

MINUTES
REGULAR MONTHLY MEETING
OF THE
FT. MYERS BEACH BOARD OF FIRE COMMISSIONERS
TIME: 7:00 PM
DATE: June 15, 2010
PLACE: 3043 Estero Blvd., Station 31 Meeting Room
Fort Myers Beach, FL 33931

IN ATTENDANCE: Chairwoman Carol Morris, Vice-Chairman Joe Schmid, Sec./Treasurer Betty Goodacre, Commissioner Ted Reckwerdt, Commissioner John Scanlon, Attorney Richard Pringle, Chief Mike Becker, Finance Director Jane Thompson, Assistant Chief Darren White, District members and members of the public.

Meeting called to order by Chairwoman Morris at 7:00 PM

Pledge of Allegiance

Moment of silence for our troops

Chairwoman Morris called for a motion to approve the May 18, 2010 regular monthly meeting minutes.

Commissioner Reckwerdt motioned to approve the May 18, 2010 regular monthly meeting minutes. Sec./Treasurer Goodacre seconded.

May regular meeting minutes were approved unanimously 5 – 0.

Chairwoman Morris requested Sec./Treasurer Goodacre read the Treasurer's report.

Sec./Treasurer Goodacre read the May 2010 Treasurer's Report for the record.

Sec./Treasurer Goodacre reviewed the summary of bank and investment account activities for month ending May 31, 2010.

- A. Sec./Treasurer Goodacre asked for approval of department checks #035946 through #036017 for a total of \$163,327.96 for May 2010.

Vice-Chairman Schmid motioned to approve the department checks. Commissioner Scanlon seconded.

Department checks for May 2010 were approved unanimously 5 – 0.

Chief's Report

Chief Becker recognized employees for their years of service to the Fire District.

Chief Becker presented Fire Marshal Dave Collins with his retirement axe for his service to the District of over 27 years. Chief Becker noted Dave Collins was an integral part of the construction of Stations 32 and Stations 31. His commitment to this project was instrumental in the completion of the two stations. Chief Becker noted that he wanted to express his gratitude and appreciation to Fire Marshal Collins for all his hard work.

Chief Becker recognized Captain Whiteside in his role as medical officer and presented Captain Whiteside with a Commendation plaque and letter. Captain Whiteside has returned to the floor, but his commitment to the Medical Office should be recognized.

Chief Becker recognized CERT Team members for their participation in a recent activation of a search and rescue.

Chief Becker reviewed the items on the Chief Report.

Commissioner Reckwerdt asked Chief Becker if the grievances were in violation of the Union Contract and if it goes into arbitration, that no contracts are violated so the District won't lose.

Chief Becker stated the District is following the grievance process and if it goes into arbitration, the cost would be shared between the District and the Union.

Attorney Report

Attorney Pringle stated that a clean copy of the by-laws is in the commission packet, with changes requested by the Board. Attorney Pringle stated he also had a resolution that is the enabling document for the by-laws that will need to be signed if the by-laws are acceptable.

Public Input on Agenda Items

None

Old Business

- A. By Laws Draft Update** – Chairwoman Morris asked if there were questions or comments on the updated by-laws.

Commissioner Reckwerdt stated that Robert's Rules of Order should be used only as a guideline in commission meetings.

Conversation continued between the Board on the Robert's Rules of Order on meeting procedures in the by-laws.

Commissioner Reckwerdt motioned to change the rules of the meeting procedures to say "shall be used as a guideline" for all proceedings of the Board.

Vice-Chairman Schmidt stated he would like to change Article VI, item 2 to read "shall be updated annually"

Chairwoman Morris stated the District has a 10 year plan and that should be corrected in Article VI.

Chairwoman Morris stated that there are some articles that do not relate to the operating procedures of the Board and should be deleted. Chairwoman Morris stated the Board's salary should say the current salary is \$500.00 per month on page 2, and the plan should state a 10 year plan, not a 5 year plan on page 15.

Attorney Pringle noted page 2, item 4 stating the Board's salary that a sentence could be added to read "As of June 15, 2010 each member of the Board is paid a salary of \$500.00 a month. "

Communication between the Board and Attorney Pringle continued.

Commissioner Scanlon motioned to accept the changes as read into the record and by Attorney Pringle. Vice-Chairman Schmidt seconded.

Motion approved unanimously 5 – 0.

New Business

- A. Resolution to Adopt By-Laws** – Chairwoman Morris read the resolution. Commissioner Scanlon motioned to approve the resolution to adopt the by-laws. Sec./Treasurer Goodacre seconded.

Motion approved unanimously 5 – 0.

Reports from Union Representatives

Tom Edge DVP – District 15 stated that he wishes Dave Collins luck in his retirement after over 30 years of service with the District.

Troy Mesick, DVP – District 3 congratulated Dave Collins and recognized Ed Whiteside. DVP Troy Mesick stated he had a letter prepared for the Board to let the Board know what has been going on between management and labor. Last month DVP Mesick informed the Board of a possible MOU they may be voting on, but that was voted down and he is glad the group made an overwhelming statement that we wanted to save money. Chief Becker filled the Board in a little on the grievances. DVP Mesick stated the union has four grievances that have not been resolved. It's unfortunate that the next step is arbitration. There will be a shared expense when we go into arbitrator, we'll share the expense, but the lawyer fees will not be shared. DVP Mesick stated that the Union negotiates a contract every three years; and the contract is like a Bible and we have contract language for a reason. When the union fills that it has been violated, the only recourse is to put a grievance in and we go through the procedure, the grey area, whatever you want to call it. The Chief has been catering to one employee. Not only did he let this employee pick what shift he wanted to go back to after two and a half years of being off the floor, but the move wasn't on the shift that needed a company officer he got to pick his shift and three other shift changes had to be made to make this right. And he's also allowed this employee to accumulate his maximum PPL hours over what anyone of us can accumulate. Commissioner Schmid asked me a few months ago, how the relationship with the Chief is. I don't believe he's been to the stations to talk to any of the guys. I know on my shift we haven't seen the Chief. The Board didn't act on the allegations against the Chief, but it didn't clear him of everything that was there. But he says that they were false, which is not true. Our contract is up along with District 15 and my vote is to not use the lawyers. I don't know if you've had the E-Board meeting but the Chief's already consulted with two lawyers and we haven't even sat down yet. We're spending money; you hired a Chief as your person to negotiate. You pay a lot between the both, the Chief and the Asst. Chief. We're trying to save money; we're trying to do what's right. Please don't take this as the union whining again because we're trying to save money. DVP Mesick relayed he would be glad to talk to anyone to discuss this matter.

Remarks from Commissioners

Commissioner Scanlon congratulated Dave Collins, Ed Whiteside and Al Agathen and also recognized the employees for their years of service.

Commissioner Reckwerdt recognized the employees for their years of service and Dave Collins on his retirement and noted that he worked close with Dave on the building of the stations and thanks Dave for the excellent job he has done with the District. Commissioner Reckwerdt congratulated CERT on all of their contribution to the District.

Sec./Treasurer Goodacre recognized the employees for their years of service. Sec./Treasurer Goodacre stated she hates to see Dave Collins retire. He has been a great help to her and assisted her with many projects. Thanks to Captain Whiteside for all his work in the medical office and thanks to CERT and AI for their efforts which she has helped with on several occasions.

Vice-Chairman Schmid congratulated the employees on their years of service and congratulated Dave Collins on his retirement, and recognized Captain Whiteside and the CERT team for all their efforts.

Chairwoman Morris congratulated the employees on their years of service. Chairwoman Morris stated she is upset that the Captain Whiteside situation was not brought back to the Board and she had asked if the position change was going to cost the District more or less money. Chairwoman Morris asked if the Board ever gets involved if there are conflicts between management and the union before the lawyers get involved.

Attorney Pringle stated that the Board can speak off the record and privately at the Executive Session about contract negotiations.

Chairwoman Morris asked that on the grievance process if the Board got involved before the formal process began.

Attorney Pringle stated there is a process that is followed during a grievance. The grievance procedure is set up to go to the Assistant Chief, the Chief and then to arbitration.

Chairwoman Morris stated she read up on the drug free policy and is concerned that when she reads the Florida Statutes 112, the District is not in compliance with the Statutes. The District needs to make sure it is in compliance.

Public Input

Beach resident Flip Harby stated that the comment of Troy Mesick regarding management and the union is never harmonious. There are two different ideologies that have two different concepts. What the District does have is a balance with the taxpayers to say enough is enough. Rank and file does not like to hear that. The taxpayers do highly respect the fire department and its members. We are facing another terrible year of revenue stream. Mr. Harby stated he does not care if his taxes go down. This will not be an easy year for the commissioners with the decline in property values. Mr. Harby stated he presents to the Chief that a cap needs to be put on PPL time. There is a lot of money paid out for PPL buyout at retirement. Mr. Harby stated that accusations from Professor Banyan were unfounded and were proven to be invalid. Mr. Harby announced that he will be running for commissioner for next year.

Beach resident Al Agathen stated that in regards to the deployment of the CERT team the other night, when he took over the CERT team several years ago the CERT team was not well received, but today that has changed and they are very well received and have a good working relationship with the District. Mr. Agathen stated that with all the years of fire service he has experienced the Beach CERT team has been one of the best he has worked with.

Adjournment

Call for adjournment of meeting.

Meeting adjourned at 8:13 PM.