



Upper Captiva Fire & Rescue District

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Richard Pepper, Fire Chief • Bob Kinniry, Assistant Chief

BOARD OF COMMISSIONERS

REGULAR MEETING

16 January 2016

COMMISSIONERS PRESENT: Zeke McDonald, Roy Wildeman, Tom Jenkins, Steve Sward, Bill Fry, Chief Pepper, and Acting Chief Bob Kinniry.

ISLANDERS PRESENT: John Mejia, Bill Byrnes, Arthur Mason, Gene Murphy, Karen Sirabian, Andrea Pepper, and Joann Beiermeister

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

2) MINUTES: Minutes of the 12 December meeting were read; **Jenkins moved**, Sward **seconded**, and **all voted aye** to accept the minutes with corrections.

- Question from the public was whether draft minutes could be posted on the website after completed (but before the board approved at the following meeting). Chair asked for comments and Fry said that a watermark showing them as unapproved could be added and that he would prefer to post them once complete. After discussion of the board, Chair stated that the sense of the board was to post minutes while in draft (and labeled as unapproved).
- Question from the public was at what point it was appropriate for additional questions and Chair stated that board's practice was to allow questions interspersed throughout the meeting, during the topic being discussed, as well as at the end of the meeting.

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

- The ad valorem checking account had a 31 December ending balance of \$144,102.81, including deposits of \$323,864 of net tax revenues. Overall expenditures are at 38.6% (with 25% of the year completed) but, if the LOC payoff of \$80K were excluded, it would be 25.5%, putting us slightly over budget so far (the same \$80K is in Revenue). Further discussion about timing issues with Ad Valorem pay and benefits being under-budget and Special Assessment over-budget, primarily caused by the continued convalescent leave payments/advanced pay to the Chief (about \$23K pay & benefits should transfer from Special Assessment to Ad Valorem). Contributions of assets is \$9K (Don

Beiermeister's boat) plus about \$4.4K in cash memorial donations were used to repair/improve the boat for operations as our new Crew Boat. Board thanked Joann Beiermeister for both the boat and the cash memorial donations.

- The Impact Fee account had a 31 December balance of \$6,651.63 (\$2.52 was deposited during December).
- As of 31 December, the Special Assessment checking account had \$272,438.18, after deposit of \$230,477 of net tax revenues. Overall expenditures are at 48.7% (with 25% of the year completed) but, if the LOC payoff of \$50K were excluded, it would be 37.3%, still putting us significantly over budget so far (primarily due to the \$40K borrowed in Sep/last fiscal year) and \$23K for 1st Quarter to reallocate back to Ad Valorem.
- Line of Credit: The LOC was paid off with \$90K from the Special Assessment checking account and \$80K from the Ad Valorem checking account (plus accrued interest), reinstating our full \$500K limit.
- Donations: The Friends of the Fire Department checking account had a balance of \$21,010.32 as of 31 December. Over \$18K in memorial donations for Don Beiermeister and the 3rd Annual Run/Walk were deposited into the Ad Valorem checking account.
- Fry asked whether we could get Excel formats, in addition to the PDF, and the sense of the Board is that the Bookkeeper should provide, if Commissioner(s) request.
- Public Question: Is the District able to assess the increases in how much new homes and other valuation increases are improving the revenues of the District. Treasurer stated that the owner typically delays adding new homes to the tax roll (delays in Certificate of Occupancy) and valuation increases are returning much slower than the decreases (today valuations are about \$172M and it was about \$284M in 2008/2009). Fry stated that in FY15, it was about a \$3M increase in valuation (or \$10K in revenue) and in FY15, it was about \$10M increase (or \$37K in revenue). Next question was about the \$16K Special Assessment showing in Accounts Receivable (answer deferred since details will be discussed during Commissioner Report 5A).
- **Sward moved** to accept the Treasurer's Report, Jenkins **seconded**, **all voted aye**.

4) CHIEF'S REPORT: Calls to date are 6 (159 calls last calendar year, a record)

- Resignation/retirement of DepChief Higgins, effective 1 Feb 2016 (still might be available for on-call/complex maintenance tasks, as needed, up to 16 hours/month). **Jenkins moved** that the Board Secretary create a letter of appreciation for Chief Higgins' decades of service, **seconded** by McDonald. **All voted aye**.
- Chief Pepper announced that he was stepping down as Chief of the District/Authority Having Jurisdiction after 24 years & 8 months, due to family issues and can only commit up to 56 hours, including two-24 hour shifts per week going forward (need to discuss changes to pay & benefits). Chair asked for that discussion to be deferred until the scheduled agenda item for Chief Pepper's Schedule and Pay Update (Old Business D).
- Assistant Chief Kinniry reported no major new issues to the Board.

5) COMMISSION REPORTS:

A) Fry-2014 Special Assessment Update: There was one payment posted on 31 October previously not updated but no other payments for the Special Assessments:

Name	Island Address	Total	Status
PADILLA PEDRO + FUENTES DELVALLE	4441 BUTTERFLY SHELL	\$221.80	Mailed Overseas 22 Aug/Paid 31 Oct 2015
CUNNINGHAM JOE	721 RUM	\$311.55	Delivered 16 Sep (2015 NOT Paid)
ZANGHI CHARLES JOHN	4460 OYSTER SHELL	\$221.86	Delivered 24 Aug (2015 NOT Paid)
FISCHER JAMES C + MAZZA SALVATORE	4521 BUTTERFLY SHELL	\$1,283.98	Delivered 24 Aug CERT 13/14 & 2015 NOT Paid
MARMO VINCENT J + MARY JANE	4500 CUTLASS	\$767.41	Delivered 24 Aug 2015 NOT Paid
BERNS MANAGEMENT LLC	4511 HIDDEN	\$1,748.79	Delivered 24 Aug 2015-Paid
FISCHER JAMES C + SCHALL CAROLYN E	181 WHITE PELICAN	\$569.96	Delivered 24 Aug 2015 NOT Paid
SCHALL KIRBY J JR FLORIDA BROTHERS LLC	4621 ORO PESOS	\$713.86	Delivered 24 Aug (foreclosed/sold 14 Oct 2015) 2015 NOT Paid
ARANEDA EVELYN MARINA	4511 CUTLASS	\$235.48	Mailed Overseas 22 Aug 2015-Paid
MANDELL AARON H 50% +	4471 PANAMA SHELL	\$639.61	Moved (No Address) 9 Sep 2015 Paid
GROSSINGER JEROME M + LEILA	4541 ORO PESOS	\$264.06	Moved (No Address) 24 Aug 2015 Paid
TSAKIRIDIS ANATASIOS + BAHRAMIS GUS J	4440 SCHOONER	\$225.91	Unclaimed 9 Sep 2015 Paid
LEON MIGUEL A	4440 SMUGGLERS	\$491.30	Unclaimed 18 Sep 2015 Paid
SLOCUM WILLIAM D JR + MARILYN	151 HUMMINGBIRD	\$503.95	Moved (No Address) 14 Sep 2015 Paid
NORTH CAPTIVA FISH CAMP LLC	11654 REDFISH SHORES	\$271.14	Unclaimed 5 Oct CERT 13/14 & 2015 NOT Paid
NORTH CAPTIVA FISH CAMP LLC	11650 REDFISH SHORES	\$279.49	Unclaimed 5 Oct CERT 13/14 & 2015 NOT Paid
LIBERTONE DANA + LIBERTONE LAURA	12520 SOUTH BANKS	\$808.36	Delivered 24 Aug CERT 14 & 2015 NOT Paid
DEVOY SALLY + HOWICK PATRICIA	12568 SOUTH BANKS	\$580.61	Delivered 26 Aug 2015 Paid
HENKEL EVERETT III + HENKEL PENNY	12604 SOUTH BANKS	\$665.46	Delivered 24 Aug CERT 14 & 2015 NOT Paid
HERMANN G A + MYRL	12608 SOUTH BANKS	\$657.75	Delivered 26 Aug 2015 NOT Paid
ROSEN, RONALD	12616 SOUTH BANKS	\$651.36	Delivered 26 Aug 2015 NOT Paid
ROSEN, RONALD	12617 SOUTH BANKS	\$785.80	Delivered 26 Aug 2015 NOT Paid
GRANT LYNDA A	12640 SOUTH BANKS	\$685.55	Delivered 8 Sep 2015 Paid
LANZA MARK J TR	12649 SOUTH BANKS	\$2,067.39	Delivered 24 Aug CERT 13/14 & 2015 NOT Paid
TOTAL UNPAID		\$15,430.63	
TOTAL PAID SINCE AUGUST 2015		\$ 2,617.30	

- Public Question was whether it was appropriate for the Public to approach the people to ask why they haven't paid and both McDonald & Fry said that was okay. Another question was whether there is a requirement to be current on property taxes to sit on the Fire Board in the future (and the Board stated that the requirement to be a member is being a voter in the District).
- Fry confirmed with Bookkeeper the reasons for the difference between \$15,430.63 and \$16,087.57 in the December Special Assessment accounts receivable are:
 - \$ 115.88 for overpayments
 - \$ 17.06 for underpayments plus one returned check fee

- \$ 755.76 for two Condo Associations that should not have been billed (they were not billed in 2015 but neither were the individual units in 2014 or 2015)
- Sense of the Board was to ask the Bookkeeper to complete a resolution to adjust these at the February meeting
- Fry recommended that we clear the above lines from the accounts receivable by resolution(s) at the February meeting, declaring that overpayments are “donations” and underpayments/penalties are “forgiven debts” (more expensive to return or collect the overpayments and underpayments since most of them are 1 penny), while the condo associations should not have been assessed since they are “common property” (but Fry noted that the individual owners should have been assessed individually and were not)

B) Fry-Draft 360 Review Documents for Chiefs: Tabled until February meeting.

C) Jenkins-Fun Run/Walk Update: The 3rd Annual Run/Walk was a tremendous success with 325 t-shirts issued with \$12,112 in entry fees/donations and about \$3294 in expenses (t-shirts, liability insurance, and other valid costs for the events), netting about \$8800 (minus a last bill that hasn't been paid yet) that are deposited in the Ad Valorem checking account. Treasurer is still working to complete thank-you letters for all donations of \$100 or more.

D) Wildeman/Fry-Update on Proposed Policy for Employee Benefits:

- Fry completed a table of the open issues, with the stated positions from Wildeman, Sward, and Fry to organize the discussion.
- Wildeman stated that 4-shifts/week was what he budgeted in FY15 but only 3.5-shifts/week were actually worked (potentially causing \$25K of our \$110K over expenditure last year). After discussions, sense of the Board was that we would return from the 3.5 shifts/week (and the 4/3 and 3/4 bi-weekly shift that started on 1 Jan), to the 4-shifts/week (8 shifts/pay period) starting on 1 Feb.
- Discussion shifted to Compensatory Time/Overtime and Fry stated that our two full-time employees are FLSA-Exempt (and not legally entitled to extra compensation above Base Salary). The sense of the Board was that compensatory time might or not be covered and would be discussed in general language in a future contract.
- Question from Chief Pepper was about Approved Training days and Fry stated that off-duty times shouldn't be used for training and unpaid (that training required should be identified and budgeted for, training taken with the Board's approval). Sense of the Board was that Training should be fully funded (since training off-island has to be scheduled at least a month in advance for a part-time replacement to also be scheduled on-island).
- Question from the Public was whether other meetings could be scheduled to do these personnel discussions and Chair stated yes, as long as scheduled more than 7 days in advance. Another question from the Public was to confirm that Chief Pepper

was stepping down as Chief of the District but not resigning from the District. Chief confirmed that he was stepping down.

- Discussion on Chief Pepper's Schedule and Pay was moved forward on the Agenda from Old Business:
 - Chief reiterated that:
 - He was stepping down as Chief of the District and that he needed to limit his hours to only two 24-hour shifts per week.
 - Question from the Public was whether Chief would consider a 30-day leave of absence to see about resolving his family issues and Chief stated that he had already been off for 3 months, including a 2-week leave of absence during the last half of December). Next question was what was his timetable is to leave, one or two years and Chief restated completing a smooth transition and search process. Did that mean that "if the perfect person comes along 3 months from now and the Board decides to interview and hire a replacement, that would be it, that you're done?" and Chief stated "That's it, that would be the case."
 - Next question from the Public was about the budget for housing and other employee benefits being available before 1 Oct 2016 and Chair said that Housing, Retirement, and Vacation were budgeted in FY16 and now spent for convalescent leave payments (and the only way to fund them again would be to reallocate within the budget, moving money from something else this FY). Chair said that funding might very well be what moves the timeline for actually hiring a replacement.
 - Chair also stated that Kinniry had performed well over the last 5 months during Chief's injury and convalescent period and would be considered for the Chief's position.
 - Fry confirmed that Chief could only work two 24-hour shifts per week and that would be difficult to function as the Chief of the District, as well as needing to have detailed discussions with Chief on a salary adjustment or transition to an hourly/part-time Chief (as Chief Higgins was) and deciding at a future meeting when to start the search process.
- **Fry moved** that we reappoint Chief Kinniry as the Acting Chief, effective immediately, and that Chiefs Pepper and Kinniry begin the transition processes related to Authority Having Jurisdiction now, **seconded** by Jenkins. Wildeman asked for Pepper's comments. Pepper said he would agree with what the Board decided. After discussion, **all voted aye**.
- Next, **Sward moved** that we schedule a Special Meeting to discuss Personnel Pay and Benefits for full-time employees, as soon as possible, with a friendly amendment by McDonald to schedule on 30 Jan/10AM, **seconded** by Fry, **all voted aye**.
- Fry stated that he would sit down with Chief Pepper and Chief Kinniry before the Special Meeting to help document both what the Chiefs would ask for and what Fry would propose to the Board at the Special Meeting on 30 Jan.
- Further discussion was tabled until the Special Meeting on 30 Jan at 10AM.

E) Wildeman-Staff Housing Proposal: Sward asked about the “Hexagon” house on Escondido and Townhouse Rental, as well as Chief Kinniry’s housing. Tabled until the February meeting (after decisions at the 30 Jan Special Meeting).

6) OLD BUSINESS:

A) Boat Committee Report:

- M191 (Carolina Skiff): Originally purchased with a grant for South Banks response but the engine was remounted on the new Crew Boat
- M192 (Contender): Great for patient evacuation but not for South Banks fire response or water rescue. We do have permission to sell it (originally estimated as worth \$40K and now estimated by the local Contender dealer as worth \$35K in a private sale or \$30K trade-in value to the dealer). Question from the Public was did we just spend donation money to outfit it and was that wasted?; Chair responded that we have had multiple patient evacuations off-island since the boat was outfitted and we will continue to use it if/until we find a single boat platform that can accomplish all of our Marine Requirements (and that many of the items installed on the Contender may be removed and reused on a replacement boat).
- Disposal of M191 (Skiff) and Old Crew Boat (Moved up from 7A on the Agenda): Chair will confer with Attorney Pritt to determine whether we can set a minimum bid (learning from the ladder truck sale); current thinking is that Old Crew Boat with Trailer should have a minimum acceptable bid of \$2500 and the Skiff with Trailer should have a minimum acceptable bid of \$1500. **Fry moved** that we list both boats for minimum bid “as is” in the News-Press for a March bid opening, **seconded** by Sward. **All voted aye.**
- New Crew Boat: Joann Beiermeister donated a boat and we spent nearly \$6100 to repair and outfit the boat (about \$4500 paid for with donations). Fry stated that the costs exceeded Chief Higgins \$4500 proposal by nearly \$1600 ... \$700 for tank test/USCG required equipment (tasks that were not in the original proposal), \$2900 invoiced vs \$2000 proposed or proposed \$4500 and charging \$5400 (so why should the District pay more than what Chief Higgins proposed/Chief Kinniry accepted?). **Fry moved** that we pay Chief Higgins \$710 vs the \$1606 that he invoiced. **Motion failed to garner a second and the motion was tabled until the February meeting.** Instead, Chair will ask Chief Higgins why the cost was exceeded. Fry also asked about the \$2400 payment in lieu of retirement that Chief Higgins used to pay for the ladder truck (with his resignation, he was working only 4 of 12 months that the payment covered, if a 2016 entitlement).

B) Deputy Chief Higgins as Maintenance Chief: Chair will discuss further with Chief Higgins and it is tabled until February meeting.

C) T191 Replacement Update: Tabled until February meeting.

- D) Chief Pepper's Schedule and Pay Update: Discussion moved earlier to Commission Report 5D and then tabled until the Special January meeting.
- E) Pending Senate & House Bills: Fry completed the drafts for HB745 (similar to SB516 that we mailed last month) for Representative Rodrigues and Representative Nunez. Fry stated that the other two bills (SB956 and HB479) don't seem onerous in their requirements and Chief Pepper agreed that was his reading as well.
- F) Temporary Disability Insurance Update: Chief Kinniry provided an update on his policy but further discussion is required related to future benefits. Tabled until the February meeting (after decisions at the 30 Jan Special Meeting).
- G) 25th Anniversary Fire Station Open House/Cook-Out: To be discussed at the 30 Jan meeting and determine best scheduled date but would want to include dedication of our new crew boat as the "D-Wave Meister" in honor of Don Beiermeister.

7) NEW BUSINESS:

- A) Disposal of Old Crew Boat & Skiff: Moved to 6A Boat Committee report.
- B) Reschedule April Commissioners' Meeting: Tabled until the February meeting.
- C) Road/Easement Access: Sward stated that road easements are increasingly impassable for golf carts (let alone fire response vehicles but that Code Enforcement reportedly has no interest in forcing property owners to maintain the easements). Chair asked Sward/Fry to create an email message to islanders and request UCCA support in emailing it.

8) PUBLIC COMMENT: Comments made throughout the meeting. A specific comment about their unhappiness with how the aerial firefighting device (ladder truck) was purchased 6-8 years ago, maintained, and disposed of. Sward stated that, as he understood it, Chief Higgins was the only person that submitted a bid (there was an email that was a conditional offer that, according to McDonald, was later disapproved by their Commissioners and then withdrawn). Unfortunately, the Board was not told about the conditional offer until after the bid was opened and accepted. Next, Bryan Brillhart stated that the Upper Captiva Road Company is planning road work between the Airstrip and the two SHC pillars on Spanish Gold, starting in the next couple of weeks. Board asked that UCRC ensure that roadway is passable in an emergency if the UCFRD has a medical or fire call where vehicles have to respond. CAPT Tyrrell stated that another option to sell excess equipment is www.govdeals.com; they run auctions for a 12.5% commission that other Districts in Lee County use (that could be an option if the bid submissions don't satisfy the minimum bid). CAPT Tyrrell also suggested that plaques and recognition ceremonies for Chief Higgins and Chief Pepper would be appropriate. **Jenkins**

moved that a plaque be purchased by Chief Kinniry or his designee for up to \$100, **seconded** by Wildeman. **All voted aye.**

9) NEXT DATES: Special Meeting on 30 January and Regular Meeting on 20 February 2016

10) ADJOURN – **Moved** by **Jenkins**, **seconded** by Fry; meeting adjourned at 2:24PM.

Respectfully submitted,

Bill Fry
Secretary