

MINUTES

Merit System Protection Board, Escambia County January 13, 2009 5:00 p.m.

The Merit System Protection Board convened in regular session at 5:00 p.m. on Tuesday, January 13, 2009 with the following MSPB members and staff present:

MEMBERS:

Dan C. Bates, Chairman
Lt. Eddie Henderson (Ret.), Vice-Chair
Ms. Shirley M. Terrell
Father Jack Gray
Dr. Uylssess Hughes

STAFF:

Kay House, Director
V. Keith Wells, Board Attorney

The Chairman called the meeting to order and recognized Ms. Terrell, who offered the invocation followed by the Pledge of Allegiance, led by Father Jack. There being no additions or corrections to the agenda, Father Jack moved to adopt the agenda; Mrs. Terrell seconded and motion carried unanimously. Upon call for the approval of the minutes of the MSPB Regular meeting on Tuesday, December 9, 2008, Lt. Henderson motion for approval; Dr. Hughes seconded and the motion carried unanimously.

VII. PUBLIC FORUM

VIII. OLD BUSINESS

Mrs. House acknowledges New Board Member Orientation was concluded today for our newest board member, Ms. Shirley Terrell. Board staff, Kay House and Attorney Keith Wells presented an overview of the County Ordinance 2005-038; the role of Board Director and Board Attorney, MSPB Budget; an overview of the Hearing Process and Mediation, MSPB Rules and Government in the Sunshine, including distributing a copy of the 2005 Edition with specific instructions to avoid even the appearance of violation of the Sunshine Law.

Mrs. House updated the Board on the status of the County's renovation of its website. MSPB members photographs were distributed with the request that each member select which photograph to be posted to the MSPB website.

IX. NEW BUSINESS

Father Jack reiterated to MSPB Members of his correspondence by email to Sheriff Elect David Morgan. As an appointment of Sheriff Ronnie McNesby, Father Jack acknowledge his intent to resigned to give the option to the newly elected Sheriff to designate his appointment to the Merit System Protection Board. As of this date, there has been no response from Sheriff Elect David Morgan.

Board Attorney Keith Wells explained that this is a professional courtesy of Father Jack, however in accordance with County Ordinance as written, Father Jack's appointment ends October 2009.

X. REPORT FROM APPOINTING AUTHORITY AND ELECTED OFFICIALS

a. Board of County Commissioners

Mr. Peter Smith, BCC, HR Analyst to the Board of County Commissioners greeted the board.

b. Sheriff

The MSPB continues to offer voluntary mediation service to the Sheriff and his employees at no cost.

c. Santa Rosa Island Authority (SRIA)

Mrs. Jayne Bell, Director of Administration asked that she and Mr. Buck Lee be excused from this month's board meeting.

XI. INFORMATION and STAFF REQUEST

a. Current Financial Statement

Mrs. House presented the MSPB budget with a spreadsheet outlining expenditures by object code, including an explanation for each expenditure, and the current balance for each object code to date.

XI. ATTORNEY'S REPORT

a. MSPB Ordinance Modifications

During last's month's Board meeting, Attorney Wells reported in writing Ordinance Review Report outlining the areas within the Ordinance and Rules and Procedures that should be addressed.

Attorney Wells provided a detailed overview of primarily "housekeeping" changes, which would bring the Ordinance up to date with the resent circumstances, there was discussion about an Ordinance change involving Board review of the penalty phase of disciplinary actions. The following Sections of the Ordinance were reviewed in detailed by Attorney Wells:

- 1) Section 2-205 (b)(3) Staff
- 2) Section 2-205 (b)(8)(d) Modification of Penalty
- 3) Section 2-205 (b)(8)(c) Ratification of Mediated Agreement

- 4) Section 2-206 (b) Interim Appointments
- 5) Section 2-206 (c) Duties of Executive Director

- 6) Section 2-207 (b) Additional Board Appointments

- 7) Section 2-207 (f) Compensation of Board Members

Attorney Wells detailed the following Sections of the MSPB Rules and Procedures:

- 1.8 Amendments to the Rules Procedures
- 3.6 Appeals of Merit Systems Violations

Attorney Wells suggested direct contact with the County Administrator's office concerning any Ordinance change, as the County Commissioners must ultimately approve all Ordinance changes.

Board Chairman Bates provided an update of his meeting with County Administrator, Bob McLaughlin. The modifications to the Ordinance were presented as submitted by Board Attorney, Keith Wells. County Administrator McLaughlin would like the opportunity to review the Ordinance Modifications and consult with the County Attorney. Board Chairman Bates (as a representative of the BCC) regularly meets with Mr. McLaughlin. Modifications proposed to County Ordinance 2005-038 will be further discussed in their next regular meeting.

There being no further business to come before the Board, the meeting adjourned at 5:13 p.m.