

MINUTES  
REGULAR MEETING  
OF THE  
FT. MYERS BEACH BOARD OF FIRE COMMISSIONERS  
TIME: 7:00 PM  
DATE: March 15, 2011  
PLACE: 2523 Estero Blvd., Town Hall – Council’s Chamber  
Fort Myers Beach, FL 33931

IN ATTENDANCE: Chairwoman Carol Morris, Vice-Chairman Ted Schindler, Sec./Treasurer David Brower, Commissioner Betty Goodacre, Commissioner John Scanlon, Attorney Richard Pringle, Chief Mike Becker, Asst. Chief Darren White, District members and members of the public.

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

**Pledge of Allegiance**

**Chief Becker presented Recognition Awards for 2010.**

**FF Paul Russell – Firefighter of the Year**

**Lt. Randy Kraus – Officer of the Year**

**FF Joe Devito – Paramedic of the Year**

**Amy Mellot – Civilian of the Year – Employee at Red Coconut**

**Diversified Yacht Services, Inc. and the Levi Family – Community Partner of the Year**

Chairwoman Morris called for a motion to approve the February 15, 2011 regular meeting minutes.

Commissioner Goodacre motioned to approve the February 15, 2011 regular meeting minutes.

Sec./Treasurer Brower seconded.

Chairwoman Morris – minutes approved.

Chairwoman Morris requested Sec./Treasurer Brower read the Treasurer’s report.

Sec./Treasurer Brower read the February 2011 Treasurer’s Report for the record.

Sec./Treasurer Brower reviewed the summary of bank and investment account activities for month ending February 28, 2011.

- A. Sec./Treasurer Brower asked for approval of department checks #036686 through #036752 for a total of \$168,124.34 for February 2011.

Commissioner Goodacre motioned to approve the department checks. Vice-Chairman Schindler seconded.

Chairwoman Morris – checks approved.

Chairwoman Morris stated that the operating expenses were up over \$200,000.00 than last year this time.

**Chief’s Report**

Chief Becker swore in officers: Randy Kraus and Ron Martin to the rank of Lieutenant.

Chief Becker recognized employees with years of service.

Chief Becker reviewed the items on the Chief Report.

### **Attorney's Report**

Attorney Pringle stated he had several items he has been working on that pertain to the agenda. Attorney Pringle updated the Board on the Legislation on Consolidation activities. A proposed Senate Bill was filed March 14, 2011 and has been submitted for consideration by Community Affairs and covers a number of areas including Independent Special Districts and mergers. Attorney Pringle stated he would give Chief Becker a copy of the bill for the Board to review. Attorney Pringle stated that one of the agenda items refers to the boundaries of the District, specifically the Indian Creek area. In 2007 the District adopted the legislation to re-adopted the remaining areas of the District, including the northern area of the District which is the area in question with Indian Creek.

### **Reports from Local Union Representatives**

FF Troy Mesick – DVP District 3 prepared a statement and gave copies to the Commissioners. The past six months meetings discussion has been about money. The surveillance equipment request is an item that the Union does not feel is relevant. This item may stem from a report of threats and the need for security at the Stations that has not been an issue for the past 60 years. If there is an issue with threats, etc. they should be investigated. Other fire departments do not have surveillance equipment. The use of a take home car is an issue due to cost to tax payers and the perception that it is an emergency vehicle which could pass an incident and not be able to assist and could be a liability to the District. The medical director contract is on the agenda and for the record the union appreciates the job Dr. Lemmons does for the District, but it is the District's responsibility to look at saving money.

### **Public Input**

Beach resident Dick Warner gave public input on the attendance of Commissioner Meetings and the publishing of regular scheduled meetings. Mr. Warner also stated he would hope the Board would consider a workshop a regular meeting.

Beach resident Pat Smith gave public input on defining regular meetings and that it is disrespectful to the beach residents if the Commissioners do not attend the meetings. Ms. Smith noted that the District should look at consolidation, i.e. Administration, etc.

Beach resident Flip Harby gave public input on overtime cost for the District and the need to have facts if anyone was presenting at the meetings.

Beach resident Ted Reckwerdt gave public input on the inter-local agreement with Bonita Springs.

Beach resident Bob Miller gave public input on the need for the District to continue to look at the hard decisions that will need to be made for the future and to continue to look at consolidation with local entities.

Chairwoman Morris passed the gavel to Vice-Chairman Schindler to give public input. Beach resident Carol Morris gave public input regarding a note that was dropped at her doorstep today regarding staffing at the stations. Ms. Morris gave a copy to each of the Commissioners. Ms. Morris stated it is something to talk about in the future and consider.

Chairwoman Morris restated the agenda items and placed Item E.3 to the end according to the sequence in which they were requested to be put on the agenda.

### **Old Business**

- A. Change of Workshop Date and Location** – Vice-Chairman Schindler motioned to change the venue to the Town Council Chambers, the first Tuesday of the month to begin at 10:00 AM. Sec./Treasurer Brower seconded.

Motion approved 4 to 1

Chairwoman Morris – Aye  
Vice-Chairman Schindler – Aye  
Sec./Treasurer Brower - Aye

Commissioner Goodacre - Aye  
Commissioner Scanlon – Nay

Communication continued between the Board regarding the workshop and attendance of the Board.

Commissioner Goodacre stated the Board has not addressed penalizing a Board member for not attending a workshop.

Chairwoman Morris asked Attorney Pringle if there was a legal definition for a regular schedule meeting.

Attorney Pringle stated there are several distinctions between a workshop and a regular Board meeting. A regular meeting or special meeting allows for decision making where a workshop does not. A quorum does not have to be present at a workshop but is required for a regular meeting of the Board. As a result, the Statutes does not address a workshop as a regular meeting which would trigger the removal of a commissioner. In the past Attorney Pringle has stated attendance at workshops is not mandatory. In summary, there is not a mandate by law where attendance at workshops is mandatory. It is a forum where commissioners can assemble and have information brought to them and discuss, but make no decisions.

Chairwoman Morris asked if the Board could make some requirement to make sure that members of the Board attend the workshops, i.e. docking pay.

Attorney Pringle stated the Board could possibly dock pay, but a Board member could not be removed.

### **New Business**

- A. Medical Director Agreement** – Chairwoman Morris asked if the contract could be a two year term.

Attorney Pringle stated that it would be based on the agreement of both parties.

Chairwoman Morris motioned to offer a contract to Dr. Lemmons of \$32,000.00 a year for a two year contract. Sec./Treasurer Brower seconded.

Discussion continued between the Board.

Motion approved 3 to 2.

Chairwoman Morris – Aye  
Vice-Chairman Schindler – Aye  
Sec./Treasurer Brower - Aye

Commissioner Goodacre - Nay  
Commissioner Scanlon – Nay

- B. Comprehensive Planning – RFQ for Organization Development Consultant** – Chief Becker noted that in the Comprehensive Plan there is a lot of key elements that pertain to management, financial demands and collective bargaining. The ability to adapt and continue

to provide the services expected will need some direction and strategic measure to assure the organization is healthy. A majority of the updates for the Comp. Plan will be done in house, but there is some components that need to be outside the District's scope where the consultant would help in the development of the organization

Chairwoman Morris stated that the District needs to understand how we are applying the Comp. Plan in our business.

Discussion continued between the Board.

Commissioner Goodacre motioned to send out an RFQ for a consultant. Sec./Treasurer Brower seconded.

Motioned approved unanimously 5 – 0.

- C. Inter-Local Agreement with Bonita Springs** – Chief Becker reviewed the need to enter into the inter-local agreement for Prevention Plans Review with Bonita Springs and requested the Board to allow him to begin the process to bring back to the Board for approval at a later date.

Discussion continued between the Board, Chief Becker and Lt. Ron Martin.

Attorney Pringle stated the fee schedule may need to be reviewed to make sure it addresses this service and the same costs are listed in our fee schedule. The District will have to have that authority in the fee schedule to bill for that service. Attorney Pringle stated the inter-local agreement would provide the “passing through” of the fees to be collected by Bonita Springs.

Chairwoman Morris motioned to allow Chief Becker draft an inter-local agreement with Bonita Springs and adjust the fee schedule to allow Bonita Springs to collect the fee and then submit the agreement back to the Board for approval. Commissioner Goodacre seconded.

Motion approved unanimously 5 – 0.

**D. Procurements**

- 1) Purchase of Infusomat IV Pumps** – Commissioner Goodacre motioned to approve the purchase of the IV Pumps. Sec./Treasurer Brower seconded.

Discussion continued between the Board, Chief Becker and Med. Officer Lt. Randy Kraus.

Motion approved unanimously 5 – 0.

- 2) Purchase of Surveillance System for District** – Chairwoman Morris asked Chief Becker if there were any specific instances turned into the police.

Chief Becker stated there is a need to protect District property and assure employee safety.

Discussion continued between the Board, and Chief Becker.

Attorney Pringle noted that if the District is aware of a risk, the District is responsible to provide for a reasonable protection of people and their property while on District

property. The exposure is real and from a liability standpoint the District is responsible to protect people and property while on District property.

IT Manager Joe LaCroix reviewed the quotes from each vendor and recommended Simmons based on the cost and ability to upgrade. Simmons would also buy back equipment if the District upgraded. Simmons did all the networking equipment and they are familiar with the stations.

Vice-Chairman Schindler motioned to table the item until the next workshop to establish a need. Chairwoman Morris seconded.

Motion approved 4 to 1.

Chairwoman Morris – Aye  
Vice-Chairman Schindler – Aye  
Sec./Treasurer Brower - Nay

Commissioner Goodacre - Aye  
Commissioner Scanlon – Aye

#### **E. Commissioner Items**

- 1) Chief Contract and recap of changes by Commissioner Brower – Sec./Treasurer**  
Brower reviewed the changes to Chief Becker's contract.  
Commissioner Scanlon motioned to renew the Chief's contract as amended by Commissioner Brower. Commissioner Goodacre seconded.

Discussion continued between the Board.

Motion approved unanimously 5 – 0.

- 2) Proposed Resolution on Fire District Consolidation by Commissioner Brower – Sec./Treasurer**  
Brower reviewed the proposed resolution regarding consolidation.

Sec./Treasurer Brower motioned to approve the resolution. Commissioner Goodacre seconded.

Motion approved unanimously 5 – 0.

Sec./Treasurer Brower suggested that when the resolution is adopted the Board should send it to all the local state senators and state representatives regarding the District's position.

Attorney Pringle stated that when you read the proposed legislation that has been submitted, many elements are consistent with the terms of the District's resolution.

- 3) Servicing Indian Creek Development** – Chairwoman Morris stated no decision needs to be made on this item. Indian Creek is serviced by both Iona/McGregor and FMB.
- 4) Review of Policy on Use of Staff Cars** – Chief Becker stated that the 1996 policy was amended in 1998. Chief Becker noted that the 1998 has been amended to reflect the current staffing vehicle needs.

Sec./Treasurer Brower stated the two agenda items E.4 and E.5 should be combined. Chairwoman Morris approved.

Commissioner Scanlon motioned to repeal the old policy. Sec./Treasurer Brower seconded.

Motion approved unanimously 5 -0.

Commissioner Scanlon motioned to approve the new policy as amended. Sec./Treasurer Brower seconded.

Motion approved 5 – 0.

**5) Information and Decision on Use of Staff Car by Administration Personnel –**  
combined with E.4

**6) Billing for Entry Devices to Gated Communities –** Vice-Chairman Schindler reviewed the cost for the entry devices and suggested that the equipment be billed to the communities.

Vice-Chairman Schindler motioned to bill the homeowner association for the entry devices.

Discussion continued between the Board.

Attorney Pringle stated the best opportunity would be to list the fee on the fee schedule and hope voluntary payment is made. Enforcing the payment of the fee is questionable. Attorney Pringle restated that if is listed on the fee schedule it may have some validity of being a legitimate expense. It is not worth going to litigation over the expense. Attorney Pringle stated he could place it on the fee schedule, suspect to being unenforceable by the Court.

Vice-Chairman Schindler withdrew his motion to bill the homeowners association for the entry devices.

Vice-Chairman Schindler motioned to put the fee on the fee schedule and send out a letter. Commissioner Scanlon seconded with the understanding that it goes out in a letter form not a bill form.

Attorney Pringle stated he would do some more research on the subject.

Lt. Martin recommended the Board request some kind of contribution from the association so the cost does not delay the implementation of this program. Lt. Martin stated he would prepare a letter to request a donation from the associations.

Discussion continued between the Board.

Motion approved 3 to 2

Chairwoman Morris – Aye  
Vice-Chairman Schindler – Aye  
Sec./Treasurer Brower – Nay

Commissioner Goodacre - Nay  
Commissioner Scanlon – Aye

- 7) **Micromanagement of District** – Commissioner Scanlon stated he put this on the agenda to address some of the items that could have been addressed with Chief Becker and not taken up time at the regular meeting to address. The Board should not have a big say in the day-to-day operations, which should be handled by Chief Becker.

Discussion continued between the Board.

No action was taken.

**Reports from Local Union Representatives**

FF Troy Mesick – DVP District 3 congratulated the new lieutenants on their promotions. DVP Mesick stated that sometimes he poses questions to the Board so he can fully understand topics on the agenda and he may not always have the facts until it is discussed as beach resident Mr. Harby referred to.

**Commissioner Remarks**

Commissioner Scanlon congratulated everyone on their promotions and the employees for their years of service.

Commissioner Goodacre congratulated the employees on their years of service and the employees that have received awards for 2010.

Chairwoman Morris stated that a 911 call came into her neighborhood and her neighbor said the District did an excellent job but the hospital was not as efficient.

Vice-Chairman Schindler congratulated all the employees that received awards for 2010 and the employees that were promoted and years of service.

**Public Input**

Beach resident Pat Smith gave public input on video surveillance and her opinion that it may not be the way to go.

Beach resident Ted Reckwerdt gave public input on the ‘Tidelines’ publication that came out where only 3 of our Commissioners were interviewed.

**Adjournment**

Call for adjournment of meeting.

Meeting adjourned at 10:04 PM