

**MIAMI-DADE EXPRESSWAY AUTHORITY (MDX)**

**EXECUTIVE COMMITTEE MEETING**

**TUESDAY, MARCH 29, 2016**

**2:30 PM**

**WILLIAM M. LEHMAN MDX BUILDING**

**3790 N.W. 21ST STREET**

**MIAMI, FLORIDA 33142**

**SUMMARY MINUTES**

Committee Members Present:

Shelly Smith Fano, Chair  
Rick Rodriguez Piña, Vice Chair  
Alfredo L. González, Esq.  
Maritza Gutiérrez  
Luz Weinberg

Committee Members Absent:

Gus Pego, P.E.

Present MDX Board Members:

Louis V. Martinez, Esq., MDX Chair  
Maurice A. Ferré

Staff:

Javier Rodriguez, P.E., Executive Director  
Carlos M. Zaldivar, Esq., General Counsel  
Francine Steelman, Esq., Associate General Counsel  
Carol Lang, Human Resources Manager  
Maria Luisa Navia Lobo, Board Secretary

## **CALL TO ORDER**

Ms. Smith Fano, Chair of the Executive Committee called the meeting to order. Ms. Navia Lobo called the roll and announced that a quorum was present.

## **DECLARATION OF VOTING CONFLICTS**

No conflicts were declared.

## **CITIZEN COMMENTS**

No comments were received.

## **ACTION ITEMS**

### A) General Counsel's Performance Evaluation

Ms. Lang presented the item and explained the Authority entered into an employment contract with Mr. Zaldivar on October 21, 2014. According to the employment contract, the General Counsel is to be evaluated by the Executive Committee and the Executive Director.

Mr. Rodriguez informed Members that Ms. Zaldivar has not been evaluated since he was hired in 2014. He stated his performance evaluation was exceptional and could not be happier with the General Counsel selection.

Ms. Smith Fano indicated the evaluation is five-months overdue. Mr. Gutierrez recommended that the evaluation be retroactive to the contract anniversary date.

For discussion purposes Mr. Martinez moved the item and Ms. Gutierrez seconded the motion.

Ms. Gutierrez asked Ms. Lang if there were comparable salaries of other general counsels throughout the State.

Ms. Lang informed Members that a salary survey analysis was conducted several years ago and a pay plan was put in place. The salary range for the General Counsel position is from \$121,000 to \$187,500. She also referred to the Tampa Hillsborough Expressway Authority (THEA) salary analysis that just adjusted the salary of its General Counsel.

Ms. Gutierrez stated the years of experience Mr. Zaldivar has would place him on the top of the range.

Mr. Rodriguez gave a brief history of the General Counsel position previous salary ranges and informed Members Mr. Zaldivar's starting salary was \$150,000. His recommendation when hiring Mr. Zaldivar was a starting salary of \$165,000.

Mr. Rodriguez recommended Section 4, of Mr. Zaldivar's contract, Compensation, be amended and reevaluated.

The item was thoroughly discussed. Ms. Gutierrez asked Member to consider the following:

- Increase the General Counsel's base salary to \$200,000, effective retroactively to November 24, 2015, which was the one year anniversary of the General Counsel's employment with MDX.
- Award a lump sum merit bonus of \$15,000.

Mr. Martinez moved to endorse to the Board the approval of the General Counsel's performance evaluation as exemplary; and approval of the salary recommendation (a one-time merit bonus of \$15,000 and an increase in base salary to \$200,000 retroactive to November 24, 2015). Ms. Gutierrez seconded the motion. The motion was unanimously endorsed.

**B) Executive Director's Performance Evaluation**

Ms. Smith Fano referred Table 6, Summary of Performance Measures, the Authority met 16 of the 18 measures. She stated that the Safety measure was met this year for the first time.

Mr. Martinez moved for a perfect score of 100% on the Key Task and Core Competencies. Ms. Weinberg seconded the motion. The motion was unanimously approved.

Ms. Lang informed Members that the Executive Director's employment contract states that the annual pay increase must be no less than 2.5% and no higher than 6.5%. Based on a salary of \$275,000, the increase would range from \$6,875 to \$17,875.

Members thoroughly discussed the item and recommended to award the Executive Director the maximum allowable amount of 6.5% (\$17,875).

Members thoroughly discussed the option of adding the 6.5% to the base salary or as a one-time merit bonus and the impact to his retirement benefits. Mr. Rodriguez requested that his base salary remain the same but that instead he would receive the 6.5% as a one-time merit bonus.

Mr. Martinez moved to endorse the Executive Director's request for a 6.5% one-time merit bonus. Ms. Weinberg seconded the motion. Ms. Navia Lobo called the roll. The motion was unanimously endorsed.

**ANNOUNCEMENTS**

- Board of Directors Meeting, 3/29/16, 4:00 p.m., William M. Lehman MDX Building

**ADJOURNMENT**

The meeting was adjourned by Vice Chair Smith Fano.

Summary Minutes prepared by MariaLuisa Navia Lobo.