

Upper Captiva Fire & Rescue District

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servicing the community with pride

BOARD OF COMMISSIONERS

REGULAR MEETING

29 October 2016

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

ISLANDERS PRESENT: Karen Sirabian and Deb Skinner.

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

2) MINUTES:

- Minutes of the 17 September Regular Meeting were read; **Jenkins moved**, LaVallie **seconded**, and **all voted aye** to accept the minutes without corrections.
- Minutes of the 17 September Final Budget Hearing were read; **Jenkins moved**, LaVallie **seconded**, and **all voted aye** to accept the minutes without corrections.

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

- Balance Sheet (Revised 24 September Version):
 - The Ad Valorem checking account had a 30 September ending balance of \$26,750.83 (a decrease of \$27,735.15 and a transfer of \$125,000 to the new money market savings account)
 - The new Ad Valorem Money Market Account had a 30 September ending balance of \$125,027.74 (an increase of \$125,000 in the initial transfer and \$27.74 for 2 weeks of interest) and we calculate that we should have about \$2,000+ in new interest that will offset our \$600 bank fees for Line of Credit each year
 - The Special Assessment Fund checking account had a 30 September ending balance of \$29,228.35 (a decrease of \$39,661.10)
 - The Friend's account had a 30 September ending balance of \$15,283.33 (an increase of \$5.78 from interest)
 - The Impact Fee account had a 30 September ending balance of \$8,082.31 (an increase of \$2.97 from interest)
 - Fry stated that there were no unexpected outstanding liabilities other than the usual transfers of expenses between the General Fund and Special Assessment Fund, after Bookkeeper Lynch posted the final quarter's Pay & Benefits reallocations from Special Assessment to General Fund

- Fry also stated that the Line of Credit was not used in September or October and would probably not be used until mid-November, if then, based on the total of \$204,372.56 in our various accounts as of 30 September
- Consolidated Income and Expense Report:
 - We finished the year below budget in two of our three major categories totaling about \$49K under budget overall (about \$23K under budget in General Fund and about \$26K under in Special Assessment). Overall, we finished the year at 96% spent, with an estimated increase in uncommitted reserves of about \$72K in the General Fund and about \$9K in Special Assessment, compared to a year ago. Chair asked if this underspend was because of the savings from not having the second full-time employee for 4+ months and Fry said no; the last hourly rate for DC Pepper was higher than originally budgeted, including his December advance pays last year, so the surplus was in spite of DC Pepper's extra costs in FY16.
 - And \$1,454.79 was deposited last month for the DoF Grant for work done on Brush 192 and the remaining grant will likely not be paid since we are not going to do any work on the military pump, due to lack of fittings and repair parts
 - Also, the County Tax Collector had excess revenues where fees exceeded operating costs last year and they rebated \$5,566 that they deposited back into our account Friday
 - Chief informed the Board that the County provided a TRIM Certification letter dated 6 October 2016 stating that all required actions were appropriately completed by Bookkeeper Lynch for submission of forms, reports, and notices last quarter for this coming fiscal year's collections. Chair and Board congratulated Lynch and Chief on their hard work and success.
- **Sward moved** to accept the Treasurer's Report, Jenkins **seconded**, **all voted aye**.

4) CHIEF'S REPORT: Calls to date are 118, with one MERT call where a jet-ski ran into a piling at high speed at South Seas Resort and our firefighters assisted in the recovery of both the body and the jet-ski.

- The future meeting dates for FY17 were published in the News-Press per Statute 189
- Old R-191 (former Medical Mule) Repairs: Warranty work is being completed and, once that vehicle is returned to the island, we will list the old Club Cart on govdeals.com for sale, as well as the old tower for the old skiff
- LaVallie asked Chief about status of the returns to the DoF of the Old Brush 192 and the military pump that we can't modify. Sward asked if Red's AOK Auto was charging any storage fees and Chief confirmed that we aren't being charged any fees
- Chair asked Chief to request a 5 ton cargo vehicle to replace Tanker 191 when he coordinates the returns of the old truck and pump
- Public asked what our inventory of working fleet actually is and Chief stated:
 - 1988 Pumper/Engine Pierce truck with 750 gallon tank and 1200 gpm pump
 - B191 2006 Ford F350 4x4 brush truck with 500 gallon tank and 250 gpm pump

- B192 military 1996 2-1/2 ton truck with 1000 gallon tank, a 250 gpm pump and 135 gpm booster reel
- T191 1978 Chevrolet tank truck with 1800 gallon tank and 350 gpm pump
- And 5 small utility “mule” vehicles, including R191 (Medical Mule), with one to be sold as discussed above
- And our vehicle maintenance contract is in place with parts on hand, waiting for the mechanic to come to the island to complete a full servicing of all vehicles
- Contender had minor damage to the fiberglass pan on the motor that was temporarily repaired with caulking
- Chief asked the Board to approve a Stonegate credit card with a \$1,000 credit limit for CAPT Givens (our ALS Coordinator) to purchase medical supplies, rather than him purchasing with his own credit card and submitting expense reimbursement claims; Board approved the request without objection
- Sward asked if there were any stability issues with part-time employees and Chief stated that everything is fine. Chief did add a 2nd “floater” that is ALS-qualified but not currently credentialed by Dr. Lemmons so he is working as a Firefighter/EMT at this point
- The Board accepted the Chief’s Report

5) COMMISSION REPORTS:

A) LaVallie-Community Committee Update: With the end of Summer Season and the return of seasonal residents, there will be a renewed emphasis over the next few months. At the UCCA meeting last week, they announced that they are requesting bids for road trimming, including Garlon application. LaVallie led a team of volunteers to clear Brazilian Pepper up to 2 rows back on Rum Road between Schooner and Smuggler and, even with Garlon, the pepper that wasn’t cut in the 3rd row has already branched out and replaced the 2nd row that was cut. Jenkins stated that the 2016 Fun Run donations will be used for road trimming. The Chair stated that the sense of the Board is that we should support the UCCA and other community groups in their efforts to improve lane access for our fire equipment.

6) OLD BUSINESS:

A) District Legal Representation:

- Chair provided an email from Attorney Pritt that seemed to indicate some question about whether Roetzel and Andress (and Pritt) were still District counsel, after Chair’s request for Pritt’s advice concerning insurance company recommendations for potential settlement of the DC Pepper claim
- Discussion then transitioned to the Legal Insurance Update on DC Pepper.

B) Legal Insurance Update on Deputy Chief Pepper:

- Chief Kinniry provided an email from Terrie Pfeffer from Gladfelter Claims Management (our insurance carrier's representative) on their apparent agreement to pay up to \$12,000 in back wages and up to \$4,000 in attorney fees
- Chief Kinniry believes that Gladfelter is nearing an agreement to settle the claim but requires action by the Board to provide:
 - A Board Resolution stating that the inquiry was closed without further action
 - Deputy Chief Pepper would submit a letter of resignation effective 1 November 2016
 - A mutual General Release and mutual waiver of all future claims will be completed
 - A letter of recommendation for Deputy Chief Pepper, dated in November, signed by the Chairman of the District
 - A \$4,250 retirement contribution to Deputy Chief Pepper's retirement account, which would have to be paid by the District (not the insurance carrier)
- Sward voiced concerns of the entire Board that we don't have anything in writing and signed by the insurance carrier
- **Fry moved** that we appoint Chief Kinniry, Attorney Pritt, and Sward, as the Board's representative, to finalize the negotiations, **seconded** by Sward. Chair proposed a friendly amendment to the motion that the Board will accede to the other conditions of the proposed settlement, with a limit of \$4,250, to bring the matter to closure. Friendly amendment was agreed to by Fry and Sward and Chair called for discussion.
- LaVallie asked whether Deputy Chief Pepper still owed the District money. Fry stated that there were previous agreements with DC Pepper that are now being abrogated by DC Pepper and his attorney in this settlement proposal:
 - DC Pepper chose to receive his FY16 Retirement Contribution of about \$17,000 in pay instead of receiving no pay for an unpaid medical leave of absence, so Fry believes that we really don't owe DC Pepper \$4,250 for any part of his retirement in FY16
 - DC Pepper also agreed to repay his December pay, instead of an unpaid personal leave of absence, at the 12 December meeting plus December & January insurance premiums paid by the District, at the 30 January meeting, both by payroll deductions/collections. Later, DC Pepper, asked the Board to eliminate those collections, agreeing that he would repay those amounts in additional hourly overtime later in the year but that was not accomplished after DC Pepper's decision not to return to work following the inquiry. With those agreements, DC Pepper still owes about \$6,700 that would be lost if we agree to this proposed settlement
 - To be clear, the cost to the District would be \$6,700 in lost collections for pre-paid salary/insurance premiums and \$4,250 in Retirement that we don't owe, after DC Pepper converted from Salaried to Hourly without benefits in February 2016
 - Fry agreed with Sward that, no matter how unhappy the Board might be, it might be worth it to the District and the Board to finalize the settlement on these terms, even with the District's monetary contribution of about \$11,000 to the settlement
 - Sward again stated that, if we can be done with this matter and never discuss it again after the settlement is approved, that would finally close the issue
- Chair called the vote on the motion and **all voted aye**.

- Next, Chair read aloud Resolution 2016-102916(1) "Closing the Informal Inquiry on Deputy Chief Pepper". **Sward moved, Fry** seconded, contingent on satisfactory settlement of the insurance claim. **All voted aye to approve at 12:10PM.**

7) NEW BUSINESS:

A) FY17 Special Assessment for SHC Restaurant:

- Fry stated that the District was notified by the Lee County Tax Collector on 27 September that they could NOT collect the Special Assessment because they can no longer collect non-ad valorem assessments for "Common Elements" and the OTW property is a Common Element (just like the pool, clubhouse, tennis courts, office, etc.)
 - Fry, Kinniry, and Lynch agreed that, since the County could NOT collect the Special Assessment for this property this year, they should drop it from the roll, rather than delay their processing of the entire Special Assessment roll
 - Fry stated that the Board needs to decide whether to eliminate the collection or send a District-generated bill to SHC requesting payment
 - Chief Kinniry informed the Board that he spoke with Rick Fox at SHC and they are not willing to pay the bill this year, even though they did pay the first two years of the Special Assessment
- Sward stated that as VP of the SHC Board, he had a conflict of interest and would not provide an opinion or vote on the decision
- **Fry moved** that we table this, pending Chair's discussion with Attorney Pritt, **seconded** by Jenkins. **Approved 4-0 (Sward abstained due to conflict of interest)**

8) PUBLIC COMMENT: Comments made throughout the meeting and public departed before this point.

9) NEXT DATE: Next Regular Meeting on Friday, 18 November 2016, beginning at 10AM.

10) ADJOURN – **Moved by Jenkins, seconded** by LaVallie; meeting adjourned at 12:26PM.

Respectfully submitted,

Bill Fry
Secretary/Treasurer