

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
January 12, 2021

Meeting called to order at 7:00 p.m. by Chairman Ducrou

Invocation – Commissioner Hansen

Commissioner Hansen – Present
Commissioner Griffin – Present
Commissioner Mere - Excused
Commissioner Ducrou – Present
Commissioner Cook – Excused
Chief Larry Nisbet – Present
Office Manager – Present
Attorney Ian Mann – Present

Others Present: Some Public

Public Input Agenda Items – None

Minutes – Review and Acceptance of the minutes of the November 10, 2020 Board Meeting. Motion made by Commissioner Griffin to accept the minutes. Commissioner Hansen seconded the motion. Chairman Ducrou calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

Financial Reports – Review and Acceptance of the Financials for November 2020. Motion made by Commissioner Hansen to accept the financials. Commissioner Griffin seconded the motion. Chairman Ducrou calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

Financial Reports – Review and Acceptance of the Financials for December 2020. Motion made by Commissioner Griffin to accept the financials. Commissioner Hansen seconded the motion. Chairman Ducrou calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

Fire Marshal Report – Chief Nisbet reads the Fire Marshal's Inspection Report into the record. He turns it over to Captain Underwood for any additions. Captain Underwood informs the Board we are in the transition phase from Firehouse Software to ESO stating we have had quite a few trainings on the new ESO Program and mentions the inspection and NIFRS platforms. He states we are back into the inspections again as of this month now that the training for the inspection platform is complete. MW Horticulture we are working with the property owner's attorney who is working with MW toward an agreement to get the property cleaned up within 6 months with 30-day benchmarks. Should MW decide to walk away from the property, that attorney has already stated they have looked at quotes to have the property cleaned up, as soon as they have the right to do so; we continue to monitor and mitigate the site as needed. At this time there is no equipment on-site and they are not as responsive as they once were to mitigate and assist with the flare-ups. The property owner is being pretty aggressive toward resolution. Chief Nisbet states he told us last week if he didn't have anything set in stone in the next 30 days, he is going to pull the trigger. Captain Underwood states regardless of everything, MW is done on this

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property; they are not able to bring in any new material. The hazards of green waste and smokers are still present. Commissioner Ducrou asks if we are still adding on to the bill when we respond out there. Chief responds we do not as per our attorney it would be futile due to the bankruptcy. Commissioner Ducrou states he thought we could collect on the property owner. He recommends we bill every time we go out there. We can't bill in arrears. Chief states he has just been operating under the recommendation of the attorney. He states when he and the Fire Marshal speak with the property owner's attorney tomorrow, he can express the Board's concern over the conditions and repeated responses there advise them we are going to start looking at suppression costs against the ownership as the occupant is no longer there. He prefers they clean it up rather than fighting over another bill. Captain Underwood states this agreement is tied to their bankruptcy so the minute they default on this agreement they go straight into full bankruptcy and close their doors, assets are seized and sold. The current property owner's attorney is new to this case and is quite aggressive. Chief asks the Board to permit the opportunity to speak with the property owner's attorney tomorrow as planned and get back to the Board next month. Commissioner Hansen asks what about the County Attorney. Captain Underwood states the attorney has changed again and as it is an ongoing case, they can receive information from us but cannot share information with us due to the pending litigation. The property owner's agreement will be tied to both the bankruptcy suit and the County's lawsuit. Commissioner Hansen asks where we are in the lawsuits. Captain Underwood replies we are a creditor in the bankruptcy lawsuit and are expert witnesses in the County's lawsuit. Bayshore is not a party to any of the suits. Commissioner Ducrou asks the amount they still owe us. Chief Nisbet provides an off the cuff number. Office Manager states the exact amount is on your budget. Commissioner Ducrou asks if MW defaults, as it appears they are, are we able to collect from the property owner? Chief Nisbet states he will have to inquire of our attorney. Commissioner Ducrou asks him to check with our attorney so we know where we stand.

Administrative Reports (attached) – Chief Nisbet reads the Administrative report into the record. He notes his annual reports are included in their packets. Commissioner Ducrou asks if we are going to do the inhouse test kits. Chief responds everything is on hold with that. He asks if the pump tests were done in December. Chief responds they were. Commissioner Ducrou points out multiple errors in the reports and suggests we review these reports before we release them. Chairman Ducrou calls for any questions or discussion on the Administrative Report and hearing none, he calls for Union Petitions.

Union Petitions – Hearing none he calls for Old Business.

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Old Business –

- **40-Hour SOG** – Chairman Ducrou states due to the fact Chief was out with COVID and then his vacation, and Chairman Ducrou came in last Thursday to meet with him on some wording issues, and they have decided to better prepare it and discuss it next meeting instead if there is no one opposed to that. With all present fine with tabling it until next month; Chairman Ducrou calls for any other old business. Hearing none he calls for new business.

New Business –

- **Cares Act** – Chief Nisbet announces that back in end of November Lee County BOCC opened up 3.5 Million dollars in Cares Act Funding for COVID-19 response and impact that was available through Federal Funding to the Independent Fire Districts in Lee County. We had about a 2-week window to file for that funding. Theresa compiled the eligible costs that we could put into it; and we had to enter into a hold harmless agreement with the County that they are just managing the applications; and he executed that on his own. We applied for the amount available to us per the County of \$45,416.28. That was payroll coverage for sick time, decontamination stations, all that stuff; anything we were able to tie to it, we did. He just wants to make the Board aware that we have applied for some Cares Act Funding, so if we do get awarded that, he will bring it back to the Board for acceptance. Commissioner Ducrou asks if it was left over money. Chief is uncertain of the status but states the guidance did not specifically state Independent Special Districts as a fundable government entity, nor did it exclude us, so the State has left it up to the Counties who felt we should be included and Commissioner Pendergrass pushed it through for us. Commissioner Ducrou asks how long before we should receive the funds. Chief doesn't feel it will be too long. Chairman Ducrou calls for any discussion on the Cares Act. Hearing none, he calls for the next item of business.

- **Fire Chief Selection Process** – Chief Nisbet states we have one candidate; Captain Underwood is a very qualified individual who has worked very hard to prepare for this and he asks the Board to select him as the Fire Chief Select to take over for him on June 29. Chairman Ducrou confirms with all Commissioners that they are in receipt of his resume; and with all confirming they have; he calls for any questions. Commissioner Hansen asks if we had to do any postings or publications outside of the Department. Chief Nisbet states we did not as the Board had decided to promote within. If we had not had any qualified applicants inside the Department then we would have had to do postings/publications. Chairman Ducrou asks Captain Underwood if he has anything he wants to say. Captain Underwood states he has developed a transition plan so they know where he is at if they select him as the Chief. He states Chief Nisbet has worked with him through the years; allowing him more responsibility; and he has prepared a list of things he is responsible for. The Transition Plan is a working document that will expand and evolve as he meets with the Board individually and the staff individually and collectively and as time and circumstances change. He offers the Board the opportunity to see that if they would like before they make their decision. Chairman Ducrou states he would like to see it but doesn't need it to make his decision. He

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entertains a motion for William Doug Underwood to be named the Fire Chief Select. Commissioner Hansen moves to select him to be named the Fire Chief Select. Commissioner Griffin seconded the motion. Chairman Ducrou calls for any discussion and with no discussion offered vote is called and decision is unanimous in favor of William Doug Underwood. Congratulations are offered. The floor is open for questions and comments. Commissioner Hansen states he is happy Doug has provided the Transition Plan as he did have a question that the plan has already answered. He asks how moving up into the new position relates to the other guys. He wants to make sure everyone is comfortable. Captain Underwood states it is his understanding that everyone is 100% comfortable with it and defers to Captain Swindle who is present to reaffirm that. Captain Underwood states speaking on behalf of the bargaining unit, they are all 100% in support of it. Chairman Ducrou asks what is Chief Nisbet's mindset as to when we would pull Captain Underwood off shift. Chief Nisbet responds June. Doug is very versed in a lot of the things Chief does and he states he has worked with the Captains to involve them in a lot of what he does. He states this month starts AFG, and he feels he can write those when he's on duty; we're working on our AFG right now. (for the engine). He continues, he's been involved in the Lee County Fire Chiefs for a couple meetings, and pretty-much we'll take a subject matter for a day and any questions he has; plus anything that Theresa brings to me, from here on out, I'm going to include him on that discussion. In June, he's pretty-much going to be running the fire department and I'm just going to be there to help him navigate land mines until June 29. His recommendation is that Doug would assume the role of Acting Fire Chief with the Title of Fire Chief because...(in audible) his contract with you will probably start... but that's all of your decision. Chairman Ducrou asks what about move-ups and or promotions for the Engineer to Captain and Firefighter to Engineer? Chief Nisbet responds; we do need to start the promotional testing and get things rolling, so next week he will post Engineer, and we're going to do the Engineer in-house between Chief and the three Captains; there's a local group of Matt Williams and Brooke Ricciardi, they have an assessment center and I'm going to discuss with them about doing the Captain's exam. He anticipates 2-3 that will be taking that assessment so it's probably going to be ½ day; maybe a day so they'll probably work out a pretty good deal with us. We'll be posting Captain in February, test for Engineer in April, test for Captain in May. Then in June, the Chief Select can make the decision if he wants to maintain the Acting roll or if he wants to go ahead and promote those two positions and then hire the Firefighter. Chief Nisbet states his recommendation would be to go ahead and promote the 2 positions and hire the firefighter and then amend the budget. Commissioner Ducrou agrees but has some concern over putting the Captain on with only a month before Doug would leave as a Captain himself, having too many guys trying to get up to speed...he understands Doug has been preparing but...Chief Nisbet offers that we can actually adjust that up, but all of our Engineers are currently acting Captains. Commissioner Hansen asks if they will be acting for a while before they adjust in June? Chief Nisbet states they have all been acting up in fact for 2 weeks in December he had no Captains, they all acted up during that period as well as other times when Captains are out. Captain Swindle notes that 2 of the 3 have been acting for years, one of those has been acting for 10 years, the other for 4 or 5 years. There's discussion on timing and budget and the SAFER grant requirements. Chairman Ducrou states ok, between this month and next month we'll try to work on the calendar aspect of it. Chief Nisbet agrees. He directs Captain Underwood to start preparing the aspects of his contract. Chief Nisbet doesn't feel he should be involved in that

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negotiation. There is some discussion on the stability of the District and how we have a good team to back up the moves. Captain Underwood thanks the Board and Chief for their support.

• **Chief Items** –Chief Nisbet announces we received a letter last week from ISO wanting to do an inspection over the last number of years. Chief has tried to discourage that as they will include data that involves the impact that COVID has had on our ability to bring in volunteers which we limited due to COVID-19 and to do facility trainings; which some of this would affect our rating. He has succeeded in pushing that out for 6 months at which time they will contact us again to do this. Chairman Ducrou asks how old is the last one? Chief Nisbet responds five years and a couple months. Chief feels an inspection now could prove detrimental to our rating and he has never known them to change a number without an inspection and many only get them done every 7 years. Nothing has changed for us except for Covid-19. Chairman Ducrou asks if we are going to have any problem with documentation or will all the data migrate over. Captain Underwood states they are in the process now of migrating everything now. There are some things that may not, such as trainings. But we will have full access to Fire House on our server so we will still be able to access information. Chairman Ducrou calls for Commissioner Items.

• **Commissioner Items – None** - Chairman Ducrou calls for any discussion and hearing none, he calls for Public Input.

• **Public Input – None** - Chairman Ducrou calls for any public input and hearing none, he calls for Adjournment.

Adjournment – Commissioner Hansen moves to adjourn. Commissioner Griffin seconds the motion and with none opposed meeting is adjourned 7:45p.m.