

**Immokalee Fire Control Board
Regular Monthly Meeting
October 21, 2010**

The meeting was called to order by Commissioner Aviles at 7:05 PM. Present were Commissioner Aviles, Commissioners Pam Brown, Joe Matthews and Edward Olesky, Fire Chief Scott Birge, Deputy Chief Raul Dimas, Jr., Ann Carver, Chelsea Crain, Union President Tom Cunningham, firefighters, Tom Sansbury of Ave Maria, Ed Riley of the Fire Code Officials Office and members of the public. The pledge of allegiance was led by Commissioner Aviles followed by the silent prayer.

These Minutes are a summary of the meeting. Any further information can be obtained by the tape.

Commissioner Aviles stated for the record that Chairman Lee was running late for the meeting.

Approval of the Agenda: Commissioner Brown made a motion to approve the Agenda with the following changes: Move the Policy Draft(s) for review out of the Consent Agenda and place them under Old Business number five (5) or New Business number one (1). Also, add Tom Sansbury's presentation to Old Business number one (1). Commissioner Matthews seconded the motion. The motion was called into question. The vote was unanimous. Motion carried.

Approval of the May 20, 2010 Minutes: Commissioner Olesky made a motion to approve the May 20, 2010 Minutes. Commissioner Matthews seconded the motion. The motion was called into question. The vote was unanimous. Motion carried.

Treasurer's Report:

Money Market:	\$663,279.62
Impact Fee Account:	\$1,493,929.78
Cash/Operating Account:	\$135,571.46

Special Recognition:

Consent Agenda: Commissioner Matthews made a motion to approve the Consent Agenda. Commissioner Brown seconded the motion. The motion was called into question. The vote was unanimous. Motion carried.

Old Business

- 1. Tom Sansbury – Station 32:** Commissioner Brown asked Tom Sansbury if he would like to attend the next month's meeting being held at Ave Maria so he can inform the citizens there of the Fire Station. Tom Sansbury stated that he wanted to inform the Board of the site location for Station 32. He handed out a location map to the Board for review. He stated for the Board that Ave Maria is not where they had anticipated it being however; they have hope for the upcoming season. Tom Sansbury reviewed the plan maps with the Board. He informed the Board that Ave Maria requires the site to be shared by the Collier County Sheriff, EMS and the Fire Department. Ave Maria has a plan that is similar to the Grey Oaks Station that is shared with North Naples, East Naples and Collier County EMS. He stated that Ave Maria would not take or request the Impact Fee credits for the site for five (5) years. Ave Maria will supply the site with utilities without any connection fees or Impact Fees. Ave Maria is also willing to supply the fill for the site. He informed the Board that they are ready to sit down with their Attorney and ours and

work out an agreement for the site. He noted to the Board that in the past five (5) years Ave Maria has contributed an estimated 1.3 million dollars in Impact fees and about 2.4 million in Ad Valorum taxes. He stated that Ave Maria has received good services from Station 32 and informed the Board that they do pay all utilities to the temporary station however; under their District cannot pay for staff. Commissioner Olesky asked if at one time Ave Maria had agreed to build the station for us. Tom Sansbury stated that it was not part of the agreement. He stated that they are projecting to generate \$620,000 in Ad Valorum taxes this year. Commissioner Brown asked if a citizen of Ave Maria must be Catholic to purchase out there. Tom Sansbury answered no. Commissioner Brown asked about Ave Maria having an in house grant writer to help assist with pursuing a grant to build a station. Tom Sansbury said that it was probably Miss Roberts however; he would look further into it. Commissioner Brown thanked Tom Sansbury for presenting this information to the Board and also for Ave Maria's District. She stated that Ave Maria contributes to at least 25% of our Ad Valorum taxes. Tom Sansbury said he would attend the next month's meeting taking place in Ave Maria.

- 2. Set Millage For 2010/2011 Fiscal Year:** Commissioner Brown made a motion to set the Millage for 2010/2011 at 3 mills. Commissioner Matthews seconded the motion. The motion was called into question. Commissioner Aviles, Brown, Matthews and Olesky voted yes. Chairman Lee voted no. Motion carried.
- 3. Adopt Budget for 2010/2011:** This item was removed from the agenda during the approval of the agenda.
- 4. Seminole Contract Draft Example:** Commissioner Brown made a motion to put a non-purchase order to the Seminole Tribe for the \$30,176.43 owed to us from the 2009/2010 year. Commissioner Olesky seconded this motion. Chairman Lee said that he recalled it being stated that if they accepted the money they were bound to an agreement for 2010/2011 at the same price. Commissioner Brown stated that she spoke with the Eva Cain with the Seminole Tribe and she informed her that the money stated is owed to them for 2009/2010 and negotiations are still open for 2010/2011. Commissioner Aviles noted for the record that it has been stated a couple of times in meetings before. Commissioner Brown said that the District should have billed them during the beginning of the fiscal year and not have waited until the end of the year. Commissioner Aviles called the motion into question. Commissioner Matthews stated that he feels that approving this motion would make the Board look very bad. Chairman Lee stated he has no problem with accepting money owed to us, but he does not want to vote on something that binds us in an agreement. Commissioner Aviles, Brown and Olesky voted yes. Commissioner Matthews and Chairman Lee voted no. Motion carried. Commissioner Brown asked Chief Birge if the Interlocal agreement that is presented was taken from somewhere else. Chief Birge stated that this agreement is just an example for the Board to look at. Chief Birge said that it is a draft based off of the Hillsborough County agreement. Commissioner Matthews asked where he came up with the dollar amount. Chief Birge informed him that it was an estimate and for discussion purposes only. Commissioner Brown made a motion that Chief Birge and herself meet with Chief Cooper of the Seminole Tribe before the next Regular Monthly Board Meeting. Commissioner Matthews seconded that motion for purpose of discussion. Commissioner Matthews asked to make sure they are firm with the numbers. Commissioner Brown asked Chief Birge if he already had any number figures to work with. Chief Birge stated that he has numbers that other departments are billing. Commissioner Brown asked how much money per call EMS

makes from the Seminole Tribe. Chief Birge stated that EMS does bill the Seminoles after every call and it's an estimated \$1,800 to \$2,500. Commissioner Brown asked if they could collect the information from EMS before meeting with the Seminole Tribe. Commissioner Aviles asked how many calls we usually get to the Seminole Reservation and how many calls we get to Ave Maria. Chief Birge stated that there are not many response calls. Commissioner Brown stated that Ave Maria pays us a lot more than the Seminoles with a similar amount of calls. Commissioner Brown stated they need to go to the county or the Board of Commissioners to get some direction about the Gaming Compact money. Commissioner Aviles stated that during the last meeting they made a motion to have the Chief bring back information so the Board could come up with a practicable amount to ask the Seminoles for and she has not seen anything pertaining to numbers. Commissioner Brown amended her motion to use the suggested \$106,046.06 during the meeting regarding negotiations with the Seminoles. Commissioner Matthews retracted his second. Motion failed due to lack of a second. Commissioner Matthews made a motion to use \$250,000.00 as a starting price during the meeting regarding negotiations with the Seminoles. Commissioner Brown seconded the motion. Commissioner Aviles asked how they are going to come up with a feasible reason for billing them \$250,000.00. Commissioner Matthews stated that they can take the amount for them to build in Collier County, vehicle costs, and staffing. Chairman Lee stated that he feels more comfortable starting out with \$250,000.00 rather than \$106,000.00. Commissioner Olesky said he felt that during the meeting regarding negotiations with the Seminoles they should let the Seminoles calculate a number first to know if the Board is in the same realm as the Seminoles. Commissioner Brown said that Chief Birge already had a meeting with the Seminoles and they came back offering a cola. The motion was called into question. Commissioner Aviles, Brown, Matthews and Lee voted yes. Commissioner Olesky voted no. Motion carried.

5. **Grant Report:** Commissioner Brown stated she wanted to make sure that with applying for the SAFER grant all of the insurance is included in the total amount and it is. Commissioner Brown asked Chief Birge if the application was completed yet. He informed her that it is almost complete and will be done by 5 PM on Friday. Commissioner Aviles asked what the total amounts are for the grants. Chief Birge said that is part of the final numbers and he is still working on making sure they are correct. Chief Birge informed the Board that the District has to fill out two (2) different forms because the department qualifies for both paid staffing and volunteers. Commissioner Aviles noted that this is a two (2) year program and she asked Chief Birge what the department will do for the third (3rd) year. Chief Birge said the worst case scenario is yes they would have to lay people off. He stated that hopefully with the Seminole Contract they will be able to put enough money during the two (2) years to have some in the reserves. Also depending on the growth of Ave Maria within the next two (2) years. Commissioner Aviles asked how long is the wait before knowing if we are awarded this grant. Chief Birge said he believes it is 8 – 12 weeks, but it can take as long as 6 months. There will be answers as to what the status is while being evaluated. Commissioner Aviles asked if the grants are already a part of the budget. Chief Birge stated that they are not and if the department is awarded the money it will be added to it.
6. **Purchasing Policy:** Commissioner Brown stated she was looking over the purchasing policy and she has noticed purchase orders have not been used for purchasing and in the policy it states purchase orders are required. Chief Birge stated that they are working on a new system for purchase orders and they have not been as frivolous as the department should be with it. Commissioner Brown also stated when she is signing checks she has noticed a lot of repairs

being done to the building and hasn't seen the quotes that are supposed to be generated prior to maintenance being completed. Commissioner Matthews asked where the sign off sheet for the purchasing policy is. Commissioner Matthews made a motion that every policy from here on has a sign off sheet that the Commissioners will sign showing the approval of the policy. Commissioner Brown seconded the motion. The motion was called into question. The vote was unanimous. Motion carried. Commissioner Brown stated that going through the credit card receipts she has noticed that some of the charges have taxes included on them. She asked Chief Birge if the department does not always qualify for tax exemptions. Chief Birge stated that they do and this is something he is working on. Commissioner Brown asked why the department is paying for the Eastern Chamber of Commerce. Chief Birge stated it was for professional services. Commissioner Brown asked what the professional services are for. Chief Birge stated that it is for going to a community function and being present there. Commissioner Brown asked why the department is paying for it. Chief Birge stated that the Chamber charges for the breakfast and if the Board decides to not cover the amount then that is the Board's prerogative. Commissioner Brown also asked what Biltmore Who's Who is and what it has to do with the Fire Department. Chief Birge stated that it is an association. Commissioner Brown asked what it has to do with the fire department and she also noted that the membership also comes with two (2) complimentary airline tickets and she asked who will receive those. Chief Birge stated that they are not going to be utilized. Commissioner Brown said she does not understand why department money is being spent on something that is not fire related. Chief Birge reminded the Board that the monthly statements are signed by Commissioners and they have the receipts attached to them. Commissioner Brown stated that not every Commissioner signs the checks and some things on there should be brought to the Board's attention. Chief Birge stated that if this is being brought out into the light to lead to the impression that there might be some improprieties he would appreciate the Commissioner stating that for the Board. Commissioner Brown said that she does not think it's good to have tax payers money spent on things that are not related to the fire department. Commissioner Matthews stated that he agrees the money should not be spent on anything that is not fire department business and it leads back to the Special Meeting. Chief Birge stated that the letter did not state there were any improprieties about credit card spending. He cautioned the Board to not discuss matters related to the letter without legal counsel present. Commissioner Matthews informed Chief Birge how he deemed his statement while Commissioner Brown was discussing credit card spending. He stated that it sounded almost threatening when Chief Birge said he "cautioned the Board". Commissioner Matthews stated that he cautioned Chief Birge that this is the right of the Board to ask questions concerning how department money is being spent. Chief Birge apologized to the Board and to Commissioner Brown saying that perhaps due to recent events he may be a bit more tense than usual. He stated he did not intend any type of threat to the Board however; he would invite the Board either during a meeting or at the department to ask questions. Commissioner Brown said she can only ask during a meeting because it is an issue the entire Board needs to be made aware of and an open meeting is the only time Board members are allowed to discuss business of the District. Commissioner Matthews made a motion to have a copy of each month's credit card statement in the packet so all of the Board can view it rather than just the Commissioners signing checks. Commissioner Brown seconded the motion. Commissioner Olesky left the Board table momentarily while the motion was called into question. The vote was unanimous. Motion carried. Commissioner Matthews made a motion to revisit the purchasing policy during the next month's meeting. Commissioner Brown seconded the motion. The motion was called into question. The vote was unanimous. Motion carried. Commissioner Matthews made a motion to

revisit at least one policy a month for approval by the Board. Commissioner Brown seconded the motion. The motion was called into question. The vote was unanimous. Motion carried.

7. **Credit Card:** Commissioner Brown added this topic to the Agenda however; it was covered during the discussion of the Purchasing Policy.
8. **Insurance:** Commissioner Brown asked if Self-Insured Plans was the only insurance company making a presentation. Chief Birge stated that he is waiting on other insurance companies and that is why it was not on the Agenda. Commissioner Matthews asked if the quotes would be turned in by the end of the month. Chief Birge said that they would. Commissioner Brown made a motion to have the quotes given to the Board as soon as the department receives them. Chairman Lee seconded the motion. Commissioner Brown amended her motion to include Phong Ho a copy of everything the Board receives to keep him up to date. Chairman Lee amended his second. Union President informed the Board that the insurance is covered under the contract so no changes can be made to the insurance without re-opening the contract. The Commissioners stated that they had not yet received a copy of the signed Union Contract. The motion was called into question. The vote was unanimous. Motion carried.
9. **Computer Investigation Update:** Chief Birge handed out a report from the Computer Administrators preliminary investigation. Commissioner Matthews asked if the report included everything on the C-Drive. Jason Burr stated that it was in addition to every website visited is stored on the server and was searched. Commissioner Matthews made a motion to revisit the Network Security during the next meeting. He requested it written out what we have in place for security and how it works. He requested an IT Policy including this information. Commissioner Brown seconded the motion. Commissioner Matthews stated that himself, Chief Birge and Jason Burr would sit down and collaborate to bring back a list of what the network does and does not do for the next meeting so the Board can decide on proper network security. After the Board has approved of the security the staff can take the list and get quotes from other IT companies. Commissioner Matthews stated that he cannot recall the Board ever approving the company we have now for network security. Commissioner Matthew retracted his previous motion. Commissioner Brown retracted her second. Commissioner Brown made a motion to have Commissioner Matthews, Chief Birge and Jason Burr on a committee to create a list of what should be the proper network security for the department. Commissioner Lee seconded that motion. Commissioner Olesky asked Commissioner Matthews if this was because he did not believe the computer report already generated. Commissioner Matthews answered that it had nothing to do with that and it was only a concern of the Board approving what the department's network security does. Commissioner Brown asked if the department has an annual contract with the company we are using now. Chief Birge stated that there was not and explained that they do our offsite backup and Jason Burr performs all of the in-house IT. The motion was called into question. Commissioner Aviles, Brown, Lee and Matthews voted yes. Commissioner Olesky voted no. Motion carried. Commissioner Olesky made a motion to drop all allegations against Chief Birge from the anonymous letter due to the preliminary investigation. Commissioner Brown seconded the motion for discussion. The motion was called into question. Commissioner Aviles, Brown and Olesky voted yes. Commissioner Matthews and Chairman Lee voted no. Motion carried.

New Business

1. **District Attorney:** Commissioner Brown stated that she felt the District needs an attorney with experience in the fire districts, sunshine laws, knows the chain of command in the department, and knowledge of contract negotiations. Commissioner Brown made a motion for the Board to bring back any suggestions to the next Board Meeting. Commissioner Aviles seconded the motion for purpose of discussion. Chairman Lee stated that it would be very difficult to find an attorney who fits all of those qualifications. Commissioner Brown suggested getting information from the FASD concerning fire district attorneys. Commissioner Aviles stated that the staff could call the other fire districts and ask what attorney they use and also what they specialize in. Commissioner Brown retracted her motion retracted her motion. Commissioner Brown made a motion to direct the staff contact the FASD for information regarding attorneys specializing in fire district needs. Commissioner Aviles seconded the motion. The motion was called into question. The vote was unanimous. Motion carried.
2. **Topics initiated by Commissioners:** Commissioner Brown asked the firefighters about the MDA boot drive. Union President Tom Cunningham spoke to the Board stating that the union held two (2) boot drives this year. He informed the Board that over the past two (2) years the Union raised more than \$15,000.00 for MDA. He said the Union tries to do as much advertising for the boot drive as possible including radio advertisements and hanging signs to try to inform the public that the money is for MDA and not for the department. Commissioner Matthews made a motion to formally recognize David Patterson for his efforts in putting together the boot drive. Commissioner Brown seconded the motion. Chairman Lee congratulated the Union for a job well done with the boot drive. Chief Birge stated that he really appreciates the representatives of the Immokalee Fire Department. He said that members of the public do not notice the difference between firefighters and the union and he supports union activities that put them into the public eye. He suggested that the Union make a press release in the bulletin informing the public where the money goes. Commissioner Brown told Tom Cunningham if they would let her know ahead of time when a boot drive will be because she would enjoy coming out and being a part of it. The motion was called into question. The vote was unanimous. Motion carried. Commissioner Brown asked if the department has issued the Union their \$1,500.00 bonus check and also asked if there has been anything done for Administration. Chairman Lee stated that the Board does not have the power to bring that up and it's the Chief's job to suggest.
3. **Union Update:** Union President Tom Cunningham told the Board that the Friendship House called the Union about a woman who has been a victim of domestic violence. The woman had moved out of the house she was being abused in and lives in a trailer with three (3) children having no furniture. The Union purchased two (2) beds and another firefighter's wife donated another bed. Commissioner Brown said the Union should do a press release. Tom Cunningham stated that is not the reason they do it and they would rather have the Board know. He stated that last Christmas the Union went around handing out Christmas Trees and during the start of school they put together backpacks. Commissioner Brown asked if the Union would be willing to come to the Board every month with a report. Tom Cunningham said that would not be a problem. Commissioner Aviles stated that the holiday gift shop is approaching and would like to call upon the Union for some assistance.
4. **Public Comment:** No public comment was made.

Adjourn: Commissioner Matthews made a motion to adjourn the meeting at 9:15 PM. Commissioner Brown seconded the motion. The motion was called into question. The vote was unanimous. Motion carried.