

Upper Captiva Fire & Rescue District

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Serving the Community with Pride

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BOARD OF COMMISSIONERS

REGULAR MEETING

19 May 2023

COMMISSIONERS & STAFF PRESENT: Duncan Rosen, Van Hammond, Michael Filipczak, Bill Fry, Bill Byrnes, Chief Jesse Cottrell, LTP Rob Doerr, FFE David Moran, and FFE Bryce Dearstyne

ISLANDERS/GUESTS PRESENT:

- Room: Teresa Bolme, Greg Fodor
- Zoom: Ed Boze, Bill byrnes, Zeke McDonald, Peggy Clancy-Flyte, Kristi Riggle, Kelly Callen, Zeke McDonald, Emily Holt, Swin Swinford, Sara Hammond, Kevin Downes, 1, Roy Wildeman, and Chris Kaye

1) **CALL TO ORDER** ([Recording](#)): Chairman Rosen called the meeting to order at 10:00 AM

2) **ADDITIONS/CHANGES/DELETIONS TO AGENDA** ([Recording](#)): None

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

4) **MINUTES** ([Recording](#)):

- Minutes of the 21 April 2023 Regular Meeting were approved without change or comment on the wording
- Minutes of the 28 April 2023 Special Meeting were approved without change or comment

5) **NEW BUSINESS:**

A) Status of Chief's Contract – Commissioners Hammond & Fry

- Hammond ([Recording](#)) stated that Peters declined the position of Fire Chief because of 3-2 Vote, negative comments, too big a risk
- Fry ([Recording](#)) stated that
 - There were 4 Options for the Board to consider:

- Discuss with Chief Cottrell his interest in the position, assuming that 2 shifts per week would work for the Board since many of us believe that 2 shifts isn't enough
 - Reopen discussions with Kelly Callen, if still interested, who received 5 of 5 votes
 - Reopen discussions with Robert Wirtz, if still interested, who received 3 of 5 votes
 - assuming that either 2-1/3 shifts per week OR a 40-hour/week "daytime" Chief would work for the Board (the two options that Wirtz said that he would consider during initial interviews
 - Restart the search process
- Chief Cottrell will work with Bonita Springs HR folks on whether he would consider early retirement to work up to 5 shifts per week
- Chief Callen is still interested and, based on the Boards to have a Paramedic Chief, he would reduce his ask; best start date for his retirement would be Aug 2024 but willing to start as soon as FL reciprocal certifications are complete
- Byrnes ([Recording](#)) stated Peters told him that the contract took way too long; contract looked like a prenuptial agreement; Byrnes voted no on the contract, not Peters; constant changes to the document and he can't trust this board; not fair to him, his fiancé, or his current employer; and Byrnes asking
 - Hammond ([Recording](#)) asked Byrnes if he had contacted Peters multiple times asking if he was really sure that he wanted the job
 - Byrnes ([Recording](#)) stated we need to fix what was done so it doesn't happen again; we are 13 days from Hurricane season, we really need a permanent chief, Cottrell wouldn't be available if there was a hurricane since he would have extra "mandatory" work shifts in Bonita Springs
 - Rosen ([Recording](#)) stated that some of the delay was the due diligence on the Fair Labor Standards Act (FLSA) question on payment of overtime to an Executive Chief
 - Hammond ([Recording](#)) asked Byrnes why he voted no on the contract since we would modify that document for the next person and Byrnes stated poorly written (something he would have gotten a "stellar D" for as a first-year law student); first 3 pages, 2-1/2 of them were how to get rid of the guy; didn't like that the District was renting a house for the chief; bereavement pay wasn't included "because it wasn't in his asks" but standard for a firefighter; change from a \$77,000 annual salary to hourly and changing the retirement contribution from 10% to a fixed \$7,700; plus the process dragged on incessantly when we had a perfectly good contract written by Pringle for Martin and just had to

change the names, dates and the numbers when Hammond pointed out that it didn't address FLSA concerns

- Public Comment:
 - Fodor asked Cottrell for his comments
 - Cottrell ([Recording](#)) responded that he spoke with Peters and that we need to move forward; 13 days before a hurricane is irrelevant; Island impact has not historically been an annual event, that there are a number of retired staff who would be available in the early days post-hurricane as happened last October, and that he was working as many hours as he can (11 or 12 shifts this month) but isn't available more than 2 shifts/week until and if he makes the decision to submit early retirement after Nov 2023
- Hammond ([Recording](#)) proposed starting discussions with Cottrell and Rosen stated that we should also restart discussions with Callen
- Fry ([Recording](#)) suggested that we should start discussions with all the candidates so that we don't get back to this same point in a month that a 3d candidate has dropped out
- Rosen ([Recording](#)) asked what would the proposed timeline would be, special meetings, etc.
 - **Fry moved** that we schedule special meetings for 2 June, 9 June, 23 June, and 14 July and Hammonds to work with them about their organization structures and concerns, **seconded by Hammonds**, all voted aye
 - **Fry moved** that Fry contact the candidates to determine asks and availability and Hammonds to work with them about their organization structures and concerns, **seconded by Hammonds**, all voted aye
- Public Comments from Bolme and Swinford ([Recording](#))

B) Fiscal Year 2021/2022 Independent Audit ([Recording](#)) - Commissioners Fry & Byrnes

- Fry stated that audit is for FY22, the administration of Byrnes, Jenkins, Martin, and Lynch-Wishin, that there are many District accounting documents that are apparently missing, and that he has provided all documents found to the auditor, except for:
 - FY22 TRIM notice
 - Property records or Fixed Asset Listing (what we had starting 1 Oct 2021, what was bought in FY22, what was disposed of in FY22, the dates in service or disposal, and the depreciation schedule for that property)
 - No physical inventory of those assets between 1 Oct 2022 (after the fiscal year ended) and 31 December, before their last work dates

- PTO data as of 30 Sep 2022 for Martin and Dubrasky to value the accrued PTO
- Organization structure provided last year was the 2018 structure (had McMullen and Givens instead of Dubrasky and Trujillo)
- Martins contracts and amendments not found; last year, they were provided Martin's contract expired 30 Sep 2019 not the Oct 2020 – Sep 2022, the amendment in Oct 2021, the extension in Oct 2022, and the last contract Oct 2022 – Sep 2023
- Hammond asked if Fry had asked Lynch-Wishin for the documents and he stated that she has declared them "proprietary" and will not provide; either Byrnes as former Chair get the documents or provide a statement why the documents no longer exist in the District .. without the documents, the audit may not be completable by the June 2023 meeting date to meet the 1 July 2023 filing date with the State of Florida
- Byrnes agreed to ask Lynch-Wishin for the documents and Fry will provide a letter to the auditor if the documents are not provided or found

6) **RECURRING BUSINESS UPDATES:**

- A) Insurance Claim Update ([Recording](#))
- B) Equipment Replacements ([Recording](#))
- C) Chief's Report ([Recording](#))
- D) FEMA Reimbursement Submission ([Recording](#)):
- E) Treasurer's Report ([Recording](#))
- F) Accessway Maintenance & FGCU Project ([Recording](#))
- G) New Garage Project ([Recording](#))

7) **PUBLIC INPUT ON NON-AGENDA ITEMS** ([Recording](#)): None

8) **NEXT MEETING DATE** ([Recording](#)): Special Meetings ~~2 June~~, 9 June, ~~23 June~~, ~~14 July~~, Monthly Meeting on 16 June 2023, all at 10AM, and as well as a joint UCCA/UCFRD meeting on 8 June with Lee BoC Ruane at 10AM

9) **ADJOURN** ([Recording](#)): **Move** by Fry, **seconded** by Byrnes; meeting adjourned at 11:26AM.

Respectfully submitted,

Secretary