

MINUTES  
REGULAR MONTHLY MEETING  
OF THE  
FT. MYERS BEACH BOARD OF FIRE COMMISSIONERS  
TIME: 1:00 PM  
DATE: October 20, 2009  
PLACE: 3043 Estero Blvd., Station 31 Meeting Room  
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, District members 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

Chairman Scanlon called for a motion to approve the September 15, 2009 regular monthly meeting minutes. Vice-Chairman Reckwerdt motioned to approve the September regular monthly meeting minutes. Commissioner Schmid seconded.

Minutes were approved unanimously 5 – 0.

Chairman Scanlon requested Sec./Treasurer Goodacre read the Treasurer's report.

Sec./Treasurer Goodacre read the September 2009 Treasurer's Report for the record.

Sec./Treasurer Goodacre reviewed the summary of bank and investment account activities for month ending September 30, 2009.

- A. Sec./Treasurer Goodacre asked for approval of department checks #035285 through #035382 for a total of \$250,391.75 for September 2009. Chairman Scanlon motioned to approve the department checks. Commissioner Schmid seconded.  
Department checks for September 2009 were approved unanimously 5 - 0.
- B. Sec./Treasurer Goodacre asked for approval of CIP check #030093 for a total of \$1,345.00 for September 2009. Chairman Scanlon motioned to approve the CIP check. Commissioner Schmid seconded.  
The CIP check for September 2009 was approved unanimously 5 - 0.

Commissioner Morris asked what auto meant in the bank reconciliation.

Sec./Treasurer Goodacre stated it means that the monies are automatically drafted from the Bank.

Commissioner Morris asked what the limit is before an item has to come to the Board and are there exceptions and if so is there documentation to outline the process.

Attorney Pringle stated that when the Board adopts the budget expenditures that exceed the line item expenditure would need to come to the Board for approval. Attorney Pringle stated there is

not a specific policy that discusses more than procurements and the Board is actually approving checks after the fact. The Board could entertain an alternative method and request checks come before the Board prior to releasing the checks.

Commissioner Morris stated her goal is to understand what the exceptions may be to the \$1000.00 limit and would like to suggest a special meeting to walk through the budget line items and have a financial review of the budgeted items.

Communication continued between the Board.

*Verbatim: Commissioner Morris: In light of what we've done and I really do want to commend the Union for having done all of the concessions and brought the budget way down. But, I think we as a Board should look at the rest of the budget that we've got out there and take a look at maybe some things we could do to streamline further on the rest of the budget and our operating stuff and things we have planned cause there's some things that I've taken a look at and I'm saying do we really, do we really have to do some of those, so I was going to suggest, so I don't want to take the time here to bring some of this stuff up maybe we could set up a special meeting and then sit there at that time cause we could have Jane available and other people and sort of walk through line by line and see what other cuts we can make cause I think we owe it to the taxpayer to look at every single thing and maybe there's some adjustments we can make. So, you know, I don't know how you guys feel but would you entertain a motion to have a special meeting that can do sort of a financial review of things that are in our current operating budget that we're planning to be spending so we could sit and take a look at maybe what cuts what further cuts we could make.*

*Vice-Chairman Reckwerdt: could it be better by a workshop instead of a special meeting, because you have to have a ten day you know...*

*Commissioner Morris: It could be workshop or a special meeting but a special meeting allows you to make decisions, a workshop does not, so.*

*Attorney Pringle: And, and either way the notice requirement is the same,*

*Vice-Chairman Reckwerdt: the same with a workshop?*

*Attorney Pringle: either way. Yes sir.*

*Commissioner Morris: But I just think since they did such a good job that we sort of owe it to ourselves and the taxpayers to look at everything maybe when we put them in the budget a long time ago it was different, but I think right now with belt tightening maybe we should take a look at it.*

*Vice-Chairman Reckwerdt: I still have trouble with the budget to begin with cause when I see it on 8 o'clock Thursday night and have to pass it on 5 o'clock on Friday afternoon that created a big problem... there was a lot of stuff in there when you have a budget like that could be checked out and reduced down a lot of that stuff in there. It was not a verified budget as far as I was concerned.*

*Commissioner Morris: but now, Ted even though it's in the budget, we don't have to spend what's in the budget, we have an opportunity to review it.*

*Vice-Chairman Reckwerdt: what we have to do now is make sure how the budget all the cuts... we have to make sure this District is safe and right now it's not safe, that's why we have to work on that. Thank you.*

*Commissioner Morris: anyway I'd like to you know propose a motion that we have a special meeting to sit and go through all the stuff that's on the budget and take a look at what's there and what direction we should be going.*

*Vice-Chairman Reckwerdt – is that a motion?*

*Commissioner Morris – yeah, it's a motion.*

*Vice-Chairman Reckwerdt – you need to second.*

*Commissioner Schmid: I'll second.*

*Vice-Chairman Reckwerdt – I won't be here, I won't be back until close to the meeting in November I'm still up in the Carolina's I can't fly for that special for all these trips there.*

*Commissioner Morris: well maybe we can set it up for close to that timeframe.*

*Communication continued on the dates available.*

*Commissioner Morris: so if we can make the motion special meeting to meet on November 16, at 10:00 o'clock in the morning to sit and review the current proposed, or the current operating budget.*

*Vice-Chairman Reckwerdt – will we have an agenda then?*

*Commissioner Morris: absolutely, that's not the motion*

*Chairman Scanlon: we have a second?*

*Commissioner Schmid: yes, I seconded.*

*Chairman Scanlon: any questions in regards to the meeting? All in favor say aye.*

*Chairman Scanlon: passes*

*Motion approved unanimously 5 – 0.*

### **Chief's Report**

Chief Becker introduced Rob Fowler to tell the District about the Summit Award presented to Fowler Construction for Station 32 as “The Best Public Use Facility” in five counties. Mr. Fowler noted there was strong competition and the District should be proud that their efforts are awarded in such a manner.

Chief recognized employees with years of service:

Battalion Chief Tom Grow 17 years



noted the six firefighters laid off was due to budgetary restraints and that would not be imposed by a freeze in hiring. The situation is unique and was not contemplated at the time a freeze on hiring was discussed.

Commissioner Morris stated the conversation came up when the District was talking about the budget and she suggested that the District not fire any employees, but reduce staffing through employees leaving, or being bought out and the Chief noted the District was enforcing a freeze and there would be no more hiring. The District did not discuss if an employee was laid off how the situation would be handled.

Attorney Pringle stated he would do some research on the conversation.

Commissioner Morris stated with the budget shortfalls, going forward where will the District make cuts to hire back the remaining three firefighters.

Vice-Chairman Reckwerdt stated when the millage was set at 1.99 the District used some emergency funds and that is what the District should do for this budget.

Commissioner Schmid asked Chief Becker what the logic was to go to staffing at 12, 13, and 14 if minimum staffing is 11.

Chief Becker stated it is based on current assignments, with scheduled PPL, non-scheduled time off and workers comp. Operations states that it should not fall below 11 so the overtime cost is minimal. If there was no PPL, etc. staffing level would be 15. Chief Becker stated the collective bargaining agreement allows for 3 employees off on each shift. If minimum staffing falls below 11 then extra staffing needs to be brought in which increases overtime costs.

Commissioner Schmid asked if Chief Becker is still working on the health care costs, and if the Chief can share those savings with the Board.

Chief Becker stated it is still being worked on and once the final numbers are pulled together it will be shared with the Board.

Commissioner Schmid asked why Finance Director Jane Thompson recommended a Board member oversee the year-end audit.

Chief Becker stated the audit is an open process. Some districts have suggested a Board member oversee the audit.

Commissioner Schmid asked if that was the Chief's direction as well.

Chief Becker stated to get in line with the GASB45 it may be a requirement.

Commissioner Schmid asked with the promotion of Tammy Peacock who would she be reporting to.

Chief Becker stated she will report to Asst. Chief Evans and the Chief along with assisting management in different human resource areas.

Commissioner Schmid asked Chief Becker what his opinion of the AVL trial was.

Chief Becker stated that the District is in a position to provide service in the south area quicker than Bonita Springs is. At a future Board meeting there may be a need to look at an inter-local agreement that would capture some funding from Bonita Springs.

Commissioner Schmid asked if the District has a need for a public information person, i.e. Patrick Homer.

Chief Becker stated it is an option. Based on the lack of coverage the District has now, they may want to look at someone that is a private contractor for specific services.

Commissioner Schmid stated that he was under the impression that the Board had given the Chief the authority to bring back the firefighters once the negotiations with the Union was open and going forward.

Commissioner Morris stated she just wanted to understand the rules for freezing hiring of employees.

Vice-Chairman Reckwerdt stated he was still opposed to the AVL with Bonita Springs and Lee County EMS should assist them.

### **Attorney Report**

Attorney Pringle stated that the group health insurance letter from the District of consideration was forwarded to the County Attorney along with his letter.

Attorney Pringle stated he has notified Attorney Benson of the Board's intent to hire him to do the investigation and has sent all documentation to Attorney Benson.

Commissioner Morris stated she would like the Board to revisit administrative leave of Chief Becker that was discussed at the special meeting and requested it be put on the agenda under old business, item B.

Vice-Chairman asked that under new business "use of reserve funds" be added to the agenda under item C.

### **Public Input on Agenda Items**

FF Troy Mesick DVP District 3 asked if the ambulance billing write-off had been budgeted for.

Chief Becker stated it has been budgeted for and disclosed to the Board in the packet on the adopted budget worksheet under other services, ambulance billing write-offs.

Beach resident Dick Warner stated he hopes the Board would not approve the write-off of the \$148,000 and have a committee set up to set up some kind of way to gather the information needed so we don't give the service away for free.

Beach resident Pat Smith stated she thinks the write-off is bad, but the real issue is making sure data is collected to assure collections are made. This money could be used to hire back the firefighters.

## Old Business

- A. Approval of Ambulance Billing Write-off \$148,771.42** – Chief Becker stated this debt is the accumulation of 3 years since the current process was established with ADPI. There has been research to locate the patient but there is no further information available. Chief Becker stated the new web based software should improve the collection of data.

Commissioner Schmid motioned to approve the ambulance billing write-off \$148,771.42  
Vice-Chairman Reckwerdt seconded.

Commissioner Schmid stated he thinks the District is going in the right direction and suggests that a Board member assist in reviewing the process to see if there is something else that can help with the collection process.

Motion approved unanimously 5 – 0.

- B. Administrative Leave for Chief Becker** – Vice-Chairman Reckwerdt motioned to put Chief Becker on administrative leave with pay. Commissioner Morris seconded.

Vice-Chairman Reckwerdt stated that when a union member is being investigated they are put on administrative leave until the outcome. The District can run without the Chief for a few weeks to make sure the investigation is not tainted. Vice-Chairman Reckwerdt stated he had confidence in Assistant Chief Evans that has been in for 29 years to take care of business during the investigation while the Chief is on leave.

Chairman Scanlon stated if Vice-Chairman Reckwerdt had so much confidence in Assistant Chief Evans, why he did refuse to give him a three year contract.

Communication continued between the Board.

Chairman Scanlon stated when an employee from the floor is put on administrative leave they have been replaced with overtime personnel. There will be no one to replace the Chief. Once Asst. Chief Evans leaves on November 13<sup>th</sup>, who will take over at that time, or do we have the state take over? There are special meetings coming up that require knowledge from the Chief who will not be available if on administrative leave.

Commissioner Morris stated she was not willing to second the motion at the last meeting, but she believes in fairness and if the District puts other employees on administrative leave in all fairness the Board should consider putting the Chief on leave during the investigation, so no one has to be concerned about the statements they need to give.

Commissioner Schmid stated if the District has put employees on leave in the past while investigating them, they should put the Chief on leave. The Board should support the procedures that have been followed in the past.

Motion approved 3 to 2.

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

Chief Becker was excused. Assistant Chief Evans stepped in as Acting Chief and continued with New Business on the agenda.

### **New Business**

- A. Direction to Draft Medical Officer Contract** – Acting Chief Evans stated the Union has agreed to help with this position and not fill the position at this time. It is management’s direction to move this position from the bargaining unit and place under administration with a contract similar to the Assistant Chief contract.

Chairman Scanlon motioned to direct the attorney to draft a contract for Captain Whiteside. Vice-Chairman Reckwerdt seconded.

Vice-Chairman Reckwerdt stated in the past, there was a lot of overtime and almost a two person job and asked if Captain Whiteside is comfortable to fill the position now.

Acting Chief Evans stated he has been discussing the topic with Captain Whiteside for some time and he is willing to negotiate a contract. Acting Chief Evans stated he would need the Board’s approval to pursue.

Commissioner Morris stated she wants to understand the administration support, with three other positions that work more on the administration side that do not work as firefighters. Commissioner Morris asked why the District would need a contract for the Medical Officer and not the other positions in prevention that the District does not have a contract with.

Acting Chief Evans stated this position as Medical Officer oversees over 85% of the department’s medical issues with responsibility of confidential materials, and there would be no pressure from the Union against discipline. The position requires much more than 40 hours and is now paid overtime for those hours over 40. The contract would lower the wages due to the overtime and save the District money.

Commissioner Morris noted that if the Board does not like the way the contract is written, they can reject it.

Motion approved unanimously 5 – 0.

- B. Procurement Station 32 Elevator Maintenance Agreement \$1596.00** – Acting Chief Evans stated the building was under a one year warranty that is getting ready to expire and Station 32 will need a contract for the elevator.

Sec./Treasurer Goodacre motioned to approve the agreement with GESS for the elevator at Station 32. Chairman Scanlon seconded.

Communication continued between the Board.

Motion approved unanimously 5 – 0.

**C. Use of Reserve Funds** – Vice-Chairman Reckwerdt motioned to use some of the reserve funds to make our operating 2009/2010 budget whole and bring back the other three firefighters.

Motioned died with no second.

Commissioner Morris stated the District is already using some of the reserves. If the District digs deeper into the reserves it could be an issue if something happens.

Chairman Scanlon stated this item should be brought up at the Special Meeting.

Vice-Chairman Reckwerdt stated the District does not have enough manning to run the District and asked Acting Chief Evans if he's confident the District has enough manning to keep the District safe.

Acting Chief Evans stated the District is doing the best possible job they can with manning. The Board has given management a budget and it is management's job to work within that budget.

Communication continued between the Board and Acting Chief Evans.

### **Reports from Union Representatives**

FF Mesick DVP District 3 stated he did not know Chief Becker would not be here for the rest of the meeting. FF Mesick read a statement that needs to be addressed and he feels he needs to defend the Union. Many articles have been published recently locally and by the NewsPress where the Chief has made serious allegations that the union do not believe to be true. The Chief stated the Union is holding the department hostage. All of the contracts are bargained in good faith in the public, agreed on by the Chief, the Union and then come to the Commissioners so this statement is not true. The Union has given up over one million dollars. The ladder truck has been down for over five days at Station 33 the safety of the troops and beach residents are at risk. The Chief also states the Union is intimidating. Since the meetings are held at Station 31 where the firefighters are housed and are requested to attend the meetings by the Chief at times, how can that be intimidating? Chief Becker stated "one of us must go" referring to Jane Thompson and Chief Becker and if one needs to go then why was a check for \$4000.00 to Barry University written out for education? The Union has frozen all education, why is the District paying for administration education. The Chief has been passing the buck to the Union and the Union is no longer going to take the blame. FF Mesick stated that Pat Smith a beach resident asked why the employees could not capture the data when they are on a call to get ambulance billing collected. FF Mesick stated that when they are at a call and if one small error occurs, i.e. the employee writes down, i.e. Dick Warner and his given name is Richard Warner, it will come back. These are procedures that are new to the employees. FF Mesick stated the Government is granting money to financially stressed Districts from firefighter's getting laid off, etc. and the District should try to get some of these monies. FF Mesick asked Assistant Chief Evans if he is retiring in November.

Acting Chief Evans stated yes, he is retiring November 13, 2009. Assistant Chief Evans stated he is notifying the Board that he is rejecting their offer of a one year contract.

FF Mesick stated he agrees that Chief Becker be put on administrative leave. One of the firefighters of the District has been on administrative leave for over seven weeks while under an informal inquiry

that was not within the District. The firefighter was put on leave and a gag order was placed on him and FF Mesick asked if the same was going to be done with Chief Becker.

### **Remarks from Commissioners**

Commission Morris asked if Assistant Chief Evans is officially retiring in November, could Tammy Peacock and Assistant Chief Evans prepare a job opening advertising his position, so the process can get started.

Acting Chief Evans stated the District has only advertised for a Chief and it has been the District's policy to fill the Assistant Chief position from within.

Commissioner Morris stated she feels the position should be advertised and asked if that should be brought forward in a motion.

Attorney Pringle stated he would look at the past direction of the District and get back with the Board.

Communication continued between the Board.

Commissioner Morris asked if Acting Chief Evans would consider staying past November 13, 2009 if the investigation is not complete.

Acting Chief Evans stated he would not stay on past his retirement date.

Acting Chief Evans stated he and Chief Becker has discussed the matter. There is someone they have in mind to come in as Acting Assistant Chief that has the credentials and the knowledge until the Chief comes back or the District gets a new Chief.

Commissioner Morris asked if that is the normal process that the Chief picks the Assistant Chief.

Acting Chief Evans stated that the Board selects the Chief and the Chief picks his number two in command.

Attorney Pringle stated the Board still signs the contract because the Assistant Chief is an exempt employee. The Chief picks his Assistant and the Board ultimately approves the assignment by signing the contract agreement with the Assistant Chief. Attorney Pringle stated the Board now has an Assistant Chief as the Acting Chief who has the ability to designate an Acting Assistant Chief. When the Acting Assistant Chief is in place he will act as the Acting Chief if the Chief is not available.

Commissioner Schmid - no comment.

Sec./Treasurer Goodacre congratulated the employees with years of service. Sec./Treasurer Goodacre stated Charlie Stiegler was a past Commissioner and he will be missed.

Vice-Chairman Reckwerdt congratulated the employees with years of service. Vice-Chairman Reckwerdt noted he would like to see all firefighters returned to work to keep the District safe. Vice-Chairman Reckwerdt noted he would miss Charlie Stiegler as well and said Charlie was a very active part of the community. Vice-Chairman Reckwerdt stated he has been to over 85% of the District's meetings and has discussed the concerns of the taxpayers and their desire to keep the firefighter's in the District and manned properly.

Chairman Scanlon stated that the Board approved the budget and with the approval they knew the ramifications of the approval with possible layoffs. Chairman Scanlon stated he was disappointed that the Board would not approve the three year contract for Assistant Chief Evans with 29 years of service to the District. Chairman Scanlon stated he was also disappointed that the Chief was put on leave and that the charges seem to be erroneous.

### **Public Input**

Beach resident Pat Smith noted that the District ran several years without a lot of growth without the extra station and she is not concerned about the safety of the District. Ms. Smith asked the District to be creative when looking at ways to trim the budget. Ms. Smith noted that Charlie Stiegler had passed and the residents are sad to see him gone and will miss him.

Beach resident Dick Warner stated the fire department and the medical team provides an excellent service and noted the District has very few fire calls. Mr. Warner noted that the District should get to a happy medium with staffing and not try to “never have a situation where they don’t have to call someone else”. Mr. Warner noted that there are few that come to the meetings and express their opinions, but there are many beach residents that share the opinions of the ones that do attend.

### **Adjournment**

Call for adjournment of meeting.

Meeting adjourned at 3:10 PM, October 20, 2009