

**Upper Captiva Fire & Rescue District**

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*servicing the community with pride*

Robert Kinniry, Chief: UpperCapFD@aol.com

1  
2 BOARD OF COMMISSIONERS

3  
4 REGULAR MEETING

5  
6 2 June 2017

7  
8 COMMISSIONERS PRESENT: Zeke McDonald, Tom Jenkins, Bill Fry, Steve Sward (by phone), AJ  
9 LaVallie (by phone), and Chief Bob Kinniry.

10  
11 ISLANDERS PRESENT: Jackie Byrnes, Sue Ann Cousar, Jo Ann Beiermeister, and Bill Byrnes.

12  
13 1) CALL TO ORDER: Chairman McDonald called the meeting to order at 10:01 AM.

14  
15 2) FY16 Annual Independent Audit (~~02:15 — 18:13~~): Chair set aside the agenda, without  
16 objection, for Jeff Brown, our independent auditor to present his findings:

- 17  
18 • Statement of Net Position (page 8): Good numbers with a positive unrestricted cash  
19 reserve  
20 • Balance Sheet (page 10): Cash basis (no capital) with accruals like payables, used for  
21 budgeting  
22 • Statement of Revenues and Expenditures (page 12): Similar to Profit and Loss in a  
23 business, using a “modified accrual” accounting basis for government accounting  
24 • Findings: No identified deficiencies; an overall positive and “clean” report  
25 • **Fry moved** to accept the independent auditor’s report, **seconded** by Jenkins and **all**  
26 **voted aye.**

27  
28 3) MINUTES (~~18:13 — 29:30~~): Minutes of the 19 May Regular Meeting were read; **Jenkins**  
29 **moved**, Sward **seconded**, and **all voted aye** to accept the minutes with corrections.

30  
31 4) TREASURER’S REPORT: Tabled until 21 July meeting due to early June meeting

32  
33 5) CHIEF’S REPORT (~~31:00 — 36:40~~):

- 34  
35 • Calls Last Month: 51 (5 more calls since the last meeting), including a transport with the  
36 Contender  
37 • M191 Contender: Maintenance completed, including cleaning the bottom of the boat  
38 and discovered need to have it repainted  
39 • Hurricane Season: Officially started yesterday and Island plan is posted on the website  
40 • 1988 Pierce Engine/Pumper: Awaiting estimate for work

- 41 • FEMA Grant for High Volume Pump (750 gallons per minute): No updated status
- 42 • Beach Campfire Patrols: On-going and, since patrols started, seems to have resolved
- 43 without any calls or complaints but will suspend for the remainder of turtle season
- 44 • State Park Firebreak: Awaiting funding update from State
- 45 • The Board accepted the Chief's Report

46

47 6) COMMISSIONER REPORTS:

48

49 A) Sward-Legal Update ~~(36:40–38:37)~~: All settlement documents have been completed and  
50 awaiting receipt of the signed documents from the Insurer's Attorney and clearing of the  
51 check and now final/closed

52

53 B) LaVallie-Community Committee Update ~~(38:37–1:11:04)~~:

54

55 • **LaVallie moved** to reopen the topic to discuss costs for a legal opinion on the process to  
56 begin a new special assessment for pathway surface maintenance, **seconded** by Jenkins:

57

58 ○ Sward and McDonald reminded the Board that we already have three legal opinions  
59 and McDonald discussed with Attorney Pringle that the District has the need to get  
60 fire and rescue equipment to an incident and that we have no responsibility to  
61 improve pathways for golf carts to operate

62

63 ○ Jenkins stated that we took responsibility, along with the UCCA, to clear brush from  
64 the pathways and didn't worry about where the paths were supposed to be then and  
65 not sure why that is a worry for discussing surface maintenance

66

67 ○ LaVallie stated that the condition of our pathways does inhibit our delivery of service  
68 and we should be identifying what our standard should be and that HB1717 that re-  
69 codified the District stated maintenance could be done and, if all that was envisioned  
70 in 2004 was trimming the pathways, the law should have stated only that. The roads  
71 will deteriorate over the coming rainy season and that will inhibit our ability to  
72 provide timely response on a medical or fire call and we should investigate whether  
73 we can legally implement pathway maintenance under our stated powers or not

74

75 ○ Fry suggested that we will continue to restate our positions on this topic without  
76 coming to any resolution and the question should be called

77

78 ○ Chair then called the question on whether to un-table this issue; **passed 3-2 (Sward  
79 and McDonald opposed)**.

80

81 • **Fry moved** that we allow LaVallie permission to contact Pritt & Pringle to ask for cost  
82 proposals to represent the District through 30 September 2017 on the legal issues  
83 related to a possible referendum and potential implementation of a pathway special  
assessment, **seconded** by Jenkins.

84

85 ○ Sward again stated that we are in the process of getting a proposal from Attorney  
86 Pritt for representation starting next fiscal year, we should not fragment our  
87 representation among two different attorneys on different subjects, carving out this  
88 issue for Attorney Pringle is an inappropriate way to proceed and that we should  
89 wait until after 30 September to proceed

- 84 ○ Fry suggested that the question should be called
- 85 ○ Public Comment: There have been no negative comments heard but there are many
- 86 questions that cannot be answered and, as elected officials, you have a duty to
- 87 explore the legality and process for the District doing pathway surface maintenance
- 88 ○ Chief restated that, if our public wants us to do this, we need to investigate all
- 89 aspects of this question, if we can legally accomplish the wishes of our constituents
- 90 ○ Chair called the question on the motion; **passed 4-1 (Sward opposed)**.

91

92 7) OLD BUSINESS:

93

94 A) Legal Representation ~~(1:11:04 – 1:18:02)~~:

95

- 96 ● Sward has discussed with Attorney Pritt and he has agreed to continue as our Attorney
- 97 through 30 September and that he will have a proposal for a future retainer contract that
- 98 isn't only hourly-rate based
- 99 ● At the request of the Board, Sward will also ask Attorney Pringle to submit a proposal as
- 100 well
- 101 ● Board will make a decision on future representation after both proposals are received
- 102 and discussed at a future meeting

103

104 B) Officer Chain of Command/ Organization Chart: Tabled until July meeting

105

106 C) FY18 Proposed Budget (Pay & Benefits) ~~(1:20:15 – 2:23:16)~~:

107

- 108 ● Fry reminded the Board that the written proposal from last meeting does not have a page
- 109 1 or page 2 yet since those are focused on revenues and we won't receive our final
- 110 estimate of ad valorem valuations until 1 July; the next version of the presentation for the
- 111 July meeting will include projected revenues and will update the individual budget lines,
- 112 based on the Budget Amendment approved at the May meeting, and expenditures year-
- 113 to-date through 30 June
- 114 ● Chair asked Chief and Treasurer about Raises for the Chief in 2016 shown in the
- 115 presentation and Fry stated:
  - 116 ○ Added \$2400 for District-paid temporary disability policy in January (non-taxable and
  - 117 no impact on the paycheck), effective immediately
  - 118 ○ Added 5 additional PTO days from 16-21 workdays/year with a value of \$2500-\$2700,
  - 119 effective 1 Oct 2016
  - 120 ○ Increased salary by \$2600 on contract approval in May 2016 to cover the additional
  - 121 taxes for the Chief's new housing allowance since he was unwilling to move to an SHC
  - 122 townhouse (instead of direct payment to a landlord), effective 1 June 2016 (and the
  - 123 District pays FICA and Workman's Comp on both the \$14,400 housing allowance plus
  - 124 the additional \$2,600 to cover taxes)
  - 125 ○ Increased salary by \$5000, effective 1 Oct 2016

- 126 • LaVallie stated that, as he understood it, reporting the housing allowance as taxable  
127 income and both the Chief and the District paying taxes on that is what is required, no  
128 matter what was done in the past
- 129 • Sward asked what former Chief Pepper's base salary was and Treasurer stated that it was  
130 \$68,540 but he did not receive the \$2,400 in temporary disability insurance coverage or  
131 the additional 5 days of PTO worth \$2,500 - \$2,700 in his past total compensation, so  
132 looked at that way, the difference in total compensation is less than \$3,540 between  
133 former Chief Pepper and Chief Kinniry
- 134 • Chair stated that Chief Pepper also received compensation for tasks and functions off-  
135 island that were official business and Fry reminded the Board that we also pay Chief  
136 Kinniry:
- 137 ○ \$400/shift worked in excess of his 4 shifts/week, when a part-time firefighter cancels  
138 his shift at the last minute and a replacement cannot be found (about 5-7 shifts so far  
139 this FY totaling \$2,000 - \$2,800 in extra pay so far this year)
- 140 ○ And the Board approved PTO accrual and a future cash-out benefit for unused PTO,  
141 once a specified level of PTO days are accrued (days that were "use or lose" in past  
142 years) where Chief Kinniry typically lost 5-8 days each year (worth \$2500 - \$4000)
- 143 • Sward confirmed that Chief's contract expires on 30 September 2017 and **Sward moved**  
144 that each Board member should complete a written assessment of Chief's performance  
145 and discuss that assessment with Chief before the July meeting, that each of us factor  
146 that performance into a decision on a salary increase, **seconded** by Fry.
- 147 ○ LaVallie asked for a template and Fry committed to providing the last assessment  
148 forms that were used in December 2015 to Chief for forwarding, for use as an  
149 informal guide and Sward stated that each of us could use whatever format we  
150 preferred, as long as a written assessment is provided to Chief and discussed at the  
151 July meeting
- 152 ○ Public Question: Will the Board conduct a peer review by the Officers and Fry stated  
153 that failed the last time and it would be too late to implement this by next month
- 154 ○ **All voted aye**
- 155 • Chair commented that a fair comparison between former Chief Pepper and Chief Kinniry  
156 is also complicated since we no longer have an Assistant Chief and Fry stated that he had  
157 developed cost proposals for Chief Kinniry's review for a full-time hire (1 on/2 off or 2  
158 on/4 off shift schedule, like other area Districts hire) for the last 2 years but Chief Kinniry  
159 didn't want to propose it; Fry will include those worksheets in the July presentation  
160 package update for Board discussion and decision.
- 161 • Chief stated that he is significantly underpaid compared to other Chiefs in other area  
162 Districts and prior salary increases were more cost of living adjustments to bring him to a  
163 fair level and Chair stated that Bookkeeper Lynch said that Chief is paid 30% less than  
164 Captains at adjoining districts and Fry reminded the Board that there is more than salary  
165 in a true comparison that doesn't address that other Districts have full-time/union  
166 employees, full time administrative personnel, and more than 1 fire station that are  
167 staffed by full-time firefighters
- 168

- 169
- 170 • Part-Time Firefighter Pay & Benefits:
    - 171 ○ Chair stated that the new Chain of Command/Additional Duties should have a
    - 172 financial impact with additional pay & benefits for those additional responsibilities
    - 173 ○ Fry stated that we already have 2 employees that we pay extra (CAPT Tyrell for
    - 174 govdeals.com sales and CAPT Givens for ALS Coordinator) where we pay the same
    - 175 hourly rate, not a different hourly rate for all of their other hours. The current
    - 176 spreadsheets don't include additional hours for 5+ additional people's additional
    - 177 duties but, if the numbers become large, the proposed COLA raises could be
    - 178 unaffordable since there isn't a bottomless pit of money available to spend
    - 179 ○ Chief proposed COLA raises for the part-time employees since they were promised
    - 180 raises 2 years ago, those raises were implemented in June 2015 without Board
    - 181 approval, and then the Board directed that those increases be rolled back in
    - 182 September 2015
    - 183 ○ Chair stated that we should not only pay for extra hours for additional duties but we
    - 184 should also pay a higher hourly rate for those designated officers that accept those
    - 185 additional duties for ALL work performed for the District
    - 186 ○ LaVallie asked whether this is a supply & demand issue where our part-time pay is too
    - 187 low and we can't fill our part-time positions
      - 188 ▪ Chief stated that there are some employees that don't want extra duties, they just
      - 189 want to work their 24-hour shifts
      - 190 ▪ Fry stated that pay rates are either just right or too high since we don't experience
      - 191 any personnel turbulence from folks quitting and, in fact, we just hired a
      - 192 paramedic qualified firefighter at the EMT rate that is \$2/hour less than a
      - 193 paramedic because we need EMTs (not paramedics)
      - 194 ▪ Chair asked if we ever have two officers on the same shift and Chief said only
      - 195 when there is a last minute schedule cancelation but that would happen very
      - 196 infrequently
    - 197 ○ Jenkins stated that, if we aren't having staffing problems, why do we need to provide
    - 198 any raises or increases in compensation, especially since we don't want to get back
    - 199 into the habit of spending more than we can afford as in recent past years (LaVallie
    - 200 and Fry agreed)
    - 201 ○ Fry added that we need to always remember that we need to be judicious in our
    - 202 spending increases since, 7 years from now, when the Special Assessment expires, we
    - 203 will have to live within the Ad Valorem revenues or request a new referendum for a
    - 204 new Special Assessment, that at current spending levels we need \$280 million in total
    - 205 valuations and we only have about \$190 million this year
    - 206 ○ Chair stated that our goal should be 1-1/2 years worth of reserves to cover future
    - 207 funding shortfalls and Fry said that would be over \$1.5 million in reserve, that many
    - 208 of our constituents might not trust us with that amount of money, and that ~~Fry~~we
    - 209 ~~wouldn't~~shouldn't trust us either
  - 210 • Public Question: Didn't Chief Kinniry agree to his contract in May 2016 and, within 3
  - 211 months, he asked for and received a \$5000 salary increase for 2017? Is there any
  - 212 consideration that it took 20+ years for former Chief Pepper to receive a \$68,540 salary
  - and that Chief Kinniry is asking for a comparable total salary increase in less than 2

213 years? Chair stated that looking at the past salary increases from the base as Assistant  
214 Chief (2004-2015) makes the increases seem larger but he now has the responsibilities  
215 of Chief of the District. Next question was what was the difference between former Chief  
216 Pepper's last salary and Chief Kinniry's current salary? Chair stated \$8000 less and Fry  
217 clarified it was about \$3000 less, minus \$5000+ in untaxed benefits of additional PTO  
218 days and paid temporary disability insurance that former Chief Pepper didn't receive.  
219

220 D) Building Maintenance ~~(2:23:16—2:23:54)~~: Charis asked to add as Old Business for the July  
221 meeting  
222

223 8) NEW BUSINESS:  
224

225 A) FY16 Financial Audit Results: Discussed at the start of the meeting  
226

227 B) Permission to Close the Special Assessment Checking Account ~~(2:23:54—2:25:42)~~:  
228 Treasurer asked for Board permission to close the separate Special Assessment checking  
229 account since we haven't used it since January, when we started payroll direct deposit,  
230 and our Independent Auditor is satisfied with Bookkeeper Lynch's "pooled cash"  
231 processes. **Fry moved** that we close the Special Assessment checking account as soon as  
232 possible, **seconded** by Jenkins, **all voted aye**.  
233

234 9) PUBLIC COMMENT ~~(2:24:42—2:37:20)~~: There are rumors that owners on Gulf Lane intend to  
235 block the road with construction materials and equipment. Fry stated that if that does happen,  
236 Chief should submit a code violation complaint against both property owners on Gulf Lane, not  
237 just one of them, since both would be limiting access across the recorded easement. Next  
238 comment was that Code Enforcement has been out to the island this last week and is  
239 apparently citing property owners with piles of debris and cut vegetation that are fire hazards.  
240 On the old Road Commission, that group has been dissolved over 2 years and the work still  
241 needs to be done. Chief reminded everyone that roads used to be the responsibility of the  
242 Friends of the Fire Department, before the legislatively created fire district and UCCA were  
243 created.  
244

245 10) NEXT DATE: Next Regular Meeting on Friday, 21 July 2017, beginning at 10 AM.  
246

247 11) ADJOURN – **Moved by Fry, seconded** by Jenkins; meeting adjourned at 12:39 PM.  
248

249 Respectfully submitted,  
250

251  
252  
253 Bill Fry  
254 Secretary/Treasurer