

Upper Captiva Fire & Rescue District

4511 Hodgepodge Lane

P.O. Box 322

Pineland, FL 33945

Phone: 239-472-8899 / Fax: 239-472-1582

Robert Kinniry, Chief: UpperCapFD@aol.com



servicing the community with pride

BOARD OF COMMISSIONERS

REGULAR MEETING

19 May 2017

COMMISSIONERS PRESENT: Zeke McDonald, AJ LaVallie, Bill Fry, Steve Sward (by phone), Tom Jenkins (by phone from 10:02 – 10:06 and 11:23 – 12:39), and Chief Bob Kinniry.

ISLANDERS PRESENT: Jon Flyte, Jackie Byrnes, Sue Ann Cousar, Jo Ann Beiermeister, Rich Gross, Bill Byrnes, Kristi Riggle (by phone), Arthur Mason (by phone), and John Mejia (by phone).

1) CALL TO ORDER: Chairman McDonald called the meeting to order at 10:01 AM.

2) MINUTES: Minutes of the 21 April Regular Meeting were read; **LaVallie moved**, Sward **seconded**, and **all voted aye (Jenkins off call)** to accept the minutes with corrections.

3) TREASURER'S REPORT:

- Balance Sheet:
 - The Ad Valorem checking account had a 30 April ending accrued balance of \$4,814.32
 - The Ad Valorem Money Market Account had a 30 April ending accrued balance of \$611,621.81, plus a deposit of \$31,086.64 on 15 May
 - The Friend's account had a 30 April ending balance of \$15,294.76 (no change)
 - The Special Assessment checking account had a 30 April ending accrued balance of \$4,989.98
 - The Impact Fee account had a 30 April ending balance of \$9,510.89 (an increase of \$1,422.54)
 - Fry stated that there were no unexpected outstanding liabilities other than the usual transfers of expenses between the General Fund and Special Assessment Fund. The Special Assessment accounts receivable is down about \$311, after payment of 711 Rum's delinquent Year 1 Special Assessment.
- Consolidated Income and Expense Report:
 - Seven months into the new FY, we are 58.3% through the year and have spent 54.29% of the budget. In our major spending categories, Pay & Benefits is at 56.15%, Operating Expenses at 52.09%, and Capital is at 28.17%, all are well below the straight line "glide path" of 58.3%.
 - For Revenues, we are at 92.93% collected through 30 April (compared to 92.91% last year at the same time).

- **LaVallie moved** to accept the Treasurer's Report, Sward **seconded**, all voted aye (**Jenkins off call**).

4) CHIEF'S REPORT:

- Calls Last Month: 46 (9 calls since the last meeting)
- FEMA Grant for High Volume Pump (750 gallons per minute): **No updated status**
- Specifications for Replacement Engine/Pumper: Costs would be in the \$200,000 to \$1,000,000, with likely cost in the \$400,000 - \$500,000 range for a new engine
- Beach Campfire Patrols: On-going but will suspend during turtle season
- Skid-Mounted Tank & Pump Unit:
 - Approved by County to use Impact Fees to reimburse the General Fund purchase
 - **Fry moved** that we approve reallocation of Impact Fees for the reimbursement for the tank & pump unit, **seconded** by LaVallie, **all voted aye (Jenkins off call)**
- 2007/2008 Club Car: Sold on govdeals.com for \$1,625
- Island Volunteer Program: Support Services memo request for volunteers was provided to UCCA and that went out to the entire island by email last week
- Burn Ban:
 - Policy memo was provided to UCCA and that went out to the entire island by email last week
 - Bill Byrnes posted hardcopies on bulletin boards around the island
 - Chief provided hard-copies of the policy memo to rental agents and hopefully the memo will be placed in renter packets
 - To make the policy fully enforceable, the Board needs to make an ordinance/resolution, requiring County approval, allowing Sherriff to enforce
 - Chair directed Chief to work with Pritt to develop a proposed ordinance and resolution for the 21 July meeting
 - Public Comments: What about fireworks? Chief said that fireworks are illegal in Florida and are banned. Second Comment: Code Enforcement is supposed to be out today looking at refuse and garbage piles as potential code violations.
- State Park Firebreak:
 - Chief Ranger Chad Lach is requesting \$30,000 from State to accomplish firebreak maintenance; LaVallie and Jenkins cut heaviest limbs blocking the firebreak and Chief ran B192 up and down the firebreak last month to knock down the heaviest remaining vegetation
 - Public Comment: Will the Park allow a new "Fern Burn" next fall on State land? LaVallie stated that park wouldn't approve under normal circumstances but they did allow after Hurricane Charley and we could ask again if that type of event recurs
- U191 Utility Vehicle: Insurance carrier rejected the claim for repairs since the damages couldn't be connected to a specific weather event
- 1988 Pierce Engine/Pumper: Loaner from San Carlos Park is on-island and the length exceeds our bay dimensions, allowing us to schedule hose, pump, and ladder testing and repair of the fuel injector leak

- The Board accepted the Chief's Report

5) COMMISSIONER REPORTS:

A) Sward-Legal Update :

- Sward updated the Board that all agreements have been signed and that the waiting period has passed, making the agreements final
- Sward asked the Chief to mail the \$4,250 check to Brantley/Pepper
- Sward will provide the final update at the 2 June 2017 meeting
- Chair and Board thanked Sward for his efforts on bringing the issue to resolution

B) LaVallie-Community Committee Update (Tabled):

- **Fry moved** that we re-open the topic to allow LaVallie permission to contact attorneys to ask for cost proposals to represent the District through 30 September 2017 on the legal issues related to a possible referendum and potential implementation of a pathway special assessment, **seconded** by LaVallie.
- Chair called for discussion:
 - Chair and Sward stated that they were not in favor
 - Fry stated that in the last week, after the UCCA forwarded Kelley's proposal via email that he has received 5 citizen responses and, if there is any thought that we are going to proceed, there are a number of milestones that would need to be met, such as:
 - Referendum would have to be a mail-out since there are no elections affecting North Captiva voters this summer/fall and a request has to be approved by the Florida Secretary of State 120-days before the County will do a mail-out ballot, requiring a Board decision by the July meeting
 - If we are to continue to evaluate options to proceed, we have a number of legal questions that need to be addressed before requesting State permission for a referendum between now and the July meeting
 - Working with Tom Levin to put together a draft/strawman execution plan that will show estimated costs and initially proposed priorities of effort but there are also significant attorney questions, questions to Weyer about legal assessment methodologies and amounts, and governance/oversight questions that need to be answered
- Chair stated that our attorney's opinion is that we need to modify our District Charter to allow the District to maintain the pathway surfaces, allowing us to trespass and enforce the easements, including potential condemnation to put the roads where they are supposed to be. Chair concurs with Counsel that our current charter does not have pathways under our purview.
- LaVallie stated that we have a disagreement about the legal question and that is what we need to address before we can proceed and throwing that up as a legal impediment needs to be resolved. The condition of our roads does limit response time on our calls

and U191 had significant damage from driving through standing rain and tidal water that isn't being reimbursed by insurance.

- Sward stated that we are plowing old ground in converting the fire district into a road district and that we have the authority to maintain access for fire and medical response purposes but not to improve them to what our citizens want them to be. The \$50,000 estimate doesn't have any details showing how that is a valid number to fix the roads is a problem and the citizens may not be properly informed. We don't know about what type of improvements will be accomplished on our roads, how the \$50,000 would be spent, or what is really required to make the roads golf cart friendly. Nobody is alleging that the roads don't allow our equipment to get from Point A to Point B; witness the most recent kitchen fire where we got there in good time, the fire was put out, and everything was fine. We should be wary of overusing our goodwill with our citizens on ancillary projects when we have aging equipment that will require replacement and special assessments may be required.
- Fry agreed with McDonald, Sward, and LaVallie that we don't have sufficient data to make a decision on legality, costs, schedules, or desired maintenance standards and the draft document that he is working with Levin will include cost estimates for different types of fill, amount of fill estimate by geology zones or road, proposed sequence of work each year, cost estimates for the past year of continuing maintenance by the current Road Company, traffic intensity by road, standards for dirt roads that Levin has going back to 1911, etc. Fry will continue working with Levin to flesh out the draft document, whether the Board authorizes LaVallie to approach the attorneys for representation costs on this topic or not, since a similar document will be required to move to referendum. The issue isn't that Fry will stop working on the document but that as time passes, it forecloses the Board making a decision with an FY19 start, delaying any work until after 1 October 2019, if that became the decision. We should be asking our voters and constituents what they want and, if they want this, we need to figure how to do it legally.
- Sward agreed that we need a lot more information than we have, just as we had to provide to voters for past referendums.
- LaVallie stated that it would be a shame to waste time developing the data to then find out that we can't legally proceed.
- Fry again stated that they should be done concurrently because, whether the District develops the funding stream or another organization or an MSTU does, the data is still needed. There is no reason to do it like a train on one track sequentially but we should do the work concurrently, like on a 2-lane highway, with legal in one lane and costs in the other.
- Fry asked the Chair to call for a vote; the motion **failed 2-2 (McDonald, Sward opposed; Jenkins not connected by phone)**
- Topic remains tabled
- Chief stated that if our constituents want the District to be the funding mechanism to maintain the roads to some standard, we should figure out a way to make it happen.

Chair responded that Attorney Pritt wrote that even if our voters approve by 100%, it does not make an illegal action legal. All agreed.

- Public Comment: The District has a legal opinion, an Attorney General Crist opinion from 2006, that said that “a government entity may use public funds for the construction or repair of roads only if it is a public road and this office has determined that a public road is a road that is open to the public as opposed to a private road that is not open to the public and on which the public has no right to travel.” All of our privately owned roads are open to the public, other than two roads in Safety Harbor Club.

6) OLD BUSINESS:

A) Draft Public Facility Report: Completed and emailed to the County on 6 May 2017

B) Legal Representation: Sward asked to defer until 2 June 2017 meeting

C) Officer Chain of Command:

- Chief stated that CAPT Cook is his second-in-command, in the event of Chief’s absence.
- Chair asked Chief to prepare a written organization chart that shows all of the extra tasks that part-time employees perform like Paramedic Coordinator, Scheduler, Excess Equipment Sales, etc., published for both the Board and our employees.
- LaVallie asked how that works in Chief’s absence since all of our part-time staff have full-time jobs and Chair responded that we should consider hiring another full-time employee and Fry stated that he provided Chief with detailed cost estimates to accomplish that within the proposed budget.

D) Building Maintenance and Modification:

- Chair stated that if our current engine cannot be cost-effectively repaired, we won’t be able to find a replacement engine that will fit into our current space
- Chief stated that the potential free donation from Pine Island/Matlacha will fit into our bay without any modification
- Sward stated that it was premature to spend engineering or design money for a solution to modify our building without knowing what our next engine would require

7) NEW BUSINESS:

A) Year 1 Assessment (Howick & Devoy), Resolution 2017-051917(2):

- Ms. Howick, via email, requested forgiveness of her Year 1 Special Assessment on South Banks that has yet to be paid, after the property was categorized as “Submerged” by the County in February 2017

- **Fry moved** that the Board approve Resolution 2017-051917(2) that would forgive \$580.61 in Year 1, FY2014-15 Special Assessment, **seconded** by LaVallie
- Fry reminded the Board that this was not a timely request for equalization, the request should have been made three years ago, and that they paid Year 2 and Year 3 to the County. This resolution only forgives Year 1, not Years 2 and 3.
- Chair read Resolution 2017-051917(2) aloud, called for discussion and public comment, **all voted aye to approve (Jenkins rejoined the call).**

B) Budget Amendment-2 (Resolution 2017-051917(1)):

- **Fry moved** that the Board approve Resolution 2017-051917(1) that would reallocate budget limits in the General Fund and Special Assessment budgets, based on our year-to-date spending, **seconded** by LaVallie.
- Chair read Resolution 2017-051917(2) aloud, called for discussion and public comment, **all voted aye to approve.**

C) Draft FY18 Budget: Treasurer proposed that the focus of today's discussion should be how the numbers are put together and asked the Board to delay debate until the June meeting, after everyone has had a chance to dig into the numbers and understand the proposals.

- Revenues: We won't see the County projection for ad valorem property valuations until the end of June but there is no reason to believe that values will drop, so we should have at least as much money next year as this year
- Pay & Benefits Proposal:
 - Chief and Treasurer agree on a proposal to provide raises for part-time staff:
 - The officers haven't had a raise for more than 3 years while the Federal Cost of Living Adjustment (COLA) has increased 2% for 2015-2017
 - Draft budget proposes a 2% raise for officers (\$0.40/hour for Captains and \$0.38/hour for Lieutenants)
 - Draft budget proposes a 1% raise for paramedics (\$0.18/hour) and EMTs (\$0.16/hour) that were hired in FY15, where the FY16 and FY17 cost of living went up only 0.3%
 - Total cost estimate (including taxes) is about \$9,000 for the year for these proposed raises, split between General Fund and Special Assessment
 - Chief and Treasurer agree with to a proposed increase of part-time employee holiday pay from 8 hours for 4 holidays) to 12 hours that increases the differential to "Time and a Half":
 - Holidays proposed again are July 4th, Thanksgiving Day, Christmas Eve, and New Year's Eve
 - Cost is estimated at \$1,000/year
 - Chief and Treasurer disagree with a proposed raise for Chief:

- Chief proposes a \$5,000/year increase and a \$1,250 increase in retirement that also increases various taxes; total cost estimate is about \$7,000/year
 - Treasurer proposes a \$180/year increase and a \$45 increase in retirement that matches a 0.3% final 2017 Federal COLA; total cost estimate is about \$300/year
 - Treasurer suggested that this could be the start of annual COLA adjustments for both Chief and part-time employees, based on last year's Federal COLA
 - Board also needs to decide on contract renewal by 31 August 2017 or it will renew automatically for 1 year without any changes
- Operating Expenses:
 - General Fund:
 - Most of the budget lines have been adjusted and tweaked over the last 2 years and are now very accurate
 - Only a handful of lines are recommended for adjustments next year
 - Special Assessment:
 - There are a number of minor budget lines in the Special Assessment that aren't cost-effective for the Bookkeeper's hourly rate to allocate between General Fund and Special Assessment so Treasurer and Bookkeeper recommend zeroing those lines
 - Based on current spend rate, there are only a few lines that require increases
- Capital Investment:
 - General Fund:
 - Chief identified what he would like to buy next year that would be fully funded
 - The bookkeeper would allocate two improvements as Repair & Maintenance so we recommend moving that amount into Operating Expenses next year
 - Special Assessment:
 - Chief identified what he would like to buy next year that would be fully funded
- Closing: We will use these same documents without change for the June meeting. Also, with the 2 June date, we are unlikely to have May financial reports since the checking account statement isn't available until the day before. Lastly, we will have updated slides with revenue projections and current year expenditures through 30 June for the July budget discussions.

8) PUBLIC COMMENT: First comment from a new part-time owner that has visited the island since the 1970s, thanking the Board and the Chief for their efforts to provide Fire Prevention and Rescue services. He works for a hospital system and has fire responsibilities in his job and knows how difficult the job is. He agrees that during the rainy season, the water is a hazard on the island, especially on the north end. Next comment was that with the road trimming project, we only had 1 complaint about cutting inside the easement, that the majority of the island would support efforts to improve the roads, and the Board needs to help with a road solution since there is no other government activity on the island.

9) NEXT DATE: Next Regular Meeting on Friday, 2 June 2017, beginning at 10 AM.

10) ADJOURN – **Moved by LaVallie, seconded** by Fry; meeting adjourned at 12:37PM.

Respectfully submitted,

Bill Fry
Secretary/Treasurer