

## Upper Captiva Fire & Rescue District

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*servicing the community*

### BOARD OF COMMISSIONERS

### REGULAR MEETING

16 February 2018

COMMISSIONERS PRESENT: Bill Byrnes, Tom Jenkins, AJ LaVallie, Steve Sward, Bill Fry (until 12:05), Attorney Richard Pringle (10:26 – 11:17 by phone) and Chief Bob Kinniry.

ISLANDERS PRESENT: Jerry Vernon, Sandy Werner, Bob Hipkens, Sue Hipkens, JoAnn Beiermeister, Zeke McDonald, Rick Fox, Jackie Byrnes, Travis Parker, Sue Ann Cousar, and Deputy Chief Cook.

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

2) Chair asked for a moment of silence for the shootings in Parkland on the other coast.

3) MINUTES:

- Minutes of the 2 January Special Meeting were discussed and Board identified corrections; **LaVallie moved, Jenkins seconded**, and **all voted aye** to approve the minutes with corrections.
- Minutes of the 19 January Regular Meeting were discussed; **LaVallie moved, Sward seconded**, and **all voted aye** to approve the minutes with corrections.

4) TREASURER'S REPORT:

- Balance Sheet: Fry stated that there were no unexpected outstanding liabilities other than the usual transfers of expenses between the General and Special Assessment Funds and that he would post the recap on the financial documents into the minutes:
  - The Ad Valorem checking account had a 31 January ending accrued balance of \$23,023.41
  - The Ad Valorem Money Market Account had a 31 January ending accrued balance of \$835,126.93 (including \$405.77 in interest for January, \$37,609.20 and \$23,465.26 in tax & special assessment revenues in January respectively, and \$230 in additional contributions for the annual fun run)
  - The Friend's account had a 31 January ending balance of \$15,315.58 (no change)
  - The Impact Fee account had a 31 January ending balance of \$3,644.71 (increase of \$1,423.45 in impact fees)

- There were no questions about the Balance Sheet
- Consolidated Income and Expense Report Ending 31 January: We were 33% into FY18 with Pay & Benefits at 31.31%, Operating Expenses at 31.54%, and Capital Investment at 19.64% (but we are 100% committed with approval of the \$50K in High Pressure/High Volume pump & trailer). All are within the ballpark of being on the straight-line path, other than Workman's Comp in Pay & Benefits and that is just timing with advance payment of premiums. There were no questions about the Consolidated Income & Expense Report
- **LaVallie moved** to accept the Treasurer's Report, **Jenkins seconded, all voted aye.**

#### 5) CHIEF'S REPORT:

- Calls: 5 calls last month; nothing major
- Equipment:
  - Purchase Status of High Volume/High Pressure Pump: Pump, trailer, and hose is on-island and will begin configuring everything after the meeting.
  - 6x6 Utility Vehicle: Skid-mounted tank & pump unit has been temporarily re-mounted on the new 4x4 utility vehicle because of continuing problems in finding repair parts for the 6x.
  - GovDeals.com: Old Skiff Tower sold for about \$1100
  - Building Renovations: Contractor estimates 2-3 weeks to complete the project and will start as soon as he completes a previously contracted job.
  - New 5-ton Military Vehicle from Forestry: No update; still not delivered to Fort Myers
  - ISO Survey: Scheduled for 6 March and that has been the primary focus of the Chief and Officers
  - Generator & Scene Lighting: Purchased equipment discussed in the Sol Vista Fire AAR on sale and it is now in service
  - Replacement Engine/Pumper for E191 (1988 Pierce): DC Cook provided an update on the maintenance status of the replacement truck; all necessary repairs for our island use, are being completed before bringing the truck out to the island and are estimated at \$500 – \$1000 without new tires; LaVallie thanked MPIFCD for the donation of the truck and DC Cook's efforts to support that, and the rest of the Board thanked him as well.
  - FEMA Request for Public Assistance: No update from FEMA but Fry stated that there had been tremendous improvement in the back-up documentation and detail that Chief has put together since the last meeting, even though those numbers haven't been shared with the rest of the Board. Something like a tripling in identified costs but thing like the Marriott bill are still not on the list.
- Sol Vista Fire AAR Updates/Improvements: No updates, other than purchase of scene lighting and generator and after Chief's initial contact with LCEC, they are sending an engineer to survey relocating the transformer
- IRMA AAR Updates/Improvements: No updates

- The Board accepted the Chief's Report

## 6) COMMISSIONER REPORTS:

### A) LaVallie- Pathway Surface Maintenance:

- LaVallie forwarded two documents to Pringle for legal review and comment:
  - Pringle stated that there were numerous updates that he would recommend before making them final and submitting to the Board for approval
    - Change road or pathway to "access-way" based on the District's enabling legislation, including the specific language from the legislation into the document, and changing maintenance or improvement to "work" since the enabling legislation provides pretty broad authority for "access-way work"
    - Including the clear legislative authority improves the ability for him to defend the District, if the District is challenged in the future
    - The final and approved document is the opportunity to educate the public on the District's authority and how the District will review and approve future "access-way work"
  - LaVallie asked whether, after the document is approved, changes are appropriate and Pringle stated that it should be viewed as a "living document" that could evolve over time, while the existing document is a "first working draft", until official action is taken to approve it. Once approved, it can't be deleted but it can be amended or updated, depending on Board action.
  - Sward asked Pringle that, since the enabling legislation uses the word "maintenance" rather than "work", shouldn't we continue to use that word? Pringle said that he would review the enabling legislation and make his last proposed revisions conform to the enabling legislation.
  - As the next step, Pringle will provide his suggested revisions to LaVallie in time for the next meeting
- LaVallie asked whether we needed the next draft before we can proceed to the next step and Fry stated that it sounded like there were significant changes being proposed to the first draft and it was unclear what the Board would be approving without the final draft that includes legal revisions.
  - Fry stated that he originally hoped that the legal review would have been completed before this meeting, that we would have the final draft in front of the Board and the Community 7 days ago, that we could have spent 5 minutes discussing the written final draft after legal revisions, that we could have approved the Committee Charter, and then selected Committee Members, allowing the Committee to publish Sunshine meeting dates and begin meeting.
  - Unfortunately, the document isn't sufficiently complete today to proceed to anything other than completing a final draft for Board discussion and approval

- Sward asked whether it was appropriate that the document seems to pre-suppose an intent to submit a referendum for a new special assessment, rather than fund from the ad valorem budget. Additionally:
  - Shouldn't the document identify which property owners would NOT be assessed, such as South Banks (that don't have public access-ways) and Safety Harbor Club (SHC) that already pays to maintain their pathways?
  - Fry stated that the draft document has draft words to the effect that a proposed special assessment would only affect property owners north of and including Panama Shell and that funds would be used for Upper Captiva public access-ways, including Harbor Bend Drive in SHC.
  - Pringle stated that the District isn't legally required to opine in this document what properties a potential assessment would apply to, since the District isn't bound to use only new special assessment revenue, but that there is an authority to establish a new funding source via referendum and special assessment, if that is the Board's decision
  - LaVallie stated that the document does NOT make the assumption that a referendum would occur. Fry stated that a document that meets the requirement of a Special Assessment Methodology wouldn't be required if the Board decides to fund with ad valorem revenues, that the proposed document could act as a Committee Charter BUT the data that the Committee creates on standards, work priorities, estimated costs, etc. would be necessary to budget and expend taxpayer dollars in any case.
  
- Public Comment: McDonald stated that Sward has hit a couple of nails on the head since 1) it implies a special assessment and 2) that the Board should take into account the South Banks property owners. In terms of the maintenance, shouldn't the Board include easement drainage, in addition to surface maintenance and trimming? And shouldn't it be made clear that this advisory committee is going to have to operate in the Sunshine? Should the composition of the Committee membership encompass all of the interests on the island such as businesses, restaurants, renters, etc? Lastly, the document speaks nothing about tropical events since a tropical event could wipe out a year or more of completed work. LaVallie responded that many of the issues that McDonald raised are already in the first draft and that, for things like tropical events, that could be a future addition or revision. Cousar stated that she didn't see the need for various interests to be represented on the Committee since business owners or restaurants shouldn't have a different interest than other property owners and Parker agreed.
  
- Sward asked Pringle whether he would be providing a written opinion for what he verbally presented at the January meeting that provides the legal basis for the Board to proceed to these next steps and Pringle said that he would, adding his past written product as exhibits to the final written opinion.

7) ADDITIONS/CHANGES TO THE AGENDA & PUBLIC COMMENTS ON AGENDA: No public comments

## 8) OLD BUSINESS:

### A) Search Committee for Future Chief:

- Fox provided an update that ads have been run, applicant cut-off is 28 February and, based on committee review, there are 6 qualified applicants, and that there have been 3 committee meetings in Sunshine to date.
- The expected timeline is to provide a recommendation to the Board at the next meeting, not a year from now.
  - Jenkins agreed that is the timeline he anticipated
  - LaVallie stated that every time the “year or more” comes up, it is all speculation and that the Chief would like to be the Assistant Chief again, and that if a qualified candidate accepts a compensation package that we can afford and the new Chief retains Kinniry, the process for Kinniry to retire could be years in the making since understanding the uniqueness of our island isn’t a simple thing for a new Chief.
  - Fry stated that after the last meeting, he assumed that the Committee would make a recommendation at the April meeting, at the latest, that the Board would decide at the meeting whether to accept the Committee recommendation, and that compensation negotiations would begin during May/June, with a hiring decision by July. Fox said that was his expectation as well.
  - Sward stated that he believed that that was the correct schedule, that the Board might find more than 1 qualified applicant to make a decision, or that the Board might not accept any of the applicants and the search would continue.
  - Fox stated that salary might need to be higher than originally approved and that he hopes that the decision wouldn’t be based solely on money. Fry again stated that if we can’t come to an agreement on compensation, we still have Chief Kinniry.
  - Kinniry stated again that, as in the past, he has expressed his dedication in making the island and the District his life’s calling. When he first moved here in 1991, he was a founding member of the UCCA and led the first island-wide clean-up that eliminated trash piles but that he is sorry that his management skills haven’t met Islanders, let alone his own, expectations. He looks forward to supporting the District and the chief in the future, and that he is dedicated to working to improve his management skills, if a new chief isn’t selected.
- Fry asked Fox to provide copies of minutes so that they can be posted to the website

### B) Hurricane IRMA Debris Chipping Update and Pathway Trimming Update:

- Chair stated that the County-assigned & FEMA-approved Contractor, Crowder-Gulf, subcontracted with Clean Cut and Jon Kennedy to complete the chipping of IRMA debris, without cost to the District or our owners. That work was completed road-by-

road at the same time District-funded trimming occurred. Over 100 piles and 1200cuyds of IRMA horticulture debris is now GONE.

- Chair stated that Clean Cut and Jon Kennedy had also completed all of the road trimming that WAS paid for with \$17,500 from the District, including the \$5000 donation from the UCCA.
- Chair stated that tomorrow (17 February) is UCCA's Island Clean-Up Day at 9AM

C) Officer Additional Duty Descriptions:

- Chief reiterated that when he created his new Organizational Chart, he added Division Chiefs for Operations, ALS, and Support. Denison, the Operations Chief, stipulated from the beginning that he didn't want his hiring to impact the shifts that other officers worked. Since Denison's hiring would impact the need for other C-shift officers, Denison chose not to continue as Operations Chief. Denison is willing to take a reduction in hourly pay to \$19/hour and continue as Operations Chief.
  - LaVallie stated again a strong belief that Chief needed a full-time (8 shifts per month) salaried person, someone that works more than 3-4 shifts/month to become his back-up and that is why the Board approved the position and hiring of Denison. Whether we recognized it or not, that was going to impact the schedule and meant that other part-time officers would have fewer shifts and whether that is accomplished by demotions to EMTs or reducing their hourly pay, savings have to come to make it.
  - Chair stated that one of the officers came to him to ask why the Board was trying to fire him. The last Board attorney in May 2016 stated that the Chief had the right to hire and fire employees and now the Board is overruling the Chief 5-1/2 weeks after Denison started. We have to come up with a solution where nobody loses their job. Chair stated that a similar thing occurred more than 2 years ago when Chief Pepper told new Special Assessment firefighters with ALS-certifications that they would receive a \$2/hour raise once the District was ALS-certified. Chair said that the former treasurer built the raises into the budget but Chief Pepper didn't request Board approval before he gave the raises. When he did that, the Board overruled him and forced the hourly rates reset back to what they were hired at.
  - Fry did state that the Board didn't make the change in the conditions with Denison; Chief did by scheduling 2 officers and paying 2 officers that caused him to begin to exceed his budget, exceeding his budget authority. Chief was told at the January meeting to come up with a plan to fund the extra pay out of the existing budget and he was supposed to present that plan at today's meeting. He did not .. instead, Denison asked to be demoted back to FF-P and Chief approved, not the BOARD.
  - Sward stated that Denison apparently erected a barrier that the Board didn't know about that he wouldn't take the position if other officers were impacted.
  - LaVallie stated that the schedule is complex and there are some days where Chief can't get a body to show up. Fry again stated that our problem last month, after the Denison promotion, was too many officers and too few EMTs ... and we still have too few EMTs on every shift. That is the problem with the schedule; it isn't that we

- need two Officers or two Paramedics on each shift but that some days we don't have enough EMTs to fill the schedule and we pay more for that.
- Chair asked whether the shortfall could come from reserves and Fry stated that it can if the Board votes for that. But that was the problem after the Great Recession, spending money each year that the District didn't have, that eliminated almost the entire reserve. This is taxpayer money in the reserve that should be protected for a future emergency, not daily operations or gifts to the FFs. It is a Board decision but each time the Board makes a decision like that, I am going to say it is stupid and I am going to put it in the minutes. Our duty isn't to be a jobs program for mainland firefighters that need extra pay but we DO have a requirement for 4 firefighters/day, every day, but they all don't have to be Captains at \$20/hour. Our most efficient staffing is one officer, one paramedic, and two EMTs (Chief is one of the two EMTs for his shift). Every decision that this Board makes has a financial impact and we have a fiduciary duty to our taxpayers and beneficiaries to provide the best service at lowest cost. We do NOT need two officers per shift. LaVallie, at the last meeting, suggested that a solution was demoting two officers to EMT or Paramedic, depending on their certifications, which would reduce their pay \$3-\$4/hour (but they would still have hours to work) but that isn't going to be done because Chief wants to be FAIR to the part-time employees, not our taxpayers.
  - LaVallie said maybe we should go back to the C-shift officers and ask them to reduce their rate to \$19/hour and Denison reduce his cost to \$19/hour
  - Sward stated that we are at 31.3% in Salary & Benefits and, although we may not stay there, we are 2% under the monthly budgeted spend rate and 2% is roughly \$10,000. LaVallie said "there you go". Fry responded that we are under spent and will be under spent until the September reports because we pay Chief's \$15,000+ retirement contribution in September and then we will be on spend target. Fry said "There it isn't!".
  - Fry again stated that paying two officers at \$20/hour would have a \$5000 - \$10,000 annual budget impact but paying two officers at \$19/hour (including the 2 C-shift captains) would have no budget impact, as long as Denison typically replaced the \$18/hour paramedic (\$20 officer & \$18 FF-P is \$38/hour for two .. the same as DC Denison and Capt Larrimore, Capt Clark, and LT Busscher at \$19 each or \$38 for both), and that there was 1 FF-EMT plus Chief (or 2 FF-EMTs when Chief is off) on the shift.
  - Cook asked about the \$50K for an Assistant Chief and Fry stated it is the same money that is in the budget now. For the 3 shifts/week that Chief doesn't work on his days off, we pay roughly \$25K/day/year for a part-time firefighter and for those 3 shifts/week, that is \$75K/year (or could be \$50K for salary and \$25K for insurance, PTO, taxes, retirement or whatever). If the new Assistant Chief works the same number of shifts as Chief, 4 shifts/week is \$100K/year in total compensation costs. It isn't new, additive money in the budget but 3 or 4 part-time firefighters lose those shifts and those dollars are used to pay a new full-time Assistant Chief.

- LaVallie agreed that when you take someone from 4-shifts/month to 8-shifts/month like Denison's promotion, someone loses those 4 shifts so instead of Officers it is other paramedics.
- LaVallie then asked if there is any natural attrition where the problem would take care of itself and Fry said not in the officers group. LaVallie asked if that was because it was a good deal and Fry said he guessed so.
- Chief stated that he is advertising for additional EMTs for all shifts
- Fry reminded the Board, back to the Chief Search Committee topic that if the Board hires a new Chief and the compensation amount for the two chiefs exceeds \$200K, the extra money would have to come from reserves or someone takes a pay cut. Fry will press for the pay cut, rather than out of reserves, when that time comes, fully expecting to lose that vote.
- Fry departed the meeting at 12:04:42
- Chair asked whether Chief could work the schedule in such a way that new FF-EMTs and FF-Ps work fewer shifts while protecting the longer-serving officers:
  - Chief reminded the Board that we must have 4 FFs on each shift and the Chief can be counted as one of those 4 FFs
  - Chief stated that in any other District and on any other Planet, the Chief does not count as one of the line firefighters but is an officer-in-command and that has always been an issue out here
  - We do not have an incident commander which continues to cause problems
  - After the last ISO in 2013, we did the special assessment to pay for the 3<sup>rd</sup> and 4<sup>th</sup> firefighter, allowing 1 Chief, 1 Officer, 1 FF-P, and 1 FF-EMT per shift each day (Pepper and Kinniry didn't overlap, each working 3-1/2 shifts/week). Doing that with part-time firefighters is very complex with people identifying which days they want to work each month and then scheduling them so that each have a fair number and each shift is covered. When someone has a change in plans or emergency, they email all of the others to see if there is someone to replace them, if not, Kinniry replaces them, or in rare occasions, the shift slot goes vacant.
  - Kinniry not having an Assistant Chief is an issue and one of the officers on C-shift is very good at his job and the best incident commander that you would want. I am not willing to take this guy and tell him that I don't need him as an officer. Bill is defending your tax dollars like a pit bull but I need the extra money from the reserve. I have a moral obligation to these guys who have been here 10-12 years. There was no thought back when the officers started what the long-term impact would be or what their duties should entail as officers. It was just a title and higher pay. I have an emotional stake in this and Bill has a financial stake in this.
  - Chair stated that he agreed with Chief. That Pepper wanted to reward long-term employees for their longevity who had a better understanding of the District and would have the authority to respond to the new FF-Ps and FF-EMTs when the Chiefs weren't around. Then new FF-Ps or FF-EMTs that might have more experience on the job but not the island couldn't respond that they weren't listening to them.



- Chief stated that the reason for the new Division Chiefs was the same rationale over the Captains and Lieutenants but that also comes at a cost since you don't get a promotion for free.
- Public Comment was that LaVallie had a good solution for the 4 C-shift officers to give up \$1/hour and LaVallie said that would likely go over like a lead balloon. Cook responded that when they come in to fill a schedule vacancy, he is still doing his job as DC and the 4<sup>th</sup> firefighter on shift, essentially doing two jobs, while the officer on the shift is still the officer-in-charge. He isn't taking anything from the shift officer and that the shift officer is still the officer-in-charge that day. LaVallie stated that it should be a \$20, \$18, and two \$16 on each shift but we should be softer on that. But Chief still needs to manage back to the perfect model. Cook suggested maybe the rates for new hire FF-EMTs and FF-P should be reduced. Chief stated that we're already in the hiring process and have applicants so it can't be implemented now. Chief stated that promising an increase at a future date didn't work out in the past. Chair stated that the idea of cutting rates for existing FFs would have them complaining at their current department. Within 4 days, their whole District would know and within 2 weeks the whole county would know not to come out here because they are going to get screwed. Beiermeister reminded everyone that Fox stated a higher salary was likely to be needed with a new Chief. Kinniry stated that when the economy went down, that is the reason to have a reserve, and it should be protected.
- Sward stated that if this is the structure that our Chief wants, we need to increase the budget and just accept that we are \$5000 - \$10,000 over budget out of the reserve at the end of the year.
- Cook stated that he is working on the job descriptions for the entire staff and he will pass those to Chief as soon as he can get his new computer working. He will also work with the officers to see if they can propose a better hourly rate for new hires that would be less painful.
- LaVallie stated that he senses from the Board that we all believe that all of you are good and valuable, that ten years of experience on the island is worth something, and that we should be careful with that. But it is also the message of the Board that from Chief on down needs to figure it out, that you aren't getting a rubber stamp from the Board to keep a bunch of extra officers because they are nice guys. The alternative is that everyone is a part-timer, that we aren't in the employment business, and there may be some hard decisions that have to be made. So figure it out, manage it to the perfect model, and the Board is going to agree that it isn't worth upsetting a bunch of people for chump change. And see how it plays out at the end of the fiscal year.
- Sward stated that Chief was telling us what he was doing as the District's executive and we are not going to overrule on this point. Let's move on.
- Chair asked if Chief was okay with that and he said yes.

D) Status of FEMA Request for Public Assistance Update: Covered in Chief's Update

- E) Station Exterior Renovations: Covered in Chief's Update
- F) Requests for Contractor Information on 2<sup>nd</sup> Station Apartment: Tabled to next meeting
- G) Tanker 191 Replacement Status (5-Ton): Covered in Chief's Update
- H) Engine 191 Replacement Status (from Pine Island/Matlacha FCD): Covered in Chief's Update

9) NEW BUSINESS:

- A) Next ISO Survey – 6 March 2018: Covered in Chief's Update
- B) SHC Dues Increase for 2018: Discussion was that FF staff doubled, usage of water and septic likely doubled, so it was appropriate for SHC to increase our quarterly charge from \$750 to \$1,700 (including a \$200/quarter inflation adjustment), with SHC phasing in the increase during FY18 to \$917 for March, \$1,000 for June and September, and \$1,700 in December and after (a net increase of \$667 in FY18 and \$3,800 in future years).

10) PUBLIC COMMENT: The Friends of the Fire Department will host a St. Patrick's Day memorial event and open house with hamburgers & hotdogs provided by the District with Islanders welcome to bring sides and soft drinks. Volunteer training went well yesterday and she asked if the District could provide a backpack with whatever they might need to be volunteers like flashlights, bottled water, granola bars, flip-flops, beer, etc. Other comment was that if there are budget issues now, volunteers should buy their own.

11) NEXT DATE: The next Regular Monthly Meeting is Friday, 16 March at 10AM.

12) ADJOURN – **Moved by LaVallie, seconded by Jenkins**; meeting adjourned at 12:49PM.

Respectfully submitted,

Bill Fry  
Secretary/Treasurer