

CareerSource Tampa Bay Emergency Board of Directors Meeting

Date: March 22, 2018, 10:30 a.m.

Location: CareerSource Tampa Bay Office, 4902 Eisenhower Blvd. Tampa, FL

Call to Order

Chair Dick Peck called the meeting to order at 10:33 a.m. There was a quorum present with the following Board Members participating.

Board Members in attendance

Tom Aderhold, Sheryl Brown, Stephanie Brown-Gilmore*, Sean Butler*, Robert Coppersmith, Richard Cranker, Shannon Evans, Robert Garry*, John Howell, Betsy Irizarry*, John Kearney*, Randall King, Commissioner Sandra Murman, Paul Orvosh*, Dick Peck, Michael Ramsey, Craig Richard*, Yanina Rosario*, Eileen Schneider, Patricia Suarez, Roy Sweatman, Darren Veneri

Board Members not in attendance

W. Scott Brooks, Dr. Ginger Clark, Tim Harding, Ken Jurgensmeyer, Jennifer Kuhn, Rosanna Matucan-Carson

Board Counsel

Charley Harris*

Staff Present

Alice Cobb, Bridget Scrogam, Jody Toner, Phuong Nguyen, Michael Bundy, Kimberly Williams, Mai Russell

Guests

Christine Beck, Kenneth Jones, Mark Puente, Channel 8 camera crew

*denotes attended via telephone.

Chair's Report

- In December, the unemployment rate was at 3.3%.
- Dick Peck referred member's attention to the Faces of CareerSource Tampa Bay.

Other Administrative Matters

To rescind the Board's prior action on settlement

Commissioner Murman referred to the letter dated March 21, 2018 from DEO's Executive Director Cissy Proctor. She urged the Board to take action on rescinding the motion

Charley Harris provided the following comments:

- *"It would be appropriate, if the Board is so inclined, to rescind the decision that was previously made"* [related to the settlement.] He cautioned this could result in the Board being sued by Mr. Peachey.
- *"The challenges have been the Governor was very clear that the Board takes action, which the Board did take action as quickly as it could. While, there has been*

no completion of the investigation by DEO and the nature of what criminal activity and who's involved in it."

Commissioner Murman brought attention to the following excerpt taken from the March 21st letter.

- *"The Board's decision to pay Mr. Peachey a severance package or a settlement package of six-figures could be viewed as a flagrant misuse of public funds."*
- *".....attempting to repackage Mr. Peachey's severance payment as a settlement payment. This thinly veiled attempt to skirt federal law governing severance payments would be entirely inappropriate."*

Motion made by Commissioner Sandra Murman

To rescind the Board's prior action on approving the settlement for Mr. Peachey.

Below is the excerpt taken from the March 15th Board of Directors meeting.

"Mr. Peachey be provided with a settlement of \$117,000 in exchange for a full release of all claims to the Boards, including the Board of County Commissioners, individual members, and employees. No tax payer dollars will be used."

The following points of discussion ensued:

- Crafting the motion to meet the DEO's request.
- CareerSource Tampa Bay Governing Board is covered under D&O insurance.
- Ultimately, Mr. Harris believes CareerSource will prevail in legal proceedings.
- Board Secretary Randall King called for a Point of Order that per Robert's Rules, the motion is to be rescinded by those who were in favor of the motion. The person who rescinded the motion voted "No." Board Counsel Harris provided a clarification that *"this Board is guided by, but not governed by Robert's Rules."*
- The draft settlement agreement has not been provided to Mr. Peachey's counsel.
- Tom Aderhold called for a Point of Order by calling attention to the minutes of March 15th Emergency Board of Directors meeting, on page 7 of the March 22nd agenda packet. Whether the motion was a one-part motion or a two-part motion. See excerpt below:

Motion made by Commissioner Sandra Murman

Terminate Mr. Peachey without cause.

Motion: Sandra Murman
Second: Sean Butler

*The Board of Directors approved to terminate Edward Peachey without cause.
A roll call vote was conducted. Stephanie Brown-Gilmore did not respond during the roll call vote.
With 12 YEAs and 4 NAYs, the motion passed.*

Amended Motion made by John Kearney

Mr. Peachey be provided with a settlement of \$117,000 in exchange for a full release of all Boards, including the Board of County Commissioners, individual members, and employees. No tax payer dollars will be used.

Motion: John Kearney
Second: Randall King

The Board of Directors approved Mr. Peachey be provided with a settlement of \$117,000 in exchange for a full release of all Boards, including the Board of County Commissioners, individual members, and employees.

- The motion was separated into two motions: (1) to terminate; and (2) offering settlement. On the latter, the original motion made by John Kearney contained the following language that was removed: “Based on lawsuit...”
- Clarification on whether there are enough private funds to pay the settlement. Staff answered yes. There are unrestricted funds from other sources. E.g. sponsorships.

Motion: Commissioner Sandra Murman
Second: Tom Aderhold

A roll call vote was conducted twice. With 11 YEAs and 11 NAYs, the motion to rescind the Board’s prior action on approving the settlement did not pass.

Motion made by Commissioner Sandra Murman

“For up to two years, to make the determination, to make the settlement to Mr. Peachey, contingent upon finding of no wrong doing, and to the conclusion of all the investigations, and be brought back to this Board.”

Or

“That the settlement as approved in the previous action taken by the Board on March 15th will be contingent on finding of no wrong doing and at the conclusion of all the investigations, a report will come back to the board for the final decision.”

Or

“Based on the decision to pay the settlement from the March 15th Board meeting, that settlement will be contingent on a finding of no wrong doing by Mr. Peachey and upon completion of all the investigations, the report will come back to the Board for a final decision on the settlement.”

The following points of discussion ensued:

- Clarification on “no wrong doing” as stipulated by what body? The US Dept. of Labor, the FL Dept. of Law Enforcement, and the DEO Office of Inspector General.
- Put a time limit of two years.
- In terms of the scope of the motion:
 - Clarification on the intent of the motion. If there is a determination of improper coding or improper practices, but not criminal misconduct, would the motion also preclude payment of any consideration to Mr. Peachey. Her response: *“When the investigations are concluded, that that information comes back to this Board and we make a sound decision on moving forward with any settlement.”*
 - That this is related to the conduct of Mr. Peachey, not the conduct of the employees.
- Board Counsel Harris commented this decision to delay [payment of a settlement] will likely lead to a litigation being filed by Mr. Peachey.

Motion: Commissioner Sandra Murman
Second: Eileen Schneider/Sean Butler

A roll call vote was conducted. With a unanimous YEAs of 22, the motion passed.

Action Items

1. Approval of Minutes – December 14, 2017 Board of Directors Meeting

The minutes of December 14, 2017 Board of Directors meeting was presented for approval.

Motion: Randall King
Second: Commissioner Sandra Murman

*The minutes were approved.
The motion carried.*

2. Approval of Minutes – March 15, 2018 Board of Directors Meeting

The minutes of March 15, 2018 Board of Directors meeting was presented for approval.

Motion: Randall King
Second: Shannon Evans

*The minutes were approved.
The motion carried.*

3. Related Party Contracts: Training Providers

a) Hillsborough Community College

A two-third board approval was requested for the following contract:

- Up to \$250K for Individual Training Accounts (ITAs)

Motion: Shannon Evans
Second: Eileen Schneider

Ginger Clark was not in attendance.

*The Board approved the Related Party Contract with Hillsborough Community College for ITAs by a two-third vote, when a quorum has been established.
The motion passed unanimously.*

b) UA Local 123

A two-third board approval was requested for the following contracts:

- Up to \$50K for Individual Training Accounts

Motion: Shannon Evans
Second: Eileen Schneider

Richard Cranker declared a conflict of interest and abstained from voting.

*The Board approved the Related Party Contract with UA Local 123 for ITAs by a two-third vote, when a quorum has been established.
The motion passed unanimously.*

c) Roadmaster Drivers School

A two-third board approval was requested for the following contracts:

- Up to \$175K for Individual Training Accounts

Motion: Shannon Evans

Second: Eileen Schneider

John Kearney declared a conflict of interest and abstained from voting.

The Board approved the Related Party Contract with Roadmaster Drivers School for ITAs by a two-third vote, when a quorum has been established.

The motion passed unanimously.

d) IBEW/Tampa Area Electrical JATC

A two-third board approval was requested for the following contracts:

- Up to \$100K for Individual Training Accounts

Motion: Shannon Evans

Second: Eileen Schneider

Robert Coppersmith and Randall King declared a conflict of interest and abstained from voting.

The Board approved the Related Party Contract with Tampa Area Electrical JATC for ITAs by a two-third vote, when a quorum has been established.

The motion passed unanimously.

e) International Union of Painters & Allied

A two-third board approval was requested for the following contracts:

- Up to \$50K for Individual Training Accounts

Motion: Shannon Evans

Second: Eileen Schneider

Paul Orvosh declared a conflict of interest and abstained from voting.

The Board approved the Related Party Contract with the International Union of Painters & Allied for ITAs by a two-third vote, when a quorum has been established.

The motion passed unanimously.

f) School Board of Hillsborough County

A two-third board approval was requested for the following contracts:

- Up to \$200K for Individual Training Accounts

Motion: Shannon Evans

Second: Eileen Schneider

Michael Ramsey declared a conflict of interest and abstained from voting. W. Scott Brooks was not in attendance.

*The Board approved the Related Party Contract with School Board of Hillsborough County for ITAs by a two-third vote, when a quorum has been established.
The motion passed unanimously.*

Information Items

The following Consent Agendas were presented:

- Consent Agenda of February 2, 2018 Emergency Executive Committee Meeting
- Consent Agenda of February 15, 2018 Executive Committee Meeting
- Consent Agenda of February 26, 2018 Emergency Executive Committee meeting
- Consent Agenda of March 8, 2018 Executive Committee Meeting

There was no further discussion.

Update on Investigations

- USDOL has served a subpoena. All responsive documents have been provided. DOL may interview certain ex-employees.
- DEO OIG investigation is currently ongoing. All requested documents have been provided.
- The House & Senate have requested documents. All documents have been provided.
- FDLE has not contacted us, as of today's date, on the request for information.

Update on public records requests

- Since December 22, several requests for multiple types of documents have been fulfilled.
- There are five outstanding requests. Of those, two were received this week.
- All outstanding requests will be completed within the next week.

Committee Reports

Finance Committee

- Expenditures report. As of January 31st, 45% of the overall budgets have been expended.
- No actions to report. The next Finance Committee meeting will be held on April 26th.

One Stop Committee

- For period covering July thru December 2017, Center traffic was at 71,269. About 17% decrease from 85,598 during the same period in the prior year.
- Employability Skills Workshop, 3,407 individuals attended. The top three workshops attended were: Resume Development, Professional Interviewing Skills, and Surviving a Layoff
- A total of 60,532 job seekers have been served through Employ Florida of whom 11,189 were new registrants.

Workforce Solutions Committee

- No actions to report from the Workforce Solutions Committee.

- The Annual Professional Mixer was held yesterday (March 21st). Over 20 employers participated and over 120 job candidates attended.

Ad Hoc Committee

- The executive search is on hold.
- Per Commissioner Murman's request on the three options of the organization structure. Interim Director Dorcy provided a presentation on these options.

Public Comments

There was none.

Adjournment

The meeting was adjourned at approximately 11:55 a.m.