

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:

- 39 ▪ Discuss with Chief Cottrell his interest in the position, assuming that 2
40 shifts per week would work for the Board since many of us believe that 2
41 shifts isn't enough
- 42 ▪ Reopen discussions with Kelly Callen, if still interested, who received 5 of
43 5 votes
- 44 ▪ Reopen discussions with Robert Wirtz, if still interested, who received 3
45 of 5 votes
- 46 ▪ assuming that either 2-1/3 shifts per week OR a 40-hour/week "daytime"
47 Chief would work for the Board (the two options that Wirtz said that he
48 would consider during initial interviews
- 49 ▪ Restart the search process
- 50 ○ Chief Cottrell will work with Bonita Springs HR folks on whether he would
51 consider early retirement to work up to 5 shifts per week
- 52 ○ Chief Callen is still interested and, based on the Boards to have a Paramedic
53 Chief, he would reduce his ask; best start date for his retirement would be Aug
54 2024 but willing to start as soon as FL reciprocal certifications are complete
- 55 • Byrnes ([Recording](#)) stated Peters told him that the contract took way too long; contract
56 looked like a prenuptial agreement; Byrnes voted no on the contract, not Peters;
57 constant changes to the document and he can't trust this board; not fair to him, his
58 fiancé, or his current employer; and Byrnes asking
- 59 ○ Hammond ([Recording](#)) asked Byrnes if he had contacted Peters multiple times
60 asking if he was really sure that he wanted the job
- 61 ○ Byrnes ([Recording](#)) stated we need to fix what was done so it doesn't happen
62 again; we are 13 days from Hurricane season, we really need a permanent chief,
63 Cottrell wouldn't be available if there was a hurricane since he would have extra
64 "mandatory" work shifts in Bonita Springs
- 65 ○ Rosen ([Recording](#)) stated that some of the delay was the due diligence on the
66 Fair Labor Standards Act (FLSA) question on payment of overtime to an Executive
67 Chief
- 68 ○ Hammond ([Recording](#)) asked Byrnes why he voted no on the contract since we
69 would modify that document for the next person and Byrnes stated poorly
70 written (something he would have gotten a "stellar D" for as a first-year law
71 student); first 3 pages, 2-1/2 of them were how to get rid of the guy; didn't like
72 that the District was renting a house for the chief; bereavement pay wasn't
73 included "because it wasn't in his asks" but standard for a firefighter; change
74 from a \$77,000 annual salary to hourly and changing the retirement contribution
75 from 10% to a fixed \$7,700; plus the process dragged on incessantly when we
76 had a perfectly good contract written by Pringle for Martin and just had to

- 77 change the names, dates and the numbers when Hammond pointed out that it
78 didn't address FLSA concerns
- 79 ○ Public Comment:
- 80 ▪ Fodor asked Cottrell for his comments
- 81 ▪ Cottrell ([Recording](#)) responded that he spoke with Peters and that we
82 need to move forward; 13 days before a hurricane is irrelevant; Island
83 impact has not historically been an annual event, that there are a number
84 of retired staff who would be available in the early days post-hurricane as
85 happened last October, and that he was working as many hours as he can
86 (11 or 12 shifts this month) but isn't available more than 2 shifts/week
87 until and if he makes the decision to submit early retirement after Nov
88 2023
- 89 ○ Hammond ([Recording](#)) proposed starting discussions with Cottrell and Rosen
90 stated that we should also restart discussions with Callen
- 91 ○ Fry ([Recording](#)) suggested that we should start discussions with all the
92 candidates so that we don't get back to this same point in a month that a 3d
93 candidate has dropped out
- 94 ○ Rosen ([Recording](#)) asked what would the proposed timeline would be, special
95 meetings, etc.
- 96 ▪ **Fry moved** that we schedule special meetings for 2 June, 9 June, 23 June,
97 and 14 July and Hammonds to work with them about their organization
98 structures and concerns, **seconded by Hammonds**, all voted aye
- 99 ▪ **Fry moved** that Fry contact the candidates to determine asks and
100 availability and Hammonds to work with them about their organization
101 structures and concerns, **seconded by Hammonds**, all voted aye
- 102 ○ Public Comments from Bolme and Swinford ([Recording](#))
- 103 B) Fiscal Year 2021/2022 Independent Audit ([Recording](#)) - Commissioners Fry & Byrnes
- 104 • Fry stated that audit is for FY22, the administration of Byrnes, Jenkins, Martin, and
105 Lynch-Wishin, that there are many District accounting documents that are apparently
106 missing, and that he has provided all documents found to the auditor, except for:
- 107 ○ FY22 TRIM notice
- 108 ○ Property records or Fixed Asset Listing (what we had starting 1 Oct 2021, what
109 was bought in FY22, what was disposed of in FY22, the dates in service or
110 disposal, and the depreciation schedule for that property)
- 111 ○ No physical inventory of those assets between 1 Oct 2022 (after the fiscal year
112 ended) and 31 December, before their last work dates

- 113 ○ PTO data as of 30 Sep 2022 for Martin and Dubrasky to value the accrued PTO
- 114 ○ Organization structure provided last year was the 2018 structure (had McMullen
- 115 and Givens instead of Dubrasky and Trujillo)
- 116 ○ Martins contracts and amendments not found; last year, they were provided
- 117 Martin’s contract expired 30 Sep 2019 not the Oct 2020 – Sep 2022, the
- 118 amendment in Oct 2021, the extension in Oct 2022, and the last contract Oct
- 119 2022 – Sep 2023
- 120 • Hammond asked if Fry had asked Lynch-Wishin for the documents and he stated that
- 121 she has declared them “proprietary” and will not provide; either Byrnes as former Chair
- 122 get the documents or provide a statement why the documents no longer exist in the
- 123 District .. without the documents, the audit may not be completable by the June 2023
- 124 meeting date to meet the 1 July 2023 filing date with the State of Florida
- 125 • Byrnes agreed to ask Lynch-Wishin for the documents and Fry will provide a letter to the
- 126 auditor if the documents are not provided or found

127 **6) RECURRING BUSINESS UPDATES:**

- 128
- 129 A) Insurance Claim Update ([Recording](#))
- 130 B) Equipment Replacements ([Recording](#))
- 131 C) Chief’s Report ([Recording](#))
- 132 D) FEMA Reimbursement Submission ([Recording](#)):
- 133 E) Treasurer’s Report ([Recording](#))
- 134 F) Accessway Maintenance & FGCU Project ([Recording](#))
- 135 G) New Garage Project ([Recording](#))

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

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138 **8) NEXT MEETING DATE ([Recording](#)):** Special Meetings ~~2 June~~, 9 June, ~~23 June~~, ~~14 July~~, Monthly

139 Meeting on 16 June 2023, all at 10AM, and as well as a joint UCCA/UCFRD meeting on 8 June

140 with Lee BoC Ruane at 10AM

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

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144 Respectfully submitted,

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150 Bill Fry
151 Secretary

Unapproved Draft