

Upper Captiva Fire & Rescue District

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BOARD OF COMMISSIONERS

SPECIAL MEETING

7 April 2023

COMMISSIONERS & STAFF PRESENT: Duncan Rosen, Van Hammond, Bill Fry (Zoom), Michael Filipczak, Bill Byrnes (Zoom), and EMS Chief John Trujillo.

ISLANDERS/GUESTS PRESENT:

- Room: Teresa Bolme and Rich Gross
- Zoom: Bonnie Whitmore, Candi Highsmith, Greg Fodor, and Zeke McDonald

1) **CALL TO ORDER:** Chairman Rosen called the meeting to order at 10:01 AM

2) **PUBLIC COMMENT ON AGENDA ITEMS** ([Video Recording](#)): None

3) **CHIEF PETERS PROPOSED EMPLOYMENT AGREEMENT** ([Video Recording](#)): Commissioner Fry reported

- After 45 minute discussion with Mooney and over an hour with Nik Joshi (Mooney's proposed labor law specialist) and neither of them can understand what the issue was with Denison's complaint or the reason for settlement and without a copy of the case file, Mr. Joshi is unable to provide a written opinion on the FLSA status of the proposed agreement for the Chief's position
 - Rosen asked Byrnes if it was filed at the District offices and Byrnes stated that Martin was the Records Custodian for the District but unknown if received or where it might be filed
 - Rosen stated that Duggan was the insurance attorney on the case and that he would have the details but Filipczak stated that the Denison issue should have no impact on their providing a written legal opinion but Fry stated that Joshi (the labor law attorney) hasn't agreed to the engagement without understanding how the fact patterns between the verbal contract agreement with Denison and the proposed agreement for Peters are different because, on the document we have provided, his verbal comments are that the position is FLSA Exempt from mandatory overtime
 - **Filipczak moved** that Mooney be authorized to contact Duggan for the case file and/or written legal opinion on the FLSA Exempt status of the proposed Peters agreement, **seconded by** Hammond, Fry proposed a friendly amendment to authorize Rosen to contact Mooney, if Duggan is unable or unwilling, that

Mooney be authorized to contact Pringle for the case file/documents, if a copy does not exist in the station. **Filipczak and Hammond agreed** with the friendly amendment. Byrnes stated that Duggan might have a conflict and Fry reiterated that was the reason for the friendly amendment. All voted aye (5-0).

- Rosen asked if there were any other comments by the Board on the agreement and Fry stated that:
 - Changing line 201 “and” to “by” and “rent” to “renting”, and “valued at up to” in the housing/lease clause
 - Adding new language to clarify that paying utilities are Peters responsibility
 - Filipczak asked about the \$9,000 repayment of housing cost and Fry said it was Mooney’s suggestion as the “incentive” to provide proper 60-day notice on resignation; language to remain
 - Fry again proposed eliminating the clause for paying \$500/shift if a part-time firefighter cancels their shift and Peters can’t find another part-time replacement; the benefit was not in Peters’ original “asks” but was suggested by Byrnes and of course Peters agreed to the possibility of more money
 - Peters stated repeatedly that he couldn’t commit to being on-island for more than 4 shifts/week; that it would be deleterious to his “work/life balance”
 - This clause provides an incentive for him to work additional shifts that would also be deleterious to his “work/life balance”
 - Fry’s proposal to delete the clause was not accepted by the Board
 - Filipczak proposed that the new Chief provide a monthly update on those extra shifts so that we know it is occasional rather than frequent
- Rosen asked if we can vote to accept the agreement today, assuming that there are no FLSA Exempt concerns but pre-approval wasn’t granted by a board majority
- Fodor commented that we need to get this done, remember where the District was 3 months ago and the big picture is North Captiva doesn’t have a full-time chief right now and we need one

4) **PUBLIC INPUT ON NON-AGENDA ITEMS** ([Video Recording](#)):

5) **NEXT MEETING DATES** ([Video Recording](#)): Special Meetings on 14 April and 28 April, as well as the Monthly Meeting Friday, 21 April 2023 at 10:00AM

6) **ADJOURN** ([Video Recording](#)): **Move** by **Filipczak**, **seconded** by Hammond; meeting adjourned at 10:54AM.

Respectfully submitted,

Bill Fry
Secretary