

MINUTES
REGULAR MONTHLY MEETING
OF THE
FT. MYERS BEACH BOARD OF FIRE COMMISSIONERS
TIME: 1:00 PM
DATE: June 17, 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, Attorney John Hament, Chief Mike Becker, Assistant Chief Larry Evans, Administrative Director Margaret Banyan, 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 a motion to approve the May 20, 2008 regular monthly meeting minutes. Vice-Chairman Reckwerdt motioned to approve the May 20, 2008 minutes. Commissioner Schmid 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 May 31, 2008.

- A. Sec./Treasurer Goodacre asked for approval of department checks 033221 through 033374 for a total of \$521,615.42. Commissioner Schmid motioned to approve the department checks and Vice-Chairman Reckwerdt seconded. Commissioner Morris asked why it was necessary to approve the checks if they had already been processed. Attorney Pringle stated that it was a process that could be done in a different manner. The checks could be a part of the report, while accepting them after the fact depending on audit requirements. Attorney Pringle noted that the checks may not need approval. At that time Attorney Pringle gave the question over to the District Auditor Mr. Jeff Tuscan. Mr. Tuscan stated that the "Statement of Auditing Standards" No. 112 (SAS 112) identifies internal controls. He stated that the District's policy requires two (2) signers of checks, but the entire Board is responsible for money moving through the District. Hearing no further discussion, department checks were approved unanimously 5 - 0.
- B. Sec./Treasurer Goodacre asked for approval of Capital Fund Project (CFP) checks 030046 through 030052 for a total of \$484,366.57. Commissioner Schmid motioned to approve the CFP checks and Vice-Chairman Reckwerdt seconded. Hearing no discussion, CFP checks were approved unanimously 5 - 0.

Chief's Report

Chief Becker recognized Christina Sadro for over 100 hours of volunteer work in assisting Al Agathen with CERT projects.

Employee service recognitions:

Assistant Chief Larry Evans	28 Years
Fire Chief Mike Becker	19 Years
Firefighter Tom Glover	19 Years
Firefighter Tom Deslaurier	4 Years
Financial Director Jane Thompson	2 Years
Information Technology Joe LaCroix	1 Year

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

- **Construction Update** - Chief Becker gave an update on the construction of Station 32 and Station 33.
- **Engine 32 Contract** – Chief Becker stated that Attorney Pringle would present the board with the contract for Engine 32 today.
- **CERT** – Chief Becker stated that CERT would begin their new program this week and it would be held at St. Rafael's Church this Thursday.
- Chief Becker reviewed the remaining items on his report.
- Chief Becker restated recommendations noted in the Chief's Report.

Discussion

No discussion or questions related to non-agenda items.

Attorney's Report

- Attorney Pringle advised the Board and District of the House Bill 999 submitted to Florida legislature – indicating that the House and Senate has approved unanimously. Typically the Governor will then sign off on.
- Attorney Pringle noted that due to Dr. Sharkey's resignation, Dr. Lemmons' contract would be presented to the Board today for approval and will be discussed during new business items.
- Attorney Pringle stated that the Sutphen contract (Precision) was agreed upon with the payment plan requested by Chief Becker and will be reviewed as an agenda item.

Attorney Pringle turned the meeting over to Attorney Hament.

Attorney Hament noted there was one new development on the Moran lawsuit. Mr. Moran's attorney (Atty Tischler) obtained actual audio tapes of a meeting which discussed contractual agreements for retirees. However, Mr. Moran's expired before the audio tape Board discussion referring to retirement. Attorney Hament received a call to accept service of the lawsuit and asked for direction from the Board. The suit can be served to the Board, Chairman Scanlon, or directly to Attorney Hament. Attorney Hament deferred to Attorney Pringle on the normal process. Attorney Pringle stated that it is customary to send to the attorney to avoid hassle and confusion.

Discussion

Commissioner Morris questioned if the District would pay Attorney Hament for this service. Attorney Hament noted that it is just a formality and it would cost around \$50.00. Attorney Hament would send the notice of the suit to Chief Becker and then the insurance company will determine how the attorney would handle. Attorney Hament suggested Chairman Scanlon add "Service Process form Moran Lawsuit" as a new item under new business.

Commissioner Morris noted that Attorney Pringle stated at last month's meeting Attorney Hament would address the Chief's evaluation and Commissioner Morris' concern with following the guidelines of the Sunshine Law.

Attorney Hament stated that he was indeed familiar with the process and he has received opinions from the Attorney General and reviewed the Sunshine manual for reference. Attorney Hament noted that unless there is some rule or resolution or contractual agreement, an evaluation does not have to be done. He noted that the process was formed by the Board, but it is not addressed in the Chief's contract, therefore no violation of the Sunshine Law had been committed. Attorney Hament stated that the process the Board followed seemed to be appropriate and legal. Attorney Hament noted that there is no mandate to create one board evaluation.

Commissioner Morris stated that the Board was required to do a compilation and it had not been done.

Attorney Hament stated he did not see where compilation was required and ask Commissioner Morris to bring it to the Board for review.

Public Input

No public input.

Chairman Scanlon restated the agenda items:

Old Business

- **Sutphen Contract approval** Vice-Chairman Reckwerdt motioned to approve the Precision/Sutphen contract. Sec./Treasurer Goodacre seconded. Approved unanimously 5 – 0.

New Business

- **Approval of Auditors Report** Jeff Tuscan noted the handout of the financial statement draft and graphs given to the Board and District. Mr. Tuscan stated that his team had completed the field work and there were no comments this year for the District. This is a good reflection on the administrative staff's commitment to internal controls. Mr. Tuscan then reviewed the draft and

graphs in the packet and noted that Tuscan's opinion of the audit is listed on the first few pages of the financial statement. Chairman Scanlon asked if there were any questions for Mr. Tuscan on the audit.

Vice-Chairman Reckwerdt noted that he thought this was the first time in 10 years there were no major comments. Chairman Scanlon motioned to approve the audit. Vice-Chairman Reckwerdt seconded.

Commissioner Schmid questioned the ambulance services fees. Mr. Tuscan reviewed the numbers for the ambulance fees for clarification.

Commissioner Morris asked Mr. Tuscan if he audited other fire districts. Mr. Tuscan stated they audit two in Collier County and four in Lee County.

Commissioner Morris asked on the ones Tuscan doesn't audit if we get bids on what they pay for their audits. Chief Becker stated that the process is to get competitive pricing.

Sec./Treasurer Goodacre thanked Tuscan for the draft and noted that it was very well compiled and easy to understand.

Vice-Chairman Reckwerdt noted his concern with operational expenses for the following fiscal year. Mr. Tuscan noted that there were no initial manning increases for the following year, but some districts were discussing increases in the millage rate. The goal is to look forward and project the District's reserves.

Chairman Scanlon asked if there were any further questions.

Chairman Scanlon called for a vote to approve the auditor's report. Approved unanimously 5 – 0.

- **Construction Change Order Approval** – Chief Becker relayed to the Board the need for the Board's approval on the change order presented today due to the change order threshold of \$10,000.00 which this change order exceeds. The Chief asked Mr. Fowler to discuss the change order with the Board.

Mr. Fowler reviewed change order #9 and discussed the need for the order. The increase of utilities ordered is due to the incorrect projection by the county. After the final estimates by Lee County Utilities, the change order was initiated.

Chairman Scanlon made a motion to accept change order #9. Vice-Chairman Reckwerdt seconded.

Chairman Scanlon called for any questions regarding the change order.

Vice Chairman Reckwerdt questioned the use of CPVC.

Mr. Fowler noted it is regulation for Lee County and common for water applications.

Chairman Scanlon called for a vote to approve change order #9.

Change order approved unanimously 5 – 0.

- **Investment Allocations** – Chief Becker asked that the District’s Finance Director (Jane Thompson) be given the authorization to diversify investment surplus funds to three or more financial institutions.

Chairman Scanlon motioned to approve the investment allocations. Sec./Treasurer Goodacre seconded.

Chairman Scanlon asked if there were any questions regarding the investment allocations.

Commissioner Schmid asked if the Board would get a chance to approve which institutions the funds would be allocated to.

Chief Becker stated the Board would be involved with the approval of the institutions.

Commissioner Schmid stated with the Board’s final approval there should be no reason the Board would not agree with the concept.

Chairman Scanlon called for a vote to approve the investment allocations. Approved unanimously 5 – 0.

- **Interim Medical Director Contract** – Attorney Pringle discussed the contract with Dr. Lemmons to act as the interim Medical Director for the District providing a monthly payment to Dr. Lemmons due to the fact he is operating as the interim Medical Director and cancellation can occur with a 45 day notice. Attorney Pringle stated the language in the contract is to eliminate the District’s liability exposure coverage. Attorney Pringle also noted that it is critical to get this position placed due to the fact there can be no downtime in the transfer of the Medical Director coverage for the District.

Chairman Scanlon motioned to approve the Medical Director contract. Sec./Treasurer Goodacre seconded.

Chairman Scanlon asked if there were any questions regarding the Medical Director contract.

Commissioner Schmid asked if Dr. Lemmons would receive any benefits from the District.

Attorney Pringle stated that he would not receive District benefits. Attorney Pringle referenced to Article 3 at the bottom of page 2 of 5 which states he will act as an independent contractor.

Commissioner Schmid asked the extent of the contract and what the District is asking him to do in his capacity.

Attorney Pringle stated that his role is to satisfy the requirements by the statutory law of Florida specifically Section 401.2915, and the community standards of Lee County, Florida.

Vice-Chairman Reckwerdt asked if his contract was the same as Dr. Sharkey as far as pay.

Chief Becker stated Dr. Lemmons’ contract is \$5,000.00 more than Dr. Sharkey’s.

Commissioner Morris questioned paragraph 1 of the contract stating the Medical Director's responsibility of a patient being transported if something happens to the patient.

Chief Becker stated that without a doctor credentials the EMT's could not perform emergency services and that all paramedics and EMT's perform under the doctor's licenses, so yes, Dr. Lemmons is, in essence, responsible for the patient.

Chairman Scanlon called for a vote to approve the Medical Director's contract. Approved unanimously 5 – 0.

- **2008 Hurricane Plan** – Chief Becker reviewed the 2008 Hurricane Plan.

Vice-Chairman Reckwerdt motioned to approve the 2008 Hurricane Plan. Chairman Scanlon seconded.

Commissioner Schmid asked if the commissioners were considered employees. Chief Becker answered that they were considered employees. Chief Becker also stated that in the event of loss we would use the conference room as shelter.

Commissioner Morris asked if pets were allowed at the shelter at the Clarion Hotel and if we paid for hotel accommodations. Chief Becker stated that we do pay for the accommodations, but pets are not allowed. We only provide provisions for families with pets.

Commissioner Morris also asked about the hurricane categories and noted that they were different from the Saffir-Simpson Surge Scale and noted that we may need to update our category fields.

Chairman Scanlon asked if there were any other questions regarding the 2008 Hurricane Plan. With no other questions, Chairman Scanlon called for a vote to approve the 2008 Hurricane Plan. Approved unanimously 5 – 0.

- **Station #31 Bay Door Procurement** – Chief Becker discussed the need for the bay door procurement request and noted that the budget has \$20,000.00 for repairs for Station #31 available.

Sec./Treasurer Goodacre motioned to accept the bid for the doors with Overhead Doors. Chairman Scanlon seconded.

Commissioner Schmid recommended that the District go with the lower bid to show integrity of public funds being utilized.

Chief Becker stated that the vendor seemed to have an acceptable product but the District had used Overhead Doors prior and is using them for the new stations.

Vice-Chairman Reckwerdt noted that Sec./Treasurer Goodacre motioned to accept the bid with Overhead Doors. The process was deferred to Attorney Pringle.

Attorney Pringle stated that the Board should either take action or not.

Chairman Scanlon called for a vote to approve the bid for Station #31 bay door with Overhead Doors – Approved 3 – 2.

- **Ford Vehicle Procurement** – Chief Becker reviewed the recommendation of the Ford vehicle procurement and reminded the Board that it is consistent with the Comprehensive Plan.

Vice-Chairman Reckwerdt stated that it was already a budget item that had been passed. Vice-Chairman Reckwerdt motioned to approve the Ford vehicle procurement. Sec./Treasurer Goodacre seconded.

Commissioner Morris asked why the District was purchasing 4 new vehicles this year and why not phasing in within a 12-month period.

Asst. Chief Evans stated that the other vehicles had been purchased in February of 2007.

Chief Becker reminded the Board that the District is trying to assign useful life to the vehicles so the vehicles will not create an undue cost to the District.

Commissioner Morris asked how many miles the vehicles had on them and if any maintenance had been done on them recently.

Chief Becker restated that it was discussed during the Comp. Plan in detail and appropriate time of useful life was determined to be 50,000 miles or less if vehicles became burdensome.

Commissioner Schmid asked how many vehicles the District was getting rid of.

Chief Becker stated two – the Durango and the van.

Chairman Scanlon asked why the Fire Marshall needed an automobile.

Chief Becker stated that it is utilized to respond with lights and sirens and the vehicle may be utilized for emergencies.

Vice-Chairman Reckwerdt asked how useful the light and siren (costing \$2,000.00) is on this vehicle.

Chief Becker stated that some calls do require their use and it could be useful for personal response.

Vice-Chairman Reckwerdt recommended the vehicle have the lights and siren installed.

Commissioner Morris asked if the vehicles were driven home.

Chief Becker stated that five vehicles are driven home nightly and are subject to call response. Chief Becker noted that the District is maintaining tight controls on all take home vehicles and going forward the guidelines may be redefined based on IRS requirements.

Chairman Scanlon called for a vote to approve the Ford Vehicle Procurement. Approved unanimously 5 – 0.

- **Desktop Procurement** – Chief Becker reviewed the request for the desktop procurement and noted that the old computers would be utilized for parts. Chief Becker requested the Board approve with the cost not exceed \$9,000.00.

Vice-Chairman Reckwerdt motioned to approve the desktop procurement. Chairman Scanlon seconded.

Chairman Scanlon asked if the current desktops were outdated.

Chief Becker stated that the desktops are obsolete and the warranties are expired. Chief Becker deferred to Joe LaCroix to answer any questions the Board may have.

Joe LaCroix noted that the desktops are four to five years old and that three to four years is the average useful life cycle.

Vice-Chairman Reckwerdt asked if the cost would be cheaper to lease.

Joe LaCroix stated that when he called Dell his goal was to get the best price for a combined number of desktops and he did not inquire about leasing vs. buying.

Chief Becker noted that if the desktops were leased, the District would pay full price and may not get the full value of the extended life if purchased.

Commissioner Schmid asked why six units were needed at the \$9,000.00 cost and if they all had to have all the bells and whistles.

Joe LaCroix stated he spec'd out the operating systems including the software package, which adds to the costs.

Commissioner Morris asked how many computers were purchased last year and if the District was paying extra to not run Microsoft Vista.

Joe LaCroix noted that Vista is not compliant with all software packages and the purchase of the desktops would be compliant; Vista could be uploaded in the future.

Chairman Scanlon called for a vote to approve the desktop procurement not to exceed \$9,000.00. Approved unanimously 5 – 0.

- **Documed Toughbook Procurement** – Chief Becker stated the toughbooks would be utilized in the field. Eight are anticipated to be inservice, replacing four now and four in the next fiscal year.

Vice-Chairman Reckwerdt motioned to approve the documed toughbook procurement not to exceed \$18,400.00. Commissioner Schmid seconded.

Chairman Scanlon asked if the toughbooks are obsolete.

Joe LaCroix stated that the current toughbooks are out of warranty, the manpower it takes to keep up is demanding, and the RAM is insufficient.

FF Troy Mesick further explained the inadequacies of the current machines and the loss of run reports and very slow processing time.

Chairman Scanlon asked if it was in the budget.

Chief Becker stated it was.

Chairman Scanlon called for a vote to approve the documented toughbook procurement. Approved unanimously 5 – 0.

- **Moran Lawsuit Process** – Chairman Scanlon asked the Board's direction to send subpoena to the Board or to Attorney Hament.

Commissioner Morris motioned to send subpoena to Attorney Hament. Chairman Scanlon seconded. Approved unanimously 5 – 0.

Reports from Union Representatives

FF Troy Mesick noted that the need for the Medical Director change is a good thing. The Union was not in full agreement with the process, but agreed it was still a good move.

Remarks from Commissioners

Commissioner Morris asked when documents would be online for review on the website.

Chief Becker stated that the Board Minutes are online for viewing and deferred to Joe LaCroix. Joe LaCroix stated that the website is being redesigned with the assistance of PIEO Ramon Looby to provide a friendlier user site.

Commissioner Morris asked again when it would be available.

Joe LaCroix stated the timeframe is subject to constraints of the developer but would say approximately August 15, 2008.

Commissioner Morris asked Chief Becker if the District was continuing to look at consolidation of personnel as it is the highest cost in the budget and stated that there should be some way to share entities among some of the other districts.

Chief Becker stated that the District is looking at these options and has an interlocal agreement with Iona McGregor and meetings have been scheduled to pursue this direction.

Commissioner Morris stated that a neighbor had placed a call to the FMBFCD due to a smoking outlet at their home and two engines came to the scene along with a staff car and she was concerned about the public perception of the District for such small incidents which her neighbor had relayed in their call was only a smoking outlet.

Chief Becker stated that any call that comes in has to be investigated and the firefighters cannot rule out that it is just outlet smoke and it needs to be determined that there is no danger to the public. Typically if it is small and confined, any other vehicle(s) would be cancelled.

Commissioner Schmid wanted to note that the financials looked good and he was pleased with the Auditor's report. Commissioner Schmid also wanted to relay his disappointment that the live drill scheduled for last Saturday was cancelled.

Chief Becker stated that there was a last minute cancellation of victims and the District could not compensate with volunteers. Chief Becker also noted that three drills are scheduled for the summer.

Sec./Treasurer Goodacre recognized all employees and their years of service and noted she was very pleased with the audit and the simplified report which was much easier to understand and read.

Vice-Chairman Reckwerdt recognized all employees and their years of service and noted that it has been many years since the District's audit had no issues. Vice-Chairman Reckwerdt also wanted to know if the date had been set for Station #33 dedication.

Chief Becker noted that the plan is to have the open house around the time of the delivery of the ambulance and he will advise the Board as soon as a date is available.

Chairman Scanlon thanked the employees for their years of service the CERT team and all their efforts in the community and Tuscan for their report back to the District.

Public Input

Pat Smith and Charlie Stiegler provided public input.

Adjournment

Call for adjournment of meeting.

Meeting adjourned at 3:45 PM on June 17, 2008