

Upper Captiva Fire & Rescue District

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servicing the community with pride

BOARD OF COMMISSIONERS

REGULAR MEETING

18 November 2016

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

ISLANDERS PRESENT: Jo Ann Beiermeister, Bill Byrnes, Cheryl Bredin, Rick Fox, and Arthur Mason (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 moved to:

- New Business 7A (Commissioners' Oaths of Office): Administered to Jenkins, Sward, and McDonald by Notary Bredin
- Commissioner Update 6B (Sward on Legal Update): Sward spoke with Terrie Pfeffer of Glatfelters and confirmed that, as part of the proposed settlement, UCFRD would provide up to \$4,250 as a 2016 Retirement Contribution to DC Pepper's retirement account and confirmed that she had the authority to commit our insurance carrier to pay the two monetary claims of back pay and legal expenses. Sward discussed with Attorney Pritt about Roetzel & Anders performing a legal review of the proposed settlement document, probably using Attorney Northon, before the document is finalized and sent to DC Pepper's attorney. Pritt joined the conference call at 10:27 and stated that R&A would review the release document, once he receives it, and will provide advice to the Board, through Sward and Chief Kinniry.
- Old Business 7A (FY17 Special Assessment for the SHC Restaurant): Pritt stated that he needed to review the statutes on the legality of the District direct-billing SHC for the 2016/2017 Special Assessment for Over the Water restaurant, as a commercial activity in an HOA Common Element. Chair moved that we table the discussion until the December meeting, pending legal advice, without objection.

3) MINUTES: Minutes of the 29 October Regular 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 financial accounts are:

- Balance Sheet:
 - The total checking account balances across all 5 accounts and 3 funds (General, Special Assessment, and Impact funds) was \$101,719.87 on 31 October
 - The Ad Valorem checking account had a 31 October ending balance of \$10,210.46 (a decrease of \$16,540.37)
 - The new Ad Valorem Money Market Account had a 31 October ending balance of \$58,436.05 (a decrease of \$66,591.69 after adding \$35.40 in interest and the \$5,566 tax collector rebate)
 - The Friend's account had a 31 October ending balance of \$15,283.33 (no change)
 - The Special Assessment checking account had a 31 October ending balance of \$9,707.72 (a decrease of \$19,520.63)
 - The Impact Fee account had a 31 October ending balance of \$8,082.31 (no change)
 - Fry stated that there were no unexpected outstanding liabilities other than the usual transfers of expenses between the General Fund and Special Assessment Fund, including the Special Assessment Fund's "borrowing" of cash from the General Fund Money Market Account instead of borrowing against the LOC
 - Fry also stated that the Line of Credit was not used in October or November, and, if there are no unexpected emergencies, should not be used this FY at all. As of this morning, we have \$105,750 in the 5 accounts and expect to have about \$82,000 in the accounts at the end of the month, before payroll and other payables are processed (we received our first deposit from the County of \$13,321 for ad valorem and special assessment receipts)

- Consolidated Income and Expense Report:
 - After the first month of the new FY, we are 8.33% through the year and have spent 6.11% of the budget. This really isn't significant since we attempt to delay most expenditures other than Pay & Benefits until December or later, when we begin receiving tax revenues from the County Tax Collector.
 - As stated at the last meeting, the County had excess revenues where fees exceeded operating costs last year and they rebated \$5,566 that they deposited back into our account Friday but since that rebate will reduce FY16 costs, it is not shown on the October FY17 Income and Expense reports

- **Sward moved** to accept the Treasurer's Report, Jenkins **seconded**, **all voted aye**.
- Chair congratulated Chief and Bookkeeper Lynch for their hard work for the past year and this first month of the fiscal year, without drawing on our Line of Credit

5) CHIEF'S REPORT: Calls to date are 123, with one MedFlight evacuation. All equipment is operational.

- Former R191 Medical Mule: The 6x6 utility is in warranty service for the overheating issue and remains off-island
- FEMA Grant: Chief applied for a FEMA grant for \$60K to purchase a high-volume water pump, with a hoped for decision early next year
- The Board accepted the Chief's Report

6) COMMISSIONER REPORTS:

- A) LaVallie-Community Committee Update: The UCCA has coordinated for a road trimming/clearing contract with Clean Cut Tree Trimming of Fort Myers for a firm, fixed price of \$27,500 that includes treatment of cut Brazilian Pepper with Garlon, starting the Monday after Thanksgiving, beginning at Panama Shell and working north. Byrnes is the UCCA-designated project lead for the trimming and Garlon treatment efforts. UCCA asks that the UCFRD share the costs since the work would improve access down the lanes for fire and rescue equipment:
- **Jenkins moved** that the first \$10,000 of Fun Run net proceeds, after costs are deducted, be allocated to the road trimming project, using the UCCA contract, **seconded** by Sward.
 - During discussion, Chief reiterated that he has been assured by Byrnes that the roads will be trimmed back to the 15' width and 15' height needed for safe passage of UCFRD equipment
 - Chair stated that Pritt's opinion was that, as long as the effort was to maintain access for our fire equipment, a shared payment would be lawful
 - Sward asked whether the trimming would correspond to the existing road path or the platted path easements; Beiermeister stated that the trimming would correspond with the existing path rather than arguing with individual owners about enforcing any pathway easements
 - Fry reminded the Board that the final accounting for Fun Run proceeds wouldn't occur until early/mid January at the earliest and whether the UCCA was able to proceed after Thanksgiving without immediate UCFRD payment. Brynes stated that the contract's payment schedule is \$2,500 the week they start, with 1/3 progress payments to be made on completion of three segments (after Panama Shell to SHC, SHC to airfield, and north of the airfield ... and that SHC is excluded from the project since they maintain their own pathways). Contractor will be paid \$5,000 for each segment, with a \$10,000 payment on satisfactory completion.
 - **All voted aye.**
 - **Fry moved** that we allocate \$5,000 from the Special Assessment Fund and \$5,000 from the General Fund, as a further payment for trimming and clearing fire lanes, **seconded** by Jenkins.

- Sward asked that if we had already approved a \$10,000 contribution to the effort whether we were foregoing income that would have normally flowed to the District, exceeding the original Treasurer proposal
 - Fry stated that the original budget proposal in the draft FY17 budget was \$15,000 for fire lane maintenance, with \$7,500 from the General Fund and \$7,500 from the Special Assessment Fund. The Board decided to eliminate that line and let that \$15,000 fall to Reserves but about \$5,000 of that amount was reallocated above the original proposed budget for Legal, Per Diem, Travel, and other budget lines, leaving about \$10,000 still potentially available. The approved budget for Fun Run contributions and expenses was limited to last year's expenses only so that \$8,000-\$12,000 in possible net proceeds was not included in the approved budget at all.
 - **Sward proposed** a friendly amendment to approve \$5,000, with \$2,500 from each fund, **agreed to by Fry and Jenkins**
 - Chair stated that the total of \$15,000 would be more than 50% of the total contract and \$15,000 seems an appropriate amount for the UCFRD to pay
 - **All voted aye**, to the amended motion, approving \$2,500 from General Fund and \$2,500 from the Special Assessment Fund.
- Chair and Board thanked the UCCA for their efforts in taking the lead in the project and their funding for the balance of the cost
- B) Sward-Legal Insurance Update: Updated at the start of the meeting
- C) Sward-Insurance Costs and Coverage Review: Chief provided assistance pulling all of our liability policies and that, as an overview, Sward believes that the District is being well served by our insurance agency, Stewart and Sons in Fort Myers. Sward focused on the following two questions:
- Can We Get Better Pricing Through Competition: Probably not since the major insurance policies are for one-of-a-kind coverage
 - Do We Have the Correct and Adequate Coverage:
 - After going through the list of all properties and equipment, all of the policies were updated and corrected to reflect the equipment that we currently have
 - Although our policies include Replacement Cost coverage, some of those valuations were low and Chief, Sward, and the Agency suggested that we should increase those valuations to current replacement valuations, which will cause a minimal increase in annual premiums
 - Adjustments to be considered:
 - Fire Station: Currently insured for an \$806,000 Replacement Value: The Agency could offer an enhanced coverage rider that would guarantee replacement but that would require an appraisal of valuation that might be beneficial, since the estimated cost for the station addition that failed voter approval was \$970,000.

Sward will get an estimate for the appraisal cost and update the Board at the next meeting.

- Personal Property and Equipment: Currently insured for only \$16,000 and that seems low, if there were a total loss. Sward recommended that Chief create a video recording of the building's furnishings, equipment, etc. and assist in the evaluation for determining adequate coverage
- Listed Equipment: As previously stated, that has been updated and is now current
- Volunteer Coverage: Covered under the liability and worker's compensation policies and seems to be in good order
- General Liability Coverage: Currently limited to \$1,000,000 for any one claim and we should either increase the coverage limit or find an umbrella policy that provides additional coverage
- Employee Dishonesty Coverage: Currently limited to \$10,000

7) OLD BUSINESS:

A) FY17 Special Assessment for SHC Restaurant: Updated at the start of the meeting and Tabled until next meeting

8) NEW BUSINESS:

A) Commissioners' Oaths of Office: Completed at the start of the meeting for McDonald, Jenkins, and Sward

- Fry completed his oath of office with an Orange County notary in Orlando on 15 November 2016 and the original was mailed to the Station
- LaVallie will complete his Oath of Office next week, after his arrival on North Captiva Island

9) PUBLIC COMMENT: Comments made throughout the meeting.

10) NEXT DATE: Next Regular Meeting on Friday, 16 December 2016, beginning at 10 AM.

11) ADJOURN – **Moved by Jenkins, seconded by Sward**; meeting adjourned at 11:54 AM.

Respectfully submitted,

Bill Fry
Secretary/Treasurer