

MINUTES
EAST NAPLES BOARD OF FIRE COMMISSIONERS MEETING
September 9, 2008

I. MEETING OPENED

Commissioner Cannon called the meeting to order immediately following the First Public Budget Hearing. Present were Commissioner Cannon, Commissioner Gibbons, Commissioner Davis, Commissioner Miller, and Commissioner Boyer. Also present were Chief Schank, Chief Dyer, Assistant Chief Potteiger, Deputy Chief Teague, Deputy Chief Biondo, Captain Burkhardt, Captain Leal, Captain Liford, Lt. Davenport, SSA Bishop, CRO Speers, Mechanic Popiol, FCO Riley, FCO Salvaggio, FF Hofstetter, FF Dolores Perez, FF Osniel Perez, FF Knoff, FF Blodsoe, FF Cline, Insp. Frasier, and E/A Friday.

A. Pledge of Allegiance

Commissioner Cannon said we will carry the Pledge over from the First Public Budget Hearing.

B. Additions or Deletions to Agenda

Commissioner Davis made a motion to approve the agenda. SSA Bishop requested an addition to the agenda and Commissioner Cannon said to add, under New Business, Executive Summary 2008-04 Workout Equipment for Station 23 and list it under "B", change Commissioners' Travel to "C" and Board of Fire Commissioners to "D". Commissioner Davis made a motion to approve the agenda with the addition, Commissioner Gibbons seconded the motion and it passed unanimously.

C. Approval of Minutes of July 22, 2008 Meeting

Commissioner Davis made a motion to approve the minutes of the July 22, 2008 meeting. Commissioner Gibbons seconded the motion and it passed unanimously.

D. Approval of Minutes of August 20, 2008 Special Meeting

Commissioner Davis made a motion to approve the minutes of the August 20, 2008 special meeting and Commissioner Gibbons seconded the motion. It passed unanimously.

D. Treasurer's Report

Chief Dyer said the Treasurer's Report is as submitted. Commissioner Cannon said with the collection of an additional \$60,600.00 in August we are now over our 95% collection rate.

Commissioner Cannon advised that we will have an amended budget for the 2007/2008 budget year at the October meeting.

Commissioner Cannon said the county paid another quarter of District One and they are only two behind now.

Commissioner Cannon asked if there were any questions regarding the financial statement or any questions on the Fire Code's financial statements. No questions were presented.

Commissioner Davis made a motion to approve the Treasurer's Report, as submitted, subject to audit. Commissioner Miller seconded the motion and it passed unanimously.

E. Awards and Recognition

Chief Dyer said due to the budget hearing he told all the people to come in at 6:30 P. M. and requested we set this agenda item aside for thirty minutes and move into the Personnel Report. Commissioner Cannon granted the request.

F. Reports

1. Fire Administration

a. Personnel

Chief Dyer said Brian Anderman is still on workman's comp and we feel we are pretty close to drawing that to a conclusion.

Nate Behrens will probably have surgery. Eric Clere is still out on workman's comp but he goes to the doctor on Thursday and perhaps he will come back to light or full duty after that. Ray

Kilmer goes to the doctor tomorrow and we think he will be coming back on full duty based on that. Adam Orsolini returned to full duty on the first of this month and Captain Liford returned to light duty today. He is working in Support Services. John Obst has been placed on leave of absence without pay pending final disposition of his FRS disability retirement.

b. Other

Chief Doug Dyer said the next Steering Committee Meeting is going to be on October 23, 2008, a Thursday, but they have not announced a location yet.

Chief Dyer said we are going to have a small, simple 911 Ceremony at Station 20 this Thursday morning at 8:30 A. M. There will be a county wide ceremony at the First Baptist Church on Orange Blossom and Livingston Road that night. Chief Dyer said Burt Saunders has indicated he would like to attend our ceremony and say a few words. Doug said we have one student from Lely High School and one student from Lely Middle School attending and one will play the trumpet and the other will sing.

c. Public Comment

No comments were presented.

2. Administration: Assistant Chief

a. Shop (with fuel report)

Pott said the fuel report is outlined on page 59 through 66. Commissioner Cannon said based on the numbers on staff vehicles they are meeting their goal and apparatus is consistent.

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

Pott advised the Board that he budgeted for dress uniforms for Fire Code and would like to give them some type of rank structure.

Commissioner Boyer said he is not in favor of fire service designation. Pott said this will be brought before the Board.

Pott said we will be looking at some in-house policies. FCO Ed Riley said there is an issue of having more and more input from third parties unrelated to the permit reviews they are doing. He said it is not an architect of record, an engineer, the contractor or owner, it is somebody unrelated to the permit that is coming forward and asking for meetings with them regarding the applications and attempting to make changes to the plan, or make suggestions of changes to the plan, that may or may not be code compliant. One individual was sent forward by the county, representing the county, to step in and look at a project that had already been permitted. Ed said they are trying to put a policy together to deal with these individuals who do not have any standing with the permit or any of the applicants of that permit. Ed said they are struggling with how much time and effort you give these people when they are not paying for any kind of service, nor do they have any right to the permit.

Commissioner Cannon asked if the individual representing the county is being compensated by the county and Ed said he claims not to be. Pott said they just wanted to advise the Board they are working on a policy.

Ed said the plan reviews were down from the previous month but are staying at about 700/800 plan reviews a month.

Ed advised the local amendments that each of the Fire Districts adopted have been sent to the State Fire Marshal's Office and to DCA and go into effect December 31st or with the enactment of the new Fire Prevention Code. A copy was given to Chief McLaughlin today so that the two county dependent districts have the opportunity to adopt local amendments that mirror ours which was a request of the Fire Task Force.

Ed advised they have started a new logging system to try and identify the different types of rejection comments on different permit types. They will put a news letter together for the contractors that will touch on these items.

Ed reiterated that SWFWM has backed out of the new building. He said the contractor was not cooperating in aiding the architect in putting the plans together and getting prices on their building. On a number of areas they are only obtaining a single bid and we need three so Ed asked them to get the other bids but they never did. Ed said he would like to do an RFP for the building to actually get bids for the construction of it and see if he can get a better price. He will resubmit the plans before the 19th so they get another six months on the permit. If they don't keep it alive they lose the reduced impact fee.

Ed asked for the Board's direction on whether to put an RFP together to re-bid it. Commissioner Boyer asked why an RFP and not just a bid and Ed said they can do it either way. Commissioner Boyer said in reference to SWFWM, due to the fact they are a governmental agency, he thought that when government talked about purchasing property they had to have the funding or means to complete it and have money to put up for deposits. He asked what they forfeit by backing out. Ed said they were not asked to put anything up front and never agreed to do more than look into it and get prices. Commissioner Boyer said we are stuck with the total expense and he wants them to justify, or someone tell him by law, how they can just skip out without forfeiting anything. Ed said if the Board desires he will pursue that but he does not think we will not get anywhere. Ed said they will have to re-bid it and see if it is financially feasible to build it and lease it. Commissioner Boyer asked where the funding would come from and Ed said if they lease it would come from his office; they would have to be able to afford to build it, hold the note, and pay the note off. Commissioner Boyer asked where that funding comes from and

Ed said from plan review. East Naples District is not out any money and the Fire Code Office is self funded from the plan reviews they do. Ed said they are just exploring other options right now.

c. GRIT

No report.

d. Other

Nothing was presented.

3. Fire Prevention: Deputy Chief

Deputy Chief Biondo said his report is as submitted.

4. Support Services Report: Deputy Chief

SSA Bishop said the report is as submitted. Tara said the Sneaker Drive is up and running and to date they have collected \$2,000.00 for the Sneaker Drive that will run through the end of September and have received about 200 pair of sneakers.

Tara advised Chief Schank's retirement party will be on Saturday, December 13, 2008 at 6 P.M. at Windstar.

5. Training Report: Deputy Chief

Deputy Chief Keith Teague said his report is as submitted. Keith said the dive schedule for September 12th, 19th, and 26th, somehow that inadvertently got spaced. He said the course curriculum boat based ops and light salvage and recovery is for the Dive Rescue II Class that we will be hosting and will bring in Dive Rescue International on October 27th through the 31st. The dive training schedule for September 12th, 19th, and 26th is their routine monthly dive training that will be held in the City of Naples on Third Avenue North and the beach.

6. Fire Operations: Deputy Chief

Deputy Chief Eugene Bogert said his report is as submitted. He said on the second half of the August report is the information Commissioner Boyer requested about the mutual aid given and received.

Commissioner Cannon returned to agenda item:

E. Awards and Recognition

Chief Dyer announced that Robert Hofstetter, Dolores Perez, and Osneil Perez have completed their probation period and awarded them with their badges.

Chief Dyer introduced our three newest probationary firefighters, Rowan Knoff, Jason Bledsoe, and Aaron Cline, to the Board.

Chief Dyer introduced Inspector Brad Frasier to the Board.

Lt. Jeffrey Davenport was presented with his Ten Year Award.

II. OLD BUSINESS

A. On-Going

Commissioner Boyer stated that today's newspaper made reference to county consolidation issues in reference to the County's Commissioners Meeting and he said he also got the letter from the county representatives talking about the report and how they had issues with it. He asked if this should be addressed now.

Commissioner Cannon said basically what he feels they are trying to do, which we have seen done for twenty some years, is that they now want to apply for grants under County EMS so they can control everything. He advised the county made this same offer about a year ago through the Steering Committee who said thanks, but no thanks we will continue our study. Commissioner Cannon said, they as a Board, have to decide in the next month or so whether we are even interested in going further with a study that is going to require funds. He said this sounds like a good workshop

topic. Commissioner Boyer asked if it would be possible to have an all Boards meeting in the Sunshine with all the districts in Collier County appear as a whole Board and discuss this. Commissioner Cannon said in a Steering Committee Meeting all the Board members can attend and voice their opinion. Commissioner Davis said they could notify all the Board members to attend but that she feels we need our own meeting first so we know what page we are on before that gets together. Commissioner Cannon said it might be a good idea to have it on the 23rd as we will be here anyway. The Board agreed to have a Special Meeting on the 23rd of September.

B. 175 Retirement – Chief Potteiger

Pott said our 175 Trustee participant declined participation but according to Chief Dyer we possibly have a candidate. The next Pension Meeting is in November.

Pott advised the 175 Pension Meeting through the state and the administrative hearing for this week were canceled due to the possibility of the hurricane and rescheduled for the first week in December.

Pott reported that the Department did send the union a letter requesting a date to meet and talk about the Chapter 175 start/stop and he has not received a response.

Commissioner Boyer asked if we have to pay any money in and Pott said we haven't heard anything to date. He said at the last meeting we didn't have to pay anything. We will be having another actuary done and we have a four year annuity for the last one so Pott said he feels we are in pretty good shape.

Chief Dyer advised the union is using 175 as a bargaining chip for the rest of the contract. Pott said he has stated numerous times on record that the 175 is not part of the negotiations.

Commissioner Cannon said North Naples and the City came to an agreement on the 175. He asked if we could get copies of those agreements and the suit and see if it is time that we jump in with our own. Pott said we could try but one of the problems is that now we have a database and it would be hard pressed to prove that we are not getting the monies

unless we could go back to whenever the suit was done. He said we are approving the database they are using for the collections. Commissioner Cannon said to review this.

Commissioner Cannon said we have new legislators coming in the House and Senate and possibly we could see if we can get that law changed. He said we should try to put something into the delegations hearings in December.

C. Retiree's Insurance Benefits Policy Revised

Chief Dyer said at the last meeting we provided the draft and have received no suggestions, comments, or changes so we have the final copy for the Board's approval or disapproval.

Commissioner Davis said she had a couple of questions. One is where it says you sign a mutual agreement to voluntarily and permanently sever employment with the ENFD&RC what happens if you come back? Chief Dyer asked if what she means is what we have done to enforce that side of it. Commissioner Davis said she thinks it should state the Commissioner's life insurance is capped at \$20,000.00. She also questioned the minus 10% administration fee for Cobra and Pott advised this is state law.

Commissioner Davis made a motion to approve the East Naples Retiree's Insurance Benefits Policy and Commissioner Gibbons seconded the motion. The motion passed unanimously.

Commissioner Davis asked about including the Commissioner's life insurance cap of \$20,000.00 and questioned the severance. Commissioner Cannon said the person would start over. He said he feels we need a legal opinion as to what constitutes a break in service and what doesn't. Commissioner Cannon asked the Board to table this motion and have Chief Dyer run the scenario by Blue's Office. Commissioner Davis tabled her motion and Commissioner Gibbons seconded the motion. Commissioner Boyer said as one leaves the Board as a Commissioner, to check this out with the State Statute, should a Commissioner's benefit stop. He said the only benefit he knows in the state is whatever retirement system you have. He said to have this one checked out too.

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

Commissioner Cannon said during Tropical Storm Fay we declared a State of Emergency so we could be eligible for any type of state funds or FEMA funds. We are required to read into the next regularly scheduled Board minutes that we did declare a State of Emergency due to Hurricane/Tropical Storm Fay on August 18, 2008. This was Resolution 2008-10.

Commissioner Davis made a motion that we approve the State of Emergency that we declared for Tropical Storm Fay, Resolution 2008-10. Commissioner Boyer seconded the motion and it passed unanimously.

III. NEW BUSINESS

A. Administration Building

Pott advised we had to put another letter of transmittal in to keep the process going for the 951 land. Pott said staff recommends that if the Board wants to look at that other property that is referenced in the swap, to have the other five acres so if the Board approves it we would swap the six acres for the ten acres. Pott said the only other thing we can do is spend \$1.8 more to approve the 951 land and we still would have a problem with access. The owner still will not give up access to Sable Palm. If we put the bridge in there would not be an access problem. Pott asked if the Board wanted staff to negotiate the ten acres with the land owner.

Commissioner Boyer said he would like to go on record stating he is not happy with that report at all. He said he is disappointed with the county for not allowing us access off of Sable Palm.

Pott said staff is recommending we swap our six acres for the nine and a half acres as this would save us \$1.9 and we would still have access and everything we wanted. He said we are recommending the Board give us direction to negotiate the swap. Commissioner Davis said she is in favor of our swapping the land. Commissioners Gibbons and Boyer also agreed. Chief Dyer said the assessed value for the two lots is \$1.3 million and ours is assessed at \$800,000.00.

Pott said the Board directed him to get a piggy-back price on the engineering for the Lake Park property to start the process. Pott provided the Board with the piggy-back bid which is an estimate. He said there is money budgeted in the impact fees for this study and requested Board direction on what to do next. Commissioner Boyer said he is in favor of going ahead but prefers that we do an RFP, award it, and then negotiate. Pott said the RFP process would take three to four months to get going and explained the process. Commissioner Davis said she is opposed on going ahead with the process. Commissioner Cannon asked if this was to get the permits and Pott said this is to get the STP to even allow anything to be done on it. Pott said we have to do the same thing with the architect then as we have to get a blueprint of a building, etc. Commissioner Cannon said the \$167,000.00 is the first charge of many.

Commissioner Cannon said to go ahead with the RFP, which has to come back before the Board, and decide where our priorities are. Pott asked if the Board wants to be part of the interview process, do they want staff to do it, how would the Board like this handled. The Board agreed to go with staff's recommendation.

B. Commissioners' Travel

Pott said he asked to have this on the agenda as the last two times the Commissioners traveled they went way over their budget which was unfair to them and we need to clarify some things. He said Commissioner Davis went on a seminar and several went to a seminar in Denver. The registration fee ate up most of the Commissioner's money. The Denver trip was a one-time expensive trip which caused the Commissioners to pay monies out of their own pockets and staff was paid for.

Pott asked to have the registration fee eliminated for the Commissioners in the future and reimburse the Commissioners for their lost per diem and lost budget because of the Denver trip. Commissioner Davis said she agrees the Commissioners' travel budgets should be for mileage, hotel, and per diem. She also agrees an exception should be made for the Denver trip. Commissioner Miller stated she would like to go to some of the seminars but working at a full time job she is not finding about them in time to change her schedule.

Commissioner Boyer made a motion to reimburse the Commissioners for their lost per diem and lost budget for the Denver trip and to have the registration fee eliminated from the Commissioners' travel budgets in the future. Commissioner Gibbons seconded the motion and it passed unanimously. Chief Dyer requested the Board members involved give either him or Tara the eligible receipts.

C. Executive Summary 2008-04 Workout Equipment for Station 23

SSA Tara Bishop said we expect the PE room at Station 23 to be completed within the next three to four weeks. Tara said the purpose of the Executive Summary is to provide that room with new equipment. The finance source is 100% ad valorem. The 2007/2008 budget has \$60,000.00 for this. The contract awarded for the construction of the room came in at \$26,248.00 and what we are asking is to earmark \$14,560.44 for the equipment out of the 2007/2008 budget listed under ad valorem, Capital Outlay. Total for this is \$40,808.44 which is \$19,000.00 under budget.

Commissioner Gibbons made a motion to approve Executive Summary 2008-04 Workout Equipment for Station 23. Commissioner Boyer seconded the motion and it passed unanimously.

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

Commissioner Davis requested that, under New Business, a job description be written for the Chief and the Commissioners so they know their separation of duties and what their responsibilities are.

Commissioner Cannon said State Statute 191 deals with East Naples and Commissioners. He said he agrees with updating the Chief's job description.

Commissioner Cannon asked if an Executive Session was in order and Chief Dyer said one is not necessary tonight.

Commissioner Boyer asked if there is discussion on the Drug Free Workplace and Chief Dyer said he is working on this topic with a couple of different companies to come in and present exactly how they go through the process of doing the

random drug sampling and how they handle the chain of custody.

Commissioner Boyer asked if we could get a report on how many people employed by ENFD are on pain medications. Chief Dyer said he feels this would be opening us up for an incredible law suit in violation of HIPPA.

Pott said we have three people who will be leaving after October 1, 2008 and requested the Board's permission to interview and possible hire replacements after October first. Pott said these positions are budgeted. Commissioner Davis said she agrees to interview new hires and Commissioner Boyer said he feels we should go ahead and hire them. The Board gave staff authority to go ahead and hire.

IV. ADJOURNMENT

Commissioner Gibbons made a motion to adjourn, Commissioner Davis seconded the motion and the meeting adjourned.

Thomas G. Cannon

Richard Gibbons

Angela S. Davis

Karen M. Miller

Robert A. Boyer

