

MEMORANDUM

UTILITIES DEPARTMENT



City on the Gulf
Venice, Florida

TO: Gerald Boyce, OMI Project Director

FROM: R. Christopher Sharek, PE, Utilities Manager

DATE: August 2, 2005

SUBJECT: Non-Performance Notice

As we approach one year of service and due to recent events it is important that I bring to your attention specific situations where OMI is not clearly providing the services and performance levels outlined in the Agreement dated August 16, 2004.

Compliance

As identified in Section 1.1, the services OMI is responsible to provide include supervision of the Owner's staff to produce effluent discharged from the facilities that meets the requirements specified in applicable permits. OMI shall comply with all local, State and Federal notice and reporting requirements.

Until July of 2005, OMI had not been submitting the DMRs with the correct discharge flowrates to the FDEP as outlined in the Operating Permit for the WRF (FLA 0041441) and subsequent Permit Modification 5. This led to the filing of amended DMRs since the onset of OMI's responsibility for the project. As per the Agreement, OMI assumes any and all regulatory responsibilities in meeting the permit requirements and subsequent penalties for not meeting such requirements.

Sufficient OMI Staffing Levels and Qualifications

OMI's responsibility as outlined in Section 2.2 of the Agreement requires that OMI provide employees as necessary to fulfill the management of services as described in the Agreement. The staffing level provided by OMI shall be sufficient to assume the designated responsibilities assigned to the employees in the positions as listed in Exhibit F. Section B 1.2 requires OMI to staff the project with a sufficient number of qualified management employees who possess the managerial, administrative, and technical skills to perform the services specified in the Agreement.

Some of the job functions of the positions outlined in Exhibit F of the Agreement are not currently being met by OMI. Three specific areas where it is our opinion that OMI is not meeting the performance standards outlined in the Agreement are outlined below.

Former City Job Title (OMI Responsibilities)	Role and Responsibility
<i>Chief Plant Operator</i>	We understand that Paul Cortez has assumed this role and responsibility. The Discharge Monitoring Reports have been developed and are being prepared by city staff, however, this is a function of the OMI manager assuming the Chief Plant Operator duties. As outlined in the agreement, I am to receive a copy of all DMRs to review and transmit to the appropriate regulatory agency. To date, I have not received one of these for my review. Other Chief Plant Operator duties that are to be performed by OMI such as tank flow and level reports, operational parameters, maintaining shift schedules, covering shift vacancies due to vacation/sick/resignations, scheduling of training for license renewals, conducting operational meetings, ordering chemicals, preparing standard operational procedures and monthly fuel reports are not being completed by Mr. Cortez.
<i>Instrumentation Control Specialist</i>	Clearly as outlined in the Agreement, it is OMI's responsibility to provide supervision and technical direction to city staff regarding the Instrumentation and Control (I&C) of the city's system. Which OMI manager is responsible for this assignment?
<i>Maintenance Foreman</i>	We understand that Ray Ramdeo is assuming these responsibilities. On numerous occasions I have visited with the lift station mechanics first thing in the morning and noticed that they were without a supervisor to assign routes and responsibilities.

Disciplinary Action

As outlined in Section B.1.3, OMI is not responsible for evaluating, disciplining, hiring, terminating, promoting, transferring, or taking any other personnel action regarding the Owner's employees. This is reiterated in Section B.1.3 of Appendix B.

During the recent resignation of an employee at the water reclamation facility I was told that an OMI staff member orally counseled the city employee in front of another OMI Manager and another city employee. During the exit interview, this city employee told our Administrative Services Department that the particular OMI Manager had belittled and discouraged him on numerous occasions. Based on conversations with city staff, these are not isolated incidents.

These, and similar behaviors, shall cease immediately. If there is a personnel issue that needs attention, please bring the issue and facts to me to handle as per our contract, the Collective Bargaining Agreement, and the city's Personnel Procedures and Rules.

Requested Action

Please provide a written action plan with timelines to address these deficiencies and fulfill the responsibilities outlined in the Agreement.

cc: Martin Black, City Manager