

MINUTES  
REGULAR MONTHLY MEETING  
OF THE  
FT. MYERS BEACH BOARD OF FIRE COMMISSIONERS  
TIME: 7:00 PM  
DATE: May 18, 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, 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 April 20, 2010 regular monthly meeting minutes.

Commissioner Reckwerdt motioned to approve the March regular monthly meeting minutes. Vice-Chairman Schmid seconded.

April regular meeting minutes were approved unanimously 5 – 0.

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

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

Sec./Treasurer Goodacre reviewed the summary of bank and investment account activities for month ending April 30, 2010.

- A. Sec./Treasurer Goodacre asked for approval of department checks #035864 through #035945 for a total of \$210,227.01 for April 2010.

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

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

**Chief's Report**

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

Chief Becker stated he just came from a meeting at Pink Shell regarding the oil spill (project Deep Water Horizon Oil Spill). The EOC will determine what resources will be needed if any. Any use of the District's resources will be reimbursed. Joanne Semmer will provide a four hour training course to the District if needed. Chief Becker stated Lee County is at level 2 which is monitoring only. Chief Becker noted he had a handout that he would scan and send out to the Board.

Chief Becker reviewed items on the Chief's Report and the Chief Recommendations for Agenda Items.

Chairwoman Morris asked Chief Becker if the Fire Inspector position was filled by the committee.

Chief Becker stated he filled the position from the recommendation from the committee.

Chairwoman Morris asked Chief Becker if the District is paying out more money for the Medical Officer.

Chief Becker stated there is little or no savings to personnel costs from the move.

### **Attorney Report**

Attorney Pringle stated he researched the topic of random drug testing of Chief Becker and had a discussion with Attorney Hament on the topic. Attorney Pringle stated he is prepared to discuss the by-laws and questions the Board may have on the item. The collective bargaining negotiating team is appointed for two reasons: 1) have an official team to represent the District at the negotiations and 2) to participate in any executive session meetings. You have to be a part of the negotiating team to participate in these sessions.

Attorney Pringle stated he would answer any questions the Board may have during the agenda items as they come up.

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

None

### **Old Business**

- A. By Laws Draft Update** – Chairwoman Morris asked for feedback from the Board on the past by-laws that were sent out with Attorney Pringle’s changes.

Chairwoman Morris stated that in Chapter 191 of the Florida Statutes is repeated in the by-laws pages 1 through 17 verbatim. Chairwoman Morris stated the Board does not need to repeat FS Chapter 191 since the by-laws states the Board is complying with FS Chapter 191. There are some items that could be added, i.e. compensation, etc.

Attorney Pringle stated pages 1 through 17 do indeed repeat the FS Chapter 191 and the Board is subject to those guidelines whether they are restated in the by-laws or not. Attorney Pringle stated that in the event Chapter 191 is updated, the by-laws could read “as the law may be amended in the future” in an effort to acknowledge that the situation may occur.

Chief Becker stated the Board may want to consider deleting the advertisement paragraph in the last article if the Board adopts these by-laws. The cost of the advertisement to the District is very expensive, and could be noticed by a posting throughout the District.

Chairwoman Morris recommended changes to the by-laws:

- 1) Page 4: stating members of the Board be paid: should read the current salary agreed to be paid to the Fort Myers Beach is currently set as a maximum of \$500.00 per month for each level.
- 2) Paragraph 5 of page 4: the Board shall remove any member who has three consecutive unexcused absences: should read the Board’s definition of an unexcused absence is (which is in a resolution) and put the definition in the paragraph.
- 3) Add a statement about the Chief’s evaluation process. A paragraph about what the evaluation is should be added, and the Board should oversee the contracts of non-union members.

Conversation continued between the Board on the by-laws.

Chief Becker stated the recommended changes by Chairwoman Morris were valid and could be modified going forward.

Vice-Chairman Schmid motioned to accept the by-laws as written with Attorney Pringle's changes and with the exception of Article 11. Commissioner Scanlon seconded.

Motion approved unanimously 5 – 0.

### **New Business**

#### **A. Appointment of Negotiating Team for the 2010-2013 Collective Bargaining Agreement –**

Sec./Treasurer Goodacre motioned to accept the people suggested for the committee. Commissioner Reckwerdt seconded.

Vice-Chairman Schmid asked if it was practical for a Commissioner to sit on this committee.

Chief Becker stated it was not. During the process management and labor will negotiate to define the agreement. An executive session (which can be held outside of the Sunshine Law) will then be held and at that time the Board will give Chief Becker direction on what the Board wants to accomplish with the agreement. If the agreement is not met and it goes to impasse, then the Board has a different role and that is why it is inappropriate to be involved with the negotiations.

Discussion continued between the Board and Chief Becker.

Motion approved unanimously 5 – 0.

#### **B. 1) Process to Use in Consolidating and Signing off on the Chief's Evaluation –**

Chairwoman Morris stated there was a concern that a process was set up with Attorney Hament, but it was not complete without a final report with the signatures on the evaluation.

Chief Becker stated that the Board has three options: 1) let it stand as is with the tabulated score with comments and direct the Chief to sign the document, 2) the Board can request the Chief to respond to the comments and sign the document with a response in next month's meetings and tabulate all the comments, goals and objectives; or 3) request the Chief to sign the document as is.

Discussion continued between the Board.

Commissioner Scanlon motioned for Chief Becker to sign the evaluation and provide a general response regarding the remarks from the Commissioners. Sec./Treasurer Goodacre seconded.

Motion approved unanimously 5 – 0.

**2) Random Drug Testing of Chief Becker** – Chairwoman Morris stated she did some research and found that it is not a contract issue, and the Board cannot single out the Chief. The Board should come up with some kind of process to drug test all non-union members compliant with Chapter 112 of the Florida Statutes.

Discussion continued between the Board and Attorney Pringle.

Commissioner Reckwerdt asked Attorney Pringle to comment on the matter.

Attorney Pringle stated he spoke with Attorney Hament and reviewed the District policies, along with the Florida Statutes under Chapter 112. Chief Becker's contract does not specifically address separate drug testing obligations or provisions. There are two District policies, 98-10 and 06-01 that applies to all District employees. Policy 98-10 incorporated Chapter 440.101 of the Florida Statutes into the policy which deals with the drug free workplace. Attorney Pringle reviewed the policies and the process in which the District follows.

Chairwoman Morris motioned to defer the topic and bring it back to the Board at a later date after they have reviewed the policies. Commissioner Scanlon seconded.

Motion approved unanimously 5 – 0.

### **Reports from Union Representatives**

Troy Mesick, DVP – District 3 noted he will be meeting with Chief Becker and bring dates to get the negotiations started. FF Mesick stated he hopes the Board does not want the Attorney's present at the negotiations due to the expense. The union will be voting on an MOU next week to lift the pay freeze on the promotion article so promotions will receive a pay increase. The Board will vote on it in June if it passes through the ranks. The union will bring something to the table on drug testing when negotiations begin.

### **Remarks from Commissioners**

Commissioner Scanlon recognized the employees for their years of service.

Commissioner Reckwerdt recognized the employees for their years of service. Commissioner Reckwerdt noted that the article Mr. Huntsman placed in the Sand Paper justifies the need for Station 33. Commissioner Reckwerdt asked Chief Becker how old Engine 32 is and noted that it is costly the District a lot in maintenance. Commissioner Reckwerdt noted the well system at Station 33 is damaged and Youngquist will check it out and give the Board an estimate to repair.

Chief Becker stated Engine 32 is a 1998 model.

Sec./Treasurer Goodacre recognized the employees for their years of service. Sec./Treasurer Goodacre thanked the Kiwanis and Ron Martin on implementing the CPR program at the Beach Elementary School for the 5<sup>th</sup> graders and the teachers. It is the only elementary school with this program.

Vice-Chairman Schmid congratulated the employees on their years of service and congratulations to Joe Reed on his promotion. Vice-Chairman Schmid asked if the Board could continue to receive the chart Jane reviewed with the Board last month they can review revenues vs. expenses on a monthly basis.

### **Public Input**

Beach resident Al Agathen stated CERT is holding CPR classes at Bay Oaks Recreation Center June 2<sup>nd</sup> at 9:00 AM if anyone is interested. Al asked the Board to keep CERT in mind as the budget hearings begin.

### **Adjournment**

Call for adjournment of meeting.  
Meeting adjourned at 8:37 PM