

**Matlacha/Pine Island Fire Control District
Minutes for Regular Commissioners Board Meeting
January 24, 2024**

Call to Order: Commissioner Player called the meeting to order at 5:00 p.m.

Invocation: Commissioner Hernandez led everyone in the invocation.

Pledge of Allegiance: Commissioner Player led everyone in the Pledge of Allegiance.

Roll Call: Commissioner Player, Hernandez, Cammick, Price and DeLacey were present.

Chief Mickuleit, Assistant Chief Davis, Assistant Chief Allen, Administrative Assistant Miles, and Attorney Sarah Spector were present.

Public: Leo Amos, Jon Hunt, Cliff Simer, Gordon Short

Setting of Agenda: Leo Amos noted that the Board should address the Attorney's expired contract and he would also like to discuss the notices for where the attorney attended meetings with the county on the district's behalf. Commissioner Player asked the rest of the board and admin if they would like to add these items to the agenda. The chief explained that he planned to discuss the attorney's contract in the chief's report, but it could be added to new business. No one had any issues adding discussion about the second concern to new business as well. **Commissioner Cammick moved to approve the agenda as presented. Motion seconded by Commissioner Price. Motion passed unanimously.**

Approval of Minutes:

1. December 20, 2023, Regular Meeting Minutes **Commissioner Hernandez moved to accept the minutes as presented. Motion seconded by Commissioner Cammick. Motion passed unanimously.**
2. May 24, 2023, Executive Session Minutes
Leo Amos commented that it is illegal to have the minutes produced because the only people that should have been at those meetings were the board, chief and attorney. Also, there should have been notice of the executive sessions.
Jon Hunt commented that there was no notice of these executive sessions anywhere. Maybe members of the public would have come if there had been notice of the meetings.
Administrative Assistant Miles noted that the executive sessions were noted on every agenda, posted on the website at least one week prior to each meeting. The regular meetings where the executive sessions occurred were advertised in the paper, as they should be.
Attorney Sarah Spector noted that additional advertisement was not necessary, and the district advertised properly.
Gordon Short commented that he read through all of the minutes and was very disappointed that the Board did not choose to fight it to the end. He has had plenty of experience with these instances and has always fought it through, you are setting a bad example by settling. **Commissioner Price moved to accept the minutes as presented. Motion seconded by Commissioner Hernandez. Motion passed unanimously.**
3. June 28, 2023, Executive Session Minutes **Commissioner Price moved to accept the minutes as presented. Motion seconded by Commissioner DeLacey. Motion passed unanimously.**
4. July 17, 2023, Executive Session Minutes **Commissioner Hernandez moved to accept the minutes as presented. Motion seconded by Commissioner Cammick. Motion passed unanimously.**

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5. July 26, 2023, Executive Session Minutes **Commissioner Cammick moved to accept the minutes as presented. Motion seconded by Commissioner Hernandez. Motion passed unanimously.**
6. August 16, 2023, Executive Session Minutes **Commissioner Price moved to accept the minutes as presented. Motion seconded by Commissioner Cammick. Motion passed unanimously.**

Treasurers Report: 12/16/23 – 1/19/24 Presented by Commissioner Cammick. **Commissioner DeLacey moved to accept the Treasurers Report as presented. Motion seconded by Commissioner Hernandez. Motion passed unanimously.**

Cash Disbursements: 12/16/23 – 1/19/24 **Commissioner Hernandez moved to accept the cash disbursements as presented. Motion seconded by Commissioner Cammick. Motion passed unanimously.**

Accountants Compilation Report: Administrative Assistant Miles presented the month end report for December 31, 2023. **Commissioner Cammick moved to accept the Accountants Compilation Report. Motion seconded by Commissioner DeLacey. Motion passed unanimously.**

Commissioners' Expenses: None.

Guest Speakers: None.

Public Comment: None.

Firefighters: Captain Simer commented on the close of 2023, 2024 has lots of exciting things coming for us. Including more exciting and quality training for the crews.

Union: Bernard is the new DVP

Old Business:

1. **Station 2 update:** Monday the district held a public meeting for questions and answers. There was a great turnout and proposals should be submitted by February 29th.
2. **Hurricane Restoration Update:** None
3. **Investment Options:** None.

New Business:

1. **Legislation update:** Attorney Sarah Spector updated the board on HB 7013, which has moved on to the next step, but has had the 10 year referendum removed. Two other bills that are early in their process are 7015 and 7017, both of which would effect the amount of homestead exemption a home owner would receive.
2. **Attorney Contract:** Chief Mickuleit brought to the board's attention that the contract with Roetzel and Andress, which was originally put in place with Beverly Grady has since expired. Chief Mickuleit would like to have direction from the board on how to proceed. Commissioner Cammick noted that he has no reason not to continue the agreement with Roetzel & Andress. Commissioner Price feels the same. Chief Mickuleit noted that he has reached out to other district's and has some references for who other districts use, however

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most of the firms are out of town and we would most likely not have the presence at the board meetings as we have now, if we went with an out of town firm. Commissioner DeLacey is open to seeing what is out there, as we should every now and then. However having an attorney present at the meetings is important. Commissioner Hernandez suggests that the chief reach out to a few attorneys and the Board can discuss the options at the workshop meeting next month and then hopefully have a decision at the next regular meeting.

The floor was open to public comment. Leo Amos asked how the district was going about paying for the legal service since there wasn't a contract in place. Gordon Short doesn't feel that the district has had good representation through the termination and legal suit and should look elsewhere. Jon Hunt commented that he doesn't feel that the current attorney is confident enough and it is important that we have someone that can advise us properly.

Commissioner Player responded to public comment by stating that options would be discussed at the workshop in February.

3. Attorney Representation: Commissioner Player asked Mr. Amos to explain what exactly he was wanting the opportunity to discuss. Mr. Amos asked for proof of notice of meetings that the attorney had with the county on behalf of the district. Commissioner Player asked for him to elaborate. He quoted the minutes of the June 28, 2023 regular meeting where the board gave Sarah Spector the authority to represent the District in the BOCC meetings relating to the height ordinances they were working on at the time. His opinion is that the board gave Ms. Spector the right to make decisions on behalf of the board and thus the meetings with the county should have been noticed and there should be minutes for them. Ms. Spector explained that the understanding that she had in reference to this was that she was already going to be attending the BOCC meetings on behalf of some of her other clients and therefore could speak to the district's concerns over ordinance changes, if needed. However, she did not speak on behalf of the district at any of the BOCC meetings. Jon Hunt was disappointed that this information was not disclosed. Cliff Simer commented that although there have been mistakes made, the important thing is that they are learning opportunities and the moves are being made to correct them. He has full faith in the commission and administration. Sarah Spector also noted that she is a registered lobbyist for the district.

Chief's Report:

- Chief Mickuleit asked the Board for direction on moving forward with the ladder truck. He suggests at this time we work on an RFP and get solid bids in order to figure out a true time frame and cost. This will not cost the district, other than advertising and legal review, but will give us a solid cost and timeframe to work from. Jon Hunt thinks that we should have a legal contract before moving forward with any legal review. Captain Simer spoke on the group of personnel that they have put together to discuss what they would like to see/what would service the community the best. He noted that not only will this truck aid in tall buildings, but it would provide a different form of attack for many different situations. Commissioner DeLacey noted that the board was not necessarily in favor of the increase in height restrictions, however given that there are already buildings that crews would have

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a hard time accessing ignoring this change would be a disservice to the community. Leo Amos commented that any new homes built will be required to have sprinklers so the additional height shouldn't change our firefighting needs. Chief Mickuleit disagreed and pointed out that other fire districts have tried to require residential homes to have sprinklers, and it was turned down. The district has no jurisdiction over residential homes. **Commissioner Hernandez moves to have Chief Mickuleit move forward with an RFP for a ladder truck. Motion seconded by Commissioner Price. Motion approved unanimously.**

- Assistant Chief Davis gave an update on the sprinkler and alarm system at Station 3. It has been decided to go with Wayne Automatic, who is our current servicer, for a replacement of the system at \$16,000.
- Chief Mickuleit was approached by a member of Lee County Mosquito Control about a possible donation of property at the center, so that we would be able to maintain a secure landing zone. The Chief is attending the meeting on Friday and will update the board from there.
- The new rescue truck should be up and running soon. It is currently in the shop getting the final equipment installed.
- Calls have increased quite a bit in the last month. Just in the past few days we have had 3 trauma alerts.
- Chief Mickuleit and Assistant Chief Davis presented to the board the idea of contracting with a company for garage door maintenance. Currently we just call companies as things break and with the aging of the doors that is happening more and more. So far only one option has been obtained, but a few more quotes and options will be obtained. The current quote is for \$5,000 and would include biannual maintenance, 10% discount and priority service. **Commissioner Price moved to allow the Chief to obtain more quotes and go with a company of his choosing as long as it does not exceed \$5,000. Motion seconded by Commissioner Cammick.** Gordon Short commented that the board should be looking into these contracts prior to allowing the Chief to agree to one. Jon Hunt commented that he is not use to this kind of decisions being made with out any prior knowledge. He is use to seeing a whole packet of all of the things that the board had to consider. **Motion approved unanimously.**
- The biannual pump testing will be completed on all of the engines soon.
- The bunker gear ordered is still on hold. The company who promised a pfos free fabric is having a hard time obtaining the fabric needed to produce the gear.
- Chief Mickuleit is meeting with the county next week to discuss an agreement relating to the use of our Station #1 by EMS. Currently we are one of the few districts without a lease which doesn't give us anything to fall back on when questions arise as to responsibility of repairs and maintenance.
- The district has provided a large amount of CPR classes over the last month.
- We are in talks with the state for a grant that would provide the district with equipment that is promising at improving cardiac arrest outcomes.
- Matt presented the call report for Dec 2023.

Public Comment:

Leo Amos commented on the significant payout of \$750,000 over a termination, that if done properly could have been avoided. There should be a grading system in place for employees so

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that when problems arise there is written documentation supporting the decisions made. Jon Hunt asked about the litigation with the insurance company, the chief explained that it has been filed and we are waiting on a response to move forward. Commissioner Price spoke to his opinion on the litigation and the facts that the commission had to decide based on. Jon Hunt believes that general council is important, but the district needs a labor attorney as well. He also believes that the garage door contract is not necessary, the district has spent less than \$5,000 the past two years and it seems irresponsible of the board to allow the Chief to make their decisions for them. Captain Simer explained to the public the probation process for first year firefighters. Leo Amos doesn't believe that it is enough to just focus on their first year and then nothing for the rest of their career. He also suggests that the board read FL statute 286.

Good of the District:

Jr. Olympics is this weekend. As well as Reggae Fest at Jug Creek. The following weekend there will be a movie in the park at Phillips Park, hosted by the county.

Adjournment:

**Commissioner Cammick moved to adjourn. Motion seconded by Commissioner DeLacey.
Motion passed unanimously.**

Meeting adjourned.

Respectfully submitted,

Sarah Miles

District Administrative Assistant

Board Secretary