

East Naples Fire Control and Rescue District

Board of Fire Commissioners Meeting

August 11, 2009

I MEETING OPENED at 5:32 pm

Commissioner Cannon called to order the regular meeting of the East Naples Fire Control and Rescue District's Board of Fire Commissioners at 5:32 pm on August 11, 2009, at 4798 Davis Blvd, Naples, FL. Present were Commissioners' Cannon, Davis, Hughes and Boyer. Also present were Assistant Chief Potteiger, Deputy Chiefs' Biondo and Bogert, Captains' Chinea, Leal, Burkhardt and Liford, Director Bishop, Community Relations Officer Speers, Fire Code Officers' Riley and Salvaggio, Leo Davis, Driver Engineers' Sims and Nixon, Lieutenant Packard, EMS Chief Jeff Page, Rosalee Rhodes, Terry Lynn Leal, 175 Pension Plan Administrator JA Rautio, Union President Nelmes; James Popiol, and Administrative Assistant Mary Ann Orlick. Commissioner Gibbons and Deputy Chief Teague were not present.

A. Pledge of Allegiance

Commissioner Cannon opened the meeting with the Pledge of Allegiance followed an expression on behalf of everyone to Commissioner Boyer on the passing of his mother.

B. Additions or Deletions to the Agenda

- Under New Business E Staff Pay Raises and Early Retirement Buy-Out Options
- Under New Business F Benefits: Health Insurance and Worker's Comp

Commissioner Davis made a motion to approve the agenda with the above additions and deletions. Commissioner Hughes seconded the motion and it passed unanimously.

C. Approval of Minutes of the July 14, 2009 Meeting

Commissioner Davis made a motion to approve the minutes of the July 14, 2009 regular meeting. Commissioner Boyer seconded the motion and it passed unanimously.

D. Treasurer's Report

Treasurer's report is as submitted.

Commissioner Davis made a motion to approve the treasurer's report subject to audit. Commissioner Boyer seconded the motion and it passed unanimously.

Budget workshop scheduled for August 18, 2009, 5:30 pm. Commissioner Boyer will be present via phone.

E. Awards and Recognition

1. Deputy Chief Bogert recognized Captain Mike Leal for 10 years of service. Lieutenant Chris Ogden will be presented at the September meeting.

F. Reports

1. Fire Service Steering Committee: Commissioner Davis

Commissioner Davis said the Immokalee meeting was very interesting. The next meeting will be at station 20, on September 24th at 6:00 pm.

2. Fire Administration: Chief Dyer

a. Personnel:

1. Acting Captain Matt Johnson was transported to the hospital for possible abdominal bleed. Further information to come.
2. FF Eric Clere is on light duty and attending rehabilitation.
3. FF John Hoover is out on a non worker's comp. illness.

4. Chief Dyer also spoke about revising our uniform policy which includes: dress and duty uniforms, jumpsuits, etc., to standardize and update. Over the next couple of weeks he wants to show the board some of the things that he is talking about.
- b. **Line of Duty Deaths:** Chief Dyer - A moment of silence was observed.
- c. **Community Relations:**
Report is as submitted. Community Relations Officer (CRO) Speers spoke about the 9/11 Ceremonies. One will be held at St. Peter's Church on Rattlesnake Hammock Road. For ENFD, we are going to do a brief 9/11 ceremony at station 20 in the morning. If you have any suggestions please contact CRO Speers. Marco Island is doing a \$30.00 per plate luncheon. The sneaker drive has started and we have contacted the newspaper. We are trying to get the word out. JA Rautio donated about a dozen pairs of girls and boys shoes. We are trying to beat our 1200 pairs of shoes from last year.
- d. **AT- A - BOYS:** A teacher from GG H.S. teaching at Lely H.S. gave Firefighters' Adam Orsolini and Nick Varro a huge thank you for a presentation they gave. They were very professional and well prepared.
- e. **Other:** Nothing was submitted.
- f. **Public Comment** – No comments were brought forward.

3. Administration: Assistant Chief Potteiger

- a. **Shop** with fuel reports, as submitted.
- b. **Fire Code Official's Office** with fuel report is as submitted. Ed Riley spoke about how his plan reviews are down, Lee County and their budgets, and a 540, 000 sq. ft. building being built near EOC. He also presented a FCO Newsletter.
- c. **GRIT** – Nothing was submitted. Assistant Chief Potteiger will be looking into getting this item removed from future agendas and if something comes up then we will add it to the agenda at that time. He also said he would contact Gayland Moore for an update. Commissioner Cannon said that there is \$20,000.00 deposited in it and Commissioner Gibbons wanted to know if any claims were being paid with it and why Mr. Moore was being paid and not submitting a report?

4. Fire Prevention: Deputy Chief Biondo

Report is as submitted. We have had a lot of vacations in July and more will be coming in August and September. Starting in September, we will take one more person out of new and move them into existing construction.

5. Support Services: Director Bishop

Report is as submitted. We have been dealing with vacations. Very heavy into the benefits side of it as of October 1 becomes our renewal period for health care benefits, worker's comp. Spring cleaning has started as Deputy Chief Bogert will touch on. Greg Houchin has been lending a hand with that by helping the men at the stations getting things cleaned up and moved around.

6. Plans, Policies & Integration Report –

Report is as submitted per Chief Dyer.

7. Fire Operations – Deputy Chief Bogert

Suppression report is as submitted. Deputy Chief Bogert said that Captain Schultz was not able to submit her report via email as she was out of the country. It will be submitted next month. Continuing with spring cleaning. We have had a lot of vacations as well. Promotional testing will be coming up in September.

II Old Business- On Going

- a. **VaxCare:** Chief Dyer explained that he has sent emails to Dr. Tober and Dr. Colfer, the Health Department Director, and have not received any confirmation. Chief Dyer will call Dr. Colfer to get her approval.
- b. **Alternative Funding/Pension Bonds-NSTR:** Chief Dyer explained that Finance and Support are putting information together to send to them in the next couple of days and will continue to work on it.
- c. **CCEMS:** Chief Dyer talked about the 2 letters he received from Kara Kenny from NBC 2. One was a copy of the notice that he posted to our employees and the other was a copy of a letter from the Collier County attorney's office representing EMS in this situation. Chief Dyer is preparing a response to that letter. CCES sent their medic unit to Isles of Capri for Firefighter Training. Last Monday they responded by pulling their person off of Engine 23. Our attorney is waiting on my response to them to address it. Commissioner Cannon asked how we could bring this to a close. Chief Dyer recommends that we meet with various County Commissioners' and key staff from the County Administration and try to work this out.
- d. **Shell Bill Task Force meeting:** Commissioner Cannon asked the Board to read the bill and submit their concerns so that they can approve it or make any changes and vote on it at the September meeting. We are at the point that we have a pretty good bill now with the revisions that have been passed out, and they need to submit it to the State Delegation Hearing by the first part of October. Our last opportunity to review it is at our September meeting. Commissioner Davis reminded the Board that when reviewing Enabling Act, they must pick one of three options.
- e. **Sign Posts at Station 22:** Assistant Chief Potteiger asked our maintenance technician, Greg Houchin to remove the signs. Deputy Chief Biondo was instructed by Assistant Chief Potteiger to buy signs for Lake Park at approximately \$33.50 a piece.
- f. **175 Stop Start Pension Plan Resolutions and Impact Study :** JA Rautio;
Pension Plan Administrator

This item was a continuation of prior Board action taken on May 12, 2009 which was not fully accepted by the State Division of Retirement. Director Bishop and ENFD Firefighters' Pension Plan Administrator Joyceanna J. Rautio presented an overview of the two revised resolutions and revised impact study under consideration. Additionally, staff recommendations for the implementation of the initial \$902,451 credit to the District for its annual required contributions under the restart resolution were explained. *(NOTE: This item was moved by the Chairman for consideration after I (E) - Awards and Recognition).*

Plan Administrator Rautio explained that if the District passed the resolutions, it would be allowed to use up to \$1,176,674 of State insurance premium tax to fund the Chapter 175 Pension Plan. However, due to the State's prohibition on retroactive use of state funds, it is now divided into an initial credit of \$902,451 and a delayed credit of \$274,223 contingent upon additional levels of insurance premium tax being received by the District. A 4% annual compounded interest rate was agreed to be paid on the \$274,233 in the interim. Eventually the new frozen amount of state funds available each year to the District will be set at \$659,404.00. The prior frozen annual amount was only \$71, 067.

It is anticipated that the initial credit will be fully realized in the coming fiscal year, the annual District percentage of payroll required may decrease from about 42% to

somewhere in the 16 to 19% range for the upcoming FY 2009-2010. According to the formula outlined in Resolution 2009-05, the Chapter 175 members will receive the supplemental benefit of allocations into "share accounts" from the accumulated excess of insurance premium taxes. This excess is specifically earmarked by state statute for extra benefits for firefighters.

Commissioners Cannon and Boyer both inquired whether or not the District had received a formal acceptance of the Stop/Start Plan from the State Retirement Division and expressed concern about releasing the retroactive checks before that was received. Assistant Chief Potteiger and Rautio explained that they were assured that with the incorporation of the revisions required by the State the new resolutions would be accepted shortly. If approved tonight, the resolutions will be sent for review to the Division of Retirement tomorrow by Express Mail.

On a motion by Commissioner Davis and a second by Commissioner Boyer, Resolution 2009-04 regarding the Reduction in Benefits was approved by a unanimous vote of 4 to 0. Discussion was held regarding the preferred timing of the release of the retroactive checks and receipt of acceptance by the State.

Commissioner Davis then moved to approve Resolution 2009-05 regarding the Restoration of Benefits and the Creation of a Supplemental Retirement Benefit (Share Plan). Commissioner Hughes seconded the motion and it passed unanimously by a 4 to 0 vote. The Board also acknowledged that the Impact Statement prepared by Gabriel Roeder Smith and Company was considered as a part of Resolution 2009-05.

Commissioner Cannon asked for clarification of the share plan concept and its administration. Assistant Chief Potteiger indicated that the Firefighters' Pension Plan Actuary (soon to be Foster & Foster) will perform the necessary calculations and administer the share plan so that neither the Plan Administrator nor District staff will be involved. Additionally, all the share plan funds remain within the whole Pension Plan that is administered by the Board of Trustees. The annual amounts within the member share accounts will be affected by the earnings or losses experienced by the entire Firefighters' Pension Plan. Thus the share accounts will fluctuate with what happens with the investments within the entire Pension Plan. Once a member retires, the money in that retiree's share account will then be made available for distribution. Additionally, it was clarified for the record that no funds will be allocated into the share plan accounts if the amount of insurance premium tax funds does not exceed the new frozen amount of \$659,404 in any given year.

Rautio referred to a two-page handout that outlined the steps that staff recommends to implement capture of the \$902,451 credit. The normal District payroll contributions will be calculated on the retroactive checks of about \$185,900 as will the last three payrolls of this fiscal year estimated at about \$182,300 for a total of \$368,200. This will leave an estimated available credit of \$534,251 for the upcoming fiscal year. If the Board approves, the regular wire transfers to the Pension Fund's account at Morgan Stanley Smith Barney will not be sent, thus allowing for the use of the District's credit or "saving the District" this expense. Once the credit is depleted, a new payroll percentage rate will be implemented for the District's annual required contribution to the pension plan. Commissioner Cannon moved and Commissioner Davis seconded that the staff recommendations for implementation of the restart resolution be approved. The motion passed unanimously on a 4 to 0 vote.

Prepared by: "JA" Rautio, Plan Administrator, ENFD Firefighters' Pension Plan
September 3 and 4, 2009.

- g. **Board of Fire Commissioners:** (Topics Initiated by the Board)

III New Business

- a. **Approval of the ENFD and NNFD Joint Commission Meeting minutes**
Commissioner Davis made a motion to approve the July 29, 2009 Joint Meeting minutes between ENFD and NNFD Commissioners. Commissioner Cannon seconded the motion and it passed unanimously.
- b. **Senate Bill 1000/Chapter 09-182, Laws of Florida; intent to participate**
This bill establishes a sales tax to pay for emergency services. There is a possibility of 10 participating entities in Collier County. The majority of them must participate via an interlocal agreement with the County being the Administrator. The law allows for the collection of up to 1%. What is collected from the sales tax must be subtracted from our millage. The second year's calculation will be based on previous year's sales tax. Chief Dyer added that this is a replacement income, one for one. It is a tax swap. Commissioner Boyer made a motion to approve the intent to participate in the Senate Bill 1000. Commissioner Davis seconded the motion and it passed unanimously.
- c. **Station 24/47 Staffing Alternatives**
Chief Dyer commented on his discussion with Chief Stoltz whether or not it is necessary to have two trucks as the call volume is not heavy. We are also talking about combining administrative functions, HR, IT, etc. More information will be forthcoming in the weeks ahead. Commissioner Cannon scheduled another meeting with NNFD Commissioners at station 20 on September 28 at 5:30.
- b. **Portable Air Conditioners for the shop**
Chief Potteiger said that about a year ago he came to the Board with an RFP to be awarded to an air conditioning company to at least get the humidity out of the shop. The permit has tripled in price and that made it impossible to do what we wanted to do. Since then I have found a portable Spot Cooler unit and we would use that instead of using the original air conditioning contractor. We would have to insulate an end wall and buy some duct work. Commissioner Boyer made a motion to approve the purchase of a portable a/c unit for the shop. Commissioner Hughes seconded the motion and it passed unanimously.
- c. **Opening of F150 Bid**
One bid was received for the F150 Truck. The bid was awarded to Christine Wienhold and was sold as is with no warranty. Commissioner Boyer made a motion to accept the bid of \$650.00. Commissioner Davis seconded the motion and passed unanimously.
- d. **Disposition of Fixed Assets 09-0011**
Chief Potteiger explained that the items on this list are no good or have been thrown away. Most of these items should not have been inventoried. Commission Davis made a motion to dispose of the fixed assets valued \$93,130.82. Commissioner Cannon seconded the motion and it passed unanimously.
- e. **Staff pay raises 3% for administrative**
Chief Dyer would like to create a structured pay scale. It would be by position and by years of service. Chief Dyer will come back next month with the actual numbers in a proposal and present it to the Board.
- f. **Early Retirement Buy Out**
Chief Dyer talked about a buy out as a part of the budget to encourage our employees that have or will have over 25 years of service with District. This would free up spaces and reduce overall costs. We have several people that would be eligible for this proposal. The estimated savings would be realized next fiscal year if we did not replace them right away. Draft buy out options will be presented in September.

- g. **Health Insurance and Worker's Comp**
Chief Dyer spoke about Leading Edge Financial Group and asked them to come up with some creative ways to lower our overall health insurance costs and asked the Board for their approval to re-sign with them when the renewal comes up. Commissioner Davis made a motion to resign with Leading Edge Financial Group. Commissioner Hughes seconded the motion and it passed unanimously.

For Work Comp we current are with PGIT, a trust organization. We are not asking to change this but to change our Broker. PGIT does not sell Work Comp directly. We have been with Wells Fargo for the last 3 years and are unhappy with their service.

In response to our RFQ, We have narrowed it down to 3 brokers; Bouchard Insurance., IRMS Inc., Brown & Brown Pria. A review committee has been formed and we would like to ask a commissioner to assist with the broker selection. Commissioner Davis volunteered to be on the committee.

- h. Topics Initiated By the Board:

SUMMARY OF ASSIGNMENTS:

Staff Pay Raises, Buy Out Options, 9/11 Details

ADJOURNMENT:

Commissioner Cannon asked if we have a motion to adjourn. Commissioner Davis made a motion to adjourn. Commissioner Boyer seconded the motion and the **August 11, 2009** meeting was adjourned at 8:00 pm.

Commissioner Thomas G. Cannon	Date
Commissioner Richard Gibbons	Date
Commissioner Angela Davis	Date
Commissioner Robert L. Hughes	Date
Commissioner Robert A. Boyer	Date