

**FORT MYERS SHORES FIRE & RESCUE PROTECTION DISTRICT
BOARD OF FIRE COMMISSIONERS
May 19, 2022
MINUTES**

Call Meeting to Order

Commissioner Apperson called the meeting to order at 7:33 p.m. In attendance were Commissioners Apperson, Detzel, Ragen, and Shewmaker. Commissioner Schneider was not in attendance due to a family commitment. Also in attendance were Chief Dowaliby, Deputy Chief Lamb, Attorney Pringle, Administrative Assistant Howard, Attorney Pringle, Chaplain Cords, Jeff Tuscan, John O’Grady, and Angie from Local 1826.

Pledge of Allegiance and Moment of Silence

Prayer – Chaplain Cords

Amendments to the Agenda

New Business: Approval for an extra \$1,578 for changes on the two new engines.

Presentations/Awards

Jeff Tuscan presented the Fiscal Year 2021 Financial Audit Report.

Mr. Tuscan started by pointing out additional information that is required to be included in the report this year and reported to the state online as part of the Annual Financial Report the auditors and the District complete each year. He also reviewed the new requirement for a Performance Review mandated by the Florida Legislature to begin for Special Districts beginning with the Fire Districts starting on October 1, 2022. The statute does not specify any standards by which the Districts will be evaluated so the best advice anyone can give is to make sure we have standards in place and require that we be evaluated based on our own standards. Mr. Tuscan also provided a list of the Florida based firms that are currently qualified to perform the reviews. There is no procedure in the statute for choosing a firm so each district may set up the process for choosing based on whatever policies they have in place. Mr. Tuscan strongly recommends that the District have provisions in the contract requiring that we receive a draft of the report to review, have the right to respond to the draft report, and requiring the District’s response to be bound in as part of the report.

Mr. Tuscan reviewed the audit report noting that they have issued an Unmodified Opinion which is the highest level of opinion they can give. They also issue a report as part of the audit testing internal controls for compliance. They noted no instances of non-compliance. There were no current or prior year comments on the audit.

Mr. Tuscan also reviewed several graphs prepared to give an overview of the District's income, operating expenses, capital expenditures, fixed assets, operating reserves, and impact fees reserve and expenditures over the past several years.

Approval of Minutes

The minutes for April 2022 were presented for approval. Commissioner Detzel made a motion to accept the minutes as presented. Commissioner Shewmaker seconded and the motion passed.

Treasurer's Report

Account balances at April 30, 2022 :

Operating Account: \$ 5,561,882.56 ; Impact Fee Account: \$ 1,396,400.17 ; Synovus Construction Loan Account: \$ 2,971,000.00 ; C.D.A.R.S. Accounts: \$ 5,757,530.56

Commissioner Ragen made a motion to accept the Treasurer's Report. Commissioner Detzel seconded and the motion passed.

Chief's Report

I would like to thank Bobby, Jake, Debbie for their quality work. AC Rewis and DC Lamb are filling my expectations well. The Administration of the organization is in good hands. Admin Asst Howard continues her stellar work as evidenced by the annual audit report given by Mr. Tuscan.

Items of Interest

- Mr. Pringle will have several updates for us: Station 2 construction contract; HealthInvest HRA agreement; Union negotiations. Assistant Chief, Deputy Chief, and Administrative Assistant contracts may be postponed until next month as our priority remains Station 2 and the VEBA/HRA.
- Union Negotiations start May 23rd.

- The engine workgroup is in Wisconsin conducting the construction meeting for our two new engines.
- The healthy lifestyle cooking class has wrapped up.
- Department anniversaries: Engineer Washburn (16 years) and Austin Gee (5 years)
- Birthdays: DC Lamb, Administrative Assistant Howard's husband, Captain Swindle's oldest son, FF Mimbs' daughter, and FF Gee's youngest daughter
- Wedding anniversaries: DC Lamb and his wife (16 years)

Meetings Attended

- Weekly staff meetings
- Officers meeting

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

Attorney's Report

- We closed on the Synovus loan. Commissioners Apperson and Schneider came to the station and signed all of the documents so we could keep the same interest rate.
- Chief Dowaliby has given direction on items for the Administrative employees' contracts and I will have those next month.
- The HRA Agreement is in Old Business. Chief Dowaliby noted that they have discussed making the contributions retroactive to the date that the Board and Union agreed to set up the plan.
- Performance review was addressed by Mr. Tuscan and we will be bringing more information to the Board in future meetings to set up a process for choosing a firm and setting standards to be reviewed.

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

Fire Prevention Division Report

- Current Construction: Multi-family units in Portico; Multi-family units in Pebblebrook at Verandah; Greenwell Investment Properties – Multi-tenant office building and warehouse

- Revenues: The Division billed \$517.98 for the month.
- Meetings Attended: Lee County Fire Chiefs Association; River Hall Community Development District; Verandah East & West Community Development District; Rotary
- Prevention Education: LCFMIA Fire Stopping Class
- Public Education: Sunshine Christian Academy visit
- Inspections: The division completed 113 various fire inspections for the month including 19 reinspections
- General: The group that has been working on the builds of the two new fire apparatus is in Wisconsin at the Pierce manufacturing plant for a meeting with the builders.

Operations Division Report

Items of Interest

- Boat fire: due to rapid response by C-Shift the fire and environmental impacts were contained
- Mutual aid to Bayshore FD for a multi-vehicle accident. C-Shift on Engine 82 did a great job with extrication
- Development of EMS skills evaluation training sheets
- Buckingham Exceptional School tour
- Call data April 1st-30th: 189 calls for service generating 216 vehicle responses
- Year to date call data: 789 calls for service generating 982 vehicle responses
- Crash at River Hall caused by a dump truck hitting a passenger vehicle which tragically resulted in the deaths of two people. Our personnel did a great job under difficult circumstances.

Meetings Attended

- Lee County Fire Chiefs Association
- Officers meeting
- Weekly staff meetings
- Lyft customer service for public safety – we think this may be a better way to transport our personnel back to the station after riding to the hospital with the ambulance.
- Operational technologies with AC Rewis and AC Hayden from City of Ft. Myers FD
- Staffing software demonstration with DC Barbot from Sanibel FD

Training

- Daily functional fitness with crews

- Nutrition/cooking class
- EMS in-service with Dr. Atiyeh (epinephrine & anaphylaxis)
- Hydrants and water system
- District familiarization
- Air trailer/cascade system
- Air consumption
- Tanker rollover

Commissioner Ragen made a motion to accept the Operations Division Report. Commissioner Detzel seconded and the motion passed.

Training Report

None

Public Input on Agenda Items

None

Old Business

1. HRA Agreement – HealthInvest/Gallagher:

The agreement was preliminarily approved by the Board at a previous meeting. The initial investment by the District will be \$700,000.00 divided into individual accounts for all employees per the Union’s calculations which are based on time in service in FRS as of the date when the calculations were completed. The District will make contributions each pay period of \$200 per employee and the contributions will be retroactive to the date the Board agreed to setting up the plan. Contributions were budgeted for the entire fiscal year so the budget will not be adjusted to accommodate the retroactive contributions.

Commissioner Ragen made a motion to approve the Trust Adoption Agreement and the Plan Adoption Agreement and authorize the Chair to sign when the final agreement is ready.

Commissioner Shewmaker seconded and the motion passed.

Commissioner Ragen made a second motion to approve the initial funding not to exceed \$700,000.00, ongoing contributions of \$200 per pay period per eligible employee, and

retroactive contributions of \$200 per employee per pay period for the time period since the agreement was first approved. Commissioner Shewmaker seconded and the motion passed.

2. Comprehensive Agreement with Fortress Secured for the construction of Station 2:

The agreement has been completed at the Guaranteed Maximum Cost of \$6,184,750.00 presented and reviewed at the April 21, 2022 meeting. Mr. Pringle has finalized the last few items to his satisfaction. The final agreement refers to many provisions in the interim agreement and is meant to be read and understood in conjunction with the interim agreement. Many of the provisions meant to protect the District are in the interim agreement and those provisions remain in effect with the Final Comprehensive Agreement. The only item not completed is the daily amount for liquidated damages if the Contractor does not “achieve (a) Substantial Completion of the project no later than 482 calendar days after the Commencement Date, and (b) Final Completion no later than 30 days after Substantial Completion, in each case subject to Excusable Delays defined herein.” Mr. O’Grady offered to work out that amount at the meeting and after some discussion it was agreed that the daily amount will be set at \$375.00.

Commissioner Detzel made a motion to authorize the Comprehensive Agreement with Fortress Secured, issue the notice to proceed, and authorize the Chair to sign the agreement.

Commissioner Ragen seconded and the motion passed.

New Business

1. Approve the Fiscal Year 2020-2021 Audit Report as presented by Jeff Tuscan.

Commissioner Detzel made a motion to approve the audit. Commissioner Shewmaker seconded and the motion passed.

2. Budget Amendment Resolution #2022-04

RESOLUTION #2022-04 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 2021/2022; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Detzel made a motion to approve the resolution. Commissioner Ragen seconded and upon being put to a roll-call vote the motion passed as follows: Commissioner Apperson –

Yes; Commissioner Detzel – Yes; Commissioner Ragen – Yes; Commissioner Shewmaker – Yes;
Commissioner Schneider – Yes

3. Approve additional \$1,578.00 for the new trucks for changes made during the construction meeting at the Pierce manufacturing plant. \$789.00 will be expended out of the operating account and \$789.00 out of the impact fee account for the engine for Station 2.

Commissioner Detzel made a motion to approve the additional \$789 per truck. Commissioner Ragen seconded and the motion passed.

Public Input on Non-Agenda Items:

None

Comments from Commissioners:

Thanks to Mr. Tuscan. Thanks to everyone for all their hard work. Stay safe.

Adjourn

Commissioner Detzel made a motion to adjourn. Commissioner Shewmaker seconded and the motion passed. Meeting was adjourned at 9:21 p.m.