



Upper Captiva Fire & Rescue District

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Richard Pepper, Fire Chief • Bob Kinniry, Assistant Chief

BOARD OF COMMISSIONERS

REGULAR MEETING

15 August 2015

COMMISSIONERS PRESENT: Zeke McDonald, Roy Wildeman, Tom Jenkins, Bill Fry, Steve Sward (by phone), and Chief Richard Pepper.

ISLANDERS PRESENT: Rich Gross and Sue Ann Cousar (with Arthur Mason by phone)

1) CALL TO ORDER: Chairman McDonald called the meeting to order at 10:01 AM.

2) MINUTES: Minutes of the 11 July meeting were read; **Wildeman moved**, Jenkins seconded, and **all voted aye** to accept the minutes with corrections.

3) TREASURER'S REPORT: The current status of the accounts are:

- The two ad valorem accounts (checking and savings) had 31 July ending balances of \$96,361.69 and \$0 respectively (and the savings account has been permanently closed because of low interest rates). Commissioners discussed that this now takes us to about 99.8% of budgeted revenue collected through July, leaving only \$1,078 uncollected, which is very good news. Salaries and fringe benefits is at 92% spent (over budget by 9% or about 1 month of labor expenses) and with 99% of the total, even though our overall budget target should be 83% through this point in the fiscal year.
- The Impact Fee account had a 31 July balance of \$5,222.87.
- As of 31 July, the Special Assessment checking account had \$69,857.95. Treasurer reported that \$426,407.21 of the \$447,400 Special Assessment (95.31%) was received as of 31 July, leaving \$20,992.779 outstanding (plus a check for \$2288 was received in early August). We are slightly under budget on the Special Assessment expenses at about 81% spent (while 83% through the year). The Rental & Leases line is now at 132% (49% over budget).
- Donations: The Friends of the Fire Department checking account had a balance of \$27,253.54 as of 31 Jul (collected over \$65,891 in donations so far this year). The Treasurer stated that most of the ALS bills are now fully paid (may be down to a "couple

of thousand dollars" left), plus the Contender initial outfitting still to be paid (about \$5000-\$6000 is the best estimate).

- Projected Year End Reserves: Total Cash on Hand as of 31 July is \$198,696.05, with \$1,078 in remaining Ad Valorem and \$20,992.79 in remaining Special Assessment uncollected taxes. Assuming 50% of that amount will be uncollectable this fiscal year and using pro rata budget data for the remaining 2 months of the fiscal year, Treasurer estimates only \$35K in year-end reserves. Fry again stated that includes "unspendable" cash that overstates the calculation (\$5,223 in the Impact Fee account and maybe as much as \$27,254 in the Donation account), leaving less than \$3,000-\$10,000 as "spendable" year-end reserves (instead of \$135,000 in year-end reserves that were budgeted, reduced because of overspending).
- Line of Credit: Treasurer Wildeman has completed the paperwork with the Bank for our approved increase to \$500K for the Line of Credit for next year; Chairman and Secretary will sign the loan documents before the end of the meeting.
- **McDonald moved** to accept the Treasurer's Report, Sward seconded, **all voted aye**.

4) The regular meeting was temporarily suspended for the Special Assessment Hearing at 10:34 AM, for the 2nd year's special assessment, as approved by the voters in July 2014.

RESOLUTION No. 2015-0815(1) A RESOLUTION OF THE FIRE BOARD OF THE UPPER CAPTIVA FIRE PROTECTION AND RESCUE SERVICE DISTRICT, LEE COUNTY, FLORIDA; ESTABLISHING AND APPROVING THE AMOUNT OF THE FIRE SERVICES NON-AD VALOREM ASSESSMENT FOR YEAR TWO (TAX YEAR 2015, FISCAL YEAR 2015-2016); CONFIRMING, APPROVING AND ADOPTING THE FINAL ASSESSMENT ROLL; PROVIDING THAT ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; DIRECTING THE FIRE CHIEF OR DESIGNEE TO CERTIFY THE ASSESSMENT ROLL AND DELIVER SAME TO THE LEE COUNTY PROPERTY APPRAISER AND LEE COUNTY TAX COLLECTOR AND TO RECORD THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE was read by Attorney Pritt.

- Discussion about continuing to exempt 30 boat slips and private airstrip for fiscal year 2015/2016, as raised at the July meeting, even though the Weyer report recommended that they be exempt last year and this year. **Sward moved**, Fry seconded, that we add the various free-standing docks and the airfield to the methodology. Pritt stated that since those property owners were not notified 30 days in advance of today, we would have to delay the certification of the rolls until a properly noticed meeting is made (and a delay would cause us to miss the submission cutoff date to the County ... and if we miss the 1 September cutoff date, we would have to collect the second year's special assessment again). **Fry proposed a friendly amendment** that we would change the motion for fiscal year 2016/2017 (3rd year of the assessment), seconded by Sward. Commission also directed Treasurer to coordinate with Pritt and Weyer for legal and methodology review (for fiscal year 2016/2017), in sufficient time for discussion and

decision next year for Year 3. Public comment asked if there wouldn't be any increase in the overall revenue generated, why would we bother (especially since the District would have to pay for Weyer to review the methodology ... but Treasurer stated that Weyer will be paid roughly \$2000 every year to update the methodology and assessment roll).

Chair called the motion whether to direct the Treasurer to coordinate with Weyer for a recommendation about including the airfield and the free-standing docks in Year 3's Special Assessment, motion **passed 3-2 (McDonald and Wildeman against)**.

- **Move by Chair** that we accept, by acclamation, to accept the proposed methodology and assessment roll for Year 2 (fiscal year 2015/2016) and there were no objections.
- Discussion then shifted to the proposed 2015/2016 Special Assessment budget. Chair asked about the reason for the large increases in some of the budget lines compared to last year's approved budget but the assessment proposed is an increase of \$18,641 over last year (to account for the taxpayers taking the maximum 4% early payment discount). Motion to set the Special Assessment at \$466,037.53 for 2015/2016 **by Wildeman**, second by Sward, **passed 4-1 (Fry voted no)**.
- Public Comment (2 members): Both stated that they understood the methodology
- Move to approve RESOLUTION No. 2015-0815(1) for Year 2/Fiscal Year 2015/2016 **by Wildeman**, second by Fry, **all voted aye**.
- Motion **by Jenkins** to end the Special Assessment meeting, second by Sward, **all voted aye**.
- The regular meeting restarted at 11:30AM.

5) CHIEF'S REPORT: Calls to date are 121.

- ALS Update/Staffing: Mr. Kinsey is no longer the ALS Coordinator and CAPT Givens will become our Field Training Officer (FTO) and ALS Coordinator (saving \$6-\$12K per year) now that the ALS program is up and operating.
- M192 Training: Paul Russell, our former Coast Guardsman, is continuing to train and provide check-rides on operation of the boat and the electronics.
- Update to Property Owners: No change to the target date for completion of the update, still planned for October 2015 that will lay out all of the improvements within the District, including the expansion to four on-duty firefighters, our new ALS capabilities, the new boat, and the maintenance of existing road signs and the installation of new road signs.
- House Numbering: Bill Byrne's project to verify that all houses have visible street numbers is now down to 10-20 homes on Upper Captiva that are still not marked. The District is near the point of forwarding that list to Lee County Code Enforcement.
- Thank-You Letter: Mr. Mejia received a letter thanking him for the signs on the island and a letter to Bryan Brillhart of NCIC for thanking him for their installation of signs on the island will be sent shortly.
- Bay Door Maintenance: \$1700 cost for replacing a motor and tracks for one of the bay doors; at some point, all of the doors will require maintenance (possibly including replacing the electric motors and tracks on all of the doors).

6) COMMISSION REPORT: The Contender Executive Summary changes discussed at last month's meeting was inadvertently not posted. Commissioners were asked to do a final review and notify Chief if there are any changes. Chair asked all Commissioners to review in the next 2 days and, if there are changes, provide them to the Chief (and if no changes are received, the Executive Summary will be posted, without further changes).

7) OLD BUSINESS:

A) Foreclosure Letters:

- Pritt's firm (Jennifer Nichols) provided suggested modifications to our proposed District letter for taxpayers that owed less than \$1000. Fry will finalize those letters for mailing by certified mail (estimated cost of \$100-\$120 for certified mail) and those letters will go out next week for the taxpayers that have not paid the special assessment (instead of paying the law firm to prepare and mail the letters).
- Chair asked Pritt to express his concerns with the District proceeding on the next step for legal actions (up to and including foreclosure) who have not paid for those that owe more than \$1000 and received the first legal letter. Pritt read the list of who had paid and stated that the following property owners that received the first letter had still not paid (totaling \$5100):
 - Lanza Trustee For Hanover Street Realty Trust on South Banks for \$2067
 - Berns Management LLC on Hidden Lane for \$1749
 - Fischer and Salvatore on Butterfly Shell Drive for \$1284
- Pritt recommended that the Commission not take the next step in taking court action since this remaining amount is a priority lien (higher priority than even a mortgage) on the property and it will be paid eventually (barring a bankruptcy) if/when the property is sold, refinanced, or transferred.
- Fry stated that at some point, the Commission will have to make the hard decision of foreclosing to force payment, as a fairness issue for our other taxpayers that have already paid (and that these 3 could be dunned again). Sward stated that it doesn't make much sense to keep sending another letter. Wildeman asked if there was any way to impose a penalty or interest charge and Pritt stated that there wasn't (it would be this amount in perpetuity). Wildeman stated it would cost more money to collect than the amount of money owed. Fry suggested that we should make this a monthly update topic, including the names, in the minutes. Chair asked for a sense of the Commissioners to "to delay the collection indefinitely and report status, by name, monthly". **All agreed.**

B) Employee Manual:

1. Pritt recommended that the employee can ask Chief for a "Reconsideration" but that the only recourse to his discipline decision should be a Court case (rather than the Board or Arbitration).
2. Commissioners agreed with the recommendations and changes and Fry stated that he would finalize and provide to Chief for copying/distribution to employees, starting next week.
3. Wildeman stated that there are currently no personnel policy documents for our two full-time employees. Wildeman recommended that those documents become our next administrative priority.

C) Budget Amendment for Fiscal Year 14/15: After discussion, the Commissioners decided to defer a final budget revision resolution until the October 2015 meeting, when final 2014/2015 expenditures are complete.

D) Ad Valorem Budget 2015/2016: Treasurer recommends spending totaling \$642,927 (partially funded with \$15,000 in an asset sale of L191). Sward asked, if we overspent by over \$120K this year, why we think that next year will be any better than in past years ... other than we have nearly exhausted our \$124K in prior year carryover reserves. Chair then asked Treasurer how this proposed budget will deal with Chief's physical injury that will have him out of work during next month/next year (Wildeman stated that he did not account for this due to uncertainties with regard to Chief's recovery he suggested budgeting for "normal" conditions and dealing with actual down time as it occurs"). The vacation estimate, although for a significantly smaller dollar amount, may cover the replacement part-time firefighter cost for the short-term surgery recovery period (but not the total 4-6 months physical rehabilitation period before Chief is medically fit for full duty). Then it was announced that neither Chief nor the Assistant Chief have a contract (and that there is no current written policy on an extended sick leave policy). The Chair asked Pritt and Bookkeeper Lynch about how to fund this huge, unknown, unexpected cost. Pritt stated that if the Board decides to fully fund the Chief's salary and benefits, there will be no choice but to borrow against the Line of Credit.

8) NEW BUSINESS:

A) L191 Bid: The Commission directed Chief to advertise the sale of L191 by a sealed bid, (high bid will purchase, with no reserve) since a previous Board meeting already declared L191 as excess equipment.

B) Assistant Chief Kinniry: Chief stated that the Board needs to make Assistant Chief Kinniry the Acting Chief while Chief is out for surgery and recovery (and any future absence, until further notice). **Wildeman moved**, Fry seconded, **four voted aye** (Jenkins had left the meeting and didn't vote).

C) Bulk Lubricating Marine Engine Oil: Assistant Chief proposed buying marine engine oil in 55 gallon drums instead of buying in smaller packages at a higher unit price. This is a routine, operating expense and doesn't require a Commission vote.

9) PUBLIC COMMENT: None

10) NEXT MEETING DATES: 12 September and 19 September 2015

11) ADJOURN – **Move** by **Wildeman**, seconded by Fry; meeting adjourned at 1:46 PM.

Respectfully submitted,

Bill Fry
Secretary