


MEMORANDUM

To: Charles Mixson
County Engineer

From: David N. Hamilton 
County Administrator

Date: August 29, 2008

Re: Imposition of Discipline

This memorandum shall serve as written notice to you that we have decided to take disciplinary action regarding your management of the Department of Public Works/Engineering. Recent events have convinced us that you have not been adequately performing your duties as the director of the Department of Public Works/Engineering, to wit:

- You were unaware that one of your subordinates, Bill Busch, had a serious conflict-of-interest. Specifically, Mr. Busch promoted the pavement rejuvenation product of a vendor for which he simultaneously worked. Your failure to detect this conflict-of-interest has subjected the County to a criminal investigation and to very negative media attention.
- An investigation by the Sheriff's Office has revealed that DPW employees had been accepting gifts and gratuities from developers in exchange for free fill dirt from DRA's.
- You have failed to complete the rehabilitation of the County's former DPW property in a timely manner. Former County Administrator Richard W. Radacky directed you to provide a "game plan" for the remediation of the former DPW site in your 2002 performance evaluation. Six years later, the County is first beginning its remediation

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of the site. During that time, the County has hired several outside consultants at a cost in the millions of dollars without a significant, demonstrable result.

- You have failed to adequately supervise the Hernando Beach canal dredging project. At this point in time, the County still does not have a dredging permit from the Florida Department of Environmental Protection. This delay has placed the County's ability to fund the project in jeopardy.
- You have failed to ensure that your department is a "team player" within the County. You consistently fail to provide the Board, the County Administrator's Office and the County Attorney's Office with requested information. It has been nearly impossible for anyone to obtain the data supporting your decisions.
- You have not exercised sufficient control over your employees or your consultants.
- You have failed to document incidents of employee discipline. For example, the County recently had to terminate high-level official for making sexually obscene phone calls. This employee had been the subject of prior, undocumented discipline.
- Most importantly, you have jeopardized the careers of your high-level subordinates by not providing them with sufficient guidance and direction. It is a basic management principle that while a supervisor can delegate authority, he cannot delegate responsibility. You have delegated the day-to-day management of major projects to your subordinates without the successful completion of said projects. For example, you have placed Mr. Sutton in charge of the DPW site remediation and the dredge project. Neither project is near completion, to the detriment of Mr. Sutton's

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professional reputation. As the department director, you were responsible for Mr. Sutton's success.

These deficiencies in your performance are not new, to wit:

- In your 1999 review, former County Administrator Richard Radacky described DPW's road and drainage operation as "weak, disorganized and poorly lead."
- In your 2000 review, former County Administrator Paul MacIntosh stated that your "performance during this period has been mediocre . . . [s]ignificantly more accountability is expected from a department director." He further stated, "Mr. Mixson needs to hold his department more accountable for results and recognize the important role the department plays in the County." For the following year, he directed you to (1) provide clear direction to your department and hold [your employees] accountable for results, (2) take a more active role in the management of the department, (3) develop a "can-do" attitude that permeates throughout your organization, and (4) to provide your subordinates with clear direction.
- In your 2001 review, Mr. MacIntosh stated that you needed "to continue to hold his senior managers more accountable for results and stay in touch with what they are doing." He further directed you to "ensure that projects are completed in a timely manner."

For the reasons stated herein, we have no choice but to suspend you from your position, without pay, for a period of ten (10) business days, excluding legal holidays. The suspension shall begin immediately and last until September 15, 2008. You may return to work on Tuesday,

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September 16, 2008. Upon your return from the suspension, you shall be placed on probation for six months.

Furthermore, your continued employment is conditioned upon meeting the following goals by the end of 2008:

1. You must ensure that DEP approves the County's remediation plan for the former DPW compound. Further, you must ensure that the remediation is substantially complete upon a mutually agreed-upon time line.
2. You must ensure that actual construction is completed on the Hernando Beach dredge project upon a mutually agreed-upon time line.
3. You must ensure that DPW's operations are fully transparent to the public, the media, and the Board. You will provide all data that supports DPW's technical decisions upon request. You must ensure, to the extent of your abilities, that you and your department are perceived by the public, the media, and the County Board as productive and responsive.
4. You must provide us with a plan to reorganize DPW/Engineering in a manner that ensures that you will be actively managing the activities of your department.

Please be advised that any further infractions or any failure to comply with the terms of your discipline will result in your immediate termination. This is your last chance to keep your job.