

**METROPOLITAN PLANNING ORGANIZATION BOARD
EXECUTIVE COMMITTEE**

2:00 p.m., May 9, 2018
Cape Coral Public Works Building
815 Nicholas Pkwy E, Cape Coral, FL
Green Room/A200



MEETING MINUTES

The meeting was called to order by Treasurer Kevin Ruane at 2:02 p.m. Treasure Ruane chaired the meeting until Chair Tracey Gore arrived at 2:12 p.m.

The roll was called. A quorum was present. Those MEC members in attendance included City of Bonita Springs Councilmember Fred Forbes, Village of Estero Mayor Jim Boesch, Lee County Commissioner Brian Hamman, City of Cape Coral Councilmember Jessica Cosden, and City of Sanibel Mayor Kevin Ruane. City of Sanibel Mayor Tracey Gore arrived at 2:12 p.m. Others in attendance included MPO Legal Counsel Derek Rooney and MPO staff Don Scott and Calandra Barraco.

New Business

Agenda Item #1 - Public Comments on New Business Items

There were no public comments on new business items.

Agenda Item #2 - *Review and Approval of the March 14, 2018 Meeting Minutes

Lee County Commissioner Brian Hamman motioned to approve the March 14, 2018 Meeting Minutes. City of Cape Coral Councilmember Jessica Cosden seconded the motion. There were no objections. The motion passed unanimously.

Agenda Item #3 - *Review Accounting Services Proposals and Select a Firm to begin Negotiations

Mr. Don Scott presented this agenda item to review the two accounting services proposals and decide how to proceed with the selection process. He said on March 26, 2018, the MPO staff issued a Request for Proposals for Accounting Services seeking a firm to provide the MPO accounting services. He added the MPO received two proposals by the April 26, 2018 deadline, one from HCT CPAs and one from CRI CPAs. He noted the Executive Committee is serving as the selection committee for the accounting services. The grading criteria, the scoring sheet, and the proposal documents from the submitters was attached to the agenda packet. Sanibel Mayor Kevin Ruane asked if MPO staff has had any conversations with the firms. Mr. Scott said there were preliminary conversations and research was conducted on both firms. He commented that CRI has offices across Florida and is ranked number eight, by size, in the state. He noted that HCT has an office in Hollywood, Florida. Mayor Ruane asked if CRI was a large firm. Mr. Scott replied yes, noting both firms appear to be qualified. Councilmember Jessica Cosden asked if HCT provided cost information. Mr. Scott replied no. Commissioner Hamman asked what Goodwill, the MPOs current accounting service, is paid. Mr. Scott replied between \$500 and \$600 per month. Mayor Ruane noted that Goodwill does not perform the full scope of accounting services and in prior years, the MPO has paid CLA's auditing staff at a much higher rate to correct the deficiencies. Mayor Ruane requested a dollar amount from HCT, commenting that the MPOs accounting services should cost somewhere between \$12,000 and \$18,000 per year. He added the accounting firm did not need to be local as QuickBooks (QB) data can be securely imported online. Mr. Scott said CRI estimated their fees at approximately \$14,000 per year with additional fess possible during the initial transition phase. Mayor Ruane noted this is not uncommon as the new firm may have various items to align. Mayor Jim Boesch asked the current amount paid to Goodwill per year. Mr. Scott said it is generally around \$8,000 per year. He added that Goodwill's accounting software will not transfer, but the MPO has some history populated to QB. He said both firms indicated they could use the QB data. Mayor Ruane said the new accountant will be able to make changes directly in QB. He noted not having compatible software was one of the issues with Goodwill, and CLA charged between \$10,000 and \$12,000 to correct. He said these issues also resulted in the frustration of the MPO receiving management letters each year. Commissioner Hamman commented that it is sensible to hire a professional firm. He requested the firms each give a short presentation. Mayor Ruane questioned what would happen if only one firm was able to present in person, would it disqualify the other firm. Commissioner Hamman replied yes, it would. He asked if the RFP was advertised. Mr. Scott said it was advertised in several places. Mayor Ruane commented that the larger

firms usually hire inexperienced employees right out of college, and the smaller firm may provide more quality, experienced staff. Mayor Boesch suggested setting the presentations up for the next MEC meeting and also trying to get additional firms to apply. Mr. Scott said he could schedule the presentations for the next meeting but new firms couldn't be added without going through the entire RFP process again. Mayor Ruane noted a CPA firm would also give more credibility and help with the audit. Mr. Scott mentioned the split from the Regional Planning Council and that some things could have been done in house, but to provide some further controls/accountability they were outsourced. Councilmember Forbes suggested the presentations could be done on Skype. Mayor Ruane said to invite them both to present in person but if that is not an option then Skype could be used. Councilmember Cosden said a price quote should also be requested of HCT. Mayor Ruane said price quotes with caps should be provided by both firms, noting there might be initial money required to clean up mistakes of Goodwill. Mayor Boesch said that the committee should know who they are dealing with and if the firm doesn't show up, they aren't interested. Mayor Ruane commented that many firms are not doing basic accounting anymore as can be seen with only two responses to the RFP. Mr. Scott noted the RFP went out during tax time, which is a busy time for accountants. Mayor Ruane added that just because the firm shows up, doesn't guarantee they receive a perfect score on the score sheet. He also said CPA firms pay their employees to travel.

Commissioner Hamman made the motion for MPO staff to reach out to the respondents to present in person or via Skype at the next meeting and then the firms will be reviewed and ranked.

Mayor Ruane asked for the motion to include a request for a price quote from HCT.

Commissioner Hamman amended his original motion to include a request for a price quote from HCT. Chair Gore seconded the amended motion.

Mr. Derek Rooney suggested allowing both firms to augment their responses as both were missing some items. Commissioner Hamman asked if it would be a multiyear contract. Mr. Scott responded it is generally three years for MPO contracts. Mayor Ruane asked what other municipalities do with respect to length of contracts. Councilmember Cosden replied the Cape may be every five years. Mayor Ruane said Sanibel is every three. Commissioner Hamman said the county might also be three. Mayor Ruane said it could be done as three years with one year renewals after that for a total of five years. Chair Gore questioned this. Mr. Scott responded that based on State requirements for CCNA, with engineers and contractors it has to be three years, but the MEC can decide on the contract period for accounting services. Mr. Scott suggested three years. Mayor Ruane said there is more flexibility with accounting, and three years should be adequate. Mayor Boesch agreed with three years as changes may come up. Chair Gore reminded the committee there was a motion and a second on the floor. She also asked who was running the meeting. Commissioner Hamman responded that Mayor Ruane was but Chair Gore could take over. She accepted. She then asked for a vote.

There were no objections and the amended motion passed unanimously.

Agenda Item #4 - *Review of the Draft Request for Proposals for Attorney Services

Mr. Scott presented this agenda item for the review of the draft request for proposals (RFP) for attorney services. He said the current contract with Gray Robinson expires in September of 2018, and the MPO is putting together the RFP that will be advertised in June. He noted the scope of work that outlines the general legal services tasks was attached to the agenda packet for the Committee's review prior to staff finalizing and advertising the RFP. Mr. Scott noted that although contractors and engineers must be three years, there is no regulation for services like accounting, auditing, or legal. Mr. Rooney said the contract was for three years, and he suggested sending out an RFP. Commissioner Hamman asked if an RFP must be done. Mr. Rooney replied no, but he would recommend. Mr. Scott said the existing contract could just be reworded and language could be updated. Chair Gore said she was pleased with Mr. Rooney's work. Commissioner Hamman agreed. Mayor Boesch requested Mr. Rooney leave the room for the rest of the discussion. Mr. Rooney left the room. Commissioner Hamman expressed concern about discussing a contract without legal counsel present. Chair Gore said the question is whether the committee wants to send out an RFP for legal services. Mayor Ruane asked if the committee wants to send out an RFP or renew the contract. Councilmember Cosden said an RFP would just be going through the motions. Mayor Ruane said an RFP was not needed. Councilmember Forbes expressed concern that if the contract was renewed, the fee would be adjusted. Mr. Scott said it would probably be adjusted if we go to RFP. Mayor Ruane said Mr. Rooney indicated that if there wasn't an RFP and just a renewal of the contract, the fee would remain the same. Commissioner Hamman added that Mr. Rooney has served the people and the MPO

Board well as he has always provided sound legal advice. Chair Gore mentioned that Mr. Rooney also had a large firm to back him.

Commissioner Hamman made the motion to waive the RFP process and extend Mr. Rooney's contract. Mayor Ruane seconded the motion. There were no objections and the motion passed unanimously.

Mayor Boesch went to call Mr. Rooney back into the meeting. Mr. Rooney was not in the lobby at that time.

Agenda Item #5 - Information on the Federal Certification Review Meeting

Mr. Scott presented this informational agenda item on the recent Federal Certification Review meeting. He said the Lee County MPO has a Federal Certification review every four years that is conducted by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) staff. He added the certification covers the MPO's activities, practices, and policies to ensure that they are in compliance with Federal policies and laws. He noted the review meeting was held on May 1st. Mr. Scott said Chair Gore and Mr. David Urich attended the public meeting held on April 30th. There was a brief discussion on the history of Mr. Urich's involvement in the community. Mr. Scott continued his presentation with a list of items the MPO was required to submit for the certification. He also mentioned the issues raised included ensuring costs do not exceed revenues in the tables. He said they asked for additional information. He noted there was a survey on the MPO website and FHWA would also accept comments through May 29, 2018. He concluded that there would be a final report in fall that would be presented to the MPO Board either in person or possibly via video conference. Chair Gore asked if there were any questions or comments. There were none.

Agenda Item #6 - Discussion on the Ongoing Audit Reviews

Mr. Scott presented this agenda item as a discussion on the MPOs ongoing audits. He said the MPO is currently being audited by the Office of the Inspector General (OIG) to look at compliance with federal and state guidance as well as the effectiveness and efficiency of the program. He noted the audit started at the end of 2017, and it continues with periodic requests for data items. He mentioned the OIG office also requested items from CLA. Mr. Scott asked if any of the committee members were familiar with the audit conducted on Lake-Sumter MPO. Mr. Scott reviewed some of their audit findings. Mr. Scott said the results of the Lake-Sumter MPO audit explain some of the areas they have questioned the Lee County MPO on. Councilmember Cosden mentioned the Florida Retirement System (FRS) audit that was attached to the agenda packet. Mr. Scott said the FRS audit was completed with the MPO in compliance. He then reviewed the new FDOT invoicing process. He also mentioned that the Tallahassee area transportation planning agency was also being audited currently. He said some MPOs did not invoice for over nine months. He also gave a list of some of the items requested so far. He commented that one of the recommendations OIG may have is for his time sheets to be signed off on by an MPO Board member. Ms. Barraco added that MPO staff is not permitted to exceed eighty hours in two weeks, and she ensures none of the timesheets go over that amount. Chair Gore asked if there were any questions or comments. There were none.

Agenda Item #7 - Overview of the MPO Board Agenda

Mr. Scott presented this agenda item as an overview to the MPO Board agenda for the May 18, 2018 meeting. He handed out copies of the MPO Board agenda for the May 18, 2018 meeting noting the topics include the adoption of the UPWP, approval of the MPO agreement, and approval of the minor update of the TDSP with a major update to follow in the fall. Commissioner Hamman asked why the TDSP is not under consent agenda items. Mr. Scott said it could have been but in other meetings several questions were raised about trips. He added there were not that many items on the agenda to begin with. Mr. Scott said the BPCC Bylaw revisions and the draft TIP were also on the agenda. He briefly reviewed the SR 82 projects. Commissioner Hamman asked if the muck issues was straightened out. Mr. Scott replied that it was, and FDOT will make a presentation on that project at the June meeting.

Other Business

Agenda Item #8 - Public Comments on Items Not on the Agenda

There were no public comments on items not on the agenda.

Agenda Item #9 - Announcements

Commissioner Hamman mentioned his recent visit to the Florida Association of Counties Fly-In held in Washington, D.C. He said the TIGER BUILD grant was mentioned. He said they encouraged everyone to come up with projects and apply. He asked Mr. Scott the process and qualifications of projects to apply. Mr. Scott said MPO staff has been talking about projects to submit, noting the bridges, including Big Carlos, would be good candidates as there is a funding match available and the PD&E is almost completed. He said there has also been some discussion in Bonita regarding possible projects. He noted the total TIGER BUILD amount is \$1.5 billion. He said he tried to sign up for one of the informational webinars, but they are all filled. Commissioner Hamman commented that they may not get to infrastructure so money was added to TIGER and other grant opportunities. Mr. Scott said it is a large amount of funding in single grant awards for project submittals. He mentioned that Collier County won a TIGER grant for their project in Immokalee. He added that from what has been seen in the past, a letter of support from FDOT is needed. Mayor Boesch asked what other projects could be submitted. Mr. Scott said to qualify a project must have gone through a PD&E and have a local funding match. Mayor Boesch asked if we should get our share of the \$1.5 billion. Mr. Scott said it does not always work that way as the requirements must be met and then there is a political side as well. Commissioner Hamman commented that in order to receive the grant, you must first apply. He said it was uncertain whether the county would get matching funding from FDOT for the Big Carlos Bridge. Mr. Scott mentioned a conversation with L. K. Nandam suggesting that a SIB loan is possible or some other way to get funding up front and then pay back in the future. Commissioner Hamman said the bridge project is a good candidate as the groundwork is already done. Chair Gore asked if there were any other announcements. There were none.

Agenda Item #10 - Information and Distribution Items

There were no information and/or distribution items.

The meeting was adjourned at 2:54 p.m.

* Action Items + May Require Action

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