

## Upper Captiva Fire & Rescue District

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*servicing the community*

### 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, Dan Hrycyk (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: 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:

- 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

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

#### 5) CHIEF'S REPORT:

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

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

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

#### 6) COMMISSIONER REPORTS:

- A) Sward-Legal Representation: Discussion of Pringle's opinions on Commissioner and Chair replacement, as well as the reasons he was delaying his written opinion on the legality of the District performing pathway surface maintenance until the January meeting
- B) LaVallie-Community Committee Update: Pathway maintenance tabled until the January meeting, after our new legal advisor provides his written opinion and we can then determine the path forward
- C) Jenkins-Annual Fun Run Update: Scheduled for Friday, 29 December 2017, starting at 9AM. Will start selling the shirts and sign-up the week before Christmas. As a reminder, State Park doesn't allow dogs in the park, even if on leash. There are 25 sponsors plus 4 families.

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

#### A) Officer Chain of Command/Organization Chart and Additional Duty Descriptions:

- Chief submitted draft organization chart to the Commissioners that was posted on the website before the meeting that documents a new Deputy Chief (Cook) and 3 new Division Chiefs (Denison, Givens, and McMullen)
- Chief has an officer meeting scheduled for 21 December to discuss additional duties and financial impacts for those additional responsibilities
- LaVallie asked to be added to the monthly schedule email
- Chair asked whether there was a second person behind each of the division chiefs and Chief said that Capt Givens does have a back-up but the others are a work in progress
- Sward asked whether the Future Chief Selection process could be modified, eliminating the chief sleeping on the island, working only 9AM-5PM five days/week (saving the housing cost) and adding a 4<sup>th</sup> firefighter to the budget to replace Chief
  - Sward mentioned that other costs could be reduced if the new 9-5 Chief had health insurance from a retirement employer or spouse, or already has a pension,
  - Fry reminded the Board that the savings in the housing cost (\$19,000/year, including taxes) and health insurance (\$10,000/year) doesn't cover the roughly

- \$120,000 in extra costs for a 4<sup>th</sup> firefighter for those 4 shifts/week that Chief currently covers, necessitating a funding increase or reducing the reserves
- Fry stated that without seeing the details, it is hard to come out with a real number that could be \$120,000 higher, depending on benefits

B) Search Committee for Future Chief:

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

C) New Proposed Volunteer Program Identified Tasks & Training Plan: 15 December has been posted on the website for an initial meeting with prospective volunteers

D) Hurricane IRMA Chipping Proposals/Bids:

- LaVallie thanked Brynes and Chair for all of the work that they had accomplished in their efforts with the County and Crowder Gulf

- Brynes stated that on Monday, 4 December, three reps from Crowder Gulf and 2 from FEMA's subcontractor re-surveyed the entire island and found 100 piles totaling an estimated 1163 cubic yards of debris
  - Chair attempted to call Manning on Lee County Commission but spoke with his administrative assistant on the low reimbursement rate. She directed Chair to Keith Howard at Lee County Solid Waste Division, who has a standing contract with Crowder Gulf for the entire County. Crowder Gulf didn't initially believe that North Captiva Island was included in their Lee County agreement but they were apparently wrong.
  - The District will not be reimbursed by Crowder Gulf or the County for the chipping that the District has already paid for, and unclear whether FEMA will directly reimburse us
  - Byrnes emailed all of the vendors on the island asking for bid proposals and Clean Cut was the only vendor that responded with a \$11,000 bid
  - The District will not fund any further post-IRMA debris chipping at this time, expecting Crowder Gulf to negotiate with Clean Cut for the work to do be done (or Crowder Gulf should bring their own equipment out and do the work themselves).
- E) Pathway Trimming Project Proposals/Bids: Deferred until after the post-IRMA debris issue is resolved.
- F) Station Repair Plan, Schedule & Costs: Deferred until the January 2018 meeting
- G) Chairman McDonald's Resignation:
- Chairman McDonald read his letter of resignation and the entire Board and audience thanked him for his service
    - Stated that Pringle advised him that the Board has the right to fill the vacancy immediately or to let the vacancy remain until the next general election in November 2018
    - Sward asked when the term ends and McDonald stated that although his term ends in November 2020, his replacement would have to stand for election to a 2-year term during the November 2018 cycle, along with LaVallie and Jenkins
    - Sward asked whether McDonald would consider delaying his resignation until November 2018. McDonald stated that if that was the desire of the Board, he would reconsider.
    - Both LaVallie and Jenkins stated that it seemed that McDonald had made up his mind to resign and it wasn't appropriate for the Board to suggest otherwise, unless McDonald wanted to reconsider or delay his resignation
    - McDonald stated that he had mixed emotions about resigning now, he was flattered by Sward's suggestion, and reminded the Board that he announced his desire to retire after the November 2016 election, and that, if he did reconsider, he would still resign as Chairman
    - **Sward moved** that McDonald withdraw his resignation from the Board but the motion died from lack of a second

- McDonald asked the Board whether they wanted to fill the vacancy and/or select a new Chair immediately or wait to the next meeting?
- **LaVallie nominated** Bill Byrnes to fill the Seat 5 vacancy, **seconded** by Sward, **all voted aye (4-0)**
- LaVallie again thanked McDonald for his services these many years, as well as the other Islanders that had expressed an interest in serving the Community
- Pringle recommended that:
  - Byrnes complete the process to take the oath of office
  - Documents to then be mailed to the Lee County Supervisor of Elections and the State Division of Elections
  - Asked McDonald whether the resignation was effective immediately or at the conclusion of the meeting:
    - If effective immediately, Jenkins as the Vice Chair runs the remainder of the meeting and Commissioner-select Byrnes can take the oath of office
    - If effective at the end of the meeting, then McDonald runs the meeting until adjournment and Byrnes would take his oath after that
    - McDonald stated his resignation was effective immediately
  - If Commissioner-select Byrnes were elected, he would have 10 days after the election before officially taking office and to be fully “papered” with signed oath of office, bonds applied for, and documents mailed to the County and State
  - Deferring the selection of a replacement Chair until the next meeting when all of the documents are finalized, with Jenkins running the remainder of the meeting as the Vice Chair
- McDonald turned the meeting over to Jenkins

#### 8) NEW BUSINESS:

##### A) Proposal from Bookkeeper Lynch for Increased Travel Allowance :

- LaVallie asked whether Fry believed the request was valid
- Fry stated that the request would cost about \$1,500/per year and that Lynch has had the same travel allowance for 3+ years now, while gasoline prices and other costs have increased during that time, and it seems like a fair and reasonable request
- **Fry moved** that we approve the increased travel reimbursement rate to \$100/roundtrip, **seconded by** LaVallie.
- Pringle recommended that the Vice Chair call for public input before taking the vote and there were no public comments
- **All voted aye (4-0)**

9) PUBLIC COMMENT: McDonald stated that prior Boards have paid the \$10 filing fee for new commissioners with District funds and wanted to know if the Board was going to continue that. Sense of the Board was that was the standard process and would continue. McDonald then asked whether he could continue working the post-IRMA debris pile resolution and Board

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

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

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

Respectfully submitted,

Bill Fry  
Secretary/Treasurer