

IONA MCGREGOR FIRE PROTECTION AND RESCUE SERVICE DISTRICT
BOARD OF FIRE COMMISSIONERS MEETING AGENDA

DATE: November 15, 2023

6:00 P.M.

6061 SOUTH POINTE BOULEVARD
FORT MYERS, FL 33919

NOTE: THE BOARD MEETING IS BEING RECORDED AND ALL STATEMENTS MADE DURING THE BOARD MEETING ARE SUBJECT TO BEING MADE AVAILABLE TO OTHERS AS A PART OF THE BOARD MEETING PUBLIC RECORD.

NOTE: ALL PHONES AND ELECTRONIC DEVICES MUST BE PUT ON THE SILENT MODE PRIOR TO THE BEGINNING OF THE BOARD MEETING AND REMAIN ON SILENT MODE THROUGHOUT THE ENTIRE BOARD MEETING UNTIL ADJOURNMENT.

Meeting Called to Order

Roll Call of Commissioners: Commissioners Andersen, Barbosa, Walker, Louwers and Langford were all present.

Opening Prayer and Pledge of Allegiance

Recognitions: Commissioner Andersen advised there are no recognitions at this time.

Adoption of Meeting Agenda, Including Amendments: a motion to approve the agenda with no amendments was made by Commissioner Anderson. Chief Comer, requested an additional agenda item concerning a local delegation bill merging Iona McGregor Fire District, Fort Myers Beach and Bonita. Commissioner Louwers made a motion to approve the additional walk on agenda item as presented, and presented a motion to amend agenda item Station 71 & 72 Construction Cost and Plan Review Discussion from the meeting.

Update, Motion for detailed minutes on this section of minutes at BOFC 12/20/23 Meeting:
Commissioner Louwers, "I'd like to make a motion to proceed with the agenda as presented with the walk on amendment that the Chief presented with the exception of item number, the station 71'n'72 construction cost and plan review discussion. Like to have that amended, amended from the meeting tonight right." Commissioner Walker, "Why is that?" Attorney Pringle, "Sir, it's the boards agenda." Commission Walker, "Let me ask a question here, when do you want to amend that, it's my request." Commissioner Louwers, "I feel that this request has already been discussed by the board in previous meetings in depth and I don't really see the, ugh, the. I don't really anything beneficial coming out from this discussion as the board has been had these discussions numerous of times a long time ago and our direction was to give the chief direction to handle this. And at this point in the process of making our stations whole, I think this is only gonna put things behind schedule and I don't think it's relevant to have this discussion when we

already made decisions relating to it.” Commissioner Walker, “Oh, how do you know what I’m gonna talk about? You’re, you’re assuming a lot of things who got to you, who talk, you, they said to bring this up.” Commissioner Louwers, “Nobody has to get to me. I’m.” Commissioner Walker, “Well, somebody, somebody did.” Commissioner Louwers, “No, Sir. No...this is, this is based on what I’ve sat through at this board in our emergency meeting that we had last year. We had a, we had a discussion on how we were gonna proceed and if you had input on that discussion, it should have been after that meeting or a months after that meeting, not nine or ten months after a process has already been going on with our contractors that we selected to do the work to work on the station.” Commissioner Walker, “You have no idea what I’m gonna talk about and yet you want to put the muzzle on me? Does this sound like a fair meeting?” Commissioner Louwers, “I made a motion and I’m stating, I’m.” Commissioner Walker, “Well..” commissioner Louwers, “I’m, I’m, I’m stating my feeling toward where I’m at today. I feel the board has made decisions. We’ve acted in good faith. We’ve moved forward with a lot of things. And I feel that nine months later after some of our decisions, you wanna put some halts to the progress that we’ve made.” Commissioner Walker, “You don’t know what I’m gonna do but you’re prejudging it.” Commissioner Louwers, “Well, okay. I can make a motion and you guys can overrule me,” Commissioner Andersen, “The motions is on the floor. Do we have a second?” Commissioner , “I’ll second.” Commissioner Andersen, “Okay. We have a motion made and second to accept the agenda item, the meeting agenda including the walk on agenda item and omit business agenda item number one. Is that correct as to what your motion...” Commissioner Louwers, “It is correct.” Commissioner Andersen, “Okay. We’ve had a brief discussion so we’ll put it to a vote. All those in favor of except approving the motion as presented and stated by Commissioner Louwers signify by saying aye.” Commissioner Louwers, Aye.” Commissioner Walker, “Nay.” Commissioner Andersen, “And all those opposed signify by saying nay...” Commissioner Walker, “Nay. Motion...” Commissioner Andersen, “Or no.” Commissioner Barbosa, “I didn’t hear all the...” Commissioner Andersen, “Commissioner Barbosa, how do you vote?” Commissioner Barbosa, “Aye.” Commissioner Andersen, “Okay, Commissioner Walker, you are nay. Commissioner Langford. How do you vote?” Commissioner Langford, “I vote aye.” Commissioner Andersen, “ Okay. Commissioner Louwers, you’re vote it Aye? Commissioner Louwers, “Yes, sir.” Commissioner Andersen, “ And I vote nay, but the ayes have it three votes to two.”

Statement for the Record: Commissioner Walker, “Mr. Chairman. Let me make a statement for the record.” Commissioner Andersen, “You may.” Commissioner Walker, “You know, I had a discussion with his friend earlier today. There’s no doubt in my mind. He’s probably contacted some commissioners as I told him, I felt that his opinion was rather stretched as, as, as our, as our all court opinions. And the classic example is the recent opinion by the Supreme Court that over a 50 year opinion, it’s a matter of discretion. And I feel strongly about this and I told him and I’m gonna tell the commission, I’m taking a complaint to the Governor’s Office about the action of the board. And what’s how this contract is being let without public public discussion or public bidding a \$3 million contract and nobody has bid on the damn thing. It smells. All right. Let the Governor work it out. I want verbatim, my comment please.”

Motion to additional walk on item and amend agenda item Station 71 and 72 omitted as voted by board three in favor two not in favor....Motions carried.

Approval of Previous Board Meeting Minutes: A motion to approve the minutes of the meeting was made by Commissioner Andersen with a second by Commissioner BarbosaMotion carried.

Approval of Financial Report: CFO Winzenread said that the report was previously provided and opened the floor to questions. Commissioner Walker asked about a discussion with Bank. CFO Winzenread elaborated Bank United regarding money market, increase on interest rate from 5.2 to 5.44 percent. Commissioner Langford made a motion to approve the financial report as presented, with a second by Commissioner Barbosa, with a second by Commissioner AndersenMotion carried.

Chief's Report: Report was as presented, Chief Comer introduced the new executive assistant Linnea Nodarse and thanked Sarah Lavicka's for attending today's meeting. With no additional questions Commissioner Andersen moved on to the Attorney's report.

Attorney's Report: Attorney Pringle advised he will give comments on the draft legislation regarding the proposed Bonita Fire and FMB Fire District merge, when the Agenda item is discussed.

DVP's Reports: Nothing to report.

Public Input on Business Agenda Items [Note: Prior to Board action being taken on each of the Business Agenda Items below, members of the public will have up to three (3) minutes per person to make public comment on each of the Business Agenda Items after the Commissioners have had their discussion.]

Business Agenda Items

1. Revision of the Prevention Fee Schedule

a. Discussion of agenda item

DC Guzman said today we are just presenting a new fee schedule proposal as a rough draft for the Boards input. Commissioner Walker had brought forward and made suggestions regarding the 2012 Fee Schedule to generate more revenue to cover the cost of running the Prevention Bureau. Fire Marshal Mozes created a new fee schedule for 2023 with a methodology. DC Guzman opens for suggestions and comments. Commissioner Barbosa had questions regarding square feet. FM Mozes explained that the fee includes inspection times. Commissioner Langford questioned where this places the District in relation to other Districts. DC Guzman advised the District would have to complete a side by side comparison depicting variables. Commissioner Louwers questioned Air BNB's and if they are considered as a business. FM Mozes advised it is a conversation the District will be having moving forward in order to capture Air BNB's. Attorney advised a resolution would be brought before the board in December. Commissioner Andersen questioned the new hydrant installation fee. Fire Marshal Mozes advised that the District maintains the hydrants once they are installed. Commissioner Walker questioned mobile food trucks. Fire Marshal Mozes advised they need a state inspection every year and every time they are in the District. Commissioner Andersen advised that there are Mobile Food trucks at

Health Park daily. Fire Marshal advised that this just came to her attention. Commissioner Barbosa comment`s DC Guzman`s progressive inspections. Commissioner Andersen agrees with Commissioner Barbosa`s comment. With no further questions Commissioner Andersen asked for public input.

b. Public input: no public input

c. Board action

Commissioner Walker made a motion to generate a resolution to be adopted the next meeting regarding the fee schedule presented, with a second by Commissioner Andersen....Motion carried.

2. [Representative Botana Bill on Merger of Districts](#)

a. Discussion of agenda item

Dates were as presented, there was no further discussion. Chief Comer discusses the proposed bill for a District merger. No details on disbursements or assets. Rough numbers were reviewed, 2023 revenue at 2.5 cap for 2.23 end. Producing roughly 1.23 million in revenue. The cost for a simple level of service in a new station, 12 additional personal costs estimate 2.13 million. Chief Comer requests direction from the Board. Attorney Pringle discussed language for a referendum that would take effect upon a majority vote of qualified electors of Fort Myers Beach Fire Control District, Bonita Springs Fire Control District, and Iona McGregor Fire District. Chief Comer requests to speak on behalf of the board on the stands. Commissioner Barbosa questioned the public's desire for a merger. Discussion ensued. Attorney Pringle requests a question to the Board to authorize Chief Comer at the local delegation hearing November 30th that the Board is not in support. Discussion regarding a voluntary merger from the Board.

b. Public input: no public input

c. Board action

Commissioner Walker made a motion to support recommending not endorsing the legislator merger, with a second from Commissioner Andersen....Motion carried

Public Comments on Non-Business Agenda Items [Note: Any member of the public will have up to three (3) minutes to make public comments on any non-business agenda item topics.]

Commissioner Comments on Non-Business Agenda Items: Mr. Walker discusses the Agenda item being removed and if Attorney Pringle

Statement for the Record: Commissioner Walker, "It's uh in the eight years, almost eight years. I've been here. I've never ever seen a fellow commissioner asked to have an agenda item removed from a fellow commissioner. I'm a double commissioner and the reason I'm sure it was brought out by my colleague over there is because of the influence of our attorney that is not making accusations here. I'm going to ask our attorney, did you at all contact the board members as to this particular agenda item?" Attorney Pringle, "Yes. Did I direct direct or suggest or have any comment to Commissioner Louwer to make his motion. No. Did I tell the other commissioners that I was going to be having a conversation with you? Yes. Did I say to the other commissioners that I believe the actions taken by the board previously were legal? Yes. Did I prepare tonight to put statements on the record, confirming my opinion and belief that all the

actions of the board taken to this point on this matter were legal and correct. Yes, I was prepared to absolutely put on the boxing gloves as you asked me at the beginning of the meeting, if I was ready to do and go do it with you on the legality of the actions that have occurred and been taken by the board related to these projects. I'm ready. I'm prepared to do that if the board right now today right now said we're gonna go back and amend the agenda. We wanna have a discussion on this item. I'm ready. Let's do it." Commissioner Walker, "But your influence killed that, didn't it?" Attorney Pringle, "No, sir. My influence didn't have anything to do with the motion to amend the agenda." Commissioner Walker, "You know, some way somehow somebody felt it was not important for me to, to view my opinion." Attorney Pringle, "And I had nothing to do with that. Let the record reflect." Commissioner Walker, "All right." Attorney Pringle, "And I don't appreciate being accused of that either. Commissioner Walker. I'll stand here to toe with you and I'll have any discussion that you wanna have based upon facts of the law, but I will not tolerate bullying. I will not tolerate you walking into this room and accusing me incorrectly of doing things that are inappropriate. I've been practicing law for a number of years and I don't do that. I don't do that. And I told you today when I was talking to you, I said this is not good for you to do this. And I said to you and I also said, and I also said to you, listen, if you go to the Governor's Office, which you told me you were gonna do when you were in my office earlier today, I told you Commissioner Walker, I'm telling you right now, I will fight you to a hilt to defend the board and the actions that they have taken. I was prepared to start that process tonight with creating a record to defend the actions of the board. I've still got that here. And again, if the board at this moment decides that they want to go back and amend the agenda to add the item back on. I'm prepared to discuss it." Commissioner Walker, "Counselor, I never accused you of any. I asked you simple questions. Did you contact any board member and your answer? Yes. Then you went to a tyrant about this and that I've never said anything to you about what you just mentioned." Attorney Pringle, "What, didn't you in our conversation today?" Commissioner Walker, "I think this whole thing smells, ok? And I thought you had and I implied it to you and I'll say it in front of the record to everybody else. You had some influence in the damn thing. All right, you interpret the law to be whatever benefit it was that you did it for because there was four issues in that law and you took one of the side and you said this is what we're gonna do because the Governor said it was emergency nine months later. Where's the emergency? And it was your friend from, from the other district that got the job." Attorney Pringle, "No, Sir." Commissioner Walker, "And the Governor sorted out, you can answer the Governor." Attorney Pringle, "Yes, Sir. I will be glad to and I have no problem doing that Commissioner Walker. No, I won't either because they do things like other people do things and they manipulate, and they twist words to sound differently than they were conveyed. And I don't participate in those kind of manipulations and twisting." Commissioner Walker, "Well, whatever you said that's on the record verbally and I'm going to ask for a copy of it." Attorney Pringle, "I have no problem with that. And I have no problem with you contacting anybody else over any action that I've done." Commissioner Walker, "Well you shouldn't have a problem, because that's your issue." Attorney Pringle, "I don't believe the board has done anything incorrect." Commissioner Walker, "I assume you would, you would say that no matter what because it was your recommendation, you're not gonna go back and say I screwed up." Attorney Pringle, "Uh, well, the truth of the matter is if I have screwed it up and I figured that out, then I will say I have screwed up and lets fix it. I went back again and looked again at the law that you made reference to and the exceptions to the law that I pointed out to you during our meeting today and they apply. So even without the executive order of the Governor, there are exemptions under 255.20

of the Florida statutes that apply to this activity that would exempt it from the bidding requirement that you want to impose now upon the board later in the process.” Commissioner Walker, “We can go on all night about this. And I told you about Attorney General’s opinion, reputing what you’re saying, that’s neither here nor there because this is not gonna be settled in front of these people. Look, somebody else.” Mr. Pringle, “Let’s do it.” Commissioner Walker, “I’m with you.” Commissioner Andersen, “Paul, you have a statement you want to make?” Commissioner Louwers, “Didn’t think that conversation needed to go much further than it was going. Um I was not influenced on my decisions. I had conversations and I was gonna go back and do research and read and do my further due diligence of what transpired in our, our meetings.” Um confident that the board made decisions in the best interest for the public and our district.” Commissioner Walker, “Well, very simple. Did Mr. Pringle contact you?” Commissioner Louwers, “As stated before. He did contact me, but nothing was discussed.” Commissioner Walker, “That smells of politics. I would solicit board members and this gentleman told me he did to get, get off to stop my agenda.” Attorney Pringle, “No, no, no absolutely not. I did not tell anybody to stop your agenda item.” Commissioner Walker, “Alright.”

Adjournment: A motion to adjourn was made by Commissioner Andersen, with a second by Commissioner WalkerMotion carried

Meeting adjourned at: 7:00 pm

Submitted for approval on December 20, 2023 – Denied, requires amendments.

Re-Submitted for approval on January, 17, 2024

Approved By: 
(Signature)

IONA MCGREGOR FIRE PROTECTION AND RESCUE SERVICE DISTRICT
SUMMARY STATEMENT OF ACTIVITIES - GENERAL FUND
For the Month Ended October 31, 2023 (Unaudited)

Revenues	Adopted Budget	Actual	Variance	
			\$	%
Cash Carry Forward	\$ 13,834,393			
Ad valorem taxes	23,730,327	\$ -	\$ (23,730,327)	0.00%
Permits, Fees & Special Assessments	50,000	-	(50,000)	0.00%
Intergovernmental	50,160	-	(50,160)	0.00%
Charges for services	41,500	3,560	(37,940)	8.58%
Interest Check/Demand Accounts	753,000	59,838	(693,162)	7.95%
Miscellaneous	34,916	6,854	(28,062)	19.63%
Proceeds from debt	1,843,520	-	(1,843,520)	0.00%
Total Revenues	26,503,423	70,252	(26,433,171)	0.27%
 Total revenues and cash carry forward	 <u>40,337,816</u>			
Expenditures				
Personnel services				
Salaries	12,842,596	663,158	12,179,438	5.16%
Benefits	8,029,954	259,198	7,770,756	3.23%
Operating Expenditures				
Professional and contractual	1,017,940	151,870	866,070	14.92%
Travel	147,354	1,902	145,452	1.29%
Communications & freight	124,450	44,600	79,850	35.84%
Utilities, equipment rental, and insurance	417,776	92,319	325,457	22.10%
Repairs and maintenance	1,525,539	45,432	1,480,107	2.98%
Operational, small tools and equipment	557,656	9,995	547,661	1.79%
Fuel, supplies, and administrative	551,417	75,642	475,775	13.72%
Education and training	204,875	6,605	198,270	3.22%
Capital expenditures	5,487,533	-	5,487,533	0.00%
Debt service	-	-	-	N/A
Total Expenditures	30,907,090	1,350,721	29,556,369	4.37%
Revenues over/(under) expenditures	<u>(4,403,667)</u>	<u>\$ (1,280,469)</u>	<u>\$ 3,123,198</u>	
Fund Balance/Cash Carry Forward	<u>9,430,726</u>			
Total expenditures and reserves	<u>\$ 40,337,816</u>			
		<u>OCTOBER</u>	<u>SEPTEMBER</u>	
Cash Balances				
BankUnited - Operating		<u>855,181</u>	<u>698,950</u>	
		<u>855,181</u>	<u>698,950</u>	
Investments				
General - SBA - Fund A		<u>7,372,713</u>	<u>9,459,537</u>	
BankUnited Money Market		<u>5,042,606</u>	<u>5,020,943</u>	
		<u>12,415,318</u>	<u>14,480,480</u>	
Total Cash and Investments		<u>\$ 13,270,499</u>	<u>\$ 15,179,430</u>	

Submitted for approval on November 15, 2023

Approved By: _____

(Signature)