

MINUTES
EAST NAPLES BOARD OF FIRE COMMISSIONERS MEETING
December 16, 2008

I. MEETING OPENED

Commissioner Cannon called the meeting to order at 5:32 P. M. Present were Commissioner Cannon, Commissioner Gibbons, Commissioner Davis, Commissioner Hughes, and Commissioner Boyer. Also present were Chief Dyer, Assistant Chief Potteiger, Deputy Chief Biondo, Deputy Chief Teague, Deputy Chief Bogert, Director Bishop, Captain Liford, Captain Burkhardt, Captain Leal, Accountant Johnson, Mechanic Popiol, Fire Code Official Riley, Leo Davis, J.A. Rautio, and Executive Assistant Friday.

A. Pledge of Allegiance

Commissioner Cannon opened the meeting with the Pledge of Allegiance.

B. Additions or Deletions to Agenda

Commissioner Boyer made a motion to approve the agenda. Commissioner Davis seconded the motion and it passed unanimously.

C. Approval of Minutes of November 18, 2008 Meeting

Commissioner Boyer made a motion to approve the minutes of the November 18, 2008 meeting, Commissioner Gibbons seconded the motion and it passed unanimously.

D. Treasurer's Report

Chief Dyer said the Treasurer's Report is as submitted.

Commissioner Boyer asked when we received the notification that we had to pay into the 175 last year and Pott said it was in March or April. Commissioner Davis made a motion to approve the Treasurer's Report, subject to audit. Commissioner Gibbons seconded the motion and it passed unanimously.

Tara advised the Board that we received an ad valorem check for six million dollars.

E. Awards and Recognition

Chief Dyer said we have no awards tonight. He said we had Chief Schank's retirement party this past Saturday evening, it was well attended and everyone had a great time.

F. Reports

1. Fire Administration

a. Personnel

Chief Dyer reported that Eric Clere is still out on workman's compensation. He said they have a meeting with workman's comp on January 19th to try and get Eric on light duty.

Nate Behrens has been back to work on light duty for the last two weeks and Captain Liford returned to full duty today.

John Obst is still on leave of absence without pay but for all practical purposes he is gone as Chief Dyer signed his termination notice with deferred comp last Tuesday. He is filing a disability claim with FRS.

Commissioner Cannon said we hired three people and then two people so why hasn't the overtime shown any decline. Chief Dyer said we took a major hit on overtime because we had Captain Hunt on light duty for a period of time, Captain Liford was on light duty, and Lt. Packard had a previously scheduled vacation. This was for two and a half weeks.

b. Other

The next Steering Committee Meeting is January 22, at Station 45 North Naples, at 6 P. M.

Chief Dyer advised there will be an Executive Session following this meeting.

c. Public Comment

No comments were brought forward.

2. Administration: Assistant Chief

a. Shop (with fuel report)

Chief Potteiger said his report is as submitted. Nate is working light duty and doing minor repairs.

Commissioner Boyer asked how the fuel was doing and Pott said we are saving 29.5%. Pott said he has Veronica looking into some paperwork we received from Tallahassee wherein we can recoup some of the taxes.

b. Fire Code Official's Office (with fuel report)

Pott said the fire Code Office has provided the Board with some options that they would like to discuss at the January meeting regarding a new building for Fire Code.

One option is acquiring the building next to our property on Horseshoe Drive. Pott said they are negotiating on possibly using the property for acquiring the building. They will do the build out and it will have everything Ed needs except for the large conference/meeting room. Pott said we are still negotiating and would like the Board to review the material provided and we will go into this more at the January meeting.

Ed said regarding option A; the owner of those two buildings which are adjacent to the property we own came to us to see if we would be interested in purchasing the buildings he has. He said he might be willing to take our property in trade. Ed said taking two buildings, which is in option A, isn't feasible as they would have to go between the two buildings to get into certain offices and there isn't sufficient parking as it only has 34 parking spaces.

Ed said option B is one building and it is the cheaper of the two. The base cost of that building, which would include the build out, is \$1,325,000.00. Ed said they are still trying to get him to take the property in trade.

Ed advised that option C is to utilize their piece of property with a downsized building. This building includes the training activities and provides 68 parking spaces. It also leaves room to put another 3000 square foot building on the property in the future.

Pott said it should be noted that with option A, the two building option, we would have to buy out one of the tenants that already own in there.

Commissioner Boyer asked which option fits Ed's needs and Ed advised option B does at this time but it doesn't give them any room for training activities onsite. Ed said the long term goal is along the lines of option C which is to own their own property and have the training facility with ample parking and have the ability to expand with a 3000 square foot building that could be built on site.

Commissioner Boyer said he thought the whole cost of this was coming out of the fees the FCO collects and Ed said that is right and they presently have enough money in the bank for option C but that leaves them with little reserves.

Ed said options B and C are the two that they would like and that B is the same as C except option C has a generator and option B does not.

Commissioner Cannon advised Ed to bring this before the Fire Service Steering Committee on the 22nd of January.

1. Executive Summary – Purchase of One or Two New Vehicles

Pott said last year Ed budgeted for one car and this year budgeted for one car. With the fuel savings it would pretty much pay for itself. He is asking for option 1 which is buying one vehicle or option 2 that is buying two vehicles.

Commissioner Hughes made a motion to approve option B (two vehicles) and Commissioner Boyer seconded the motion. The motion passed unanimously.

Pott asked if Ed wanted to declare the other two vehicles surplus and Ed said he doesn't want to declare them surplus until they get the other two vehicles.

2. Executive Summary – New Fire Code Review Fee Schedules for Planning

Ed said planning is going through their review schedule for all their planning review type fees. These are not for building, they are for development fees. Ed said there are over 108 different permit types and previous to this request they had 19 that they charged fees for and there are 38/39 different reviews that they do. So, there were approximately 20 that they couldn't collect fees for because they did not have a fee structure for it. Some review types are broken down into three or four and so once it came off from the initial one they couldn't collect the fee as they didn't have anything for it. Ed said he reviewed the time it takes to do those other reviews and they are now proposing a fee.

Commissioner Davis made a motion to approve the new Fire Code Review Fee Schedule for Planning as listed in the Executive Summary and Commissioner

Boyer seconded the motion. Commissioner Cannon asked if this has been reviewed with the other departments and Ed said they have not. Commissioner Boyer asked to have the date listed on the bottom of each page in the footnote section. The motion passed unanimously.

Ed distributed a copy of the FCO's first news letter they send to contractors and said they hope to do this every six months or quarterly.

c. GRIT

No report was presented.

d. Other

No topics were presented.

3. Fire Prevention: Deputy Chief

Chief Biondo said his report is as submitted. He advised the toy giveaway is tomorrow, Thursday, and Friday and anybody that would like to check out the store or volunteer is more than welcome. The hours are from 5 P. M. to 8 P. M.

Commissioner Cannon asked Nick how the work flow is as far as new versus existing and Nick said they are doing a lot more existing and the numbers will show that.

4. Support Services Report: Director

Tara said her report is as submitted.

Tara advised the Board that Life Scan is coming back in March to do physicals and this is open to the Board. Commissioner Boyer said to include him for the physical as did Commissioner Davis. Commissioner Hughes said to mark him down for next year.

5. Training Report: Deputy Chief

Chief Teague said on the first page of his report the dates are incorrect. Instead of the dates being 10/17, 10/18, and 10/19 it should read 11/17, 11/18, and 11/19.

Keith advised that Lt. Watson obtained her FO2 certification and he wanted to congratulate her.

Keith said they had put in a grant through AFG for some PE equipment and vehicle exhaust systems throughout all of our five stations and the indication is that we are going to be funded for that grant.

The Best Engine Company has been completed. Keith read the notice that Captain Leal submitted. The Engine Company coming in second consisted of Hoover, Anzualda, Hofstetter, and Cline. Ogden (Chris), Taylor (John), and Perez (David) were absolutely incredible and set records that only ENFD will be able to break. The Golden Gate Fire Department Training Division has asked us to videotape these three doing the bunker gear drill.

Keith said it is with great pleasure that he announce the best, incredible Engine Company of 2008 is Engine 22, C Shift. Captain Leal said it took David Perez 38 seconds from uniform to breathing air in bunker gear. The old record was one minute, four seconds. Engine 22 C Shift was first in every event and Golden Gate tied for two events with the oral exam and running hose. This will be on January's agenda under Awards and Recognition to do the awards with the certificate. Commissioner Davis asked to see the video tape.

6. Fire Operations: Deputy Chief

Chief Bogert said his report is as submitted. He said our runs are up and will continue to rise. They are up 100 this month and we will get back to 900 runs a month for all five stations.

Eugene said we received more automatic aid than we gave last month.

Commissioner Boyer said he had the opportunity once again to watch our guys at work when they rescued his Mother. This was Station 21 B Shift wherein it says "Rescue 69" which was for his Mother. He said she fell at 7:30 in the morning and her forehead had a gash of about eight or nine inches. She took about five units of blood and spent six days in the hospital. She is in long term right now. Our guys got there and did one heck of a job. They bandaged, back boarded, and did everything correct all the way. He said he was happy to see our guys got there and were able to work on someone he loves very dearly. He told the guys "Thank you".

Commissioner Cannon said he forgot to bring something up under the Treasurer's Report. He said there is a question on whether we need separate bank accounts for the toy drive, the sneaker drive, and the car seat drive. He said the auditor is recommending that we sent up an account for each one even though two years ago he recommended that we could run it all in one. Commissioner Cannon said he will talk to the auditor once he is back in his office, but in the meantime can we have the Board authorize these accounts to be set up if need be.

Commissioner Hughes made a motion to have separate accounts set up, if needed, after the Chairman talks to the accountant. Commissioner Davis seconded the motion and it passed unanimously.

II. OLD BUSINESS

A. On-Going

Commissioner Gibbons said the hedges in front of Station 20 need replacing as they look terrible. Tara said she will get a proposal from the landscape company for the next meeting.

B. Consolidation – Joint Meeting

1. Jointly Retain Attorney with North Naples

Chief Dyer said he has an engagement letter from Attorneys Rice, Sarota, Hoffman, Pastarisa, Coe, and Vaniski in regards to a meeting we had last month with North Naples. We met with a couple of attorneys

in preparation for the workshop with the Collier County Board of Commissioners on December 9th. Commissioner Cannon asked Chief Dyer to explain, for the benefit of the two commissioners who were not there, why we are looking for an attorney and Chief Dyer explained the situation.

Chief Dyer explained that the attorney is not specifically related to consolidation, it is related to the challenges we continue to have with Collier County EMS, but specifically Dr. Tober, the Medical Director, with the intent to pursue our own Certificate of Public Need and Convenience (COPCN) for ALS non-transport. Both Boards attended that night independently, side by side, voted to investigate this with an attorney. We met with the attorneys and they also attended the Commissioners' Meeting. This law firm has extensive experience in Broward County, Dade County, and Palm Beach County helping various agencies obtain a COPCN. Chief Dyer explained the nature of the legal services which requires the Board's signatures. The fees for service for the attorneys is approximately \$195.00 per hour for attorney time and for other administrative cost it is an approximate two and one-half percent fee for such things as postage, faxes, etc. Chief Dyer advised of other stipulations in the engagement letter.

The North Naples Fire Control and Rescue District, on December 11th, agreed to the engagement letter which is identical to ours. They signed it as they had a unanimous vote from their Board to engage this law firm for pursuing the COPCN and any possible litigation that is necessary.

Commissioner Davis made a motion that we approve the engagement letter from the attorney's office to jointly retain that attorney for the COPCN with North Naples. We agree to pay the bill fifty-fifty. Commissioner Gibbons seconded the motion.

Commissioner Cannon said basically what is happening is that they are trying to get us away from the ALS Engine Program and doing everything in their power to limit or decrease the level of service that the fire department gives for ALS. Commissioner Cannon

said that today in the County Commission Meeting they are going ahead with plans to develop this high medical task force or policy making for the community that will work with Dr. Tober in addressing the medical protocols and policies for medical. He said this will consist of four people from the health industry and one person from the business community but no one from the fire departments. We don't have any say. Commissioner Cannon said we have an Interlocal Agreement. They were trying to pinpoint during that workshop how we had been in violation of the Interlocal but Doug set them straight on how they are in violation. Commissioner Cannon said Commissioner Coyle if the one pushing this and there are supposedly many meetings between Tober and Coyle. He said, from his understanding, Tober can do no wrong in Coyle's eyes. Commissioner Cannon said he has talked to some county commissioners and basically told them they are trying to dictate the policies of the fire districts and it is not going to work. He said there are articles coming out on how fire should be consolidated under EMS. This will be in some big publications coming up.

Chief Dyer said he spoke with Commissioner Fiala last night and she was concerned about the agenda today and she was pretty certain the vote would be four against one. Chief Dyer told Commissioner Fiala that perhaps she could use this as an approach, that if they just chose to waste everyone's time last Monday only to railroad the process today then we will certainly point this out to the public.

Commissioner Cannon said we need to retain the service of this attorney. He said we know we are going to get turned down for the license but then if we can take it to court we stand a better chance and we can appeal it to the state.

The motion passed unanimously.

Commissioner Cannon said we had a very good conversation with North Naples and are going to see if they can do this on a quarterly basis as we do have a lot of common concerns. North Naples bill to become a

county wide fire department on their own has been pulled from legislation for now.

C. Board of Fire Commissioners
(Topics initiated by the Board)

No topics were raised.

III. NEW BUSINESS

A. Chapter 175 – Chief Potteiger

Pott said the 175 Administrator and himself were in Orlando at a Pension Conference and were quite surprised on some of the things they learned on disability; ways to go about getting the disability and some of the questions that are asked on the disability. He said he is looking forward to getting with our attorney and discussing this with him.

Pott said we are losing money in all of the accounts and everyone is figuring on about a 15% decline for last year. He said hopefully we will gain it all back again. He said if we do the start/stop that will save us some. He said this will be explained further during the Executive Session.

Pott said what we have discussed for the last year is the buy back for FRS. When you leave FRS the buy back, because they never adjusted it with it going up to a 3% multiplier about eight/nine years ago, they left it at 2%. One of the problems that everybody faces is, if they go back into FRS, they can only buy back at 2% and then you have to set up annuities and other share plans on the 1%. He said this year there is going to be a bill introduced to legislation to repair that, taking it from 2% to 3% and Laura Donaldson, who is our attorney, advised she would lobby that for \$5,000.00. Pott asked the Board for their blessing on the \$5,000.00 and then give him permission to talk to the other districts to see if he can recoup some of the \$5,000.00 from them.

Commissioner Boyer made a motion we hire that firm to represent us for the \$5,000.00. Commissioner Hughes seconded the motion. Commissioner Cannon asked if we could make part of the motion that we will talk to some of the other districts involved to see if we can recoup some of the money and Commissioner Boyer said absolutely.

Commissioner Hughes seconded the motion and it passed unanimously.

B. Report on CD's – Chief Dyer

Chief Dyer said at the request of Commissioner Boyer the CD's the District holds are operation, sick leave, impact, and hydrant CD's and the report is enclosed for the Board's information.

C. SIP – Chief Bogert's Grandchildren – Chief Dyer

Chief Dyer said that a couple of weeks ago they discovered an error in the application, interpretation, or use of our health insurance plan. There was no intentional wrongdoing or anything like that. Chief Bogert has a dependent child that has a child and both child and grandchild were being covered under our health insurance policy. We asked SIP, Steve Rasnick, if grandchildren are covered as eligible dependents and he said if Eugene wishes to have them considered as dependents he would have to adopt them or arrange some sort of legal guardianship so they could become primarily dependent upon him for support.

Chief Dyer asked the Board if we want to change our policy or plan, or make a one time exemption. Commissioner Cannon said to get legal guidance on this matter.

The next four agenda items were incorporated into one motion.

D. 09-0004 Certification of Surplus Property

Pott said we have one of the Rangers that we bought from Fire Code about five years ago that is no longer feasible to keep so we are asking that it be declared surplus and put it out to bid with a minimum bid of \$750.00.

E. 09-0005 Certification of Surplus Property

This is to declare the 1996 E-One Quint, which is Engine 24, surplus and put this in the trade magazines to sell it as we feel we can get more for it selling it outright. This is contingent upon giving the engine up once the new engine is here. The trade value for the E-One was \$80,000.00 and we are thinking we can get at least \$125,000.00 for it.

F. 09-0006 Certification of Surplus Property

Pott said they were going to give the Hurricane to Training but because it is so antiquated it really doesn't have any of the training aids of today's new engines. We were offered \$5,000.00 and we think we can get at least \$30,000.00 to \$40,000.00 for it. Commissioner Cannon asked if, on the 1984 E-One Pumper, if the age should be 24 plus years and Pott said yes, it should.

G. 09-0007 Certification of Surplus Property

Pott said these are full mask w/regulators for the Dive Team members, they are over ten years old, and they are not positive pressure, which we use. He said we would like to donate them to the Georgia Sheriff's Dive Team as they would only be using the face mask, not the regulator. There would be no money involved. We will ship these to them and they will reimburse us the shipping cost.

Pott said we are asking for the minimum bid request for the Ranger is \$750.00; the minimum bid request for Engine 24, the 1996 E-One Quint, is \$120,000.00; the Hurricane's minimum bid is \$20,000.00.

Commissioner Davis made a motion that we surplus the items on 09-004, 09-005, 09-006, and 09-007; the 1997 Ranger for \$750.00; the 1996 E-One Quint for \$120,000.00; the Hurricane for \$20,000.00 minimum bid; and donate the full mask and regulators to Georgia. Commissioner Hughes seconded the motion. Commissioner Cannon asked Commissioner Davis to amend her motion by adding another zero to each one of those as she said 004, 005 etc. Commissioner Davis amended her motion to read 0004, 0005, 0006, and 0007 and Commissioner Hughes seconded the motion. The motion passed unanimously.

H. Board of Fire Commissioners
(Topics initiated by the Board)

Commissioner Boyer said we received our check for selling the ladder truck and questioned where we are at getting the computers in the engines.

Chief Dyer advised that Domingo China is continuing to meet with the mapping company, who is also providing the software, and it will take several months to get all of our maps converted into the electronic version. We will use Engine 20 as the Beta Test to work out all the bugs for a couple of months.

Chief Potteiger asked for clarification for the lobbyist, that she is going to lobby for the 1% increase from the 2% to 3% for the FRS. The Board said this is how they understood it.

IV. ADJOURNMENT

Commissioner Cannon asked if we have a motion to adjourn, take a break, and go into Executive Session. Commissioner Gibbons made a motion to adjourn. Commissioner Boyer seconded the motion and the meeting adjourned.

Thomas G. Cannon

Richard Gibbons

Angela S. Davis

Robert L. Hughes

Robert A. Boyer

