

Upper Captiva Fire & Rescue District

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servicing the community with pride

BOARD OF COMMISSIONERS

REGULAR MEETING

27 October 2017

COMMISSIONERS PRESENT: Zeke McDonald, Tom Jenkins, AJ LaVallie, Steve Sward, Bill Fry (by phone), and Chief Bob Kinniry.

ISLANDERS PRESENT: Karen Sirabian, Sue Ann Cousar, Georgia Murphy, Carolyn Creagh, George Parke, Rich Gross, Horst Eylerts, Joe Miklavcic, Linda Henderson, Erin LaVallie, Arthur Mason, Sherman Cottrell, Travis Parker, JoAnn Beiermeister, Rick Fox, Patricia Hoffman, Bill Byrnes, Evan Kreeple, Ella Jeffries, Bryan Brillhart, Gary Walker, CAPT Ron Givens (by phone), and CAPT Mack McMullen (by phone).

1) CALL TO ORDER: Chairman McDonald called the meeting to order at 10:00 AM.

2) Chair suspended the agenda without objection and stated that:

- The last couple of months have been amazingly difficult for the Community and District with a house fire destroying 2 houses in mid-August, a flood on the south end of the Community not seen before, Hurricane IRMA in early September that caused the evacuation of the island due to a forecasted 12' high storm surge, and then Hurricane NATE caused high tides and extreme flooding on the north end of the island.
- These events and potential disasters caused huge impacts to the District and he is very proud of Chief Kinniry and his team's work during all of these challenges that were met successfully.
- Rick Fox has volunteered his time and expertise in heading a community committee to search for a long-term Chief, if he receives permission from his SHC Board of Directors.
- Chief Kinniry will continue to act as the Interim Chief until a suitable replacement is identified.
- Chief has led our team during the transition to a professional fire department with 43 part-time firefighters and two contractors (Lawyer and Bookkeeper). Even during the many events of the last 2 months, Chief Kinniry has led our team, with no injuries, loss of life, or loss of property or equipment, other than the unavoidable loss of 2 homes during the fire.
- It will be quite difficult to find the kind of Chief that we want out here with our meager budget and challenges of our island. Chief will remain in the Chief's position until a suitable replacement has been found and will remain as Assistant Chief in order to help

a new Chief in understanding the island's unique challenges. Chair is not in any hurry to find a new Chief but the search process will take an extended period of time.

- Arthur Mason asked the Chair and community to thank Chief for his past service, including a round of applause by the community and Board.

3) NEW BUSINESS – Search Committee for a New Chief:

- Rick Fox stated that he would like to begin preliminary discussions with the Chief, Treasurer and others in the Community to get a better understanding of the duties and responsibilities for a new Chief, the funding and resources available for pay & benefits, and plans to provide a recommended path ahead in a logical manner at the November regular meeting.
- **McDonald moved** that we appoint Rick Fox to form a committee for a nation-wide search for a new Chief as a long-term view, **seconded by Jenkins**.
- Chief recommended that the search should be focused locally first, state-wide next, and nation-wide if necessary. There were problems before Chief Pepper was selected with national candidates not understanding either Florida firefighter requirements or our local challenges as a barrier island.
- Fox stated that the first step would be advertising for resumes nationally but could then screen those responses for suitability, without limiting the initial ad or search
- LaVallie stated that Fox initially proposed providing details about the path ahead at the next meeting in November and it might be premature to discuss any details that are currently incomplete and not fully formed. Fox agreed.
- Brillhart stated that work needed to be done to identify all of the physical qualifications and certifications for a new Chief and Chair agreed.
- Murphy suggested that it would be prudent to involve representatives from SHC, NCIC, and other homeowners that aren't members of either club to identify what the community wants and expects for a future Chief.
- Sward asked whether a recruiter/search consultant was contemplated and Fox stated that he didn't currently envision the need for that but wouldn't rule it out. His experience when he worked in Public Accounting with the largest non-national firm in Florida as the company's Director of Personnel, successfully conducted national searches for CPAs.
- Chair stated that details will become clearer over the next few months after Fox has had a chance to meet with Chief, Fry, Brillhart, and others in the community.
- Chair called the question and **all voted aye** to approve the motion.

4) TREASURER'S REPORT:

- Balance Sheet:
 - The Ad Valorem checking account had a 30 September ending accrued balance of \$12,379.01

- The Ad Valorem Money Market Account had a 30 September ending accrued balance of \$328,496.06 (including \$170.37 in interest for September)
- The Friend's account had a 30 September ending balance of \$15,309.79 (including \$8.05 in interest for the quarter)
- The Impact Fee account had a 30 September ending balance of \$2,219.55 (including \$1.17 in interest for the quarter)
- Fry stated that there were no unexpected outstanding liabilities other than the usual transfers of expenses between the General Fund and Special Assessment Fund. As estimated at the 16 September meeting, we did end the year with about \$340,900 in the two operational accounts and, absent another extraordinary event, we shouldn't need to borrow from our Line of Credit this calendar year.
- Consolidated Income and Expense Report Ending 30 September: Based on the current data, we underspent the budget by about \$105K (or about 10% of the budget) last year. Pay & Benefits was 95.4%, Operating Expenses at 73%, and Capital Investment at 82.4%. Some of that underspending is explained by the Chief not completing any certification training or conducting the Company Drills that were in the budget at his request last year (and are in the budget again this year), that potentially affected Pay & Benefits, Per Diem, and Training & Education. There appear to be a number of small amounts that we may have seen in October that were against September obligations but we won't see a meaningful update of the year-end report until the auditor's report in May/June 2018 such as (Legal Advertising for our September meetings of \$1500-\$2000, installing the new motor on the crew boat for Capital, and possibly the September health insurance premium for Chief).
 - Chair asked whether the P&L was completely accurate due to these outstanding obligations and future payments and Fry stated that it is accurate as of 30 September. Each year, there are usually minor adjustments as the auditor moves expenditures and obligations between fiscal years and then certifies those statements as part of the audit process, that the Board then approves and are then filed with the State.
 - Chair asked whether the reported underspending might be due to IRMA impacts with our bank, County, and our suppliers and Fry agreed that was likely part of it.
 - Chair asked whether there was sufficient cash in the bank to get through the end of December and Fry again stated that we spend about \$70K-\$75K/month during the first quarter (needing \$150K-\$200K in the bank to pay those bills before meaningful deposits begin by the County), and with \$340K in the account, we should not need to borrow from the line of credit, unless there are other large, unforeseen events since we have another month of hurricane season remaining).
 - Sward asked whether the Governor's Executive Order that pushed back various dates due to IRMA would affect when taxpayers have to pay or slow down our expected receipts and Fry stated that we haven't received anything from the County to indicate that there would be any delay of first tax receipts.
 - Chair asked how the \$105K underspent would cover \$150K-\$200K in expected 1st quarter spending before the County starts depositing revenues in December and Fry stated that he was comparing apples to oranges ... the oranges are the \$105K in

underspending (that will actually increase our actual reserves) while the apples are the \$340K in bank accounts that would cover 1st quarter expenses.

- **LaVallie moved** to accept the Treasurer's Report, **Jenkins seconded, all voted aye.**

5) CHIEF'S REPORT:

- Calls: 76 calls year-to-date in August, 81 calls through last month, and as of today 86 calls for the year
- Equipment:
 - High Volume/High Pressure Pump:
 - 10-8's original proposal for the Grant Application that was disapproved by FEMA was about \$49K and a competing on-line cost from Fire Penny for the pump only was \$39K; the difference in cost for the pump is about \$3K higher from 10-8 but it includes a better primer pump that isn't available from Fire Penny ... and that less robust primer pump is what failed on the new pump during the February 2013 fire and had to be replaced afterwards.
 - Fry asked whether Chief had gone back to 10-8 to seek a reduced price or even a match of the on-line price and Chief said that he had not and Sward and Chair agreed that negotiation needed to occur with 10-8 before the order was placed.
 - Chair also stated that the proposal included a new trailer and that our old trailer had become rusted and unreliable. LaVallie asked whether we had storage space for another trailer-mounted pump and Chief said he would make room for it. Fry stated that if Chief was going to make room for it, it begs the question of why the old trailer has been outside for the last 1-1/2 years rusting and Chief stated that it was because the pump was torn down in an attempt to fix it and it was left outside out of the way. Fry said that meant it was left outside to further deteriorate, it might not have needed to be replaced, and probably lost a larger resale value on GovDeals.com because of that outside storage.
 - **Chair moved** that we approve purchase of the trailer-mounted pump, **seconded by Sward**, directing the Chief to bargain for best price, **all voted aye.**
 - GovDeals.com: The motor on the crew boat was replaced and the old motor was sold for \$4,000, with that check arriving soon
 - Utility Vehicles:
 - High flooding has taken a toll on our vehicles and parts are on order for two of them with one unusable for steering and the other is marginal
 - Chief rented a golf cart for routine patrols while the 2 utility vehicles are down
 - Since the first rescue 6x6 utility vehicle was purchased, the District has tried multiple products to "rust proof" the underbodies of our utility vehicles with poor early results but it appears the latest product that we are using has reduced damage on the new R191 and it appears that the new product does work and will be used on all future purchases before they are placed in service.
 - With the lack of manufacture of 6x6 utility vehicles, the next R191 may need to be installed on a compact pick-up rather than a utility vehicle

- Chief has ordered a new utility vehicle to replace U191 with another 4-wheeled/short bed that is unusable for anything but pulling a trailer
- E191 Engine/Pumper: The loaner was returned to San Carlos Park with NO cost for repairs after CAPT McMullen cleaned, detailed, and refilled the truck before return
- Fire Break Maintenance: No update from Chief or LaVallie
- The Board accepted the Chief's Report

6) COMMISSIONER REPORTS:

A) Sward-Legal Representation: Attorney Pringle will attend the 17 November 2017 meeting

B) LaVallie-Community Committee Update:

- Pathway maintenance tabled until the November meeting, when we select a new legal advisor, and determine a path forward
- NEW BUSINESS – IRMA Debris Chipping: Chair troubled by the amount of debris that is still piled along the sides of our roads that is continuing to dry out and becoming a greater fire hazard each day. After speaking with the County EOC, Crowder Gulf has the clean-up contract for the entire County.
 - Brillhart/NCIC spoke with Crowder Gulf to become a sub-contractor to them to accomplish on-island chipping. In early October, Brillhart took out the Regional Manager of Crowder Gulf and FEMA, surveying the roads in the entire community, with GPS coordinates identified and cubic yard estimates completed, with Crowder Gulf paying \$2/cuyd and \$0.30 for management. What that meant was that for all of Seair, they estimated payment of only \$400, with only \$2000 - \$3000 to chip the piles on the whole island, a woefully inadequate reimbursement.
 - Fry asked, based on those reimbursement rates, why we haven't told Crowder Gulf to send out their equipment and complete the chipping themselves, since an on-island subcontractor can't do the job for that amount?
 - Murphy asked why this isn't the property owner's responsibility and Chair stated that most of the piles were initially created by clearing pathways, piling debris into just a few owners' properties and that the costs for the District to pay and then re-bill property owners is more costly and time-consuming.
 - Mason and Fry asked why Chief didn't request written cost proposals BEFORE this meeting? This requirement has been known since 12 September that the District might have to prepay for chipping and request FEMA-reimbursement after the fact. Fry stated that we CONSTANTLY discuss issues without having cost details or alternative options IN WRITING provided before each meeting. Then we vote to spend money anyway.
 - Byrnes stated that Kennedy/Clean Cut is willing to come back out to chip debris and/or clear the roads like last year

- **Fry moved** that we ask on-island and off-island contractors to provide cost proposals by 7 November to chip the existing piles along the sides of the road and award the contract or contracts at the 17 November regular meeting, **seconded by LaVallie**.
- **Chair proposed a friendly amendment** that we authorize the start of chipping existing debris piles immediately, up to a \$7,500 limit against the lowest-cost proposal that the Chief selects, which was **agreed to by Fry and LaVallie**. Then the discussion morphed into starting chipping immediately without a written cost proposal approved by the Chief in advance.
- Sward stated that it sounded like we need to divide this into two motions; first to approve \$7,500 for Cottrell to work over the next 2-3 weeks and then ask for bids for whatever is left after that initial chipping has been completed.
- Sward asked the Chair to call the question to the original motion for bids by 7 November, with the award of a contract on 17 November. **Vote was 2-3 (McDonald, Jenkins, and LaVallie opposed) and motion failed.**
- **Sward moved** that the Board authorize \$7,500 to pay Cottrell for chipping of existing piles over the next 2-3 weeks and the Board will revisit any remaining debris piles at the 17 November meeting, **seconded by Jenkins. Vote was 4-1 (Fry opposed).**

7) OLD BUSINESS:

- A) Repair or Replace the Station Generator: Tabled until January when Chief provides further information about alternatives, costs, and whether building a wooden/tin-roofed shelter will protect the generator sufficiently.
- B) Officer Chain of Command/Organization Chart: Tabled until 17 November when Chief provides further detailed information about duty descriptions, what the 3 officers' additional duties will entail and how frequently those duties will need to be performed.
- C) Sol Vista Fire After Action Review (AAR) – All documents are posted on line (links provided below):
 - Final Fire Incident Report Discussed at 16 September meeting at http://ucca1.com/images/Incident_Report_Approved.pdf (Enclosure 1)
 - Chief's Narrative read into the minutes during today's meeting at http://ucca1.com/images/08112017_Chief_Narrative.pdf (Enclosure 2)
 - Detailed AAR Discussion read into the minutes at http://ucca1.com/images/08112017_After_Action_Review_Final.pdf (Enclosure 3)
 - Detailed AAR Issues & Solutions read into the minutes at http://ucca1.com/images/08112017_Issues-Solutions_Final.pdf (Enclosure 4)
 - Questions and Discussion:

- LaVallie asked what the next steps were and Chief stated that he will be discussing with his officers and will identify what actions that can be taken without funding, what will require funding, and what solutions they recommend to reject
- Sward stated that the blockage of the pathways to the draft points really stood out to him, indicating that the Chief and his team need to survey the island every day to identify blockages and work with the property owners and their contractors to resolve (or reporting the property to Code Compliance)
- Sward asked the Chief to bring the list to the next meeting
- Public Questions:
 - Are roads leading to the Gulf of Mexico authorized draft points? Chief stated that the Gulf is not a preferred draft point to move the 750 gal/minute down to the beach or drafting the saltwater.
 - Doesn't the District have the authority to pull up pilings, cut trees, or remove concrete walls that block access to water draft points? Chair stated that is a legal question and we already have people say that we can't maintain or clear the roads on documented easements, so that remains an open question.
 - Does the District maintain a file of daily reports that can be reviewed after an incident, so that we can hold Chief and our fire fighters responsible? Sward stated that he wants those daily inspections filed either on paper or scanned to computer, along with a report at the next meeting to the Board on blockages that can't be solved by the Chief.
- Fry stated that the detailed answer to LaVallie's question 15 minutes ago is that the Board needs to direct Chief to create more detail about each of the potential solutions, identify his timeline for implementing the no cost solutions, identify costs of solutions that require funding to implement for Board decision, and for those solutions that are too expensive, what replacement solutions might be available that are cheaper or mitigate the problem/risk in a different way. And that process is an on-going Board update at every monthly meeting until all of the problems and potential solutions are implemented or rejected.

D) IRMA After Action Review:

- Chief's Narrative read into the minutes at http://ucca1.com/images/Hurricane_Irma_Response_Narative_10222017.pdf (Enclosure 5)
- Detailed AAR Discussion read into the minutes at http://ucca1.com/images/Hurricane_Irma_AAR_10132017.pdf (Enclosure 6)
- Detailed AAR Issues & Solutions read into the minutes at http://ucca1.com/images/Hurricane_Irma_Issues-Solutions_10132017.pdf (Enclosure 7)
- Chief stated that there was a letter to the State that complained that the District closed the Station, even though it was the only concrete storm shelter on the island. The Station has never been designated as a storm shelter by the District or the County since it is a wooden structure with stucco on the equipment bay walls, no different than any

other building here on the island built in the 1990s. Even though it was used during Hurricane Charley, it was only because Charley was initially forecast as a Category 1 hurricane headed towards Tampa and it only swerved towards the island and increased to Category 5 within hours of hitting the island, too late for islanders that hadn't previously evacuated the island. Those that sheltered there made a mistake not evacuating and the Station shouldn't ever be used as a shelter again. The Coast Guard was called at the last minute to evacuate islanders immediately before Charley hit but that request was denied.

- Questions and Discussion: Why is Island Girl designated by the Lee EOC when they pulled their boats out of service on Wednesday night, when every other boat operator provided boat transport off-island until Friday afternoon? Shouldn't NCIC apply for Lee EOC designation since they provided better service for a longer period than Island Girl? Chair stated that Chief will coordinate with Lee EOC to see if other, more reliable providers can be designated.

E) Draft Ad for New Full-Time Hire: Tabled until 17 November meeting

F) New Proposed Volunteer Program Identified Tasks & Training Plan: Tabled until 17 November meeting but Fry stated that this has been tabled for 6 months now, when it was first discussed at the April meeting, and fears that the continued delay means that we are unlikely to have a fully functioning volunteer program this season. Chair suggested that Chief share his existing plan with the UCCA and SHC membership and Fry stated that it should be IN WRITING as a handout for the two Boards to provide to their membership.

G) Chief Kinniry's FY18 Compensation:

- Chair recapped what the Board decided at the 30 September budget hearing that re-characterized the FY17 raise as a one-time bonus for work as Acting Chief and reneged on the August approved \$2,000 raise
- **Chair moved** that the Board counteract the actions at the last meeting and restore the \$5,000 salary raise and \$1,250 retirement approved in FY17, **seconded by Sward**.
- LaVallie asked for further discussion and explanation of the Chief's total pay & benefits.
 - LaVallie, as a financial planner, believes that his base salary of \$60,000 and \$15,000 in retirement should be the only things viewed as Chief's compensation, since the \$15,000 is a defined contribution plan that is usually a voluntary decision by an employee how much to contribute each year, that could be taken as salary instead
 - LaVallie doesn't believe that the \$8,400 in extra shifts in FY17 should count as compensation since it is "overtime", worked in an emergency situation when Chief cannot find a part-time firefighter to cover the shifts
 - LaVallie doesn't believe that the PTO cost of \$8,400 is compensation, even though Fry stated that Chief is allowed to accrue nearly 50% of PTO every year and, at some point the Chief will be able to cash in those accrued PTO days, receiving cash from the District (and it is a future cash liability to the District)

- LaVallie doesn't believe that Housing Allowance is part of compensation since we don't count the housing cost for the part-time firefighters, that he doesn't believe the next Chief should receive a housing allowance, and that the existing meeting room should be converted to an apartment for the next Chief
- Adding those bits up, the District should only say that the Chief's compensation is \$75,000 (adding only base salary and retirement), that the \$22,800 (housing and overtime) shouldn't count at all, even though they appear on his W-2, and the other items are benefits. That Chief really only makes \$108,000, not \$139,000 that Fry shows on the worksheet.
- Fry reiterated that the worksheet shows total District costs for the position and why, in an attempt to show the differences between direct payments TO Chief and payments made to others FOR Chief's benefit, the numbers are listed separately
- LaVallie took exception with the editorial comments that Fry made on the worksheet posted on the website (http://ucca1.com/images/History_of_Chief_Kinniry_s_Pay_Benefits.pdf) and made public since he believes that we pay the Chief too little and that his compensation is not out of control
- McMullen stated that his District pays a firefighter \$52,000 out of school with no management responsibilities
- Sward stated that Chief decided at the last meeting to forgo the \$2,000 raise, so the Board didn't renege, and that the \$5,000 decision at the last meeting was a contract decision, since there was an absence of facts about the fire and IRMA. It is clear from the discussions today in the AARs that there was no reason to reduce the Chief's compensation and that he now feels that the salary should be reset to \$60,000 and retirement of \$15,000.
- Jenkins agreed that the AARs answered all of his concerns and that since there were a lot of upset people last month, he couldn't vote for a raise last month. And he agrees with LaVallie and Fry that the existing meeting room should be converted into a new apartment that will have 4 firefighters in the building every day.
- Board **voted 4-1 (Fry opposed)**.

H) Station Maintenance Plan, Schedule & Costs: Tabled until 17 November meeting

8) NEW BUSINESS:

A) Hurricane IRMA Vegetation Clean-Up: Covered in 6B) above

B) Search Committee for Future Chief: Covered in 3) above

C) Pathway Maintenance:

- NCIC/Brilhart provided a document to the Board about estimated costs for capital improvement and maintenance, estimated at \$300,000 capital improvement total and \$20,000 in annual grading/maintenance

- The existing grader is broken, its engine is beyond its life, not worth repairing, and replacing the engine would be \$7,000
- The existing tractor is broken and requires \$2,000 for repairs
- Parker stated that the cost to improve and maintain the roads is cheap compared to the costs that islanders and the District pay for damaged golf carts and fire equipment. He also stated that he signed the petition in support of the non-ad valorem tax to improve and maintain the roads on the island.
- Henderson asked why the renters aren't surcharged as part of their cart rental instead of owners paying a new tax? LaVallie stated that the District couldn't legally impose or collect a tourist tax on the renters.

9) MINUTES:

- Minutes of the 18 August Regular Meeting were read; **LaVallie moved, Jenkins seconded**, and **all voted aye** to accept the minutes without correction.
- Minutes of the 16 September Regular Meeting were read; **LaVallie moved, Jenkins seconded**, and **all voted aye** to accept the minutes with corrections.
- Minutes of the 25 September Tentative Budget Hearing were read; **LaVallie moved, Jenkins seconded**, and **all voted aye** to accept the minutes without corrections.
- Minutes of the 30 September Final Budget Hearing were read; **LaVallie moved, Jenkins seconded**, and **all voted aye** to accept the minutes with corrections.

10) PUBLIC COMMENT: Public comments were made throughout the meeting. Henderson returned and stated that she didn't understand the Board's decision on Chief's pay and wanted to know if the Community will have a voice when it comes time for the pay & benefits for a new Chief. Chair stated that the Community is welcome to attend every monthly meeting and that was the time to express any concerns about issues.

11) NEXT DATE: The next Regular Monthly Meeting is Friday, 17 November at 10AM.

12) ADJOURN – **Moved by Jenkins, seconded by LaVallie**; meeting adjourned at 2:19 PM.

Respectfully submitted,

Bill Fry
Secretary/Treasurer