue(s).

**Commissioner Flanigan:** Not sure if you're aware of the problems he has, and it might be affecting his job.

**District Attorney Siniawsky:** May I suggest something and if Angel has personal, medical, and family issues that need to be dealt with and I'm only suggesting this for your consideration and not telling you what to do is possibly a leave of absence without pay for a period of thirty (30) or sixty (60) days would be appropriate for Angel to get things together and to come back and perform to your expectation(s). I'm only throwing that out as an option for you to consider and not recommending or suggesting. Just another option. I will send the employee manual with my analysis of what might be in there and reliable. I will talk to one of our labor attorneys tomorrow on where he falls with the FMLA and find the answer for you Jesse. I will find out whether its applicable and if he will qualify. That's why I'm going to talk to one of our labor attorneys tomorrow.

**Chairman McAlpin:** I would prefer to counsel him.

**District Manager Alvarez - Improvement Recommendations:** 1) Drainage projects (pipe installation) – South Acres relief – Continue as is; 2) Swale/Culvert improvements – consider outside contractor 3) Maintenance of current facilities – trash racks, pump rooms, fleet, website and VTS – as needed.

There being no further comments, the meeting was adjourned at 9:05 p.m..

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J. Gary McAlpin, Chairman      Date

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District Secretary      Date

