

LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT

COMMISSION MEETING

MINUTES

September 25, 2012

The September 25, 2012 regular Commission Meeting of the Lehigh Acres Fire Control and Rescue District Board of Commissioners was held at Lehigh Acres Fire Control and Rescue District Station 104, 3102 16th St SW, Lehigh Acres, FL 33976. The meeting was opened at 6:00pm by Chairman Berndt Present were: Commissioners Adams, Becker, Carter and Berndt; Chief Donald Adams, Assistant Chief Bennett, Division Chief Nickell, Captains McDowell and Ketrone; Finance Manager Ben VanKlingeren and Admin Assistant Platas. Attorney Pringle was also in attendance.

After the Pledge of Allegiance, Chairman Berndt asked Chief Adams to give the invocation.

ADOPTION OF AGENDA:

Commissioner Berndt asked if there were any additions, corrections or deletions to the Agenda. Commissioner Carter motioned to approve as presented with a second from Commissioner Adams. Motion carries.

CONSENT AGENDA:

- Regular Commission Meeting Minutes of August 29, 2012
- Budget Workshop Minutes August 29, 2012
- Treasurers Report

Motion to approve by Commissioner Carter with a second from Commissioner Adams. Motion carries.

PUBLIC COMMENT ON AGENDA ITEMS:

Robert Anderson
Cathy Kruse
Ralph Hemingway

DEPARTMENT REPORTS:

Chief spoke on the following items:

- Spoke on the 911 Ceremony and Promotional Ceremony at the Department
- Firefighters will be talking about Fire Safety at schools and community functions during Fire Prevention Week.

DVP:

Walt Stevens, President of the Southwest Florida Professional Firefighters and Paramedics

ATTORNEY PRINGLE:

Attorney Pringle spoke with Representative Caldwell and he said he will meet with the District and have his staff help as well – ready to assist. If the Board wants the Legislature to consider proposed legislation, we need to get before the local delegation quickly.

COMMISSION REPORTS:

Commissioner Berndt stated he had a conversation with Jennifer Fowler who conducted an investigation re: inappropriate internet usage specific to pornographic usage. Based on Websense's abilities, the allegations are designated to be unfounded. We may have had our system compromised. We may have to hire a forensic investigator to find out why.

UNFINISHED BUSINESS:

Investigative Report – Assistant Chief Bennett discussed with Genesis (IT company) about what the Commissioners requested regarding investigation of inappropriate websites. Recommendations he has at the conclusion of his report are:

- Add additional key stroke software.
- Provide a period of 60 days to resolve conflicts between Websense and Citrix.
- Create a review panel with Battalion Chiefs and himself, and look at the keystroke report and discuss.

The Final outcome is that AC Bennett did not find enough accuracy to find fault with any specific employee of the District. We could tighten up the internet policy.

Commissioner Berndt motioned that we accept Assistant Chief Bennett's recommendations and address it through policy with a second from Commissioner Becker. Motion passed.

Resident Complaint Re: Rattlesnakes – Chief stated different avenues were looked at regarding getting rid of the rattlesnakes. Insurance recommended that we post signs. These areas will be checked on quarterly. AC Bennett will check with Forestry service about roller chopping. Commissioner Becker motioned that we have the signs there and check into Forestry roller chopping and bring up at a later date. We've done what the insurance company asked us. Signs are sufficient but leave the doors open for checking with the state. Commissioner Carter seconded the motion. Motion carries.

NEW BUSINESS:

District's Fixed Asset Inventory – Ben VanKlingeren spoke of 6 items, 3 computer towers and 3 computer tough books, that would cost more to repair than they are worth. We are asking that these be declared surplus property. Commissioner Becker motioned to destroy the above property with a second from Commissioner Carter. During discussion, Attorney Pringle stated the items first need to be declared surplus property then a motion can be made on what to do with them. Commissioner Carter withdrew her second and Commissioner Becker withdrew his motion. Commissioner Becker motioned that we declare the above items as surplus property and then direct their disposal with a second from Commissioner Carter. Motion carries.

Revision of Division Chief of Logistics Job Description – Ben VanKlengeren stated that Florida Retirement System stated that in order to put the current Division chief of Logistics job description into special risk category, there are a couple of items that the job description must state to declare this position special risk. The couple changes have been made to the job description. Commissioner Carter motioned to approve with a second from Commissioner Berndt. Motion carries.

Closest Unit Response Agreement – Chief stated the agreement would have the closest engine respond. We've been doing this for a while with the ambulances and EMS, but this is for fire suppression. Board approval is needed so they can approve because we were not originally part of this. Essentially this agreement erases some of the boundaries to provide better fire service to the community. If we don't have Board approval to do this, then Lehigh does not participate.

Board approval is needed for inclusion onto the master document. Commissioner Carter motioned to approve with a second from Commissioner Becker. During discussion, Walt Stevens, President SWPFF&PM's stated mutual aid is different from automatic aid. Mutual aid is asking other districts to respond and help; automatic aid is you automatically have to respond, no matter how your district is doing. John Wayne, DVP 19 said because we have ambulances, a quarter of our staff could be in Ft. Myers at any time. If everyone isn't part of this agreement, how does that benefit us? After much consideration, Commissioner Becker withdrew his second and Commissioner Carter withdrew her motion. Attorney Pringle was asked to provide the master agreement at next meeting.

Standard Operating Procedures 100.17 - AC Ken Bennett is presenting a revision to the internet policy. There is information attached to it showing case law. Attorney Pringle stated there are corrections that need to be addressed and would like to see these corrections made before approval. This policy also should be reviewed by union.

Commissioner Becker motioned that we table this, make the corrections, share it with those that need to see then revisit. Second from Commissioner Carter. Motion carries.

PUBLIC COMMENT:

Ralph Hemingway
John Wayne

COMMISSIONERS COMMENTS:

Walt Stevens, President SWFPFF&PM's stated he handed out a document at the beginning of the meeting. He asked if the Commission was going to accept the concessions or if they were going to implement the past pay. He asked Commissioners to please make a decision because as of October 1st, the contract reverts back to prior wages. Accept this until we get through this process of Impasse. Walt Stevens has the authority to sign this tonight.

Attorney Pringle stated you can have a negotiating session to get this resolved. You are to negotiate in good faith and it needs to be ratified. He doesn't believe the law allows a decision to be made now.

Commissioner Berndt stated in theory we could enter into an MOU (Memorandum of Understanding) until we can complete the bargaining process.

Commissioner Berndt stated we can certainly see about an MOU by the end of the month that would extend the concessions. Walt Stevens can sign, Chief can sign and we can stay status quo until the next process. Commissioner Berndt stated he is ok with this. He asked Chief if he was ok with handling this. Chief Adams stated yes.

Attorney Pringle stated we are going to leave the numbers as they are through an MOU.

Attorney Pringle stated that what is being proposed by Walt Stevens is to extend the current contract arrangements beyond Oct 1 with the expectations of continued negotiations. In order to do anything, we do need to get back into the business part of the Agenda if you're going to want to make a decision.

Chief Adams stated he send Nick Joshi, Labor Counsel a text and said Nick said we can do an MOU tomorrow.

Commissioner Berndt moved to add a business item under New Business, **To Discuss and Take Action of an MOU with District 6 and District 19** tonight. Commissioner Becker seconded the motion. Motion carries. 3-1, with the opposing vote from Commissioner Adams. Motion carries.

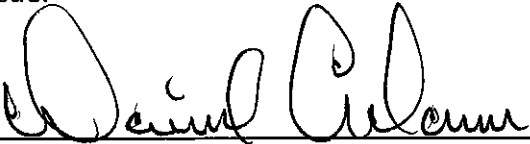
Commissioner Berndt motioned that we give Chief Adams the authority to facilitate an MOU between District 6 and District 19 to extend the current concessions that have been made through the bargaining process as we continue to bargain. Second from Commissioner Becker.

No public comment.

Motion passed 3-1 with the opposing vote from Commissioner Adams.

Adjourn: 8:43pm

Commissioner Adams requested to put on the next Agenda, Labor Attorney and the Impasse Issue.

A handwritten signature in black ink, appearing to read "David Adams", written over a horizontal line.

David Adams, Secretary