

# Upper Captiva Fire & Rescue District

4511 Hodgepodge Lane

P.O. Box 322

Pineland, FL 33945



*servicing the community*

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

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## BOARD OF COMMISSIONERS

### REGULAR MEETING

8 December 2017

COMMISSIONERS PRESENT: Zeke McDonald, Tom Jenkins, AJ LaVallie, Steve Sward, Bill Fry (by phone), Attorney Richard Pringle (by phone from 10:27 – 12:57) and Chief Bob Kinniry.

ISLANDERS PRESENT: Bill Byrnes, Jackie Byrnes, Rick Fox, JoAnn Beiermeister, Erin LaVallie, LA Brickner, Jennifer White, Yvena Dervil, Evan Kreeple, Sue Ann Cousar, Dany Hryck (by phone), and Tom Murphy (by phone).

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

2) Chair asked for Public Comment on the Agenda and asked to move Old Business 7A to last of Old Business (7G) and add New Business 8A to select a new board chairman.

- **Fry moved** that we suspend the agenda and discuss Chairman McDonald's resignation and selection of a new Commissioner and Chairman, **seconded by LaVallie**. After discussion, **motion failed (1-4, McDonald, Sward, Jenkins, LaVallie against)**
- **Fry moved** that we approve the Chair's requests, without further objection.

3) MINUTES ~~(4:24 – 15:45)~~: Minutes of the 17 November Regular Meeting were read; **Jenkins moved, LaVallie seconded**, and **all voted aye** to accept the minutes with corrections.

4) TREASURER'S REPORT ~~(15:48 – 29:13)~~:

- Balance Sheet:
  - The Ad Valorem checking account had a 30 November ending accrued balance of \$5,749.71
  - The Ad Valorem Money Market Account had a 30 November ending accrued balance of \$371,934.20 (including \$86.20 in interest for November, \$200,556.89 in tax & special assessment revenues, \$4092.75 in surplus equipment sales, and \$750 in initial contributions for the annual fun run)
  - The Friend's account had a 30 November ending balance of \$15,309.79 (no change)
  - The Impact Fee account had a 30 November ending balance of \$2,220.43 (increase of \$0.88 in impact fees)
  - Fry stated that there were no unexpected outstanding liabilities other than the usual transfers of expenses between the General Fund and Special Assessment Fund

- 42 ○ Sward asked how much of our fund balances cover the first 3 months of the fiscal  
43 year and Fry stated we use a planning number of \$70,000/month x 3 months or  
44 \$210,000 but that is now moot since we are already receiving FY18 revenues and will  
45 continue to receive \$200K-\$300K/month for the next 2-3 months. Chair stated that  
46 we need two reserves; one for operational costs in the first 2-3 months of each fiscal  
47 year and a second unsegregated reserve for emergency spending that our \$500K line  
48 of credit covers.
- 49 ● Consolidated Income and Expense Report Ending 30 November: We were 16.67% into  
50 FY18 with Pay & Benefits at 16.04%, Operating Expenses at 15.74%, and Capital  
51 Investment at 16.84%.
- 52 ○ In Pay & Benefits, the Workmen's Compensation line is high since we pay 25% for our  
53 initial down payment on the annual policy each October and then 10 equal monthly  
54 payments that Bookkeeper Lynch allocates 50/50 between the General Fund and  
55 Special Assessment Fund, so that high percentage is just a timing issue
- 56 ○ In Operating Expenses:
- 57 ■ Nearly all of the lines that are high percentage are front-loaded payments (for  
58 Tax Collector Fees, Leases, Insurance, Books & Subscriptions, and Training &  
59 Education) and they are also timing related
- 60 ■ Bookkeeper Lynch has added a new expense line for Road Clearing/Chipping,  
61 showing the first \$3940 in post-IRMA costs
- 62 ■ Fry asked the Board to direct Chief & Lynch to update Board at the January 2018  
63 meeting on their plan and/or status for requesting FEMA reimbursement for  
64 IRMA-related costs and Chair stated that was already done
- 65 ● **Sward moved** to accept the Treasurer's Report, **LaVallie seconded**, **all voted aye**.

66  
67 | 5) CHIEF'S REPORT ~~(29:14 - 40:55)~~:

- 68
- 69 ● Calls: 92 calls year-to-date, including a resident attempting to burn his yard debris in  
70 violation of the island's burn ban. The resident was informed about the ban and the fire  
71 was extinguished
- 72 ● Equipment:
- 73 ○ Purchase Status of High Volume/High Pressure Pump: Pump was ordered and should  
74 be delivered in 2-4 weeks. We have started receiving some of the hoses and other  
75 peripheral items
- 76 ○ Purchase Status of Replacement U191 Utility Vehicle: On-island and in service, with  
77 rust/undercarriage treatment completed
- 78 ○ GovDeals.com: Nothing new to report
- 79 ● Fire Break Maintenance: Nothing new to report but Lach will be on-island next week for  
80 further discussion
- 81 ● Sol Vista Fire AAR Updates/Improvements: No meaningful updates
- 82 ○ Sward asked whether the stated new procedure of checking draft points for  
83 blockages was being done, Chief stated that the firefighters check it once or twice a

84 week, and that a mapping system is being implemented to GPS-identify draft points  
85 for arriving off-island mutual support

- 86 ○ Chair stated that LCSO could be a good resource if owners or contractors leave the
- 87 blockage in place after Chief asks for it to be cleared
- 88 ● IRMA AAR Updates/Improvements: No meaningful updates
- 89 ● The Board accepted the Chief's Report

90

91 6) COMMISSIONER REPORTS:

92

93 | A) Sward-Legal Representation ~~(40:54 – 51:30)~~: Discussion of Pringle's opinions on  
94 Commissioner and Chair replacement, as well as the reasons he was delaying his written  
95 opinion on the legality of the District performing pathway surface maintenance until the  
96 January meeting

97

98 | B) LaVallie-Community Committee Update ~~(51:30 – 51:40)~~: Pathway maintenance tabled  
99 until the January meeting, after our new legal advisor provides his written opinion and  
100 we can then determine the path forward

101

102 | C) Jenkins-Annual Fun Run Update ~~(51:40 – 55:10)~~: Scheduled for Friday, 29 December  
103 2017, starting at 9AM. Will start selling the shirts and sign-up the week before Christmas.  
104 As a reminder, State Park doesn't allow dogs in the park, even if on leash. There are 25  
105 sponsors plus 4 families.

106

107 7) OLD BUSINESS: Chair again asked if there was any public comment before we discuss old  
108 business; none made

109

110 | A) Officer Chain of Command/Organization Chart and Additional Duty Descriptions ~~(55:20 –~~  
111 ~~1:11:30)~~:

112

113 ● Chief submitted draft organization chart to the Commissioners that was posted on  
114 the website before the meeting that documents a new Deputy Chief (Cook) and 3  
115 new Division Chiefs (Denison, Givens, and McMullen)

116 ● Chief has an officer meeting scheduled for 21 December to discuss additional duties  
117 and financial impacts for those additional responsibilities

118 ● LaVallie asked to be added to the monthly schedule email

119 ● Chair asked whether there was a second person behind each of the division chiefs  
120 and Chief said that Capt Givens does have a back-up but the others are a work in  
121 progress

122 ● Sward asked whether the Future Chief Selection process could be modified,  
123 eliminating the chief sleeping on the island, working only 9AM-5PM five days/week  
124 (saving the housing cost) and adding a 4<sup>th</sup> firefighter to the budget to replace Chief

125 ○ Sward mentioned that other costs could be reduced if the new 9-5 Chief had health  
126 insurance from a retirement employer or spouse, or already has a pension,

- 127           ○ Fry reminded the Board that the savings in the housing cost (\$19,000/year,  
128           including taxes) and health insurance (\$10,000/year) doesn't cover the roughly  
129           \$120,000 in extra costs for a 4<sup>th</sup> firefighter for those 4 shifts/week that Chief  
130           currently covers, necessitating a funding increase or reducing the reserves  
131           ○ Fry stated that without seeing the details, it is hard to come out with a real number  
132           that could be \$120,000 higher, depending on benefits  
133

134 | B) Search Committee for Future Chief ~~(1:11:30 – 1:39:12)~~:

- 135
- 136       • Fox finalized ad that will be published and will coordinate the ad with AList, Tice Fire  
137       Chief, and Chief Nesbitt, the head of the Lee County Chief's Association
  - 138       • \$1,000 is the ad budget limit
  - 139       • LaVallie asked the expected timing and Fox said that he had set three meetings to  
140       comply with Sunshine on 21 December, 4 January, and 18 January at the SHC Clubhouse
    - 141       ○ May conduct telephonic interviews during those announced meetings
    - 142       ○ Will provide an update at the 19 January Commissioner's meeting
  - 143       • Chief asked whether he was going to be fired and replaced under this process?
    - 144       ○ Chair stated that Chief had expressed an interest in stepping down as the Chief,  
145       starting the requirement for a search
    - 146       ○ Chair stated that Chief's successor will have the right to hire and fire as the Chief  
147       Executive Officer of the District and Chief Kinniry will have to convince the next Chief  
148       to be retained as his assistant or in some other function
    - 149       ○ Chief asked whether there would be a period that they work together or would he  
150       be terminated as soon as a new Chief is selected?
      - 151       ▪ LaVallie stated that he believed a vetting process would occur to select a new  
152       chief, there would be some kind of overlap period that, depending on the new  
153       Chief might be long or short, and that there would be mutually agreed time for  
154       his departure
      - 155       ▪ Fox said that his assumption was that there would be a new chief, that Kinniry  
156       would serve as the interim chief, that there would be an overlap period, then we  
157       would select an assistant chief where Chief Kinniry will be one of the top  
158       candidates
    - 159       ○ Byrnes asked if this was the final answer about the job requirements for this process  
160       and Chair stated that no changes were being contemplated by the Board at this time
    - 161       ○ Pringle requested that Fox provide the draft advertisement for legal review and  
162       comment and Fox and Board agreed

164 | C) New Proposed Volunteer Program Identified Tasks & Training Plan ~~(1:39:12 – 1:40:02)~~: 15  
165       December has been posted on the website for an initial meeting with prospective  
166       volunteers

168 | D) Hurricane IRMA Chipping Proposals/Bids ~~(1:40:02 – 2:18:28)~~:

169

- 170 • LaVallie thanked Brynes and Chair for all of the work that they had accomplished in their  
171 efforts with the County and Crowder Gulf
- 172 • Brynes stated that on Monday, 4 December, three reps from Crowder Gulf and 2 from  
173 FEMA's subcontractor re-surveyed the entire island and found 100 piles totaling an  
174 estimated 1163 cubic yards of debris
- 175 • Chair attempted to call Manning on Lee County Commission but spoke with his  
176 administrative assistant on the low reimbursement rate. She directed Chair to Keith  
177 Howard at Lee County Solid Waste Division, who has a standing contract with Crowder  
178 Gulf for the entire County. Crowder Gulf didn't initially believe that North Captiva Island  
179 was included in their Lee County agreement but they were apparently wrong.
- 180 • The District will not be reimbursed by Crowder Gulf or the County for the chipping that  
181 the District has already paid for, and unclear whether FEMA will directly reimburse us
- 182 • Brynes emailed all of the vendors on the island asking for bid proposals and Clean Cut  
183 was the only vendor that responded with a \$11,000 bid
- 184 • The District will not fund any further post-IRMA debris chipping at this time, expecting  
185 Crowder Gulf to negotiate with Clean Cut for the work to do be done (or Crowder Gulf  
186 should bring their own equipment out and do the work themselves).
- 187
- 188 E) Pathway Trimming Project Proposals/Bids: Deferred until after the post-IRMA debris  
189 issue is resolved.
- 190
- 191 F) Station Repair Plan, Schedule & Costs: Deferred until the January 2018 meeting
- 192
- 193 | G) Chairman McDonald's Resignation (~~2:19:40—2:39:15~~):
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- 195 • Chairman McDonald read his letter of resignation and the entire Board and audience  
196 thanked him for his service
- 197 ○ Stated that Pringle advised him that the Board has the right to fill the vacancy  
198 immediately or to let the vacancy remain until the next general election in  
199 November 2018
- 200 ○ Sward asked when the term ends and McDonald stated that although his term ends  
201 in November 2020, his replacement would have to stand for election to a 2-year  
202 term during the November 2018 cycle, along with LaVallie and Jenkins
- 203 ○ Sward asked whether McDonald would consider delaying his resignation until  
204 November 2018. McDonald stated that if that was the desire of the Board, he would  
205 reconsider.
- 206 ○ Both LaVallie and Jenkins stated that it seemed that McDonald had made up his  
207 mind to resign and it wasn't appropriate for the Board to suggest otherwise, unless  
208 McDonald wanted to reconsider or delay his resignation
- 209 ○ McDonald stated that he had mixed emotions about resigning now, he was flattered  
210 by Sward's suggestion, and reminded the Board that he announced his desire to  
211 retire after the November 2016 election, and that, if he did reconsider, he would still  
212 resign as Chairman

- 213           ○ **Sward moved** that McDonald withdraw his resignation from the Board but the  
214           motion died from lack of a second  
215           ○ McDonald asked the Board whether they wanted to fill the vacancy and/or select a  
216           new Chair immediately or wait to the next meeting?  
217           ● **LaVallie nominated** Bill Byrnes to fill the Seat 5 vacancy, **seconded** by Sward, **all voted**  
218           **aye (4-0)**  
219           ● LaVallie again thanked McDonald for his services these many years, as well as the other  
220           Islanders that had expressed an interest in serving the Community  
221           ● Pringle recommended that:  
222           ○ Byrnes complete the process to take the oath of office  
223           ○ Documents to then be mailed to the Lee County Supervisor of Elections and the  
224           State Division of Elections  
225           ○ Asked McDonald whether the resignation was effective immediately or at the  
226           conclusion of the meeting:  
227           ▪ If effective immediately, Jenkins as the Vice Chair runs the remainder of the  
228           meeting and Commissioner-select Byrnes can take the oath of office  
229           ▪ If effective at the end of the meeting, then McDonald runs the meeting until  
230           adjournment and Byrnes would take his oath after that  
231           ▪ McDonald stated his resignation was effective immediately  
232           ○ If Commissioner-select Byrnes were elected, he would have 10 days after the  
233           election before officially taking office and to be fully “papered” with signed oath of  
234           office, bonds applied for, and documents mailed to the County and State  
235           ○ Deferring the selection of a replacement Chair until the next meeting when all of the  
236           documents are finalized, with Jenkins running the remainder of the meeting as the  
237           Vice Chair  
238           ● McDonald turned the meeting over to Jenkins  
239

240 8) NEW BUSINESS:

- 241  
242 | A) Proposal from Bookkeeper Lynch for Increased Travel Allowance ~~(2:39:15—2:42:15)~~:  
243  
244           ● LaVallie asked whether Fry believed the request was valid  
245           ● Fry stated that the request would cost about \$1,500/per year and that Lynch has had  
246           the same travel allowance for 3+ years now, while gasoline prices and other costs have  
247           increased during that time, and it seems like a fair and reasonable request  
248           ● **Fry moved** that we approve the increased travel reimbursement rate to  
249           \$100/roundtrip, **seconded by** LaVallie.  
250           ● Pringle recommended that the Vice Chair call for public input before taking the vote  
251           and there were no public comments  
252           ● **All voted aye (4-0)**  
253

254 | 9) PUBLIC COMMENT ~~(2:42:15—2:54:18)~~: McDonald stated that prior Boards have paid the \$10  
255 filing fee for new commissioners with District funds and wanted to know if the Board was going

256 to continue that. Sense of the Board was that was the standard process and would continue.  
257 McDonald then asked whether he could continue working the post-IRMA debris pile resolution  
258 and Board agreed. Brickner stated that she was impressed with the process of replacing Board  
259 Commissioners and the number of people that were interested in stepping forward to serve the  
260 Island. Byrnes asked Pringle whether he had a conflict with remaining on the Chief Search  
261 Committee since there were no other Commissioners on the Committee, especially since all of  
262 the proposed Committee meetings will be noticed. Pringle stated that he saw no conflict.  
263 Byrnes then asked Pringle about his running of the Friends of the Fire Department and Pringle  
264 stated that he didn't see a legal conflict but recommended that Byrnes transition that  
265 responsibility to another person before the next meeting, if someone else is available.  
266 Otherwise, Pringle would require more details before rendering an opinion. Commissioner-  
267 Select Byrnes took the Oath of Office, administered by Cheryl Bredin, and signed all of the  
268 documents.

269

270 10) NEXT DATE: The next Regular Monthly Meeting is Friday, 19 January at 10AM.

271

272 11) ADJOURN – **Moved by LaVallie, seconded by Fry**; meeting adjourned at 12:56PM.

273

274 Respectfully submitted,

275

276

277

278 Bill Fry

279 Secretary/Treasurer

UNAPPROVED DRAFT