

Upper Captiva Fire & Rescue District

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Serving the Community with Pride

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BOARD OF COMMISSIONERS CONTINUED AUGUST MEETING 2 September 2023

COMMISSIONERS & STAFF PRESENT: Duncan Rosen, Van Hammond, Bill Fry (Zoom), Mike Filipczak (Zoom), Bill Byrnes, and Chief Jesse Cottrell

ISLANDERS/GUESTS PRESENT:

- Room: Ed Dotts, Bill Hauser, and Cindy ?
- Zoom: AJ LaVallie, Anne Lindner, Bonnie Whitmore, Bradley Whitmore, Chris Horstman, David Bolme, Ed Boze, Jon and Peggy Flyte, Kelly Callen, Kerry Williams, Lisa Walker, Michael Filipczak, Sara Hammond, and Zeke McDonald

1) **CALL TO ORDER** ([Recording](#)): Chairman Rosen called the meeting to order at 10:04 AM

2) **ADDITIONS/CHANGES/DELETIONS TO AGENDA** ([Recording](#)): Two items were added as New Business by Commissioner Byrnes (Rum Road Collective Rezoning and Sunshine Law Violations), one item by Commissioner Hammond (Status of Chief Candidates), Commissioner Rosen deleted two items (6G and 6H Updates on Commissioner Byrnes' & Commissioner Filipczak's Projects that won't bring positive comments to the meeting), and Commissioner Fry (Budget Amendment).

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

4) **MINUTES** ([Recording](#)): Minutes of the 21 July 2023 Special Meeting were approved with changes 5-0

5) **NEW BUSINESS:**

A) Status of Chief Candidates ([Recording](#)):

- Callen still working with Florida Fire Academy on his FL certifications but still not approved
- **Hammond moved, seconded by Fry to appoint Chief Cottrell as our permanent Chief, approved 5-0**

- B) Proposed FY24 Budget (Second Working Draft) ([Recording](#)): Budget Presentation at <https://www.uppercaptivafire.org/wp-content/uploads/2023/08/FY24-July-22-Working-Budget-Presentation.pdf>
- C) Resolution 2023-004 Special Assessment Roll & Methodology ([Recording](#)):
- Approved resolution at <https://www.uppercaptivafire.org/wp-content/uploads/2023/09/Resolution-2023-004-Year-10-Special-Assessment.pdf> and Assessment Roll at <https://www.uppercaptivafire.org/wp-content/uploads/2023/08/FY-2023-2024-Upper-Captiva-Fire-District-Assessment-Methodology-Report-8-15-23.pdf>
 - **Filipczak moved, seconded by Byrnes**, to approve the assessment roll, methodology, and resolution; **approved by name voice vote 5-0**
- D) Rum Road Collective Rezoning ([Recording](#)): Discussion on possible impacts of an approved rezoning decision by Lee County on the Fire District; no motions occurred
- E) Sunshine Law Violations ([Recording](#)):
- Byrnes stated that the District failed to publish notice for the 16 August rescheduled meeting in the News Press, that he pointed that out to Rosen, who then worked with Attorney Mooney to schedule the meeting for 30 August (that was then moved to today due to IDALIA)
 - Did publish notices for the special meetings in February, March, and April for Fire Chief interviews and discussion
 - Byrnes did further research with the News Press and 2 June, 8 June, 9 June, 23 June, or 14 July; technically since those meetings were not properly noticed the entire board violated the Sunshine Law
 - Rosen took responsibility for not ensuring that Attorney Mooney had submitted the advertisements to the News Press but that Mooney did confirm that Rosen and she had discussed the meeting dates but didn't create the ads
 - Rosen stated that all of those special meetings were announced on the District's website, the District's Facebook page, and to the Homeowner's Facebook page
 - Rosen announced that Mooney would provide a presentation to the Board on the Sunshine Law at a future meeting in the new fiscal year
- F) Resolution 2023-005 Budget Amendment ([Recording](#)):
- Approved resolution at <https://www.uppercaptivafire.org/wp-content/uploads/2023/09/Resolution-2023-005-Budget-Amendment-1.pdf>
 - **Fry moved, seconded by Hammond**, to approve the budget amendment resolution; **approved by name voice vote 5-0**

6) **RECURRING BUSINESS UPDATES:**

- A) Martin & Dubrasky Lawsuits ([Recording](#)): Executive session to be scheduled sometime after the 2d Budget Hearing for proposed mediation
- B) Status of Chief Candidates FL Certifications: Moved to new business
- C) Chief's Report ([Recording](#)): Written report posted on the website at <https://www.uppercaptivafire.org/wp-content/uploads/2023/08/Chiefs-Report-for-16-Aug-2023.pdf>
- D) Treasurer's Report ([Recording](#)): Written report posted on the website at <https://www.uppercaptivafire.org/wp-content/uploads/2023/07/Treasurers-Report-202306.pdf> and <https://www.uppercaptivafire.org/wp-content/uploads/2023/08/Treasurers-Report-2307.pdf>, **motion by Hammond, seconded by Rosen**, to approve both reports; **3-2 (Byrnes & Filipczak No)**
- E) Insurance Claim & Equipment Replacement Update ([Recording](#)): No meaningful update
- F) Accessway Maintenance ([Recording](#)): No written report
 - FEMA Contractor will pay MAJ Contracting up to \$20,000 for their damages from debris removal; barging of material provided free of charge by North Captiva Barge Company
 - IDALIA storm surge deposited a large amount of sand on some roads that will have to be moved

7) **PUBLIC INPUT ON NON-AGENDA ITEMS** ([Recording](#)): Ed Dotts asked if Lee BoCC Ruane be approached for support on roads and other items; Lisa Walker asked whether Fry would be punished by the Board for his email to Filipczak; Zeke McDonald 1) agreed with Walker, 2) disagreed with the procedure to hire Cottrell without a written contract, 3) agreed with Filipczak's suggestion that a bridgeless barrier island without a boat is "verging on the ridiculous", and 4) amazed at how boring and confusing the budget presentation by Fry was.

8) **NEXT MEETING DATE** ([Recording](#)): Monthly Meeting & First Budget Hearing on **Saturday, 9 September 2023** at 10AM

9) **ADJOURN** ([Recording](#)): **Move by Byrne, seconded by Hammond**; meeting adjourned at 1:27PM.

Respectfully submitted,

Secretary