

**REGULAR MONTHLY MEETING
OF THE
FT MYERS BEACH BOARD OF FIRE COMMISSIONERS
TIME 7:00 PM**

**DATE: November 13, 2007
PLACE: Ft. Myers Beach Town Hall
2523 Estero Blvd., Fort Myers Beach, FL**

IN ATTENDANCE: Chairman John Scanlon, Sec./Treasurer Betty Goodacre, Commissioner Joe Schmid, Vice-Chairman Reckwerdt, Chief Mike Becker, Assistant Chief Larry Evans, Network Administrator Joe LaCroix, Administrative Director Margaret Banyan, Financial Director Jane Thompson, CRO Jessica Elinski, Attorney Richard Pringle, Attorney Hamet, Firefighters, Interested Citizens and the Press

Commissioner Carol Morris was absent from meeting.

Meeting called to Order by Chairman Scanlon at 7:00 pm

Moment of silence for our troops
Pledge of Allegiance

Approval of Minutes

Chairman Scanlon called for approval of October 9, 2007 regular meeting minutes, Vice-Chairman Reckwerdt seconded. Commissioner Schmid asked about missing commissioner in October was not noted, and asked that there be consistency either note the missing commissioners or not. Commissioner Schmid asked about clarifying the construction contract amounts for both stations, Attorney Pringle stated that he did not get the numbers and will for the next meeting. Vice-Chairman Reckwerdt stated that he called in to the Chief that he would be absent for the October meeting and wanted to make sure board was told, yes the board knew. Chairman Scanlon called for approval of minutes with what Commissioner Schmid noted. Commissioner Schmid seconded, approved unanimously. 4-0

Sec. /Treasurer Goodacre read the treasure's report for the record. Sec. / Treasurer asked for approval of department checks 32291 through 32442 for a total of \$465,038.23. Chairman Scanlon called for motion to accept, Commissioner Schmid motioned, Chairman Scanlon second, no discussion, approved unanimously. 4-0

Chief's Report

Chief Becker first recognized the district employee's anniversaries. Current update on construction, station 32 has been demolition is complete; tree removal is delayed because of a delay in county vegetation permit, reinforced steel packages in production, concrete contractors preparing to mobilize. Couple submittals going through process but expect to come out next week and based on building permits project start date is November 19th. Station 33, demolition is complete, grease traps removed, further work is delayed pending

development order approval having small delay which administratively will be handled by weeks end or else appropriate action will be taken. Building permit is ready waiting on DO released and project start date sometime after the 19th as well.

Most important piece on agenda is approval of district contracts for both District 3 and 15 negotiating since May, the labor and district have worked hard to come to agreement. Beneficial changes in contracts, Attorney Hamet is here tonight to comment, and Chief Becker stated he recommended and requested to ratify both agreements.

Ambulance committee has been meeting for the last couple of months for replacement of ambulances 31 and 32 front line ambulances and committee is requesting to formalize process and begin accepting RFP's for new ambulances, new ambulances will take 6 to 8 months to build once approved so want to expedite process if given approval tonight perhaps seeking approval in December for ambulances. Ambulance committee attachment cost variances that was put together showing the repair costs and upkeep are climbing. Another committee that is working hard is the engine replacement committee for Engine 32, news pointed out that driver was charged with 7 counts of DUI, can not track down any new updated information, nothing yet from FHP officially. Committee is drawing to a conclusion should be finalizing findings by years end, total received for engine 32 was \$346,000.

Asking for job description approval for financial director, administrative director, informational technology administrator, community resource officer, and receptionist, the descriptions have been reviewed by management and current employees in the positions, Attorney Hamet has revised the description, asking for approval with Attorney Hamet's revisions.

Emergency Medical Service plan from August, aside for mutual aid plan component, the plan calls for great revitalization of EMS. In this role district is seeking to leverage with Lee County and Lehigh Acres to standardize protocol, training and support. We are in negotiation with Dr. Sharkey at this time and seeking agreement and should be before board in December. No official action is needed from board at this time.

Tax reform note in packets seeking to see what happens when the vote occurs on January 29th.

Procurements, asking for several, firehouse software currently in use for prevention and inspection, seeking to test hardware to utilize in field to collect data and download into server. Two ways to go, the Toughbook already in use for EMS calls, proven piece of equipment, machines are expensive about \$4500 each, may not need to be used in prevention as a controlled environment non emergency setting, want permission to use tablet device at reduced cost for next 30 days, if unfeasible we can return, asking approval of \$2500 if it works out significant saving if not we can return. Second procurement the Hurst pump very much needed, new tools purchased and the existing pump cannot keep up need to be replaced, asking for approval of \$4473.55 for one pump replacement for Engine 31. Asking for purchase one addition MDC, have one in office not sure if we have all the parts, with

purchase of second MDC at \$8400 and additional \$1600 to outfit second asking for \$10,000 to put two MDC in paramedic equipped vehicles.

Discussion with Chair about web site will get with board members individually to establish contact information and to see what information everyone wants to see on the site, this item has been taken off the agenda tonight.

District has removed liability coverage final policy is not yet available once it is available we will do impact coverage statement and summarize changes to liability carrier.

Several legal contracts pending, the medical direction contract and the lending agreement which calls for options and recommend approval of either 2B or 3B with either 15 or 20 year financing option and move process forward so we can pass resolution in December and accept financing for station 33.

Along with job description development policies and job descriptions changes are eminent and in packet are process developed, it's reviewed by management team, reviewed by legal, and then finally adopted by board, this is to let board know before policy or description is put before you it is put through this process.

Document management is currently being established, two years of board packets should be ready in March.

Commissioner Schmid had question about engine replacement, we received \$346,000 and new engine costs more, any recourse to recover additional money required to purchase new engine, Chief Becker stated that unknown if district can extent further than liability insurance, but to compensate for additional money looking at finance options to pay for costs. On emergency medical services, Dr. Sharkey's contract will be benchmarked to collaborate efforts what does it mean, Chief Becker stated that adapt with standards with Lee County and tailor needs of district, essentially agreement is shift from what we are doing to what we are trying to move towards. Commissioner Schmid asked what MDC stands for, Chief Becker stated mobile data computers, computers utilized for dispatching calls and radio traffic, now whole county is dispatched through one channel, details are hard to pick up, these computer will go into ALS equipped vehicles to back up or support operations at any given time. Vice-Chairman Reckwerdt asked if firehouse tablets and Hurst pump in budget, Chief Becker stated yes, trying to find best fit for the money. Vice-Chairman Reckwerdt stated ambulance committee disappointed, talked about replacing ambulance once a year as have to wait now before we receive new ambulances as old ambulances costing a lot to maintain.

Attorney's Report

Attorney Pringle stated finalizing contract with Dr. Sharkey and submitted proposed contract and should be before the board in December for board approval. Regard to construction projects apologized for not having prices for contracts and will get the final numbers but guaranteed maximum prices. Continuing work on both sites the Fowler's have contacted him

over a few issues and questions that the town has brought up that need to be addressed and overcome, nothing unusual, the projects are moving ahead. The Wachovia construction loan has been received reviewed and revised the first draft of construction documents the loan agreement, promissory note, and other resolutions that need to be adopted by board in December. Question about negotiating terms of agreement, prepayment penalties, and need direction from board about prepayment penalty as there is a prepayment penalty with loan, can option out of penalty. Wachovia can only lien the ambulance billing nothing else. Wachovia asks that collection actions are taken on the ambulance billing, to satisfy obligations under loan agreement. The boundary legislation finalized and ready to go, filing this week with delegate chair and then local delegation hearing at end of November and will attend, and have talked with local delegate chair to make sure everything should work for us. Have deleted everything south of San Carlos Island from legal description think we are okay with legislation to amend our legal description, and will take care of and will let board know in December about how things went and if any additional work needs to be done.

Vice-Chairman Reckwerdt had question about penalty clause and 5 years do not think we would have major problem.

Attorney Hamet three items to address, the ratification union contracts, job description, and retired Assistant Chief Moran health benefits, deferred and will speak when items are brought up during meeting.

Public Input

No Public Input

Chairman Scanlon restated the agenda items:

Old Business:

1. Wachovia Bank Finance Terms – Station 33
2. Legislative Boundary Changes
3. RFP Process for New Ambulances

New Business:

1. Union Contract Ratification
2. Job Description Approvals
3. Retired Assistant Chief Moran Health Care Benefits
4. Procurements

Old Business

Wachovia loan, financial director Jane Thompson spoke to give options about loan, recommended 2B or 3B, limited prepayment penalty after 5 years. Attorney Pringle said

board needs to take action either with prepayment penalty or without prepayment penalty. Sec. / Treasurer Goodacre put motion on the floor for option 2B, 15 year loan, with no penalty after 5 years, Vice-Chairman Reckwerdt seconded, called for vote, unanimously accepted. 4-0

Attorney Pringle ask if board want him to further negotiate out prepayment penalty after 5 years, board agreed no action.

Legislation boundary changes, Attorney Pringle stated will submit by end of week, no board action needed, boundary change is to delete reference to everything south of Estero Island (not San Carlos Island).

RFP process for new ambulance, Chief Becker stated that committee proposing the process to select the new ambulance, packet includes committees conclusion and findings, committee identified need for bigger more substantial unit citing most of our trouble with our ambulances were in heavy electronics and equipment and light duty chassis, recommends heavy duty chassis, useful life extends to 8 years, costs go from \$137,000 to \$140,000 for what we have now to \$190,000 but useful life is more than doubled, will save district money in long run. Committee still at work, need to establish process to begin selection. Chairman Scanlon motioned to start process in motion, Sec. /Treasurer Goodacre seconded.

Vice-Chairman Reckwerdt wanted to know about turning radius; Chief Becker said changes will be unrecognizable, shaped differently but size and dimension not much different. Chairman Scanlon asked if any trouble backing in new ambulances; Chief Becker said cannot be sure if there would be any problems. Called for vote, motion passes unanimously. 4-0

New Business

Contract ratifications for District 3, Chief Becker stated everyone worked very hard in coming to agreement in best interest of district to approve. Attorney Hamet commends everyone, significant changes but it's a win-win for district and union, do not have two contracts now just one for both units. Chief Becker said labor folks have ratified already. Vice-Chairman Reckwerdt stated that very pleased, and commends everyone. Chairman Scanlon made motion to ratify motion, Vice-Chairman Reckwerdt seconded. Commissioner Morris stated what is cost, Chief Becker stated they have costed out everything from PPL to off duty disability, attest that properly manage district, Commissioner Schmid wanted to know cost, Chief Becker said we can prepare analysis to get cost but just need time. Commissioner Schmid had a few hang-ups on contract, have 10 holidays now why now 11, what is justification, Chief Becker stated that look at entire agreement, the additional cost of not overlooking holiday to keep harmonious agreement with district, does not have specific reason for having 11 holidays. Attorney Hamet stated that District 15 always had 11 holidays, now District 3 will also have that holiday. Chairman Scanlon stated this should have been brought up before this time. Commissioner Schmid felt that holidays, and funeral leave and personal time, and not happy with it. Vice-Chairman Reckwerdt said this is much better contract than 3 years ago, has no problem with holiday. Sec. /Treasurer Goodacre

agreed with Vice-Chairman Reckwerdt that this is good contract and much better than other years, and everyone had chance to go to Chief to go over it before in writing and feels should be happy with what we got because we can look forward to next three years to having a good contract. Chairman Scanlon called for vote, 3-1.

Aye – Chairman Scanlon, Sec. /Treasurer Goodacre, Vice-Chairman Reckwerdt

Nay – Commissioner Schmid

Job description approvals, Chief Becker stated several descriptions, Administrative Director, Financial Director, Receptionist, Information Technology, and Community Resource Officer, request board to approve with official action with revisions from Attorney Hamet so we can update records and policies. One motion for all five descriptions. Sec. /Treasurer Goodacre motioned to approve, Chairman Scanlon seconded. Attorney Pringle interrupted to say some modifications have occurred that board does not have, Attorney Hamet will explain changes. Attorney Hamet stated changes to each description, also stated that there will be a separate section on each job description for environmental section to make things more clear. No discussion. Chairman Scanlon called for approval with amendments as Attorney Hamet stated, passed unanimously. 4-0

Retired Assistant Chief Moran's health care benefits. Chief Becker stated he pulled 1999 contract of Retired Asst. Chief Moran and any other documents pertaining to his contract. In September of 2002 there was a motion by the board to extend contract for two months, then nothing until January 2003 there was board action to extend contract until September 2003 or until another agreement is met, could not find any more action until Mr. Moran retired in August of 2005, all the evidence that can be found.

Attorney Hamet addressed benefit status of medical, dental, and vision that Mr. Moran has enjoyed since retirement. Attorney Hamet summarized time line of what occurred.

Mr. Moran had written contract from 10/01/1999 to 09/30/2002 with language in the contract stating that contract will renegotiate terms of agreement, in the event that mutual terms can not be reached this agreement will terminate 09/30/2002. Then board action with 2 month extension brings to 11/2002, no other contract in place, in this original contract it was written that benefits will be paid upon retirement until Medicare, then nothing until January of 2003 board action. Then Attorney Pringle read minutes from board action in January of 2003 stating motion by Commissioner Pink that board extend contracts of Chief and Assistant Chief from 11/30/2002 until 09/30/2003 or until such time another contract is negotiated, seconded by Commissioner Harvey motion carried unanimously. Attorney Hamet continued with contract is continued until 09/30/2003, as of then Mr. Moran had no more contract entitlement therefore the benefit that was to occur upon retirement that the district was now longer obligated. Then Mr. Moran retired 08/01/2005 and without contract. This did not occur under Chief Becker it was Chief Marcus. Once retired he got benefit that old contract required. Question to the board of what do you want to do about benefit.

Options are:

- 1 to discontinue health benefit
- 2 to require reimbursement from FRS
- 3 to continue benefits with no change.

Note: Mr. Lees voluntarily retired just as Mr. Moran did but did not get retirement insurance benefit; there was no special contract or agreement. If board wants to continue Mr. Moran's benefits then we should give it to Mr. Lees. Possibility that Mr. Moran may want to sue but do not think he can point to contract, does not think he has legal leg to stand on.

Chairman Scanlon motioned to discontinue benefits, Vice-Chairman Reckwerdt seconded. Commissioner Schmid had question about discontinuing the benefit and going after his FRS to reimburse. Attorney Hamet answered that can we go after it; we could but does not advise it, legal hurdles, do not know if it would really be worth it. Probably have to have lawsuit, will cost money, do not know outcome, better for board to just look to future and let the past be. No further discussion. Motion passed unanimously. 4-0

Procurements

Firehouse tablets to approve a tablet: Chief Becker stated have 30 day trial little risk unless broken, asking for approval of \$2500 for approval of tablet type device for test in field for prevention. Vice-Chairman Reckwerdt motioned, Sec. /Treasurer Goodacre seconded. Vice-Chairman Reckwerdt asked if in budget, Chief Becker said yes. Commissioner Schmid asked if it will give response time, Chief Becker said no, it will upload real time data on buildings, fire pumps, condos that will be down to server so responding crews will know data when responding. Sec. /Treasurer Goodacre asked about 30 day trial, Chief Becker responded yes and will report back to board. Motion passed unanimously. 4-0

Hurst Pump, Chief Becker stated Engine 31 equipped with Hurst tools recently updated, desperately need approval. Asking for approval of \$4473.55 for Hurst pump. Chairman Scanlon motioned, Vice-Chairman Reckwerdt seconded. No discussion. Motion passed unanimously. 4-0

MDC, Chief Becker stated that two of our SUV carry paramedic equipment as getting into season asked IT person to add MDC as response units in case of support for operations, radio traffic is changing, often difficulty in getting information and these units become invaluable in responses. Asking for approval to purchase for at least one MDC and have about \$1600 to equip the other MDC that was acquired through a grant, so we get two MDC up and running for \$10,000 or less. Sec. /Treasurer Goodacre motioned purchase of two MDC's, Chairman Scanlon seconded. Chairman Scanlon asked if in budget, Chief Becker stated no, going to have to pull from other funds. Commissioner Schmid asked from what other funds, Chief Becker stated from contingency or other medical expenses not used, was not budgeted, was not foreseen about radio traffic or changes in dispatch would occur. Motion passed unanimously. 4-0

Chief's Association purchase request, Chief Becker stated that the association asks for the board to consider joint purchase venture to purchase a drop bucket for the sheriff's helicopter. They have enclosed opinion to use impact fees to acquire that purchase. Chief Becker stated that he can not support this purchase due to the districts commitment to construction of district stations and designation of our impact fees to build station 33; with that being priority to this district can not recommend this joint purchase request at this time. Chairman Scanlon called for motion, no motion, dead from lack of motion.

Other Business

Reports from Union Representative

Troy Mesick stated to say thank you for ratifying contract, give and take on both sides. Excited about new contract, moral very good on floor, excited to keep moving, even though passed October 1st date did get very good contract and we appreciate the Chief and board for going along with it, speaks for District 15 also.

Vice-Chairman asked about how guys are doing at the Carousel and the Coast Guard station. Troy stated that Carousel is up and running, all the kinks worked out; with placement of ladder at the coast guard station no problems there, guys are enjoying coast guard station.

Remarks of Commissioners

Commissioner Schmid no remarks.

Sec. /Treasurer Goodacre recognized employees for service, please about contracts, and glad construction is under way at the stations.

Vice-Chairman Reckwerdt pleased about contracts, recognized employees for service, visited stations 32 and 33 and has pictures of Station 33's construction efforts. Remarked about press release about pet oxygen mask donation from Pat Vincent, very interesting, all for saving pets. Also the Lion's Club thanks the Fowler Company for making cap plaza available for parking for sand sculpture, and to Tom for working extra hard on Sunday for clearing to park more cars, all money goes to Lion's Camp, thanks to Fowler, Chief, and board for allowing use of the parking facility.

Chairman Scanlon recognizes employees for service, and glad that the contracts are done.

Public Input

No Public Input

Adjournment

Call for adjournment of meeting.

Meeting adjourned at 8:25 pm on November 13, 2007.