

MEETING AGENDA

Please be advised that the River to Sea Transportation Planning Organization (R2CTPO) **EXECUTIVE DIRECTOR**

SEARCH COMMITTEE will be meeting on:

DATE: Wednesday, September 1, 2021

TIME: 9:00 a.m.

PLACE: River to Sea TPO Conference Room

2570 W. International Speedway Blvd., Suite 100 Daytona Beach, Florida 32114 NOTE:

Microsoft Teams meeting has been established for remote participation.

Masks are requested to be worn by those physically present according to CDC guidelines

Executive Director Search Committee Meeting September 1, 2021 9:00 a.m. EDT

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only) +1 561-484-5911 6412263# United States, West Palm Beach Phone Conference ID: 641 226 3#

Find a local number | Reset PIN

Volusia County Council Vice Chair Billie Wheeler, Chairperson Presiding

AGENDA

- I. CALL TO ORDER/ROLL CALL/DETERMINATION OF A QUORUM
- II. PUBLIC COMMENT/PARTICIPATION
- III. BUSINESS ITEMS
 - A. Review and Approval of Draft Contract for Recruitment Services with Strategic Government Resources (SGR) (under separate cover)

III. BUSINESS ITEMS

- B. Review and Approval of Executive Director Job Description (Enclosure, pages 3-7)
- C. Review Elements of Executive Director Search Committee Action Plan (Enclosure, pages 8-14)
 - Interview Hiring Questions for Executive Director Candidates
 - Schedule of Activities and Timeframes
- D. Set Meeting Date(s) for upcoming Executive Director Search Committee Meetings
- IV. STAFF COMMENTS
- V. EXECUTIVE DIRECTOR SEARCH COMMITTEE MEMBER COMMENTS
- VI. ADJOURNMENT

Executive Director Search Committee Members:

Volusia County Council Vice Chair Billie Wheeler New Smyrna Beach Commissioner Jason McGuirk Volusia County Council Member Barbara Girtman DeLand Commissioner Chris Cloudman Edgewater Councilwoman Christine Power Deltona Commissioner Victor Ramos Ormond Beach Mayor Bill Partington

Note: If any person decides to appeal a decision made by this board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

Note: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the River to Sea TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, Florida 32114-8145; (386) 226-0422, extension 20416, at least five (5) working days prior to the meeting date.

The River to Sea TPO does not discriminate in any of its programs or services. To learn more about our commitment to nondiscrimination and diversity, visit our Title VI page at www.r2ctpo.org or contact our Title VI/Nondiscrimination Coordinator, Pamela Blankenship, at 386-226-0422, extension 20416, or pblankenship@r2ctpo.org. Persons who require translation services, which are provided at no cost, should contact the River to Sea TPO at (386) 226-0422 or by email at PBlankenship@r2ctpo.org at least five (5) business days prior to the event

RIVER TO SEA VOLUSIA TRANSPORTATION PLANNING ORGANIZATION

JOB DESCRIPTION: EXECUTIVE DIRECTOR

REPORTS TO: TPO Board

EXEMPT STATUS: Exempt (Administrative)

SALARY RANGE: XXXX – XXXX (annually)

TYPE OF POSITION: Regular, Full-time

REVISION: August 2021

POSITION GENERAL SUMMARY: The Executive Director provides leadership, oversight and direction for all operational functions of the River To Sea ("TPO"). The Executive Director coordinates the TPO with partner agencies, including the Florida Department of Transportation ("FDOT"), the Florida Metropolitan Planning Organization Advisory Council ("MPOAC"), Central Florida MPO Alliance, the East Central Florida Regional Planning Council, the Federal Highway Administration, Federal Transit Administration, and local agencies such as Volusia County, Flagler County, the Volusia County School Board, the Flagler County School Board, and municipalities located within the jurisdiction of the TPO in Volusia and Flagler Counties. To the extent that the TPO Governing Board determines and that the TPO budget may permit, the Executive Director may also be active in national the National Association of Regional Councils and the Association of Metropolitan Planning Organizations.

This position reports directly to the TPO Governing Board. Between Governing Board meetings, the position reports to the TPO Executive Committee or the TPO Chair The TPO Executive Director is responsible for providing assistance and professional recommendations on fiscal matters including the preparation of the annual budget, policy considerations, strategic planning, local and regional transportation initiatives and legislative issues and activities. The Executive Director represents the TPO agency at meetings, conventions, and other forums to promote and explain agency mission and objectives. This position is responsible for ensuring that the River To Sea Volusia TPO maintains federal certification and provides leadership and consultation to government agencies, the business community, private organizations, the press and public to explain and resolve complex issues and to coordinate activities related to the transportation system.

The Executive Director is the face of the organization and assists in creating and directing policy decisions which affect transportation in East Central Florida. The Executive Director is based in the TPO headquarters and is allowed to access the building at all times of day and all days of the week. The Executive Director works with minimal supervision and must initiate projects and tasks independently, bringing them to

conclusion and presenting the results to the various committees and Governing Board. Self-direction and self-motivation are key personal attributes of this position. The Executive Director also supervises and provides overall direction to all TPO employees. The Executive Director is responsible for final hiring, discipline, suspension, or termination decisions relating to all TPO employees, subject to any rights provide in the TPO By-Laws or personnel procedures.

ESSENTIAL POSITION FUNCTIONS:

- Provides direction to ensure the accurate and timely completion and submission of essential planning documents, including the Transportation Improvement Plan ("TIP"), the Unified Planning Work Program ("UPWP"), and the Long Range Transportation Plan ("LRTP"), all TIP, UPWP and LRTP in accordance with required deadlines and Florida and federal law and administrative regulations.
- Directs and oversees the development, communication and advancement of program activities through interaction with advisory and other committees, such as the Executive Committee, Transportation Advantaged Local Coordinating Board, the Technical Coordinating Committee ("TCC"), the Citizens Advisory Committee ("CAC"), and the Bicycle/Pedestrian Advisory Committee ("BPAC"), community organizations, planning professionals, elected officials and the public.
 - Provides overall staff management for the TPO.
- <u>Directs the organization of meetings and preparation of agendas and supporting materials.</u>
- Provides direction and support for agenda development, determination of required materials and meeting participation for the TPO Governing Board, Executive Committee, TCC and CAC meetings and other subcommittees and working groups as needed.
- Directs, reviews and develops project scopes of service and requests for proposals and makes work assignments to ensure effective, professional project management for planning studies, data collection efforts and other key activities of the TPO.
- Reviews and interprets official directives, legislation, rules and correspondence to determine possible changes in agency programs, policies, and procedures.
- Serves as the principle policy advisor to the MPOAC on Federal and State transportation planning activities.
- Prepares or directs preparation and release of reports, studies and other publications relating to program trends and accomplishments.
- Provides leadership, counseling and direction to staff and prepares performance evaluations.
- Reviews and evaluates the work effort of agency staff in coordination with the Senior Transportation Planner through conversations, meetings, and reports.
- Oversees the financial activities of the organization with direct support and input from the CFO including, but not limited to, the

completion of an annual budget, <u>UPWP</u>, progress reports for agency grants and execution of grants and agreements.

- Participates in program related training, conferences and special events.
- Supports and promotes TPO activities by responding to public inquiries, attending community functions and representing the organization at various functions including, but not limited to, the MPOAC, the Central Florida MPO Alliance and the Commuter Rail TAC.
- <u>Facilitating the continued evolution of the organization consistent with the vision of the MPOAC Governing Board.</u>
- Monitors and reviews proposed federal and Florida legislation that may affect MPOs, providing comments as needed in writing or verbally; acts as a resource for the Florida Legislature and the local legislative delegation regarding the TPO and transportation planning.
- Maintains a flexible schedule and regular attendance to meet the myriad demands of the TPO Governing Board and Executive Committee.
 - Provides other organizational support as required.

(These essential functions are not to be construed as a complete statement of all duties performed. Employees will be required to perform other job related duties as required.)

MINIMUM REQUIREMENTS:

Education and Experience: B.A., B.S., or similar degree, preferably in public administration, planning, urban studies, business administration, political science, or closely related field; supplemented by seven (7) or more years' experience in the field of planning with a Metropolitan Planning Organization, the U.S. Department of Transportation, a state Department of Transportation, or working with a private sector firm in planning. At least five of those years served in a managerial position. Under limited circumstances, an equivalent combination of education and/or experience may can be substituted for the minimum qualifications at the discretion of the TPO. While not required a Master's degree in Planning, Business Administration, Public Administration, Finance, or related field is preferred considered a plus. At least seven years of experience in working in a MPO/TPO with at least five of those years served in a managerial capacity.

• Must have a valid Florida Driver's License and be insurable by an insurance carrier.

KNOWLEDGE, ABILITIES, AND SKILLS: Knowledge, abilities and skills:

- Working knowledge of computer applications including Microsoft Word, Excel, Outlook, Mozilla, PowerPoint, Access, Publisher and e-mail;
- Must be fluent in English and speak in a clear, understandable, and distinct manner;
- Functional understanding of traffic modeling programs such as FSUTMS/Cube Voyager and other applications used by the TPO, FDOT, FHWA, or FTA, organization such as ArcGIS, Crystal Reports, and ADOBE Acrobat;

- Knowledge of FDOT, FHWA, and FTA standards, policies and requirements for agency planning documents;
- Knowledge of Florida's Growth Management legislation and federal and state transportation legislation;
- General public administration including budgeting, personnel policies and file management;
 - Knowledge of transportation and land-use issues;
- Experienced in establishing and maintaining effective working relationships among staff, contractors, committees and customers in a manner conducive to full performance and positive morale;
- Experienced in providing effective guidance and oversight to personnel, conflict resolution and organizational leadership to create a cohesive working environment;
 - Ability to communicate effectively both orally and in writing;
- Ability to gather, study, and analyze data and other relevant transportation related information:
 - Ability to understand, interpret, and apply procedures, principals and laws;
- Ability to direct and work through subordinates to establish policies, set priorities and render decisions in administering or managing all or part of the activities of the agency;
 - Ability to mediate, moderate and resolve conflicts;
 - Ability to understand complex issues and explain them in "plain speak";
- Ability to manage and prioritize multiple and complex tasks with time and budget constraints.
- Ability to work with minimal supervision and direction and to initiate projects, and activities without direction.
 - Ability to work under pressure/stress with an extreme level of accuracy.
- Ability to <u>serve as a public spokesperson and speak to large groups of people and to write clearly and authoritatively;</u>
- Ability to write clearly and authoritatively as a subject expert on transportation related matters;
- Ability to make judgments based on experience as well as verifiable facts and figures;
 - Ability to develop long range or future projects; and
- Ability to establish and maintain effective working relationships with the Board, outside agencies, organizations, individuals or groups of people with diverse interests.

PHYSICAL REQUIREMENTS AND ENVIRONMENTAL CONDITIONS:

Works typically in an office environment though providing support to the TPO will sometimes require attending meetings, which will be in a public meeting environment that may be crowded and sometimes loud.

- Ability to lift and carry 40 pounds as occasionally required.
- Light physical activities and efforts required working in an office environment.
- Moderate physical activity, supporting community events, sometimes in outdoor environments and requiring prolonged standing.
- <u>The employee is generally sedentary, but may occasionally be required to stand, walk, stoop, kneel, or bend at the waist.</u>
- Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus.
- Specific hearing abilities required by this job include the ability to hear and speak to communicate in person, before groups, and over the telephone.

WORK AUTHORIZATIONS AND SECURITY CLEARANCE:

- The employee must successfully pass a criminal and credit background.
- The TPO will also verify the identity and employment authorization of individuals hired. Proper completion of Form I-9 is required, which includes the employee providing documents evidencing identity and employment authorization.
- The TPO is a drug-free workplace as provided in Section 440.101 et seq., Florida Statutes. The employee may be subject to drug and alcohol screens, as permitted by law.

OTHER DUTIES:

The above information is intended to indicate the general nature and level of work performed by the employee in this position. This description is not intended to contain or be interpreted as a comprehensive inventory of all essential and marginal duties and qualifications required of employees assigned to this position. Duties, responsibilities and activities may change at any time with or without notice

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<u>Disabilities</u>	Act (<u>("ADA")</u>	ADA	requirements	for	otherwise	qualified	individuals	with	а
disability.)		-		·						
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MEMORANDUM

To: Chair and Members of Executive Director Search Committee

From: Paul R. Gougelman, General Counsel

Date: August 11, 2021

RE: Interview Hiring Questions

Shortly, the TPO Executive Director Search Committee will be asked to conduct interviews of applicants for the position of Executive Director. As you are no doubt aware, the parade of federal laws and court rulings expanding individual constitutional and statutory rights formulated over the last thirty years make many questions that would traditionally be asked at an interview embarrassing and in some cases legally unacceptable.

In the interest of protecting the TPO from liability, as well as the members of the interview panel from personal liability, I felt it would be helpful to prepare a checklist of questions that periodically are asked and can cause legal problems. Additionally, in some cases I have included some tips on how the questions may be properly phrased to avoid liability. The questions are divided by subject matter.

- 1. <u>Age</u>: There are no questions regarding an applicant's age that are permissible <u>unless</u> age is directly relevant to an occupational qualification. This might occur in the case of police officers where physical agility is an issue. However for the position of Executive Director, one should avoid inquiring of the applicant's age.¹
- 2. <u>Arrest Record and Record of Convictions</u>: There are no questions that may be asked concerning an applicant's <u>arrest record</u>. Questions regarding arrest records are seen as having a disparate impact upon minority applicants. The permissible way to approach this issue is by asking an applicant about any criminal <u>convictions</u> that he or she may have. However, any time that this question is asked, you should include a disclaimer that a conviction record will not necessarily disqualify the applicant from employment. The reason is that factors, such as age of the applicant at the time of conviction, time of the

A classic example of a employment manager's blunder occurred in <u>EEOC v. Mayor & City Council of Ocean City, Maryland</u>, Case No. 10-02690 (D.Md. 2010), when the manager advised a 62-year old applicant that he didn't think the applicant would be able to give the job a "long-term commitment" because of his age. It was not surprising that the City Council settled the case with the U.S. Equal Employment Opportunity Commission.

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offense, seriousness, and nature of the conviction and rehabilitation, are all issues to be taken into account.

- 3. Availability for Saturday or Sunday Work (as it may relate to religious discrimination): Although you may have some interest in knowing about an applicant's availability for Saturday or Sunday work, the answer may not do any good. The reason is that an applicant's religious observance which might make him or her unavailable for weekend work cannot be considered in hiring. Title VII of the Civil Rights Act requires employers to make "reasonable accommodation" even for "a prospective employee's religious observance," unless it causes "undo hardship" to the applicant. I recommend staying away from this question, but if you must ask, there are two ways to approach the issues:
 - 1) Let the applicant know that a reasonable effort will be made to accommodate any religious needs should the applicant be hired; or
 - 2) Ask the applicant what hours he or she is available for work.²
- 4. Citizenship: It is not advisable to ask an applicant prior to being hired whether that individual is a citizen. Similarly, any employment requirement that the applicant present birth, naturalization, or baptismal certificate before being hired is similarly inadvisable. The U.S. Immigration Reform and Control Act makes it illegal for employers to discriminate with respect to an applicant's employment based on the individual's citizenship. Instead, an interviewer can ask whether the individual is legally authorized to work in the U.S.³ Section 448.09(1), Florida Statutes, provides that it is a crime "for any person knowingly to employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within the state, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States." Thus, one does not have to be a citizen to work. However, they cannot be an illegal alien. After an offer of employment is made and contingent upon proof that they are not an illegal alien, it is acceptable to ask an applicant for proof of his or her legal right to work in the U.S. Section 448.095(2)(a), Florida Statutes, provides that "[b]eginning January 1, 2021, every public employer, contractor, and subcontractor shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees. A public employer, contractor, or subcontractor may not enter into a contract unless each party to the contract registers with and uses the E-Verify system."
- 5. <u>Credit Inquiries</u>: It is <u>not</u> acceptable to inquire into the credit background of an individual during an interview, unless the credit worthiness of the individual is somehow

² Kellar, Amanda, *Interviewing Do's and Don'ts – A Practical Guide to Hiring and Asking the Right Questions*, 54 IMLA The Municipal Lawyer Magazine No. 5 at 15 and 37 (September/October 2013).

³ *Id.*, at 37.

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claim;

or alcoholism:

<u>directly</u> job related.⁴ For example, if the position provides an individual with regular and direct access to agency money, the inquiry could be acceptable. Similarly, it is inadvisable to question an applicant about personal bank account balances or personal charge account balances.

6. <u>Disability</u>: It is appropriate to ask an applicant whether or not he or she can perform certain specific job functions. <u>These job functions would be as set forth in the job or position work description</u>. If the applicant responds that there is a disability, a second question should be asked, namely whether or not there are any accommodations that could assist the individual in performing the job. This line of questioning is as a result of the Americans with Disabilities Act ("ADA"), among others, passed in the 1990s by Congress.

There are certain questions that are inadvisable, given the Americans with Disabilities Act ("ADA"), because they will almost certain get the interviewer into a position of violating the ADA. For example, it is <u>inadvisable</u> to ask the following:

- a. Whether the applicant has ever had or been treated for any type of physical or mental illness;
 - b. Whether the applicant has ever been hospitalized;
 - c. Whether the applicant has ever filed a workers' compensation
 - d. Whether the applicant is taking any prescription drug;
 - e. Whether the applicant has ever been treated for drug addiction
 - f. How the applicant lost his arm or other appendage:5
- g. Whether the applicant will need time off because of a disability or medical treatment.

One approach would be to examine the job description and determine what requirements there are for job performance. For example, if the job requires that a worker must be able

A related question that is inadvisable to ask is whether the applicant owns his or her own home, as that type of question disproportionately impacts minorities and women. Kellar, Amanda, *Interviewing Do's and Don'ts – A Practical Guide to Hiring and Asking the Right Questions*, 54 IMLA The Municipal Lawyer Magazine No. 5 at 37 (September/October 2013).

A court upheld a jury award in a case where a disable applicant was not hired after the interviewer asked questions about the applicant's disability, including how he lost his arm. <u>EEOC v. Wal-Mart Stores, Inc.</u>, 11 F.Supp.2d 1313 (D. N.M. 1998).

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to lift fifty pounds, you can ask, "One of the job requirements is that you must be able to lift fifty pounds. Can you do that?"

- 7. <u>Education</u>: It is quite acceptable to inquire concerning specific education or training required for a specific job. However, I strongly caution you against asking during what dates the applicant attended a particular school. This could be viewed as means of trying to determine the age of an applicant, which in turn could raise age discrimination issues.
- 8. <u>Family Status</u>: It is acceptable to ask an applicant whether the applicant has any activities, commitments, or responsibilities that might prevent him or her from meeting work schedules or attendance requirements. If you intend to ask this type of question, please make certain that you ask both men <u>and</u> women this question. <u>Otherwise do not ask the question at all</u>. It is completely unlawful to ask this question of women only or of men only.

It is <u>inadvisable</u> to ask the applicant whether the applicant is married or single, whether the applicant has children, and if so how many, what the applicant's spouse does for a living, or what the family responsibilities of the spouse or applicant may be. Any question asked only of one sex is inadvisable. For example, asking only women about child care responsibilities could be viewed as being discriminatory in nature.

- 9. <u>Financial Status</u>: It is <u>inadvisable</u> to ask questions about an applicant's financial condition, home ownership, or car ownership (unless use of an individual's car is required for the job).
- 10. <u>Driver's License</u>: It is acceptable to ask the applicant whether he or she has a driver's license, <u>assuming that driving is required for the job</u>.
- 11. <u>Height and Weight</u>: It is inadvisable to make any comments or inquiry with regard to an applicant's height or weight when not related to actual job requirements. Again, this is an ADA issue.
- 12. <u>Marital Status</u>: It is not acceptable to discuss the marital status of any applicant, including, whether they are divorced, separated, engaged, single, or widowed. Similarly, circumvention of this prohibition by asking whether the applicant likes to be called "Mrs.," "Miss," or "Ms." is also unacceptable. The most prudent approach in addressing a female applicant is simply to address her as "Ms." Further, although it used to be viewed as socially acceptable to refer to a female applicant as "honey," "sweetie," or "dear," times and the law have changed.
- 13. <u>Military</u>: It is quite acceptable to discuss with an applicant any education, training, or work experience gained in the U.S. Armed Forces. Conversely, it is <u>inadvisable</u>

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to ask an applicant about the type or condition of military discharge he or she received, or requesting copies of their discharge papers.

- 14. <u>National Origin</u>: Inquires into an applicant's ability to read, write, and speak English or foreign languages, <u>when required for a specific job</u>, are acceptable. Interestingly, Article II, Section 9(a) of the Florida Constitution provides that "English is the official language of the State of Florida." Thus, it is appropriate to include the requirement of speaking English as a job requirement. On the other hand, questions about an applicant's lineage, ancestry, national origin, descent, place of birth, or national origin of the applicant's parents or spouse is not appropriate. If an applicant indicates that they have the ability to speak a foreign language, it is inadvisable to inquire about how an applicant may have acquired the ability to read, write, or speak that foreign language. Such questions may be observed by a court of law as a subterfuge to learning about an applicant's ethnic background and hiring or refusing to hire someone on that basis.
- 15. <u>Notice in Case of an Emergency</u>: This is a question that should be asked only after the individual has been hired.
- 16. <u>Organization Membership</u>: It is perfectly acceptable to inquire into an applicant's membership in various organizations <u>which he or she considers to be related to job performance</u>. On the other hand, requiring an applicant to disclose memberships in all organizations of which he or she is a member is strongly inadvisable. This is because the name of some organizations may indicate a member's race, color, creed, sex, etc. (*ie.* Knights of Columbus, NAACP, NOW, etc.), none of which is job related. Similarly, asking someone whether they are a registered Democrat or Republican is a blueprint for legal trouble.
- 17. <u>Personal Information</u>: It is acceptable to ask whether or not an applicant has ever worked for the employer previously, whether the applicant has ever worked for the employer under another name, and the names of various character references. It is inadvisable to ask about the manner in which an applicant may have changed her name through application to a court or marriage.
- 18. <u>Photographs</u>: It is strongly suggested that an applicant <u>not</u> be required to affix a photograph to an employment form anytime before hiring. Again, a court could view this as a subterfuge for determining whether someone is Spanish, African-American, Arab, or some other ethnicity.
- 19. <u>Pregnancy</u>: Inquires about an applicant's anticipated duration of stay on a job or anticipated absences, <u>only if made to both male and female applicants</u>, is acceptable. Similarly, any question relating to pregnancy is <u>inadvisable</u>. In fact, the U.S. Equal Employment Opportunity Commission has ruled that to refuse to hire a female solely because she is pregnant amounts to sex discrimination.

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- 20. Race or Color: It is not acceptable to ask any questions about race or color.
- 21. <u>Relatives</u>: It is acceptable to ask the names of any relative of the applicant who is already employed by the employer.
- 22. <u>Religion or Creed</u>: Questions about the applicant's religious denomination or affiliation are not permitted.
- 23. <u>Residence</u>: It is quite acceptable to ask an applicant about the applicant's address for the purpose of future contact with the applicant. However, asking an applicant whether he or she owns or rents a home, what the previous address of the applicant was, or the names or relationship of persons with whom the applicant resides is inadvisable.
- 24. <u>Sex</u>: Any question about the applicant's gender, sex life, use of birth control, *etc.*, is not permitted.

Having reviewed this list, you are probably asking what questions can I ask an applicant? As a general rule, you may ask an applicant questions that are directly job related. For example:

- a) Tell me about your educational training, and how it relates directly to performance of the job.
- b) What professional associations or organizations have you joined that are related to this job? Have you been active with those organizations? If so, how have you been active with those organizations?
 - c) Why should we pick you over the other applicants?
- d) If you get this job, what projects or programs might you recommend to the TPO that we take a look at?
- e) Are there individuals in the transportation planning field who are well respected that are familiar with your past work? What would they say about you and your work, if we contacted them?
- f) We understand that this job requires many talents and that there is probably no one who possesses all of the those talents. What weaknesses do you have in relation to this job? What strong points in relation to this job do you bring to the table?

These questions are just examples of appropriate questions, but you will note one common thread running through all of the questions, namely, they all relate to the job, not to the applicant's sex, personal lifestyle, arrest record, dishonorable military discharge, or other issue which really has nothing to do with performance of the job.

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Finally, I would like to point out that the meetings of the interview committee should be advertised, minutes should be taken, and the meeting should be viewed as being subject to the Government-in-the-Sunshine Law. Case law would support this view. For example, in Wood v. Marston, 442 So.2d 934 (Fla. 1983), a committee composed of staff was created for the purpose of screening applicants for the position of law school dean and making recommendations. The committee's deliberations were found to be subject to the Government-in-the-Sunshine Law.

I am hopeful that this will provide some guidance for use in the forth coming interviews.

PRG/mb