

**FORT MYERS SHORES FIRE & RESCUE PROTECTION DISTRICT**  
**BOARD OF FIRE COMMISSIONERS**  
**March 18, 2021**  
**MINUTES**

**Call Meeting to Order**

Commissioner Apperson called the meeting to order at 7:34 p.m. In attendance were Commissioners Apperson, Kimball, and Ragen. Commissioners Detzel and Schneider were both absent, excused due to emergency situations. Also in attendance were Chief Dowaliby, Attorney Pringle, Administrative Engineer/DVP Hunt, Chaplain Cords, and Jeff Tuscan.

**Pledge of Allegiance and Moment of Silence**

**Prayer offered by Chaplain Cords**

**Amendments to the Agenda**

1. New Business: New Business: Approve setting up new public funds bank account for the Volunteers to temporarily hold the proceeds from the sale of the lots until the non-profit is set up and they can open their own account.
2. New Business: Assign funds to the reserve accounts to reflect the amended budget.
3. New Business: Discuss HB 1103/SB 1624 regarding performance audits. Review and approve letter to legislators. Authorize Chair to sign on behalf of the Board.
4. New Business: Open Union Negotiations to renegotiate Article 32: Promotions and continue negotiations on VEBA.

Commissioner Ragen made a motion to accept the amendments to the agenda. Commissioner Kimball seconded. Motion passed.

**Presentations/Awards**

Jeff Tuscan presented the fiscal year 2020 audit noting first that the auditor's opinion is Unmodified and there were no deficiencies or non-compliance in internal controls testing. They also test our compliance with banking and investment rules and found that we are in compliance and there were no comments. The management letter includes several new items this year including a requirement that

any government that has a resolution in place for the collection of Impact Fees, the CFO has to sign an affidavit each year that we complied with the requirements of that. There is also a new section on Impact Fees on the Annual Financial Report which is submitted to the state. He discussed the house bill currently in committee in the state legislature requiring “performance reviews” for several types of special districts beginning with fire districts. Auditors have been asked for estimates of the cost to districts for this type of audit and the range is anywhere from \$10,000 to \$100,000. Mr. Tuscan stated that he does not think CPA’s should be doing them because of the lack of clear standards to measure efficiency and performance. He has also recommended that they take into account the safety and industry standards that fire districts already have to adhere to through ISO, NFPA, and other organizations. Other special districts also have their own industry standards and best practices that will make it impractical to use a one size fits all approach to rating the efficiency of their performances. It will even be difficult to rate different fire districts on the same scale due to vast differences between them in things like population, property values, percentage of rural and urban area, and community rules. (It would be very difficult to rate Ft. Myers Beach on the same scale as Alva for example.) Mr. Tuscan reviewed the graphs he provided comparing fiscal year 2020 to previous fiscal years noting the increase in fund balance and detailing some of the capital expenditures in the fiscal year. The district did not expend any impact fee funds during the year. The liabilities also increased due mainly to increases in the actuarially determined liability for OPEB (post employment insurance) and the district’s percentage of the FRS retirement liability, which is calculated by the state each year.

**Approval of Minutes**

The minutes for February 2021 were presented for approval. Commissioner Kimball made a motion to accept the minutes as presented. Commissioner Ragen seconded and the motion passed.

**Treasurer’s Report**

Bank account balances for the month of February 2021:

**First Bank - General Fund**

<b>Opening Balance</b>	<b>February 1, 2021</b>		<b>\$5,123,653.08</b>
<b>Credits</b>		<b>\$80,789.53</b>	
<b>Debits</b>		<b>\$264,782.59</b>	
<b>Ending Balance</b>	<b>February 28, 2021</b>		<b>\$4,939,660.02</b>

**First Bank - Impact Fee Fund**

<b>Opening Balance</b>	<b>February 1, 2021</b>		<b>\$1,363,714.81</b>
<b>Credits</b>		<b>\$261.53</b>	
<b>Debits</b>		<b>\$0.00</b>	
<b>Ending Balance</b>	<b>February 28, 2021</b>		<b>\$1,363,976.34</b>

<b>First Bank - CDARS</b>	<b>Beginning Balance</b>	<b>Interest</b>	<b>Ending Balance</b>
<b>4 Week Public Funds CD</b>	<b>\$ 1,253,581.67</b>	<b>\$0.00</b>	<b>\$1,253,581.67</b>
<b>13 Week Public Funds CD</b>	<b>\$ 2,500,000.00</b>	<b>\$0.00</b>	<b>\$2,500,000.00</b>
<b>26 Week Public Funds CD</b>	<b>\$ 2,000,000.00</b>	<b>\$0.00</b>	<b>\$2,000,000.00</b>
<b>Total CDARS</b>			<b>\$5,753,581.67</b>

<b>Total</b>	<b>\$12,057,218.03</b>
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Note: The CDARS totals did not change this month because we did not receive the statement. It has been requested and will be updated next month.

Commissioner Ragen made a motion to accept the Treasurer’s Report. Commissioner Kimball seconded and the motion passed.

**Chief’s Report**

**Items of Interest**

- Thanks to the guys for all of their continued hard work. They are running a lot of calls and still doing all of their training.
- Mr. Pringle will update you on the legislative push to abolish Special Taxing Districts.
- Debbie and I attended the exit conference with Jeff Tuscan who will be here tonight.
- The RFQ is out and we have received many inquiries. The end date to turn in qualifications is April 5, 2021.
- Under Old Business we will discuss the 4 lots that we have contracts on.
- We have chosen the fence vendor.
- Debbie and I attended an 8-hour webinar on investing public funds. It was a good investment of time.
- Debbie and I start the Florida Association of Special Districts Certified District Manager program next week. It is online this year so there will not be any travel involved.

- I would like to invite discussion in the coming months to hold monthly meetings at Crossroads Church. We will have it on the agenda next month. Please see me with any questions.
- Physicals will be coming up.
- Department anniversaries: None this month
- Birthdays to celebrate this month: Administrative Assistant Howard, Captain Clouse's daughter, Captain Swindle's wife, Engineer Poulton's wife and oldest son, Engineer Simmons youngest daughter, and Firefighter Austin Gee and his wife.
- Wedding anniversaries: Engineer Pledger and his wife (7).
- If you have any questions, please come see me.

### **Meetings Attended**

- Officers Meeting
- Union negotiations are ongoing
- Chief Association meeting
- Investing Public Funds webinar
- Medical Care Council meeting

### **Training Attended**

- Officers Meeting
- Union negotiations are ongoing
- Chief Association meeting
- Investing Public Funds webinar
- Medical Care Council meeting

Commissioner Kimball made a motion to accept the Chief's Report. Commissioner Ragen seconded and the motion passed

### **Attorney's Report**

- P3 process is underway. The RFQ for Professional Services has been published in the newspaper and we have received calls for information. The RFP for Construction Services will be released soon.
- Soil Cleanup on the property purchased from Verandah has been completed and will be paid for out of the escrow account set up by Verandah for that purpose.

- HB 1103 is working it's way through committees and passed through the first one unanimously. The comments from committee members in reference to special districts in general were not supportive of their functions or the benefits they provide. What that may mean for the long term is unknown but there seems to be more opposition to special districts than in past sessions.
- Lot sale: The purchaser of the Lehigh lots ran into a delay on the survey for the Detroit Blvd. property in Alva so they have are removing that lot from the purchase contract and moving forward with the purchase of the three Lehigh lots. There is another offer for the Alva lot from a person who owns adjacent property so the survey issues is not a problem for her. The Board will take action on both contracts in Old Business.
- Verandah property: Verandah needed to move some debris off the property and the property line has been clearly marked so the lot can be fenced.

Commissioner Kimball made a motion to accept the Attorney's Report. Commissioner Ragen seconded and the motion passed

### **Fire Prevention Division Report**

- Current Construction: Multi-family units in Portico; Publix at Buckingham
- New Construction: None to report
- Projects Completed: None to report
- Revenues: The Division billed \$210 for the month – 2 Fire Flows and 1 Occupancy Inspection
- Meetings Attended: Lee County Fire Marshals and Inspectors Association, Lee County Fire Chiefs Association, Lee County Fire Arson Task Force
- Prevention Education: Gas Monitoring class, New Vehicle Technology class, Gas Tanker Emergency class
- Inspections: We are continuing to work on updating to our new inspection software. I will update you on the total number of inspections in a future report.
- Additional ISO fieldwork completed.

Commissioner Ragen made a motion to accept the Prevention Report. Commissioner Kimball seconded and the motion passed.

## Training Report

- **Daily Training:** Various functional training and circuit style workouts; truck checks; SCBA and Gear checks; Target Solutions
- **Monthly Training:** Ladder Inspection and proper use; 1 pre-incident plan per shift; R.I.T. drills; fire ground skills; Hydraulics/Apparatus; EMT; Gas Monitoring Class; New Vehicle Technology; Gas Tanker Emergency
- **Upcoming Training:** Multiple college classes going on; facility training next month; pre-plan review in Officers Meeting; Gas Monitoring Class
- **Training Needs:** New smoke machine; more realistic and lighter training dummy
- **A-Shift:** Continuing to train Probationary Firefighters every shift; Captain Jones is in a college class; co-op training at the Fire Academy; gas monitoring class; forcible entry; mask up while walking drill; hydrant maintenance
- **B-Shift:** Gas monitoring class with Bill Miller; Firefighter Janey in USAR classes; rope rescue systems review; forcible entry with green door; Hickey Creek pre-plan; Probationary Firefighter Task Book training; Fire Officer 1 Task Books; Engineer Pledger HAZMAT class; Engineer Hunt and Captain Swindle in college classes; Firefighter Janey attended Orlando Fire Conference
- **C-Shift:** Co-op training; fire ground operations; Engineer training with Firefighter Peterson and Firefighter Casey Gee; Brush Truck operations; hydrant maintenance

Commissioner Kimball made a motion to accept the Training Report. Commissioner Ragen seconded and the motion passed.

## Public Input on Agenda Items

None

## Old Business

1. Sale of Lehigh and Alva lots – Amendment to purchase contract removing the Alva lot from the contract with Will Rodgers. New contract with Susan Powel for purchase of Alva lot.

Commissioner Ragen made a motion to approve the contract for purchase of the Alva lot for \$2,500 and authorize the Chair to sign the contract pending full review by Attorney Pringle. Commissioner Kimball seconded. Motion passed.

2. Resolution adopting State of Florida and Lee County Fire Codes. Chief asked to table.

Commissioner Ragen made the motion to table. Commissioner Kimball seconded. Motion passed.

3. Approve addendum to original lot purchase agreement to remove the Detroit Blvd. property from the contract, leaving the three Lehigh Acres lots.

Commissioner Ragen made the motion. Commissioner Kimball seconded. Motion passed.

### **New Business**

1. Approve Fiscal Year 2020 Audit as presented by Jeff Tuscan

Commissioner Ragen made the motion. Commissioner Kimball seconded. Motion passed.

2. Amend Fiscal Year 2021 Budget to adjust carry forward to audited fund balance

Attorney read the title of the resolution into the record:

RESOLUTION #2021-01 A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE FORT MYERS SHORES FIRE PROTECTION AND RESCUE SERVICE DISTRICT, LEE COUNTY FLORIDA, TO AMEND THE BUDGET FOR FISCAL YEAR 2020/2021; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

The resolution states that the District ended fiscal year 2019/2020 with a fund balance and the Board is desirous of amending the budget for fiscal year 2020/2021 to show the carry forward of the District's fund balance of \$7,574,251. The total adjustment is an increase of \$434,251 and the budget will be adjusted as follows: Unassigned fund balance carry-forward income will be increased by \$403,446. Non-spendable income will be increased by \$30,805. Assigned fund balance reserves expense will be increased by \$430,000. Unassigned fund balance expense will be increased by \$4,251.

Commissioner Ragen made a motion to adopt the resolution. Commissioner Kimball seconded.

The motion passed by roll-call vote: Commissioner Ragen – Yes; Commissioner Kimball – Yes;

Commissioner Apperson – Yes; Commissioner Detzel – Absent; Commissioner Schneider –

Absent.

3. Assign fund balance to reserve lines to match the audited budget – copy will be included as a part of the minutes.

Assigned Fund Balance – Fiscal Year 2021 Amounts to be set by motion of Board

522.901	Station 2 .....	\$2,275,000
522.902	Engine/Apparatus.....	\$850,000
522.903	Tender/Boat/Brush Truck/Rescu.e.....	\$390,000
522.904	Equipment.....	\$230,000
522.905	Staff/Utility Vehicle.....	\$80,000
522.906	Personal Protective Gear.....	\$70,000
522.940	Disaster Fund .....	\$800,000
522.950	Three Month Reserves / Operating Expenses .....	\$700,000
522.960	Accrued Sick and Vacation .....	\$225,000
522.965	Cancer Presumption/Out of Pocket Reimbursement .....	\$75,000
522.970	Post-Employment Insurance/Current Retirees .....	\$100,000

Commissioner Ragen made a motion to assign the fund balance for the lines number listed: 522.901, 522.902, 522.903, 522.904, 522.905, 522.906, 522.940, 522.950, 522.960, 522.965, 522.970. Commissioner Kimball seconded. Motion passed.

4. Approve Employee Physicals

We have been negotiating with three vendors. Dr. Potter has performed our physicals for the last couple of years and his bid came in at \$1,250 per person. I would like to negotiate that down to \$1,132.50 per person, and I will not accept anything more than that so we can stay within the budgeted total. It is a very comprehensive physical. Lifescan comes in at \$838 per person for a fairly decent physical but they can not do them until August or September. Lee Health quoted \$758 but their physical does not include most of the components in the others. I would like the Union DVP's to speak to their members and see what they would prefer to do, but I would like to go ahead and get approval for an amount not to exceed the total budget (\$22,650) for the physicals.

Commissioner Ragen made the motion. Commissioner Kimball seconded. Motion passed.

5. Open Union Negotiations to renegotiate Article 32: Promotions and continue negotiations on VEBA. Chief asked Mr. Tuscan if the District's auditor and actuary is also allowed to do the work on the VEBA once it is set up and he said they can.

Chief asked for approval to publish the ad and open negotiations for the two articles.

Commissioner Ragen made the motion, Commissioner Kimball seconded. Motion passed.

Attorney Pringle asked the Board to approve the District's negotiating team of the Chief and Attorney Pringle. Commissioner Ragen made the motion. Commissioner Kimball seconded. Motion passed.

6. Approve setting up new public funds bank account to hold proceeds from the sale of the lots until the Volunteer non-profit is set up

After some discussion Mr. Pringle offered to allow the Volunteers to leave the proceeds from the sale of the lots in his firm's real estate trust account until the volunteers' non-profit is set up so they can set up their own bank account. No Board action was necessary.

7. Discuss HB 1103 / SB 1624 regarding performance audits. Review and approve letter to legislators. Authorize Chair to sign on behalf of the Board. The letter will be sent to the members of the Senate and House committees who are considering the bill.

Commissioner Ragen made a motion to approve the letter, have it sent to the committee members, and have the Chair sign on behalf of the District. Commissioner Kimball seconded. Motion passed.

Chief Dowaliby thanked Mr. Tuscan for his time giving us input on the letter.

#### **Public Input on Non-Agenda Items:**

None

#### **Union Report:**

DVP/Engineer Hunt said they are continuing negotiations and will have something for the Board next month.

#### **Comments from Commissioners:**

Everyone is doing a great job. Thanks to Mr. Tuscan. Comments on HB 1103 / SB 1624 and the Local Government Efficiency Task Force, which is not a legislative body but does have power to recommend

legislative action. There is nothing currently in the legislature that would directly call for abolishment of the special districts. However, the performance audit requirement in the House and Senate may be the first step toward that, but as the makeup of the legislature changes there is really no way to know what direction it will go in. It is something to watch and be aware of in the future.

### **Adjourn**

Commissioner Ragen made a motion to adjourn. Commissioner Kimball seconded and the motion passed. Meeting was adjourned at 9:03 p.m.