

**Fire Commission Meeting
Immokalee Fire Control District
Board Meeting
April 21, 2016**

These Minutes are a summary of the meeting. Any further information can be obtained by the tape. The minutes will follow the order of the Agenda.

Present Commissioners: Anderson, Goodnight, Halman, Keen and Olesky. Chief Paul Anderson, Deputy Chief Michael Choate, Board Attorney Kenneth Thompson, Battalion Captain Cunningham, Captain Devan, Alma Valladares, Lt. Horbal, Jay Roth

1) **Call Meeting to Order**

Meeting called to order at 6:04 pm by Commission Chair Goodnight

2) **Pledge of Allegiance**

Lead by Commissioner Goodnight

3) **Moment of Silence**

Lead by Commissioner Goodnight

4) **Proof of Publication**

Copy of publication at the annual publishing

5) **Establish a Quorum**

Quorum established by Commissioner Goodnight

6) **Approval of Agenda**

Commissioner Olesky motioned to approve the Agenda and seconded by Commissioner Halman. Motion carries unanimously.

7) Approval of the minutes of the following meeting:

A. March 17, 2016 Board Meeting Minutes

Commissioner Olesky motioned to approve March 17, 2016 Board Meeting Minutes and Commissioner Halman seconded the motion. Motion carries unanimously.

8) Treasurer's Report

Commissioner Olesky motioned to approve Treasurer's Report and Commissioner Halman seconded the motion. Motion carries unanimously.

9) Consent Agenda

Commissioner Halman motioned to approve Consent Agenda and Commissioner Olesky seconded the motion. Motion carries unanimously.

A. Fire Marshal's Report

B. Chief's Report

C. Status on Current Contracts

10) Union Report

Bryan Horbal, Union President mentioned that they had attended a meeting regarding County wide consolidation and had met with Chief Anderson regarding Local 4657 merging with Local 2297 (North Collier). They are ready and willing to help IFCD with whatever they need in regards to the Assessment Fees Project.

11) Business of the District

A. Old Business

1. Fire Assessment Fee Update Bryant Miller Olive

Chief Anderson mentioned that the inter-local agreement was signed by the property appraisal's office and now awaiting for the tax collectors to sign it.

Quite a bit of information was submitted to the consultants and have another list that Battalion Captain Cunningham has been working with and we will send it out next week.

Commissioner Goodnight mentioned that she received a letter that mentions that all of the referendums need to be in English and Spanish by 5pm on July 1, 2016.

a. Public comment

None

2. Status of Collier Emergency Services Task Force (County-wide Fire and EMS Merger/Consolidation)

Chief Anderson mentioned that not a lot was accomplished at today's meeting. Some of the other districts are having issues due to the upcoming elections. They are going down from 8 to 5 commissioners. They discussed some guest commentaries in the newspaper regarding the county-wide consolidation. It was loaded with erroneous information. He put together some speaking points on what the correct information is. He will send it to everyone. They were trying to say that they should consolidate all of the fire departments in the county into one fire department but leave EMS by itself. The straw ballot that was voted on asked if the voters wanted total consolidation of BOTH Fire and EMS, not just Fire, so this group is attempting to do something that wasn't even asked of the voters. They mentioned that fire fighters don't have a lot of knowledge of emergency medical services in general and certainly don't have the knowledge of the intricacies of saving lives. He did some data research on state-wide and nation-wide and mentioned that realistically, out of the 200 most populated areas in the country; 97% of the most populated areas in the country are served by fire based EMS. In the state of Florida, 84% of the population is served by fire based paramedic service and 75% of the population is served by not only EMS but fire department also transports patients to hospitals. Only 6.5% is served by separate county ambulance service. So, that blows their theory of the fire fighters not having knowledge of the intricacies of saving lives. The trend nation-wide is fire based EMS. Their committee wants fire and not EMS. Commissioner Goodnight mentioned that her concern is that she's not sure what this committee is trying to do, except; to get their point of view over and not what's out there in the real world because they are based out of East Naples and not anywhere else. Chief Anderson mentioned that some of them are concerned citizens that want to help but are misinformed by the commissioners with their personal agendas.

After that he and Chief Choate had a meeting with the new Chief of North Collier and mentioned that he had a conversations with Chief Stoltz when he was still there. He had recommended that we wait and meet with Chief Cunningham. We had a very productive meeting. We spent a lot of time going over a lot of issues. The one main issue was to talk about functional collaboration and sharing of services. We will be meeting regularly in the next few weeks to try to come up with an inter-local agreement. We already have an inter-local agreement with North Collier for plans review for new construction for us. We spoke about just amending the current inter-local agreement to add several sections to it. The potential sections are: Fleet Maintenance; he's full staff with his mechanics but would like to hire another mechanic but doesn't know if he can justify for another 40 hour per week mechanic, so a shared position with IFCD would help both districts. If we share the cost of that position percentage wise; if Immokalee gets that mechanic 40% of the time; then, we can cover 40% of the cost of the position. Right now, our current mechanic is part-time. He has his own business that is growing and he really can't devote the hours to Immokalee that we need him to devote to Immokalee. We also need someone that is on-call more than he is. He's willing to be on-call but only when he's available.

North Collier is already looking at opening Station 11 on Corkscrew that was Corkscrew Maintenance Facility as a satellite fleet maintenance facility. We are also looking at cost sharing for Fire Prevention Inspections of existing buildings that we are lacking on. With the new construction, Leo doesn't have a lot of time to do existing buildings with all the new construction. So, we need some help with existing buildings. So, we are looking at sharing an inspector position. We also spoke about payroll services. They do all their payroll in house and have an entire finance division. They have human resources specialists, payroll specialists, accounts payable specialists, etc. We are outsourcing our payroll now and that's something that North could provide for us. We also looked at combining efforts on training. They are focusing more on the Training Officers to go to different areas to train two to three stations together. Logistics and purchasing is another area. Common purchasing to get a better deal. We are looking at several of the functional areas that the fire district could build collaboration on. That is the next best thing to consolidation. We would still be responsible for our district.

Commissioner Goodnight mentioned that she received an email from Norman Better, the chairman of North Naples and at their board meeting on the 14th of May they voted to invite all of the fire districts for a meeting. So, her question to the board is do they want to participate in this and instruct Chief Anderson to come up with 3 dates that we could be available to do this. She mentioned that we should go to the meeting and hear what they have to say. Chief Anderson mentioned that he is voicing any corrections in the meetings. He mentioned that Chief Murphy stopped going to the meetings and asked Chief Anderson to consider not going to the meetings. Just because we attend the meetings, it appears we believe what they are doing and it gives accreditability to the meetings. Also, he will send the notes he wrote to everyone. He believes that the board should attend this open meeting to let the board know that we are opened minded. Commissioner Goodnight mentioned that the board is not opposed to consolidation but know that this area has always gotten the shaft and as soon as new commissioners come in; it changes.

Commissioner Halman motioned to choose three dates for the meetings and Commissioner Olesky seconded the motion. Chief Anderson mentioned that they are requesting June 14, 2016 for the meeting with North Collier, Greater Naples and Immokalee. Motion carries unanimously. Chief Anderson mentioned that we choose from June 13, June 15 and June 23, 2016 at 6pm.

- a. Public comment
None
3. Status of Station 31 Construction
Chief Anderson discussed with the board
 - a. Public comment
None
4. Status of Fire Station 32 Property and Construction
Chief Anderson discussed with the board
 - a. Public comment
None

B. New Business

1. Fire Chief Annual Performance Evaluation
Chief has evaluations from Commissioner Goodnight and Commissioner Keen only. He doesn't have the rest. Commissioner Anderson mentioned that he will turn his in tonight. Table to May meeting.

- a) Public comment
None

- 2. Agreement to recognize IAFF Local 4657 contract for duration of contract during merger with IAFF Local 2297

Chief Anderson mentioned that he sent a letter to Lara Donlon Attorney and they changed some wording. Our local wants to merge with North Collier thru the IAFF. The commissioners will have to put it in writing that they will recognize their existing contract as it stands. As if the Local 4657 was still in existence thru the duration of the contract.

- a) Public comment

Chris Spenser from Local 2297 mentioned that the only thing that changes is the number and name. They met with the department and they are on same page.

Commissioner Halman motioned to approve to recognize IAFF Local 4657 contract for duration of contract during merger with IAFF Local 2297 and Commissioner Keen seconded the motion. Motion carries unanimously.

- 3. Letter of Support for Collier County MPO TIGER Grant

Chief Anderson mentioned that the County Growth Management and Traffic Division have applied for 3 separate TIGER Grants that are aimed at bicycle and pedestrian traffic. The Immokalee community has complained so much about the disparity and lack of sidewalks as compared to the rest of the county. They have a very good chance of getting the funding. One of the focuses is on Lake Trafford Road. They are still talking about the power point that Commissioner Anderson put together showing the difference. They are looking for support from any other entity or group. He wrote a letter of support as Fire Chief and he would like the Board to come together and write a letter of support as well.

- a) Public comment
None

Commissioner Olesky motioned to approve to support for Collier County MPO TIGER Grant and Commissioner Halman seconded the motion. Motion carries unanimously.

- 4. Approval of Budget Expenditure for PRIDE to Re-Paint Water Tender

Chief Anderson mentioned that our water tender needs repainted. The quote was to repaint the cab and polish the tank. The total cost for this will be around \$5,489.00

- a) Public comment
None

Commissioner Halman motioned to approve of Budget Expenditure for PRIDE to Re-Paint Water Tender and Commissioner Olesky seconded the motion. Motion carries unanimously.

12) Concerns of Commissioners

Commissioner Anderson mentioned that he was given information last night. He asked if we have blue lights on any of the vehicles. Chief Anderson mentioned we do have them on most of the vehicles. Commissioner Anderson asked if they were on the Chief's truck. Chief Anderson replied that they were yes, only on the rear, just like the other vehicles. Commissioner Anderson kept asking about them being on the front. Chief Anderson answered only on the rear. Commissioner Anderson asked if the Sheriff's Office asked him to take them off. Chief Anderson mentioned that he went to them before they put them on. He took the Sheriff the study that the Florida Highway Patrol did; where they determined that the blue lights provided more safety on the roadway at night time than red lights. In the daytime the red lights provide more safety because the blue lights get washed out in the sun. The Sheriff's Office mentioned that they would support us having the blue lights only on the rear of the truck.

Commissioner Anderson mentioned that Florida Statute 316.2397 sub section 2 mentions that we can't have blue lights. Chief Anderson mentioned that the statute also authorizes the Sheriff of any county to designate authorized emergency vehicles, including equipped with emergency lights.

Battalion Captain Cunningham mentioned that he has had deputy's approach him nasty telling him to go back to the station and take those blue lights off. If there is a problem, they should go to their chain of command and I will go to my chain of command. He doesn't need to be approached at an emergency scene. It's not professional and it's not right.

Commissioner Anderson read Florida Statute 316.2397, subsection 2: It is expressly prohibited for any vehicle or equipment except for police vehicles to show or display blue lights and according to the Sheriff's Office; the legal counsel and the Sheriff has asked Chief Anderson to take off the lights several times. Chief Anderson mentioned that Sheriff's Office wanted to support it but wanted to run it by the legal counsel and that's the last he has heard about it. Chief Anderson said he has never been contacted by the Sheriff or any of his staff telling him to take the lights off. Also, that the Sheriff can authorize any vehicle to have blue lights. Commissioner Anderson mentioned that he read each of the statutes and they say correctional vehicles and law enforcement.

Commissioner Anderson asked Chief Anderson if there was an argument that he was in yesterday at the CRA Meeting regarding privately parked vehicles on private property that were for sale. Chief Anderson mentioned that it wasn't an argument. There was a complaint from a resident about somebody on New Market Road having vehicles for sale on the side of the road blocking the view from around the corner for cars turning. He was trying to get code enforcement to take care of it. Chief Anderson mentioned to him to call the Sheriff's Office and there are State Statutes that applies to that. They can have them towed if they are in violation of the State Statute. Deputy Calderon told the man that they could not do anything about it. Chief Anderson said he looked up the statute on his phone and wrote the statute number on one of his business cards. That is when Chief gave Deputy Calderon State Statute 316.2397, 316.1951 subsection 8 during a break in the CRA meeting. So, that only refers to vehicles 3 or more cars having the same phone number written on the window. Chief Anderson mentioned that if you are not a licensed dealer; you are only allowed no more than 3 on your property annually. It provides the law enforcement to tow the vehicles if there is more than 3 cars for sale in a year. Commissioner Anderson mentioned that why would we worry about that State Statute if code enforcement says they are already involved in it but we should disregard the other statute that says no blue lights. Chief Anderson mentioned that we are not disregarding the statute. The sheriff can designate any vehicle in the county to have blue lights and the Sheriff said that he supported the blue lights. Commissioner Anderson asked Chief Anderson if the attorney for the sheriff's office contacted him and asked him to take off the blue lights. Chief Anderson said no.

Commissioner Anderson asked Chief Anderson if he had a dispute at CRA. Getting into a deputy's face telling her that he had 32 years of experience in the law enforcement saying, "here is the statute, she needs to do her job, read the statute." We have her written statement and other people who witnessed the verbal altercation. Chief Anderson said there was no altercation and that he didn't get in her face, he just handed her a business card with the statute number written on it and asked her if she could read the statute when she had time. Commissioner Anderson asked Chief Anderson if he had another altercation at the table top exercise at the Seminole casino for active shooter at the hotel. Chief Anderson said no. Commissioner Anderson mentioned that sheriff's office has statements that say otherwise. He found out all these things this morning so, he doesn't have all the documents. Chief Anderson mentioned that he did have a conversation with the guys from the SWAT Team that were there that were trying to say that all responders should not get anywhere near the building until they secured the shooter and authorize them to come in.

That is going totally against what is being taught nation-wide on an active shooter. At one of the county Chief's meetings, he had a conversation with whoever is in charge of the SWAT Team. He explained to him the conversation that they had at the table top and the Sheriff's SWAT supervisor said that they are still trying to get many of the old SWAT Team guys on board with the new teaching and that he would take care of that and we are actually in the process of writing an active shooter SOG county-wide that the sheriff and all of the Fire Chiefs' are going to sign off on.

Commissioner Anderson asked about the communications meetings that Chief Anderson has. Chief Anderson mentioned that he doesn't have arguments anywhere. If he believes something isn't right, he voices his opinion. Commissioner Anderson mentioned that he doesn't believe any of what Chief Anderson is saying. According to Lt. Prisco; Chief Bloom has documentation that Seminole sent to them and the sheriff about Chief Anderson at the table top exercise. He has heard complaints before about Chief Anderson at the communications meetings about a year ago. They say they have had multiple complaints about the blue lights addressed to Chief Anderson. He has zero trust that what Chief Anderson is saying to the commissioners is accurate. He mentioned about the accident that Chief Anderson had and that he gave two different stories. Discussion about the accident with board, with Chief Anderson saying that he did not give two stories and Commissioner Anderson is not understanding what he explained. Commissioner Anderson said it bothers him that all this has to be brought up but this morning he had to apologize to Lt. Prisco for anything that had been misconstrued and that's when he found out about the rest of it. He wants to have a meeting next week so, that we can discuss the documentation that he is waiting for. Chief Anderson mentioned that Commissioner Anderson shouldn't be apologizing for anything because he did nothing wrong. Commissioner Anderson mentioned if there is one issue, it's a personality issue but two, three, four, etc then, we have a problem. Also, the vote for the tablets were for the commissioners. He asked what authority he bought his tablet. Chief Anderson mentioned that he bought it under his authority in the purchasing policy and his authority to purchase items needed for the day-to-day operations of the district. Commissioner Anderson asked how long did it take for the credit cards for the commissioners. Chief Anderson mentioned that it took longer than he would have liked, but he was researching many cards trying to get the best deal for the district. Commissioner Anderson said that it took 6 months. He mentioned that there is a lack of respect for the board as a whole. It is his vote to terminate his contract with cause that is his motion.

Commissioner Goodnight mentioned that this blind-sided her because she has heard nothing but praise from the community that she associates with about Chief Anderson. This board has put off his evaluation since February and according to the contract, it was supposed to be turned in at that time. In March we were supposed to decide what to do but it's been put off. So, how many have turned in their evaluation. Has the board not turned in the evaluations because there is nothing that the board wants to discuss with him? We only have two employees; Chief Anderson and Attorney Thompson. She would question their resident community service asking them have they heard any complaints about Chief Anderson. Commissioner Halman mentioned that he heard the discussion about the blue lights. Commissioner Anderson mentioned if he could ask why the employment contract was moved to this month from last month. Chief Anderson mentioned that Commissioner Anderson requested it to be delayed. Commissioner Anderson asked for the evaluation to be emailed to them so that they could fill it out on the computer. Chief Anderson finally provided it about 6 to 8 days before the meeting. Chief Anderson mentioned that he gave everyone a paper copy because it's always been hand written. He gave it to Jason to make it into a fillable PDF file. He had other issue to handle: GPS Units that was a priority, our computer system and still in the process of trying to fix that document. Chief Anderson said he e-mailed it to Commissioner Anderson as soon as he completed the document. Commissioner Goodnight mentioned that it's important that evaluations are done and turned in at a timely manner.

Commissioner Anderson mentioned that he motioned to terminate Chief Anderson's contract with cause but no one seconded the motion. Commissioner Goodnight called for a second, but there was no second. Commissioner Goodnight mentioned that it dies for the lack of a second. What is the pleasure of the board in regards to having a special meeting to further discuss this issue or do we want to look at the material ourselves and then decide what to do. Commissioner Keen mentioned that we definitely need more information before she can vote on it. **Commissioner Anderson withdraws his motion to give them more time. Maybe Friday, May 29' 2016 is the last possible day to do it.** Commissioner Anderson mentioned that he has sent his resignation from the Board to the state effective May 1, 2016. They are moving out of the district. He only has until Friday to have a meeting to look at the information. **Commissioner Goodnight mentioned that she has a motion for a special meeting and asked if there was a second, but there was no second. Commissioner mentioned that the motion dies for the lack of a second.** Also, she would like to request that whenever Commissioner Anderson gets this information in writing, that he forward it on to them. Commissioner Keen agreed.

Commissioner Goodnight mentioned that on behalf of the board and the residents of Immokalee, she appreciates the time he put in the board and the Immokalee Fire District. He has made a great deal of changes that have been very appreciative of the community. Without him, we would have not been in the position they are in. Commissioner Keen agreed.

13) Public Comment

Randy Cash, candidate for County Commission, mentioned that he was at the CRA Meeting and mentioned that he witnessed the conversation and Chief Anderson was professional in the meeting and didn't see any argument or anything of what Commissioner Anderson was talking about. It didn't happen.

Battalion Captain Cunningham mentioned that he was at the table top active shooter exercise at the casino and was there with Chief Anderson and all the SWAT Team. He left after lunch time when the whole table top was done and didn't see any altercations. People sometimes take the way people say things differently. Also, he himself sometimes puts his foot in his mouth. Quite frankly the thing with Immokalee Sheriff's Office, they have guns and we don't and when they are on scene sometimes they say we should do what they say. That's his opinion because he gets that from them and the way he is approached from some of those guys is not professional.

Attorney Thompson mentioned that the blue lights need to be removed for now. Chief Anderson mentioned that we will take the blue light off as mentioned, but it would take a little time because they have to get red lights to replace them with.

Lieutenant Horbal mentioned that we don't know all the facts and haven't seen all the facts but in his time at the department, almost 10 years; we have seen 7 Chief's come thru IFCD because of stuff like this but we finally have some stability and we are finally on track and moving forward with the department. He would hate to see that happen (the Chief terminated). This is how I feel and the rest of my brothers feel.

Chief Anderson mentioned that he apologizes to Commissioner Anderson. He would like to request some time to take off the blue lights. Commissioner Goodnight mentioned that it's done in a timely manner and notify the board when it's been completed by email. Also, make sure that Chief Anderson gets the blue lights situation in writing from the Sheriff's Office. Commissioner Anderson mentioned that Chief Anderson needs to provide the statute where it says that we can have the blue lights.

Commissioner Anderson mentioned that he is resigning as Commissioner as of May 1, 2016. Attorney Thompson mentioned that the drop date for the re-election is June 24, 2016. Commissioner Keen made a motion to appoint Joseph Brister to fill the vacant seat. Attorney Thompson mentioned that we have not done that in the past and it would be best to advertise the vacant seat and take letters if interest from anyone interested, then appoint someone at next month's meeting.

Attorney Thompson mentioned that we need to advertise for an opening to the Commissioner seat for May 12, 2016, one week before May 19, 2016 meeting. Commissioner Olesky made a motion to approve to advertise the Commissioner seat and Commissioner Keen seconded the motion. Motion carries unanimously.

14) Adjourn Meeting at 7:57pm

Next Scheduled Meeting(s):

- **Regular Board Meeting: May 19, 2016 at 6pm, Immokalee Fire Control District Station 30, 502 New Mkt. Rd. E. Immokalee, FL 34142**

