

MINUTES
REGULAR MONTHLY MEETING
OF THE
FT. MYERS BEACH BOARD OF FIRE COMMISSIONERS
TIME: 1:00 PM
DATE: April 15, 2008
PLACE: Red Coconut Recreation Hall
Fort Myers Beach, FL 33931

IN ATTENDANCE: Chairman John Scanlon, Vice-Chairman Ted Reckwerdt, Sec./Treasurer Betty Goodacre, Commissioner Joe Schmid, Commissioner Carol Morris, Attorney Richard Pringle, Chief Mike Becker, Assistant Chief Larry Evans, Finance Director Jane Thompson, Administrative Director Margaret Banyan, Administration Tammy Peacock, and members of the public.

Meeting called to order by Chairman Scanlon at 1:00 PM

Pledge of Allegiance

Moment of silence for our troops

Approval of Minutes

Chairman Scanlon called for motion to approve the March 18, 2008 regular monthly meeting minutes. Vice-Chairman Reckwerdt motioned to approve and Sec./Treasurer Goodacre seconded. Minutes were approved unanimously 5-0.

Sec./Treasurer Goodacre read the Treasurer's Report for the record.

Sec./Treasurer Goodacre reviewed the summary of bank and investment account activities for month ending March 31, 2008.

- A. Sec./Treasurer Goodacre asked for approval of department checks 032965 through 033088 for a total of \$369,121.00. Vice-Chairman Reckwerdt motioned to approve the department checks and Commissioner Schmid seconded. Hearing no discussion, department checks were approved unanimously 5 - 0.
- B. Sec./Treasurer Goodacre asked for approval of Capital Fund Project (CFP) checks 030036 through 030041 for a total of \$262,823.59. Chairman Scanlon motioned to approve the CFP checks and Vice-Chairman Reckwerdt seconded. Hearing no discussion, CFP checks were approved unanimously 5 - 0.

Commissioner Morris asked why the budget for salary and wages was twice the amount of last year's.

Vice-Chairman Reckwerdt stated that payroll was discussed during the budget process.

Chief's Report

Employee service recognitions:

Firefighter Mike Charette	24 Years
Firefighter Shawn Campbell	17 Years

Lieutenant Jeff Adams	9 Years
Firefighter Kyra Adams	2 Years
Firefighter David Beers	2 Years

Chief Becker recognized Petty Officer Bill Cline who was instrumental in providing housing for the FMBFD during the re-construction of Station 32. He went above the call of duty to make sure facilities were made available for our staff.

Chief Becker reviewed the Chief's Report for March 2008.

- **Construction Update** - Chief Becker gave an update on the construction of Station 33 and Station 32. Fire Marshall Dave Collins is in negotiations with Lee County on the backflow for Station 32 to assure minimal or no cost is incurred.
- **EMS Reporting** – Chief Becker asked for the Board's consideration of the ImageTrend license and software to assure the District is compliant with new state mandates while maintaining integrity of reporting data of patients. The cost will be approximately \$10,000.00.
- **Johnson Engineering Negotiations** - Chief Becker requested that the Board approve the negotiated settlement of \$10,846.13.
- **Signalization for Station #33** - Chief Becker requested that the Board not fund the light at Station 33 and work with DOT to provide a sign and possibly a flashing light.
- **Firehouse CAD Monitor** - Chief Becker reviewed the need for the Firehouse CAD Monitor. He noted that the District is getting support from the City of Ft. Myers to adopt the CAD database. Chief Becker asked that the Board approve the unbudgeted request of \$5,020.00.

Discussion

Commissioner Schmid asked if the Chief had an update on the completion dates for the stations.

Chief Becker stated that Station 33 should be completed by late July and Station 32 is scheduled for November. Chief Becker also noted that furnishing the station would be of a minimal cost in this fiscal budget.

Commissioner Morris asked if the District was going to respond to Mr. Brantley's letter regarding retirement insurance coverage.

Chief Becker stated that Mr. Brantley was on the insurance committee at one time. Chief Becker stated that the Board is free to respond independently to Mr. Brantley and Chief Becker would respond on behalf of management.

Commissioner Morris questioned the Morningstar EEOC complaint.

Chief Becker responded that he would get a copy for Commissioner Morris.

Chief Becker reiterated the remaining items on the Chief's report with no additional comments.

Attorney's Report

Attorney Pringle stated he had 3 items to bring to the Board.

Attorney Pringle noted that the Chief had sufficiently covered the settlement to JEI and considered the settlement to be in the best interest of the District to avoid litigation.

Attorney Pringle noted that Attorney Hament was not present but was expecting evaluations of the Chief to be turned in today and discussion to take place at this meeting if the Board so chooses. Attorney Pringle noted that Chief Becker could respond at today's meeting or at a later date.

Attorney Pringle brought to the Board the Resolution for Election. He stated that two seats are up for election as required by state law. Attorney Pringle noted that the election would occur during the normal November election to defer costs of a special election. Attorney Pringle noted the resolution is scheduled to be discussed under new business.

Public Input

Citizen Dick Warner of Estero provided public input.

Chairman Scanlon restated the agenda items:

- **JEI Invoice** – Chief Becker noted that the packet contained documentation to verify and support the \$10,846.13 invoice. Sec./Treasurer Goodacre motioned to approve and pay the \$10,000.00 invoice. Vice-Chairman Reckwerdt seconded. Attorney Pringle made note of the corrected amount of the invoice to be approved of \$10,846.13. Sec./Treasurer Goodacre restated the correct amount. Approved unanimously 5-0.
- **Signalization** – Chief Becker requested that the Board approve the DOT minimum requirement for a sign, rather than funding a signal for Station #33. Chairman Scanlon motioned to take the signalization request off the agenda and move forward with the basic sign. Sec./Treasurer Goodacre seconded.

Commissioner Morris asked whether the community would address the county or state DOT if a petition to fund a signal were so desired.

Attorney Pringle stated that if it is a state maintained road they would contact FDOT on Victoria Avenue in Fort Myers, and if a county road it would be DOT.

Chairman Scanlon called for a vote to approve the DOT minimum requirement for a sign. Approved unanimously 5 - 0.

- **Chief's Evaluation** – Attorney Pringle stated that the documents prepared for the Chief's evaluation should be discussed today and noted that to his knowledge there is no stated procedure as to how to discuss.

Chairman Scanlon called for a vote for discussion of the Chief's evaluation.

Commissioner Morris stated she disagrees with Attorney Pringle on compilation of the evaluations based on the Sunshine Law and statutes.

Attorney Pringle asked to respond to Commissioner Morris' statement. Attorney Pringle stated that to the extent the Board wants to take action, they cannot prepare a compilation of several

evaluations privately. However, if the Board chooses to compile the evaluations they need to be compiled publicly. The Board could also choose to individually give the evaluations to the public records manager without compilation.

Commissioner Morris noted that at an earlier meeting they had discussed the procedure to follow.

Attorney Pringle stated that Chapter 191.006 Powers of the District did not state any particular evaluation process. Chapter 191.008 does state that the Board has the right to contract with the Chief, but no process of evaluation for the Chief.

Attorney Pringle noted that Attorney Hament had outlined the process at an earlier Commission meeting but it has not been formalized. Attorney Pringle reminded the Board that there should no further discussion if the Board chooses not to discuss at the meeting today. The Board has two (2) choices: 1) turn in individual evaluations to the public records manager 2) discuss briefly and compile results. If the latter was desired the Chief should be given the opportunity to respond today or at a later date.

Chairman Scanlon motioned to hand the evaluations to the public records manager and give commissioners limited time to comment. Sec./Treasurer Goodacre seconded.

Commissioner Schmid asked which motion was being put to a vote.

Attorney Pringle stated that the motion of the Chairman was to hand the evaluations over to the public records manager and give each commissioner a five minute time limit to comment on their evaluation.

Board Discussion

Commissioner Morris noted that she did not agree with the process and thought is was in violation of the Sunshine Law. Commissioner Morris noted that the Chief does a good job in the technical areas. She would like to see the FMBFD get more involved with public forums and outreach. Administratively there are some areas that need improvement. Commissioner Morris stated that the website is not complete and not easily assessable. Commissioner Morris also stated the District makes too much use of professional staffing rather than using our own administrative staff in some processes.

Commissioner Schmid rated the Chief at 3.2 which meets and exceeds expectations. Commissioner Schmid stated that he is satisfied with the Chief and has seen significant improvement since the Chief has been promoted. The Chief is very professional and has gotten a handle on the operating expenses. Commissioner Schmid would like to see the financial statement show a month-to-month recap.

Sec./Treasurer Goodacre stated that she thinks the Chief does a good job and disagreed that there is a lack of community participation from the District.

Vice-Chairman Reckwerdt stated that the Chief took over a very disorganized operation. He noted that sometimes the Chief is very fast with change, but he (Reckwerdt) is very satisfied with the changes and rated the Chief at 3.3, meets and exceeds expectations. Vice-Chairman Reckwerdt noted that he is very satisfied in most areas. The first year in a position such as the Chief's is very difficult, but the Chief has done a good job and has a good relationship with the

team. Vice-Chairman Reckwerdt noted the only issue he has is the rules and regulations on administrative leave which he is not in agreement.

Chairman Scanlon stated that the Chief had a lot to clean up at the District. The Chief created a budget that meets the needs of the District and not what was just wanted. Chairman Scanlon noted that the Chief had to deal with a lot of employee issues and he has done a good job.

Attorney Pringle noted that the motion did not include the compilation with an overall rating. The individual records would be given to the public records manager and filed as individual evaluations. All evaluations were turned in to the records manager with the exception of Commissioner Morris.

New Business

- **Resolution for Special District Election** - Attorney Pringle noted that two seats, two (2) and four (4) were up for election and would fall in the general election timeframe so not to incur additional costs for a special election if the Commission were in agreement.

Chairman Scanlon motioned to accept, Vice-Chairman Reckwerdt seconded.

Commissioner Morris noted that she had talked with the county and the resolution is a standard process. She questioned why Attorney Pringle prepared the resolutions and not the administrative staff of the District.

Attorney Pringle stated that over time changes have been made to the resolution to make it more clear and consistent to the public. In addition, Attorney Pringle assures that the resolutions are prepared with validity and satisfaction of the law to the best of his ability.

Chairman Scanlon motioned to accept and sign off on the Resolution. A vote by hand was called.

Commissioner Morris – Aye
Commissioner Schmid – Aye
Sec./Treasurer Goodacre – Aye
Vice-Chairman Reckwerdt – Aye
Chairman – Scanlon – Aye

Motion passed 5 - 0 unanimously

- **CAD** – Chief Becker restated the cost of the system to capture data for quality assurance.

Sec./Treasurer Goodacre motioned to approve the expense (\$5,020.00) for the CAD. Chairman Scanlon seconded.

Commissioner Schmid stated his interpretation of the process of the CAD and questioned if it was a duplication of efforts.

Chief Becker restated that the CAD was needed to ensure that the District captured accurate data. Approval of CAD expense was unanimous 5 – 0.

Reports from Union Representatives

Not present

Remarks from Commissioners

Commissioner Morris questioned if there was a system for numbering the Resolutions. The system for numbering was explained.

Commissioner Schmid recognized the CERT team and their recognition by Lee County Board of Commissioners.

Sec./Treasurer Goodacre recognized Fire Marshal Collins and all the employees for their years of service.

Vice-Chairman Reckwerdt recognized all employees with their years of service. Vice-Chairman Reckwerdt wanted to voice his concern of an article written by one of our commissioners in the Tidelines newsletter on consolidation of the districts.

Chairman Scanlon wanted to congratulate all employees with noted years of service and the Chief's first year of full service to the District. Chairman Scanlon also noted his disappointment in the article in the Tidelines.

Public Input

Pat Smith provided public input

Al Agathen – CERT coordinator provided public input

Adjournment

Call for adjournment of meeting.

Meeting adjourned at 3:03 PM on April 15, 2008