

February 21, 2013

The Pinellas County Business Technology Services Board met in regular session at 1:00 P.M. on this date in the County Commission Assembly Room, Pinellas County Courthouse, Clearwater, Florida, with the following members present:

Susan Latvala, County Commissioner, Chairman  
Pam Dubov, Property Appraiser, Vice-Chairman  
Ken Burke, Clerk of the Circuit Court  
Deborah B. Clark, Supervisor of Elections  
Bob Dillinger, Public Defender  
Robert Gualtieri, Sheriff  
Robert S. LaSala, County Administrator  
Bernie McCabe, State Attorney  
Chief Judge J. Thomas McGrady, Sixth Judicial Circuit  
Charles Thomas, representing Diane Nelson, Tax Collector  
Kenneth T. Welch, County Commissioner

Not Present

Diane Nelson, Tax Collector

Also Present

James Russell, Interim Executive Director, Business Technology Services (BTS)  
Dennis Long, Chief Assistant County Attorney  
Don Crowell, Managing Assistant County Attorney  
Myriam Irizarry, Chief Deputy Director, Clerk of the Circuit Court  
Peggy Rowe, Director of Human Resources  
Beverly Waldron, Human Resources  
BTS Department Staff  
Other Interested Individuals  
Arlene Smitke, Board Reporter, Deputy Clerk (Minutes by Helen Groves, Senior Board Reporter)

AGENDA

1. Call to Order (Chair, Commissioner Latvala)
2. Designation of Voting Proxies (Chair, Commissioner Latvala)
3. Discussion of BTS Board Governance Model (Dennis Long, Commissioner Welch)
4. Adjournment (Chair, Commissioner Latvala)

## CALL TO ORDER

Chairman Latvala called the meeting to order at 1:00 P.M.

## DESIGNATION OF VOTING PROXIES

Chairman Latvala indicated that the Interlocal Agreement allows one proxy vote per year per member; whereupon, she indicated that Mr. Thomas is representing Tax Collector Nelson at today's meeting.

## DISCUSSION OF BTS BOARD GOVERNANCE MODEL - GOVERNANCE MODEL TO REMAIN THE SAME WITH AMENDMENT TO INTERLOCAL AGREEMENT

Commissioner Welch indicated that there are basically two governance model options for the Board to consider, the first being a tweaking of the current model and the second being a model that would eliminate the BTS Board and move to an advisory committee. He related that the Clerk of the Circuit Court was not intentionally left off the Alternative Board membership roster shown in Option 1 in the PowerPoint presentation, noting that the roster was only intended to be a starting point for the conversation; whereupon, Attorney Long gave a PowerPoint presentation titled *BTS Governance Model Workshop*, a copy of which has been filed and made a part of the record.

Noting that the Board is not limited in any way to the two models, Attorney Long indicated that the options to be considered today were discussed, though not in great detail, at the last meeting:

### Option 1

Option 1 retains the current governance model, but considers revising BTS Board membership to address:

- Legal limitations on interaction with the County Administrator on BTS Board matters.
  - Reconstruction could include replacing the County Administrator with a third Commissioner, which would allow members to consult with him on projects and budget considerations.
- The time and effort Board members spend on BTS projects and responsibilities that do not affect or impact their constitutional/statutory duties and responsibilities.

Option 2

Option 2 would dissolve the BTS Board and place the BTS Department under the County Administrator.

- An advisory board to the Board of County Commissioners (BCC) on the BTS budget and strategic planning activities would be retained.
- The CJIS Policy Board would be formalized to serve in part as an advisory board to the BCC on Courts' IT/communications budget and provide policy oversight on Court IT/communications.

Attorney Long discussed considerations related to the restructuring of the Board, including:

- The BTS Board serves as an independent forum for system stakeholders to have input and oversight on system operations.
- Not all members are impacted by all projects or programs.
- The Cost Recovery Plan has been completed and is being implemented.
- The current BTS Board serves as a stabilizing influence for BTS services.
- Major initiatives and consolidations have occurred; no major projects are on the horizon.
- The CJIS Policy Board could assume BTS Board functions for Courts pursuant to Chapter 29, Florida Statutes.
- A substantial amount of the director's time is dedicated to his relationship with the BTS Board members, and he serves as an Appointing Authority with them.
- The Service Level Agreement model has been successfully implemented and would serve as a guide to service delivery if the BTS Board is dissolved.

Attorney Long indicated that some of the considerations listed above were brought up at the last meeting, some came from individual members, and some were suggestions made by former BTS Director Paul Alexander; whereupon, he pointed out that the PowerPoint presentation contains a complete list of the duties and responsibilities of the BTS Board as defined in the Interlocal Agreement and reflects the person or entity that would be responsible for those duties should the BTS Board be dissolved.

Commissioner Welch and Attorney Long indicated that communications regarding restructuring the Board have been received from the Clerk, the Chief Judge, the Sheriff, and the Supervisor of Elections, and the Option 2 Organization Chart has been provided by the County Administrator in the event the Board is dissolved. In response to query by Commissioner Welch, Attorney Long advised that the issues raised by Clerk Burke and Chief Judge McGrady concerning custodianship were captured in the restructuring considerations.

In response to queries by Commissioner Welch regarding his thoughts about relinquishing his seat on the BTS Board, Mr. LaSala indicated that the managerial, financial, technical and operational scope, depth, and breadth of services of the BCC Departments under his authority are equal to or more complex than those of the other Board members, and that the position is not unlike the other entities and should be represented on the Board, and Sheriff Gualtieri and Property Appraiser Dubov concurred; whereupon, in response to query by Sheriff Gualtieri, Mr. Russell confirmed that the BCC and the Clerk are the two largest consumers, enterprise-wide, of BTS services; and that he would provide a chart showing the distribution.

Discussion ensued regarding Option 1 and Option 2 wherein Sheriff Gualtieri related that he sometimes has concerns about voting on projects that he has no stake in and is without competent knowledge of, noting that BTS staff become frustrated when Board members do not show interest in the reports and project overviews, and Property Appraiser Dubov and Chairman Latvala concurred. Recognizing that the Sunshine Law constricts needed discussions with Mr. LaSala, Property Appraiser Dubov cautioned that if the BTS Board were dissolved, a future County Administrator could take care of the BCC departments at the expense of everyone else, resulting in other members of the Board pursuing own technology projects. Mr. LaSala clarified that, while participating with BTS to some degree, many of the Board members are already doing conducting their own technology services and projects; whereupon, State Attorney McCabe suggested that one of the benefits of the BTS Board is the pressure the members put on their peers to ensure that whatever they do is compatible with what BTS is doing, and Mr. LaSala indicated that his experience has not borne that out.

In response to query by Chairman Latvala as to whether an advisory committee could retain power over the budget and the County Administrator have direct oversight of the BTS Department with the power to hire and fire the director, Attorney Long indicated that some parameters could be put in place to require compliance with the strategic plan.

Thereupon, Clerk Burke indicated that if the decision is made to eliminate the BTS Board and place the BTS Department under the County Administrator, the Clerk's Office would have legal concerns as far as the custody of the records; that the Clerk has historically relied on the BTS Department as an independent agency with staff that are not employees of the Board of County Commissioners; that without that distinct separation, there would be an inherent conflict; and that dissolution of the BTS Board would lead to separation of the Clerk's Office from BTS.

Elaborating on a remark made by State Attorney McCabe at the last meeting, Clerk Burke indicated that one of the reasons Pinellas County government excels compared to other counties in Florida is the communication resulting from the Constitutional Officers,

Appointing Authorities, Commissioners, and department heads serving together on the same committees, understanding each other's positions, and solving problems together. In response to comments by some of the members regarding the value of the time expended in attending the meetings without participating or deriving any benefit, Clerk Burke stated that Article 12 of the Interlocal Agreement has a procedure for a member to withdraw from the agreement; and suggested that the self-termination process be used rather than changing the governance of the Board.

Clerk Burke referred to Restructuring Consideration No. 7 in the presentation relating to the time the BTS Director dedicates to managing the relationship with the Board members and preparing for and managing the meetings, and indicated that while he does not wish to minimize the concern, after reviewing his calendar, the only meetings he had with the director this year were the briefings in preparation for the meetings; that he considers those meetings very valuable as they provide an opportunity to discuss the technology projects in progress for the Clerk's Office; and that he does not consider meeting with the members to discuss what is happening with the BTS Department a waste of the Director's time, especially as the Clerk's Office relies so heavily on technology and expects technology to become even more important in the future.

Stating that cyber security is perhaps the greatest technology challenge today, Clerk Burke stated that the Security Panel should report to the Board, as it would be a basic conflict of interest for it to report to the BTS Director. Later in the meeting, Public Defender Dillinger indicated that he would like more information in order to better understand the conflict, but that the comment has prompted his concern.

During discussion, Chief Judge McGrady indicated that he agrees with the Clerk's positions and with State Attorney McCabe's concept of "if it ain't broke, don't fix it"; whereupon, he stated that, by everyone working together, Pinellas County government has come a long way with the current technology governance model, and Chairman Latvala concurred. State Attorney McCabe pointed out that, as a practical matter, having the Director of BTS report directly to the Board members gives him a vested interest in being responsive to each of them, an arrangement which he personally likes; and Commissioner Welch indicated that while it was appropriate to look at the governance model at this time, he does not see the benefit of moving to Option 2, as it cannot address some of the Article 5 custodial issues.

Thereupon, Chairman Latvala inquired as to whether there is consensus to keep the current governance model with a BTS Board that oversees the Director of the BTS Department, noting that the makeup and size of the Board could be changed, and the members indicated that there is a consensus.

Property Appraiser Dubov indicated that she wishes to continue to be a signatory to the Interlocal Agreement and continue to attend some of the meetings, but would like to be represented on the BTS Board by another Constitutional Officer so that she can have the freedom to come before the Board as necessary on matters related to the Enterprise GIS (EGIS) project and to confer with the County Administrator as needed; whereupon, in response to query by Public Defender Dillinger, Attorney Long indicated that according to the Attorney General, the Sunshine Law does apply to a non-voting member.

Chairman Latvala pointed out that there is value in the BTS Board members coming together and voting on issues that might not directly affect them, but do affect other stakeholders. Clerk Burke concurred, and suggested that the format of the BTS Board be changed to focus more on the resources a project took or is expected to take from a pure technology angle rather than an operations angle that focuses on the nuts and bolts of the software.

Noting that the suggestion is purely in the interest of making it possible for the members to consult with the County Administrator, State Attorney McCabe suggested that the Interlocal Agreement be amended to remove the County Administrator from the BTS Board and to replace him with the Chief Assistant County Administrator. He asked Mr. LaSala to comment on the suggestion before he made a formal motion; whereupon, Mr. LaSala indicated that he did not consider the change appropriate, and Chairman Latvala concurred. Thereupon, State Attorney McCabe withdrew the suggestion.

Property Appraiser Dubov proposed that she step back from being a voting member of the BTS Board, with the understanding that the language be made clear that she is not withdrawing the Office of the Property Appraiser from the Enterprise, noting that (1) it would be more problematic for the County Administrator to not be a voting member than for her, and (2) that precedence exists, as at one time only two or three Constitutional Officers sat on the Board when it was known as the Data Processing Board; whereupon, Sheriff Gualtieri suggested that the Interlocal Agreement be amended to allow for a member to withdraw from the Board, but to allow that member to seek reinstatement without it having to be approved, and discussion ensued wherein Mr. Thomas indicated that the Tax Collector had intended to step down from the Board, but would probably enjoy having the opportunity to return should she change her mind.

Thereupon, Sheriff Gualtieri moved, seconded by Clerk Burke, that should a member give notice to the BTS Board of the intention to withdraw, at any time subsequent to the withdrawal, again by notice to the Board, the member could be reinstated without requiring a vote of the Board.

Discussion ensued regarding the language to be used in the amendment, and Attorney Long indicated that he understood the intent of the members. In response to query by Clerk Burke, Chairman Latvala clarified that approval of the motion would authorize Attorney Long to wordsmith the document and to bring an amendment back before the Board.

Thereupon, upon call for the vote, the motion carried unanimously.

#### PROCESS TO HIRE NEW BTS DIRECTOR

Ms. Rowe, with input by Ms. Waldron, indicated that the Board can elect to have the personnel department conduct the search, which would be the more cost efficient option, or it can engage an executive search firm, which would cost \$20,000 to \$35,000. She indicated that her department is well equipped to perform a search, and has successfully conducted several executive recruitments lately; and that, should the Board decide to hire an outside firm, Human Resources would assist with constructing the Request for Proposal (RFP).

In response to query by Commissioner Welch, Ms. Rowe indicated that her department conducted the recruitment of Paul Alexander, the former BTS Director. She explained some of the differences between a search conducted by her department and one by a search firm, noting that the same recruitment techniques would be used by both and they would reach the same people, but the search firm would have a stable of candidates to tap into. Mr. Russell indicated that it is difficult to find information technology individuals who are willing to work in the government arena because of the salary difference, and even harder to retain them.

Discussion ensued wherein Clerk Burke questioned whether the RFP should reference experience in and knowledge of the Oracle system; and Public Defender Dillinger suggested that, since there is not a time crunch, the personnel department conduct a first search, and if the search is not productive, a recruitment firm be hired. Noting the comprehensive recruitment plan HR used in the previous search for a BTS Director, Election Supervisor Clark indicated that she would support having Ms. Rowe and her staff conduct the search, and State Attorney McCabe provided input about the weeding-out of unqualified candidates necessary when using local newspapers to recruit; whereupon, Ms. Rowe indicated that newspaper advertising is only one method used, and provided information about the type of search her department conducts.

Thereupon, Public Defender Dillinger moved, seconded by Election Supervisor Clark, that the County personnel department be used to conduct the search.

Mr. LaSala suggested engaging an experienced executive recruiter with first-hand knowledge in the technical areas of information technology and information services to work with Ms. Rowe and her staff, indicating that the cost would be in the \$20,000 to \$40,000 range rather than the usual \$80,000, and Sheriff Gualtieri and Election Supervisor Clark concurred; whereupon, Ms. Rowe reiterated that her department does a national search. During discussion and in response to query by Public Defender Dillinger, Chairman Latvala indicated that the recruitment cost would come from the County BTS budget.

Thereupon, Public Defender Dillinger amended his motion, moving that the County personnel department conduct the search, utilizing a professional recruiter, and the seconder concurred. Discussion ensued regarding the threshold dollar amount that triggers an RFP and the amount that the County Administrator has been authorized to approve; and Chairman Latvala, with input by Ms. Rowe and Public Defender Dillinger, suggested that the Board, in the essence of time, could designate a not-to-exceed amount and authorize Mr. LaSala, working with Ms. Rowe, to begin the search; whereupon, Public Defender Dillinger amended his motion to include an authorization for Ms. Rowe and Mr. LaSala to recruit at their discretion without the need to return to the Board for approval, but to provide notification to the Board.

Upon call for the vote, the motion carried unanimously.

Later in the meeting, the members discussed the job description and the qualities or skills the Board would expect of the Executive Director. Ms. Rowe asked that the members let her know what changes from the previous search the Board would like included, noting that she would incorporate any changes with the language from the other document and bring it back to the Board; and Mr. LaSala suggested that, as time is not of the essence, the recruiting consultant could also work with them on the job description; whereupon, Attorney Long cautioned the members to adhere to the Sunshine Law restrictions relating to two-way communications.

#### BOARD MEETING FORMAT

Chairman Latvala indicated that, with the Board's concurrence, she would work with Mr. Russell to change how the Board meetings are conducted, and no objections were noted. She requested that the members provide guidance and e-mail her their thoughts and ideas, taking into account the public meeting laws. During discussion, the members offered the following suggestions:

- Conduct fewer in-depth presentations and more demonstrations.
- Tie the presentations to the strategic plan.



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- Focus on the process.
- Provide project updates rather than repeat presentations.

#### ADJOURNMENT

The meeting was adjourned at 2:32 P.M.