

**TITUSVILLE – COCOA AIRPORT AUTHORITY**

A Special Board Meeting of the of the Titusville - Cocoa Airport Authority was held on February 1, 2019 at 8:30 a.m. at the Titusville - Cocoa Airport Authority Office at 355 Golden Knights Boulevard, Titusville, FL. The following members were present: Mr. Jerry Sansom, Chairman; Mr. Milo Zonka, Vice Chairman; Mr. Harry Carswell, Secretary; Dr. David Hosley; Mr. Al Elebash; Mr. Michael D. Powell, C.M., ACE, CEO; Mr. Adam Bird, Attorney. Dr. John Leavitt, Treasurer and Mr. John Craig were in attendance via teleconference.

**Call to Order**

Mr. Sansom called the meeting to order and determined that a quorum was present.

**Discussion of Employee Improprieties**

Mr. Powell gave an overview of the item, stating that Mr. Bird had sent out an update to the Board regarding where the Airport Authority stood with two previous employees. Mr. Powell stated that Staff had asked representatives from the Titusville Police Department (TPD) to attend the meeting and give an update on the investigation and answer questions. Discussion continued.

Mr. Sansom asked Mr. Bird to give the Board a briefing. Mr. Bird stated that the purpose for calling the meeting was an outstanding issue for the two former employees who elected to resign in the face of the disciplinary investigation. Mr. Bird stated that the two employees were paid their wages, but not their accrued annual leave and sick leave. Mr. Bird stated that the continuing investigation confirmed a good number of the allegations against the former employees, and Staff had received information from more than one source. Mr. Bird stated that as part of the investigation, the Board had directed Staff and himself not to pay the accrued leave until the investigation was further along. Mr. Bird stated that because it was a matter of compensation, every day that went by was a risk for legal action. Mr. Bird provided a timeline of what had been done to date, and then gave some background on the laws regarding employee compensation in order to let the Board decide what action they wanted to take. Discussion continued.

Mr. Powell turned the floor over to Deputy Chief Todd Hutchinson from the Titusville Police Department (TPD). Deputy Chief Hutchinson updated the Board on the investigation. Mr. Sansom asked Mr. Hutchinson if any action was needed from the Board in order for TPD to move forward with the investigation. Deputy Chief Hutchinson replied that there was not, and that Staff had given them the documentation that they needed. Discussion continued.

Mr. Sansom asked Mr. Powell if he had any recommendations. Mr. Powell stated that there were several factors in play because everything was predicated on how the employees' departures were classified. Mr. Powell stated that there were

certain things that could affect their retirement, and that because the report wasn't concluded, he felt Staff didn't have enough information. Discussion continued.

Mr. Powell stated that if the two employees were convicted everything would change. Mr. Bird added that the Florida Retirement System (FRS) was asking the Airport Authority to make a decision within 30 days. Mr. Powell stated that he felt the Airport Authority should let the TPD continue their investigation and Staff would try and get an extension from FRS.

Ms. Ashley Campbell, Manager of Finance and Grant Administration, stated that there were two deadlines that she had to consider. Ms. Campbell stated that the first date was the payroll date by which the Airport Authority would have had to pay them their accrued leave was today, February 1<sup>st</sup>. Ms. Campbell stated that the second date she was looking at was February 14<sup>th</sup>, which was 30 days from the date the employees separated from the Airport Authority and was tied up with the County benefits system and FRS.

Mr. Zonka stated that as things stood today, the employees were voluntarily separated and asked Mr. Bird if that was true. Mr. Bird explained that it was one way of looking at it, but they were also facing disciplinary action which would have been likely to lead to termination. Mr. Bird stated that this question couldn't be answered today, and at some point the Airport Authority would be forced to act and hoped to reach a point where there was as much information as possible when that time came. Discussion continued.

Mr. Bird stated that the former employees had been notified by formal letter that the investigation was still ongoing and a decision had not been made about the accrued leave compensation, so he felt everything was okay regarding today's deadline. Dr. Hosley stated that the Board needed to meet at another date for the final decision no later than February 13<sup>th</sup>. Mr. Bird stated that Staff was working on the extension to give the Board some time to make the decision or they could also allow Staff to make the decision, which would allow for more flexibility. Discussion continued.

Dr. Leavitt exited the meeting at 9:14 a.m.

Mr. Sansom asked if there was anything to further demonstrate that this is intolerable and that the Airport Authority was going to fully exercise their rights in the future to go after people who had abused Airport Authority property. Mr. Bird stated that Staff was making decisions based on a specific set of facts and was not precedential, making the decision very difficult. Mr. Bird stated that each set of circumstances is going to be different every time, so he wasn't sure what Staff could do to demonstrate that. Discussion continued.

Mr. Sansom stated that it appeared the Board needed to make a decision. Mr. Bird stated at the January Board meeting the Board had directed Staff not to pay the former employees their accrued leave, and the Board could choose to continue that

stance. Mr. Bird stated that another option would be that the Board could turn the issue back over to Mr. Powell and Staff to make the decision. Mr. Bird stated that the Board could vote not to pay today, but he would hate to have a meeting once a week until the issue was resolved. Mr. Sansom stated that the second deadline date was before the next Regular Board meeting, so the Board could let the current motion stand and direct Staff not to do anything or recognize that Staff may have to make a determination before the Board meeting and modify the previous determination to allow Staff and Mr. Bird to make the decision. Mr. Bird stated that turning it back over to Staff would give them a little more flexibility. Discussion continued.

Mr. Carswell made a motion to go as far as possible before making a motion to pay the former employees. Discussion continued.

Dr. Hosley seconded the motion with the added condition that if another special meeting was needed that it be held no later than February 13<sup>th</sup>. Discussion continued.

Mr. Sansom called the question. All voted aye. Motion passed.

### **Adjournment**

Mr. Sansom adjourned the meeting at 9:34 a.m.

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JERRY SANSOM, CHAIRMAN

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HARRY CARSWELL, SECRETARY