

Upper Captiva Fire & Rescue District

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servicing the community with pride

Robert Kinniry, Chief: UpperCapFD@aol.com

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 10:01 – 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 ~~(10:01 – 10:09:30)~~: 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 ~~(10:09:30 – 10:16:55)~~:

- 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%.

41 ○ For Revenues, we are at 92.93% collected through 30 April (compared to 92.91% last
42 year at the same time).

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

45

46 | 4) CHIEF'S REPORT ~~(10:16:55 – 10:37:10)~~:

47

48 ● Calls Last Month: 46 (9 calls since the last meeting)

49 ● FEMA Grant for High Volume Pump (750 gallons per minute): **No updated status**

50 ● Specifications for Replacement Engine/Pumper: Costs would be in the \$200,000 to
51 \$1,000,000, with likely cost in the \$400,000 - \$500,000 range for a new engine

52 ● Beach Campfire Patrols: On-going but will suspend during turtle season

53 ● Skid-Mounted Tank & Pump Unit:

54 ○ Approved by County to use Impact Fees to reimburse the General Fund purchase

55 ○ **Fry moved** that we approve reallocation of Impact Fees for the reimbursement for
56 the tank & pump unit, **seconded** by LaVallie, **all voted aye (Jenkins off call)**

57 ● 2007/2008 Club Car: Sold on govdeals.com for \$1,625

58 ● Island Volunteer Program: Support Services memo request for volunteers was provided
59 to UCCA and that went out to the entire island by email last week

60 ● Burn Ban:

61 ○ Policy memo was provided to UCCA and that went out to the entire island by email
62 last week

63 ○ Bill Byrnes posted hardcopies on bulletin boards around the island

64 ○ Chief provided hard-copies of the policy memo to rental agents and hopefully the
65 memo will be placed in renter packets

66 ○ To make the policy fully enforceable, the Board needs to make an
67 ordinance/resolution, requiring County approval, allowing Sherriff to enforce

68 ○ Chair directed Chief to work with Pritt to develop a proposed ordinance and
69 resolution for the 21 July meeting

70 ○ Public Comments: What about fireworks? Chief said that fireworks are illegal in
71 Florida and are banned. Second Comment: Code Enforcement is supposed to be out
72 today looking at refuse and garbage piles as potential code violations.

73 ● State Park Firebreak:

74 ○ Park is requesting \$30,000 from State to accomplish firebreak maintenance; LaVallie
75 and Jenkins cut heaviest limbs blocking the firebreak and Chief ran B192 up and
76 down the firebreak last month to knock down the heaviest remaining vegetation

77 ○ Public Comment: Will the Park allow a new "Fern Burn" next fall on State land?

78 LaVallie stated that park wouldn't approve under normal circumstances but they did
79 allow after Hurricane Charley and we could ask again if that type of event recurs

80 ● U191 Utility Vehicle: Insurance carrier rejected the claim for repairs since the damages
81 couldn't be connected to a specific weather event

82 ● 1988 Pierce Engine/Pumper: Loaner from San Carlos Park is on-island, allowing us to
83 schedule hose, pump, and ladder testing and repair of the fuel injector leak

- 84 • The Board accepted the Chief's Report

85

86 5) COMMISSIONER REPORTS:

87

88 A) Sward-Legal Update ~~(10:37:10 – 10:38:50)~~:

89

- 90 • Sward updated the Board that all agreements have been signed and that the waiting
91 period has passed, making the agreements final

- 92 • Sward asked the Chief to mail the \$4,250 check to Brantley/Pepper

- 93 • Sward will provide the final update at the 2 June 2017 meeting

- 94 • Chair and Board thanked Sward for his efforts on bringing the issue to resolution

95

96 B) LaVallie-Community Committee Update (Tabled) ~~(10:38:50 – 11:16:45)~~:

97

- 98 • **Fry moved** that we re-open the topic to allow LaVallie permission to contact attorneys to
99 ask for cost proposals to represent the District through 30 September 2017 on the legal
100 issues related to a possible referendum and potential implementation of a pathway
101 special assessment, **seconded** by LaVallie.

- 102 • Chair called for discussion:

- 103 ○ Chair and Sward stated that they were not in favor

- 104 ○ Fry stated that in the last week, after the UCCA forwarded Kelley's proposal via email
105 that he has received 5 citizen responses and, if there is any thought that we are going
106 to proceed, there are a number of milestones that would need to be met, such as:

- 107 ▪ Referendum would have to be a mail-out since there are no elections affecting
108 North Captiva voters this summer/fall and a request has to be approved by the
109 Florida Secretary of State 120-days before the County will do a mail-out ballot,
110 requiring a Board decision by the July meeting

- 111 ▪ If we are to continue to evaluate options to proceed, we have a number of legal
112 questions that need to be addressed before requesting State permission for a
113 referendum between now and the July meeting

- 114 ▪ Working with Tom Levin to put together a draft/strawman execution plan that will
115 show estimated costs and initially proposed priorities of effort but there are also
116 significant attorney questions, Weyer questions about legal assessment
117 methodologies and amounts, and governance/oversight questions that need to be
118 answered

- 119 • Chair stated that we need to modify our District Charter to allow the District to maintain
120 the pathway surfaces, allowing us to trespass and enforce the easements, including
121 potential condemnation to put the roads where they are supposed to be. Chair concurs
122 with Counsel that our current charter does not have pathways under our purview.

- 123 • LaVallie stated that we have a disagreement about the legal question and that is what
124 we need to address before we can proceed and throwing that up as a legal impediment
125 needs to be resolved. ~~That~~ the condition of our roads does limit response time on our

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

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

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

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

177

178 6) OLD BUSINESS:

179

180 A) Draft Public Facility Report ~~(11:16:45 – 11:19:06)~~: Completed and emailed to the County
181 on 6 May 2017

182

183 B) Legal Representation ~~(11:19:06 – 11:19:32)~~: Sward asked to defer until 2 June 2017
184 meeting

185

186 C) Officer Chain of Command ~~(11:19:32 – 11:24:16)~~:

187

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

196

197 D) Building Maintenance and Modification ~~(11:24:16 – 11:44:15)~~:

198

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

205

206 7) NEW BUSINESS:

207

208 A) Year 1 Assessment (Howick & Devoy), Resolution 2017-051917(2) ~~(11:44:15 – 11:49:30)~~:

209

- 210 • Ms. Howick, via email, requested forgiveness of her Year 1 Special Assessment on South
211 Banks that has yet to be paid, ~~now that~~after the property was categorized as
212 “Submerged” by the County in February 2017-
- 213 • **Fry moved** that the Board approve Resolution 2017-051917(2) that would forgive
214 \$580.61 in Year 1, FY2014-15 Special Assessment, **seconded** by LaVallie-
- 215 • Fry reminded the Board that this was not a timely request for equalization, the request
216 should have been made three years ago, and that they paid Year 2 and Year 3 to the
217 County. This resolution only forgives Year 1, not Years 2 and 3.
- 218 • Chair read Resolution 2017-051917(2) aloud, called for discussion and public comment,
219 **all voted aye to approve (Jenkins rejoined the call).**
- 220
- 221 B) Budget Amendment-2 (Resolution 2017-051917(1)) ~~(11:49:30 – 11:53:50):~~
- 222
- 223 • **Fry moved** that the Board approve Resolution 2017-051917(1) that would reallocate
224 budget limits in the General Fund and Special Assessment budgets, based on our year-
225 to-date spending, **seconded** by LaVallie.
- 226 • Chair read Resolution 2017-051917(2) aloud, called for discussion and public comment,
227 **all voted aye to approve.**
- 228
- 229 C) Draft FY18 Budget ~~(11:53:50 – 12:18:45):~~ Treasurer proposed that the focus of today’s
230 discussion should be how the numbers are put together and asked the Board to delay
231 debate until the June meeting, after everyone has had a chance to dig into the numbers
232 and understand the proposals.
- 233
- 234 • Revenues: We won’t see the County projection for ad valorem property valuations until
235 the end of June but there is no reason to believe that values will drop, so we should
236 have at least as much money next year as this year
- 237
- 238 • Pay & Benefits Proposal:
- 239 ○ Chief and Treasurer agree with-on a proposal to provide raises for part-time staff:
- 240 ▪ The officers haven’t had a raise for more than 3 years while the Federal Cost of
241 Living Adjustment (COLA) has increased 2% for 2015-2017
- 242 ▪ Draft budget proposes a 2% raise for officers (\$0.40/hour for Captains and
243 \$0.38/hour for Lieutenants)
- 244 ▪ Draft budget proposes a 1% raise for paramedics (\$0.18/hour) and EMTs
245 (\$0.16/hour) that were hired in FY15, where the FY16 and FY17 cost of living
246 went up only 0.3%
- 247 ▪ Total cost estimate (including taxes) is about \$9,000 for the year for these
248 proposed raises, split between General Fund and Special Assessment
- 249 ○ Chief and Treasurer agree with a proposed increase of holiday pay from 8 hours for 4
250 holidays) to 12 hours that increases the differential to “Time and a Half”:
- 251 ▪ Holidays proposed again are July 4th, Thanksgiving Day, Christmas Eve, and New
252 Year’s Eve

- 253 ▪ Cost is estimated at \$1,000/year
254 ○ Chief and Treasurer disagree with a proposed raise for Chief:
255 ▪ Chief proposes a \$5,000/year increase and a \$1,250 increase in retirement that
256 also increases various taxes; total cost estimate is about \$7,000/year
257 ▪ Treasurer proposes a \$180/year increase and a \$45 increase in retirement that
258 matches a 0.3% final 2017 Federal COLA; total cost estimate is about \$300/year
259 ▪ Treasurer suggested that this could be the start of annual COLA adjustments for
260 both Chief and part-time employees, based on last year's Federal COLA
261 ▪ Board also needs to decide on contract renewal by 31 August 2017 or it will
262 renew automatically for 1 year without any changes
263
264 ● Operating Expenses:
265 ○ General Fund:
266 ▪ Most of the budget lines have been adjusted and tweaked over the last 2 years
267 and are now very accurate
268 ▪ Only a handful of lines are recommended for adjustments next year
269 ○ Special Assessment:
270 ▪ There are a number of minor budget lines in the Special Assessment that aren't
271 cost-effective for the Bookkeeper's hourly rate to allocate between General Fund
272 and Special Assessment so Treasurer and Bookkeeper recommend zeroing those
273 lines
274 ▪ Based on current spend rate, there are only a few lines that require increases
275
276 ● Capital Investment:
277 ○ General Fund:
278 ▪ Chief identified what he would like to buy next year that would be fully funded
279 ▪ The bookkeeper would allocate two improvements as Repair & Maintenance so
280 we recommend moving that amount into Operating Expenses next year
281 ○ Special Assessment:
282 ▪ Chief identified what he would like to buy next year that would be fully funded
283
284 ● Closing: We will use these same documents without change for the June meeting. Also,
285 with the 2 June date, we are unlikely to have May financial reports since the checking
286 account statement isn't available until the day before. Lastly, we will have updated
287 slides with revenue projections and current year expenditures through 30 June for the
288 July budget discussions.
289

290 8) PUBLIC COMMENT ~~(12:18:45 — 12:36:40)~~: First comment from a new part-time owner that
291 has visited the island since the 1970s, thanking the Board and the Chief for their efforts to
292 provide Fire Prevention and Rescue services. He works for a hospital system and has fire
293 responsibilities in his job and knows how difficult the job is. He agrees that during the rainy
294 season, the water is a hazard on the island, especially on the north end. Next comment was that
295 with the road trimming project, we only had 1 complaint about cutting inside the easement,

296 that the majority of the island would support efforts to improve the roads, and the Board needs
297 to help with a road solution since there is no other government activity on the island.

298

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

300

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

302

303 Respectfully submitted,

304

305

306

307 Bill Fry

308 Secretary/Treasurer

UNAPPROVED DRAFT