



**State of Rhode Island and Providence Plantations
Water Resources Board**

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RHODE ISLAND WATER RESOURCES BOARD

MINUTES OF BOARD MEETING # 479

October 8, 2008

Members Present:

William Penn, Chairman
Pamela Marchand, Vice Chair
Daniel W. Varin
William Stamp, III
Frank Perry
Jesse Rodrigues, Jr.
Harold Ward
Alicia Good* for Mike Sullivan
June Swallow*
Kevin Flynn
Saul Kaplan

Staff Present:

Juan Mariscal, P.E., General Manager
Kathleen Crawley
Romeo Mendes
William Riveroso

*Member designee

Members Absent:

Richard Mignanelli
Ian Morrison

Guests

Ames Colt – RI BRWCT
Eugenia Marks – Audubon
Robert K. Griffith
Tim Brown – KCWA
John Duchesneau - KCWA
Kevin Fitta - KCWA
Alan Brodd - Cumberland Water
Jim DeCelles – Pawtucket Water
Ray DiSanto - ESWD
Peter Lord – Providence Journal
Pasqual DeLise - BCWA
Ken Booth - EPW
Susan Licardi – NK Water
Stan Knox - UWRI
Dan O'Rourke – City of Warwick
Bill Falcone - RIWWA

Call to Order: Meeting Goals / Objectives / Process

Chairman Penn called the special meeting to order at 12:05 pm. He thanked the members for rearranging their schedules to be at the meeting. He stated that the meeting was very important to the future of the Water Resources Board. He stated that he would like to begin the meeting by entering the following information into the public record:

- The General Manager is an unclassified position and not subject to the personnel policies and procedures relating to classified employees.
- The General Manager serves at the pleasure of the Board. The Board is the entity that makes decisions regarding the General Manager.

Mr. Penn also provided the following written materials (attached and incorporated into the minutes) to members to be part of the public record:

- September 22, 2008 letter from Chairman William J. Penn to Juan Mariscal notifying the General Manager of the special meeting and its purpose.
- October 2, 2008 email from Juan Mariscal to William Penn requesting that the meeting be held in closed session

- October 2, 2008 letter from Juan Mariscal to William Penn, Re: Issues and Options re: Performance Review.
- October 6, 2008 email from Juan Mariscal to William Penn requesting that the meeting be held in open session.

The final two documents which Mr. Penn stated were a part of the public record were the posting of the agenda for today as well as the posting for the agenda on the 29th which was cancelled and rescheduled due to lack of a quorum. He stated that items related to the executive session are now inappropriate since Mr. Mariscal has chosen to have the meeting in open session.

Mr. Penn opened the discussion of job performance of the Board's General Manager. Mr. Penn stated that the purpose was to evaluate the skills needed moving forward. He then asked each member for their input. Each member present provided comment. Mr. Mariscal also provided comment.

There was a motion by Mr. Stamp second by Mr. Rodrigues to dismiss the General Manager effective immediately.

Mr. Ward then introduced a substitute motion, second by Mr. Varin that no later than November 17, 2008, the Water Resources Board shall adopt procedures for evaluation of the performance of the Board's General Manager. The primary component of these procedures shall be the accomplishment of priority goals, as clearly stated by the Board, according to a timeline set by the Board with full consideration of the limits of available resources. No evaluation of the General Manager shall be conducted until these evaluation procedures are in place and adequate opportunity for achieving priority goals according to the timeline has been provided.

There was discussion of the first motion to dismiss and then a roll call vote on Mr. Ward's substitute motion to adopt procedures and defer action.

Mr. Varin- Yes	Mr. Rodrigues-No
Ms. Marchand-Yes	Ms. Swallow-No
Mr. Perry- Yes	Mr. Stamp-No
Mr. Ward-Yes	Ms. Good-No

Mr. Penn then voted No and the motion was defeated 5 to 4.

Ms. Marchand then proposed an amendment to the original motion to dismiss the General Manager immediately, moving that he stay on until a replacement was found. Mr. Ward seconded the motion. On a roll call vote:

Mr. Varin- Yes	Mr. Rodrigues-No
Ms. Marchand-Yes	Ms. Swallow-No
Mr. Perry- Yes	Mr. Stamp-No
Mr. Ward-Yes	Ms. Good-No

Mr. Penn then voted No and the motion was defeated 5 to 4.

On a roll call vote of the original motion by Mr. Stamp, second by Mr. Rodrigues to dismiss Mr. Mariscal as the General Manager of the Water Resources Board effective immediately:

Mr. Rodrigues- Yes
Ms. Swallow-Yes
Mr. Stamp-Yes
Ms. Good- Yes

Mr. Varin- No
Mr. Ward- No
Ms. Marchand-No
Mr. Perry- No

Mr. Penn then voted Yes and the motion carried 5 to 4.

There were two additional agenda items to address-identify an interim General Manager and create a search committee to develop a detailed job description of the skills needed for the position of General Manager and begin immediately to search for appropriate candidates.

There was a motion by Mr. Stamp, second by Ms. Good to appoint Kathleen Crawley as Acting General Manager. The vote in favor was unanimous and the motion carried.

There was discussion on the motion and concern about the length of time that the Board can function with an Acting General Manager and two staff and the burden it will place on Ms. Crawley. A possibility raised was to look for an interim General Manager, an item that was agreed, by consensus to carry forward to the next Board meeting agenda.

There was a motion by Mr. Rodrigues, second by Mr. Stamp and Mr. Perry to establish a search committee comprised of, Chairman Penn and Vice Chair Marchand, Mr. Stamp, Mr. Ward, Mr. Meyer or his designee and a representative of the business community to be recommended by Mr. Kaplan. The vote in favor was unanimous

There was discussion of the importance of the position, the work of the agency and the constituencies/stakeholders that should be included in the search process. The environmental community, agriculture and water suppliers, specifically Rhode Island Water Works Association were mentioned.

Adjournment

Motion by Mr. Stamp, second by Ms. Good to adjourn at 2:05 pm. The vote in favor was unanimous and the motion carried.

Respectfully Submitted,

Kathleen Crawley
Acting General Manager

Note: The complete proceedings of this meeting are available on audiotape by request.