

Upper Captiva Fire & Rescue District

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BOARD OF COMMISSIONERS

REGULAR MEETING

19 March 2016

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

ISLANDERS PRESENT: Bill Byrnes, Arthur Mason, AJ LaVallie, Jo Ann Beiermeister, Phil Kinsey, and Sue Ann Cousar.

1) CALL TO ORDER: Chairman McDonald called the meeting to order at 10:04 AM.

2) Chair tabled the agenda without objection and notified the Public that Treasurer Roy Wildeman had submitted a letter of resignation from the Board:

- Chair asked for a motion to accept the resignation and **Sward moved**, with regret and thanks to Roy Wildeman, to accept the letter of resignation and to declare a vacancy on the Board for Treasurer and the Board seat, **seconded** by Jenkins, and **all voted aye** to accept the resignation.
- Chair then asked for nominations for a temporary Treasurer, stating that the Chair and Vice Chair (Jenkins) cannot be Treasurer but the Assistant Secretary or Secretary can be selected. Chair asked Sward whether he would be willing to serve and Sward stated a willingness to serve as the Treasurer but that he would be off-island from May – September this year and unable to sign checks. Fry also stated that he would be willing to serve temporarily until a new Board member is selected or the November election, but he had the same issues about off-island from March – July and unable to sign checks, but able to be on-island for the detailed budget discussions in August and September. Public question was whether the Treasurer had to be a member of the Board and Chair confirmed that requirement. Chair also reminded the Board and the Public that the entire Board would be standing for election in November, based on past resignations and appointments made since the last election.
- **Sward moved** that Fry be appointed as Treasurer until either a new Board member is appointed or a new Board is elected in November, **seconded** by Jenkins, and **all voted aye**.

3) MINUTES: Minutes of the 20 February special meeting were read; **Sward moved**, Jenkins **seconded**, and **all voted aye** to accept the minutes with corrections.

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

- The Impact Fee account had a 29 February ending balance of \$7,125.96 (\$474.33 in deposits during February).
- The Ad Valorem checking account had a 29 February ending balance of \$280,044.13, including deposits of \$38,036.09 of net tax revenues and \$25 in miscellaneous donations. Bookkeeper Lynch did receive \$33,132.51 in Ad Valorem tax payments in mid-March that are not reflected on the end-of-February reports. Overall expenditures are at 57.9% (with 41.67% of the year completed).
- As of 29 February, the Special Assessment checking account had \$129,568.27, after deposit of \$25,576.57 of net tax revenues. Bookkeeper Lynch did receive \$23,597.65 in Special Assessment tax payments in mid-March that are not reflected on the end-of-February reports. Overall expenditures are at 60.92% (with 41.67% of the year completed). We still show a \$16K accounts receivable from FY14 assessments not paid.
- Using the Consolidated Report, we can see that we are at 41.76% of salaries spent with 41.67% of the year completed (and with Chief Pepper's return to duty and now only paying for 4 firefighters, instead of 5, we are finally returning to our expected spend rate as we have discussed at the last 4 meetings). Fry stated that after excluding the current FY line of credit deposits and expensed payments (\$130K of current FY borrowing), our actual overall expenditure rate is 46.75% and is high primarily from the \$40K borrowed for the Special Assessment account last FY and paid off this FY. Jenkins asked whether we are returning to the right budget "glide path" on our spend, based on past decisions of the Board related to Chief Pepper's return and new compensation and Fry stated that we are okay but only one accident or major equipment repair bill from a budget shortfall. Sward asked whether tax receipts were on budget and Fry stated that they appeared to be very close to Wildeman's budget projection (at 97.09% Discounts Taken to date, since February is the next to last month for discounted tax payments).
- Donations: The Friends of the Fire Department checking account had a balance of \$21,018.26 as of 29 February.
- **Sward moved** to accept the Treasurer's Report, Jenkins **seconded**, **all voted aye**.

5) CHIEF'S REPORT: Calls to date are 33 (13 in the last month).

- P-191 (500 gpm pump) Status: Motor blew a head cylinder and motor is not repairable and a new proposal is being worked for the Division of Forestry military pump
- T-191 (Tanker Replacement) Status: Working to finalize a cost proposal and a submission to the Division of Forestry for a 50/50 grant; Chief hopes to have the proposal to the Board before the next meeting.
- EZ-Go Utility Vehicle: Steering is failing and \$20 of parts were just bought for Chief and staff to attempt a low-cost repair.

- R-191 (Medical Mule): Approaching 3 years of time-in-service and we need to discuss whether we want to start thinking about replacing it while it has value (and before we begin to have major maintenance problems). Chair asked Chief to begin working up a proposal with expected cost to replace, expected value from sale or trade-in, and net cost required.
- Boat Committee: Committee hasn't been restarted yet so nothing new to report.
- Staff Housing: No new update on landlord's tax identification number.
- 25th Anniversary Celebration on St. Patrick's Day: A great success and Chief thanked Bill Byrnes and DC Pepper for their efforts.
- Lee County Chief's Meeting: Need to update hurricane plans across the County and the District's plan will be reviewed and updated as required.
- Chief Transition Status: Transition tasks with DC Pepper are proceeding at Chief's desired pace.
- Public Questions:
 - Is First & Third Monday Volunteer training still being conducted? Chief stated that, with the daily staffing of 4 paid firefighters, a good volunteer response will still be required for a major event like a mass casualty or fire, but not for routine calls. He will work with DC Pepper in refocusing the training on FEMA Community Emergency Response Team (CERT) training.
 - Is the reason to discuss replacement of R-191 (Medical Mule) because of poor maintenance, rough usage, or just bad luck after just 3 years? The response was mainly our poor roads with potholes that allow standing water and the salt air just accelerate aging. The environment may make our 3 year old vehicle operate like a 6 year old vehicle (with higher maintenance and repair costs) but trade-in value on the mainland might be higher. Future Board discussion on trading in and replacing R-191 might be cheaper overall than ever higher future maintenance costs.
 - Can the District water the dirt lanes to reduce the dust and dirt? The question on Liability will be addressed with the Attorney.

6) COMMISSION REPORTS:

A) Fry-2014 Special Assessment Update: No new payments but Fry re-sent bills to the 9 owners that paid their 2015 ad valorem but still owe the District for their 2014 Special Assessment next week (Fry stated that there is no expected benefit to re-bill those that haven't paid their ad valorem taxes in the recent past):

Name	Island Address	Total	Status
BERNS MANAGEMENT LLC	4511 HIDDEN	\$1,748.79	Resent 27 Feb
FLORIDA BROTHERS LLC	4621 ORO PESOS	\$713.86	Resent 27 Feb
MANDELL AARON H 50% +	4471 PANAMA SHELL	\$639.61	Resent 27 Feb
GROSSINGER JEROME M + LEILA	4541 ORO PESOS	\$264.06	Resent 27 Feb
TSAKIRIDIS ANATASIOS + BAHRAMIS GUS J	4440 SCHOONER	\$225.91	Resent 27 Feb

LEON MIGUEL A	4440 SMUGGLERS	\$491.30	Resent 27 Feb
SLOCUM WILLIAM D JR + MARILYN	151 HUMMINGBIRD	\$503.95	Resent 27 Feb
DEVOY SALLY + HOWICK PATRICIA	12568 SOUTH BANKS	\$580.61	Resent 27 Feb
GRANT LYNDA A	12640 SOUTH BANKS	\$685.55	Resent 27 Feb
	Subtotal for 9	\$5,853.64	
CUNNINGHAM JOE	721 RUM	\$311.55	<u>Delivered 16 Sep</u> (2015 NOT Paid)
ZANGHI CHARLES JOHN	4460 OYSTER SHELL	\$221.86	<u>Delivered 24 Aug</u> (2015 NOT Paid)
FISCHER JAMES C + MAZZA SALVATORE	4521 BUTTERFLY SHELL	\$1,283.98	<u>Delivered 24 Aug</u> CERT 13/14 & 2015 NOT Paid
MARMO VINCENT J + MARY JANE	4500 CUTLASS	\$767.41	<u>Delivered 24 Aug</u> 2015 NOT Paid
FISCHER JAMES C + SCHALL CAROLYN E	181 WHITE PELICAN	\$569.96	<u>Delivered 24 Aug</u> 2015 NOT Paid
ARANEDA EVELYN MARINA	4511 CUTLASS	\$235.48	Mailed Overseas 22 Aug 2015-Paid
NORTH CAPTIVA FISH CAMP LLC	11654 REDFISH SHORES	\$271.14	<u>Unclaimed 5 Oct</u> CERT 13/14 & 2015 NOT Paid
NORTH CAPTIVA FISH CAMP LLC	11650 REDFISH SHORES	\$279.49	<u>Unclaimed 5 Oct</u> CERT 13/14 & 2015 NOT Paid
LIBERTONE DANA + LIBERTONE LAURA	12520 SOUTH BANKS	\$808.36	<u>Delivered 24 Aug</u> CERT 14 & 2015 NOT Paid
HENKEL EVERETT III + HENKEL PENNY	12604 SOUTH BANKS	\$665.46	<u>Delivered 24 Aug</u> CERT 14 & 2015 NOT Paid
HERMANN G A + MYRL	12608 SOUTH BANKS	\$657.75	<u>Delivered 26 Aug</u> 2015 NOT Paid
ROSEN, RONALD	12616 SOUTH BANKS	\$651.36	<u>Delivered 26 Aug</u> 2015 NOT Paid
ROSEN, RONALD	12617 SOUTH BANKS	\$785.80	<u>Delivered 26 Aug</u> 2015 NOT Paid
LANZA MARK J TR	12649 SOUTH BANKS	\$2,067.39	<u>Delivered 24 Aug</u> CERT 13/14 & 2015 NOT Paid
TOTAL UNPAID		\$15,430.63	
TOTAL PAID SINCE AUGUST 2015		\$ 2,617.30	

7) Chair again tabled the agenda without objection and asked Chief to contact Attorney Pritt to dial-in to the meeting for questions about:

- A) Chief Kinniry's Contract on Compensatory Time Payments: Can the contract state an hourly rate or a daily compensatory rate if the Chief must work additional shifts at the last minute or during a declared disaster? Sward asked if a Year-End Bonus could be used to address those occasions when Chief works extra shifts for a natural disaster or a last-minute schedule replacement. Pritt stated that a Bonus could be done as a policy decision but there is a narrow exception for FLSA-Exempt workers (like Chief) that would allow a payment over Base Salary for emergency or last-minute shifts (but off-island meetings should be included in his base salary without additional compensation).
- B) Staff Housing Rent: Is the District violating tax law in reimbursing Chief for his rent since his landlord won't provide a tax identification number for the District to create a 1099 for the IRS? Pritt stated that he cannot provide legal advice on tax issues.
- C) Watering Roads: Is there any legal issue with the District watering sections of the dirt lanes on a temporary basis? Pritt stated that the minor cost would probably not be a problem under the statutes authorizing the District.

D) Fair Labor Standards Act (FLSA) on DC Pepper's Last Proposal: Would overtime rates be required if DC Pepper reimburses the District for pre-paid salary in December by working extra shifts instead of cash repayment? Pritt stated that DC Pepper, as an hourly worker, is FLSA Non-Exempt and would be entitled to overtime for any hours worked that exceeds 106 in a 14-day cycle (53 hours/week). Chair: Is there was a legal requirement to provide paid-insurance to part-time employees? Pritt stated that there was not and provision of benefits and employee cost is a policy decision by the Board. DC Pepper: Still wants to discuss elimination of collections for December Salary Pre-Payment and Insurance for December/January by working additional shifts over the 106 hours/two week period. Public Comment: Board should consider providing Pritt with a recap of past Board decisions related to DC Pepper's pay and benefits since his injury and Fry stated that he would provide a detailed document to Pritt before the next Board meeting.

8) OLD BUSINESS:

A) Bid Opening for Sale of Old Crew Boat and Skiff: Chair read the 2 March advertisement in the News-Press.

- Carolina Skiff & Trailer (No Motor or Tower): Two bids (\$760 and the second bid was \$750 or \$1000 if the Tower is included) received that did not meet the minimum bid requirement of \$1500.
- Old Crew Boat & Trailer (including Motor): No bids were received.
- The two boats will be listed on www.govdeals.com for one month and we will discuss next steps at the next meeting.
- Public Questions:
 - Is there rent being charged for where the boats are located? No
 - Should the Board just accept the bid and get them off the books? Chair stated that we can go back to the bidders if they don't sell on the website but let's give it a chance for the month. We can then reevaluate next month.

B) 25th Anniversary Fire Station Open House/Cook-Out Boat Committee Report: Updated in Chief's Report.

C) Proposed Contract for New Chief: Latest draft was provided to the Board for review and comment. Each Board Member should meet with Chief over the next month, for final changes and decisions at the 23 April meeting.

D) Budget Resolution 2016-001 to Adjust 2014 Special Assessment Accounts Receivable: Resolution was read by the Chair to declare minor overpayments for 21 properties of \$115.88 as donations, for 16 property owners that made minor underpayments of \$17.06 to be forgiven, and 2 properties that are common condominium properties totaling \$755.76 in assessments that will be removed from the special assessment roll. **Sward**

moved to accept the Resolution, Jenkins **seconded**, **all voted aye**.

- E) Legislative Update: The two bills that would have required the most onerous website updates where the Board wrote individual letters to the Representatives and Senators, (HB 745/SB 516) both died in committee without vote. Another Bill that did pass will require some minor updates to the Website by 1 October 2016.

9) NEW BUSINESS:

- A) Mid-Year Budget Review: Fry provided a detailed 8 page presentation that identified the major funding lines proposed for mid-year adjustments and a 3 page proposed consolidated budget document (that shows the potential adjustments and overall budget status, if the adjustments are approved). Fry walked the Board through all of the detailed pages in the presentation and various questions were asked. Fry and Bookkeeper Lynch will finalize the Draft Budget Resolution for the 23 April meeting for Commissioner vote.
- B) Chief Pepper's Compensation and Insurance Proposal: DC Pepper proposed another change to his overall pay and compensation.
- DC Pepper provided a proposed job description to the Board that he is still discussing with Chief Kinniry.
 - Chair restated what was approved at the 16 February meeting was converted from 50% salary/50% District-paid insurance to \$22/hour worked, full paid insurance for 16 February – 31 March, and District-funded insurance would end on 31 March (DC Pepper would then find a new ACA Marketplace policy, paid by him directly, or we would continue paying in full for Lee County insurance and deducting that cost from his bi-monthly paychecks).
 - DC Pepper proposes remaining at the new \$22/hour but now would like the Board to fully pay for Employee-Only health insurance of \$780/month; Fry stated that \$18.04/hour and 100% of Employee-Only insurance (or 50% Employee/Spouse insurance) would be about the same overall cost to the District as \$22/hour and 0% District-paid insurance.
 - **Fry moved** that, based on DC Pepper's request, that we reset his hourly rate at \$18.04/hour worked, effective 1 April, and that the District pay for 100% of Employee-Only coverage or 50% of Employee & Spouse coverage with a payroll deduction, **seconded** by Jenkins, **all voted aye**.
 - Sward asked whether the payback was still in place and Fry stated that past collections for pre-paid December salary and the December/January insurance repayment deductions (about \$516/pay period) are still in place, based on past Board decisions.
 - DC Pepper then asked that the District forgive and stop collections for December pre-paid salary and the December/January insurance deductions (about \$500/pay period)

and allow him to work additional shifts in July and August at \$27.06/hour (the new overtime rate).

- Chair recommended that we table DC Pepper's request for elimination of debt repayment and working future additional shifts in lieu of payroll deductions.

C) Special Assessment Review for FY17 (Year 3 of the Fire Services Special Assessment) Coming Due: Chair has requested that Bookkeeper Lynch coordinate with Weyer for a FY17 cost proposal and agreement to update the methodology and proposed special assessment roll.

D) Filling the Seat Vacated by Roy Wildeman: **Jenkins moved** that we task Chief Kinniry to publicize the vacancy and request interested parties to contact Chief Kinniry before the 23 April meeting, **seconded** by Sward, **all voted aye**.

10) PUBLIC COMMENT: Comments made throughout the meeting. Additional comments are that the Board should reconsider the higher salary and debt forgiveness for a 25-year employee, as DC Pepper has requested.

11) NEXT DATES: Regular Meeting on 23 April 2016

12) ADJOURN – **Moved by Jenkins, seconded** by Sward; meeting adjourned at 1:41PM.

Respectfully submitted,

Bill Fry
Secretary