

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
February 9, 2021

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

Invocation – MOS

Commissioner Hansen – Present (7:09pm)
Commissioner Griffin – Present
Commissioner Mere - Present
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 January 12, 2021 Board Meeting. Motion made by Commissioner Griffin to accept the minutes. Commissioner Mere 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 January 2021. Motion made by Commissioner Mere 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.

Fire Marshal Report – Captain Underwood states we have begun using the ESO program for the inspections. He states we are still learning but are importing into that platform now and the two other Captains have begun their annual inspections and should have that completed by the end of the month. MW Horticulture is status quo at this point. There was a bankruptcy hearing and the judge denied any relief there. The property owner confirms MW is evicted and no longer operating there but are still encouraged and able to participate in the clean-up efforts. They assure us if MW does not make progress soon, they are going to take their own action to get it taken care of. We have been in contact with the County Attorney on the case to keep them apprised of our dissatisfaction with the condition and the frequency of responses required there and now code enforcement is revisiting the problem. There is more discussion but nothing solid and no clear course of action is able to be determined at this time. Commissioner Mere asks if the new ESO Inspections module will save us time. Captain Underwood states once the migration is complete everything should be a lot easier and more complete information available. Commissioner Ducrou asks the District's attorney, in light of the frequent response required at MW Horticulture; what recourse is available for billing them for the services. Attorney Mann responds the good news is that the business is shut down so the situation isn't going to get any worse and they can hopefully begin to get it cleaned up. The bad news is, our best leverage was while the problem was ongoing; the ability to impose a shut-down. Now we have lost that leverage. This now becomes an issue between the Bayshore Fire

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District and the owner of the property; who in the past had some equitable argument regarding responsibility. He advises it might be best if we begin invoicing for every trip that we make out there now, which will encourage the property owner to do whatever they're going to do, sooner rather than later. Commissioner Mere asks if our bill is still collectable? Attorney Mann says the bill is probably still collectable; but the idea is to get some action on the progress of the cleanup, as quickly as possible. Our action in the past has been to avoid getting dragged into all the litigation between all the parties such as the County and DEP, which he explains our complaints were Fire Code related, not environmental protection, nor code enforcement. Commissioner Ducrou notes that we have been on calls there and received other calls that we could not respond to, due to being tied up there. There is discussion as to the mitigation currently in use and what is required to eliminate the problems. Commissioner Mere asks about a form letter we can use to relay the information on who they may contact to voice their concerns. Chairman Ducrou states we are past the point of waiting and he directs us to begin billing for every time we have to respond for suppression to the site.

Administrative Reports (attached) – Chief Nisbet advises the Board of the events on Sunday prior to reading the Administrative report into the record. He advises of the theft of B-132 and the series of events that took place. He states we will be looking at some additional security measures for the station while remaining welcoming to the public. Commissioner Mere asks how we are addressing volunteer access when the guys are on a call. Chief Nisbet explains the intent for a key-pad type Cypher lock. Commissioner Ducrou states it does not require a battery and it is commercial quality so it is long-lasting. He asks Chief if we are still good with keeping the bay doors closed when the guys are not in the bay. Chief states he likes being visible to the community and would like to leave the doors open when we are doing our normal activities; daily's and weekly's and such, but if they aren't going to be in the bays for an extended period of time, he agrees they should be closed. Chief Nisbet reads the Administrative report into the record. Commissioner Mere asks what equipment we have to replace from the truck and the expense. Chief Nisbet responds the cell phone for \$0.99 and some Dolph map books. Chairman Ducrou states he likes the new breakout in the report; and calls for any questions or discussion on the Administrative Report. Hearing none, he calls for Union Petitions.

Union Petitions – Hearing none he calls for Old Business.

Old Business –

- **40-Hour SOG** – Chairman Ducrou states both Chiefs and Theresa assisted in the preparation and there were a lot of things that weren't in the original 40-Hour document; so if it's new to this document it is underlined, if it is stricken, it was in the original document and it is being deleted, so the underlined and stricken will be cleaned up, but he wanted the Board to see the proposed changes being made. Commissioner Mere states he has a few questions. Chairman Ducrou asks him to proceed. He discusses the overtime compensation time, where the new is subject to 80 hours and utilize that prior to vacation leave. He asks do

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you know what kind of buildup she has right now? Commissioner Ducrou states she has over 80 hours. Commissioner Mere asks if we are going to try to put this in place as of now, are we going to just pay her out for the comp time that's sitting there? Commissioner Ducrou states she's going to use comp time before vacation to get it down below 80 hours. She didn't realize this at the time, but she has the option to request overtime in lieu of comp time any time she's working past her 40 hours. Commissioner Mere asks if she has been accruing it but she could have been receiving it as overtime, should we not give her that option if she wants to receive it as overtime to just go ahead and get down to that time so that we can keep under the new guidelines with that? Technically if that was something to her advantage before and she wasn't aware of it, by forcing her to take time off in order to make the difference up? Commissioner Ducrou states we're not forcing her to take time off. Commissioner Mere states, comp time is taking time off, paid time off, as opposed to overtime. But if she had the option as overtime, shouldn't we open that up to say hey if we're going to if we are going to try to get it down below 80 hours, either take the time off or we'll go ahead and pay it as time and one-half on overtime? Commissioner Ducrou is not opposed to either, I think when the question came up, you asked what was going to happen to it, and my belief was that she'd use that before she used vacation time, but...he asks her how much time she has and she responds 150.06. Commissioner Ducrou asks her to calculate the cost; meanwhile they move on to the next question which Commissioner Mere asks about the cross through of the carryover limitation with maximum accrual, which Chief Nisbet explains the limit was removed several years ago so the policy will now reflect that change. Commissioner Mere is satisfied and moves on to the next item, the health insurance cost share. He asks how that compares, pointing out, that is quite high. Commissioner Ducrou states it compares directly to the language in the Bargaining Unit Agreement. Office Manager notes that it is for dependent coverage, the District pays 100% of the employee's coverage. Commissioner Mere is satisfied and moves on to Educational Incentives. He inquires if there are no incentives for degrees such as accounting degrees, or any of the many aspects that the Administrative Assistant is responsible for being the only person to handle all these things in such a small department. Commissioner Ducrou states since she doesn't have the degrees and probably won't be pursuing those, he did not wish to include them at this time. Commissioner Mere feels that since this is a 40-Hour SOG, not just for Theresa, but anyone who may take her place, shouldn't they be included at this time. Commissioner Ducrou states he expects to see this agreement presented every year, along with the Chief's contract and the Bargaining Unit Agreement. Commissioner Mere agrees that is good, but asks if we currently give the Bargaining Unit incentives for degrees. Chief Nisbet states we do. Commissioner Mere states, "so we probably should go ahead and address it at this time so it's on here." Commissioner Ducrou states "for fire related". Commissioner Mere asks do we not for Bachelor's Degree or Associates Degree? Chief Nisbet states if it's job-related. He cites Captain Underwood's degree is in Public Administration so for a Fire Chief, that would be relevant. Commissioner Hansen asks, "so for her, would office stuff be relevant?" Chief Nisbet agrees it would. Commissioner Mere states for her, an accounting degree or business management or something from that standpoint would be relevant based on what tasks are involved in the position, and from that standpoint we don't have a spot for someone that just does that, we have someone that does all of it, I think we should just address it and have something in there at this time." Chief Nisbet states we have discussed it in length with the Chairman back and forth and looking at different things and feel that since she has no

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intention of pursuing a degree at this time, to come back and look at it yearly and at that point if any fine-tuning needs to be done, we can add the degree at that point. Commissioner Mere states "the only problem with that is, when I listen to some of the discussions we had over the SOG and a couple other things, that we were going back to 2008 and things didn't get addressed because a focus would get somewhere else, so if we're discussing it now, we put it in now, and we don't have to say next year or five years from now when we look at this again, well why didn't we address that at that time; it's just the wording side, I think it's something that brings it to our attention; not that we can't change that, but when it's in front of us you see it and remember it. If it's blank, you're hoping that someone else is going to remember it. Commissioner Ducrou states it gives somebody in that position ability to get education reimbursed by the District. He acknowledges he is not familiar with all the available classes, like the one that's there (CDM-Certified District Manager) would be a benefit for someone in that position, for the Department to say these are areas we see as highly beneficial to us that we're going to put out there as goals, and without that, I wasn't going to just throw something up. Commissioner Mere suggests that we try to get a list compiled of what type of education, ideas so we have something to go off of. He doesn't want to see it get set to the side and then we don't do it and then we're back-peddling later on; or we get somebody new in here for the position and they're looking it over and now we're trying to change it and address it. It's a little more uniform if we have this stuff up-front and we know it. Commissioner Ducrou states it is about as thorough a 40-Hour document than we've ever had; and even with the new Chief addressing that, it's going to come before us to make any changes that are consistent across the board. He states it's a living document, it's not something you're going to do and put away. Commissioner Hansen asks Chairman Ducrou, so is that the intent of the paragraph you have double lined; to encourage the continuing education...does that not kind-of state what you're wanting? Commissioner Ducrou states "it starts it, but she already has that, it's not specific, it's specific for that one. He states the paragraph above it he likes better. (It refers to tuition expenses - education reimbursement) So if there are areas they want to expand in, and then once we know what those areas are, then we can build an incentive that's applicable on that, then we can submit that for adoption so we know what we're asking of the employee and what we're going to get as a benefit. There's a lot of things in the collective bargaining agreement that the employees can get, but if they do, they're required to perform certain functions because they get the incentive. That's the trade-off with much of the areas on the Bargaining side. If you get it, you have to be able to use it during work hours; and me personally; I asked Theresa to try and find things that she would like to get a higher education in that we could utilize in that way." Commissioner Mere states "my holdup is that we're dealing with Theresa on this, but the SOG is not a contract for Theresa, it's a contract for the position." Commissioner Ducrou states "it's not a contract for anyone." Commissioner Mere corrects himself stating it is a guideline for the position. He discusses the aspects of the heavy accounting associated with the position and the programs utilized to accomplish our reports and feels there should be a couple more to the list than the current; and that it could grow from there. Commissioner Ducrou states "well, it has one more class than it had." Commissioner Mere agrees it's a start but he's thinking it could have a couple more at this baseline and then we could add more. Those are the only questions he has. Office Manager takes the opportunity since the conversation has ended to respond with the calculation of the cash out of the excess overtime and also has a question. Her question is the way Commissioner Ducrou explained the cap on the comp time; to the

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Board he stated anything in excess of 80 hours must be used before vacation time is used; but the verbiage in the SOG implies any comp time must be used before vacation time is used. Commissioner Ducrou confirms it is his intent to direct any comp time be utilized prior to any vacation time being used. She gives the figure for the buy-down to 80 hours on the comp time and there is discussion as to whether she prefers the District buy out the time or to take the time off. She will go either way so as not to affect the District budget. It is determined the Board feels the budget can handle the buyout which will bring her into immediate compliance, and she can use the remainder in time off prior to using vacation time. The Board states they just want her to be happy with whichever way it goes. They direct her to decide with the Chief what she will do and they want her to get that down to 80 somehow. Chief Nisbet states the Board needs to adopt the SOG so we can move forward with clearing some of the liability. Commissioner Mere moves to adopt the SOG though he would like to see some education researched so they can add them in, even if it isn't until next year, so they have a better idea of what classes might fit into that; and at the same time, get her down to the 80 hours by paying her the difference so we can get her into compliance right away. Commissioner Hansen seconds the motion. Chairman Ducrou calls for any further discussion and hearing none, calls for any opposed and hearing none, motion carried. Chairman Ducrou calls for the next item on the agenda; the Five-Year Plan.

• **Five-Year Plan** – Captain Underwood has completed his CDM Project of Updating the Five-Year Plan and has included it in the packets with additions being highlighted in yellow. Captain Underwood covers most of the changed items by topic with discussion, questions & answers as raised. Primary additions were the addition of our Mission Statement, Core Values, and Motto; the District's Community Profile from the most recent census available and limited only to the Bayshore Fire District, increase of revenues and incidents from 5-year history to 10+ years so one can see how the revenues dropped and how long it took to recover the loss. Commissioner Mere asks the population summary doesn't show what type of influx we're seeing for our seasons, does it? Captain Underwood explains it does have the housing units owner-occupied, renter and vacant units, so if you have seasonal come down, and their primary residence is in another state, that's where they're counted on census. So, if you see the rented units and some of the owner-occupied units and you see those numbers low and you have 13.9% vacant housing, they may not be vacant, but they are not listed on the census because they're in another state on the census there. Captain Underwood estimates our influx at 2-3,000 at least in season because the RV parks are not counted in those units as well, because they're considered transient. Commissioner Ducrou inquires of the Impact Fees for the Mobile Home/RV; if we collected for the recent expansion of Upriver, which we did, but Office Manager explains they paid their fees just before the Impact Fees were restored to full price. Captain Underwood continues with his highlighted areas. When he gets to utilities, he describes the actions taken with A/C replacements and LED Lighting change-outs. Commissioner Ducrou asks what we have seen in the reductions, but no numbers are readily available. When Captain Underwood gets to the ALS goal, the extensive cost associated with that plan is discussed, so while it is a nice target it's very costly. When he gets to Hiring Plan Commissioner Ducrou asks if the chart should be displayed as hiring when Chief retires, since each rank will see someone promoted, but the only true addition will be to backfill for the firefighter who promotes to engineer. Captain Underwood states it is

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up to us as it is our plan, he chose to reflect it that way as each (rank) position will have someone new in it. Commissioner Ducrou goes back to the Key Performance Indicators for clarification of the 4 personnel, asking if he was planning on having a volunteer present to meet that or is it based upon SAFER? Captain Underwood states the volunteer presence. After Captain Underwood finishes, he calls for any further questions/input. Commissioner Mere asks how the County decides where to put in hydrants. Captain Underwood states it is determined by land development code which mirrors fire code; so, if you go put in a new development you have to put in hydrants every 800 feet for residential or 300 feet commercial, unless the fire district allows them to go with sprinklered, like what was done in Hunter's Glen. He adds that that may no longer be an option if the development code no longer permits it. Commissioner Hansen asks if he's looking for a motion to adopt the 5-Year Plan. Captain Underwood states the new one will be due in March, so they can hold off until next month and he'll bring in a clean copy, if they so choose. Chief Nisbet states Captain Underwood really put in a lot of effort and his adjustments were well thought out. Commissioner Ducrou states he appreciates that they can see the changes easily. He suggests we might cover it herein or somewhere, the annual review of the SOGs, Handbook, and any guidance documents. Captain Underwood acknowledges the request and adds he is also looking at going paperless as much as possible, so everything is accessible from anywhere. Commissioner Mere asks if we're finding any areas of the ESO program that we cannot access when we are out in the field. Captain Underwood states because of the platform our Sierra wireless is on, we get priority with the towers. It is determined that the plan will not be adopted until the noted language is added, affording Captain Underwood opportunity to clean up everything and highlight the new language and bring it for adoption next month. With that the Board thanks him for his efforts on the project. Chairman Ducrou calls for the discussion of the New Chief's Contract.

New Business –

• **New Chief's Contract** – Chairman Ducrou begins by saying “a lot of this was at the offerage of Captain Underwood where he struck through a lot of areas that was in the existing contract with Chief Nisbet to try and mirror things that were more reflective in sync with the Collective Bargaining Agreement and gave us a lower price point in which we were going to be able to put him on as Chief.” He continues, “doing some rough salary survey numbers myself; with the base salary that's in there, and his incentives and longevity, he's still going to be, of the four departments that we normally compare us against, 10%, 9% below that average, but it's at a comparable level to when I looked at the Captain's and the Engineer's; they were all about that same percentage off from a survey that was done two years ago; and it's a number that Captain Underwood was agreeing with as far as starting, that would agree with him. We tried to streamline some areas, within the agreement.” Commissioner Mere states, “a couple questions, I'm certain some of this is just that, streamlining, to look, under section 1 – Duties and Responsibilities; the second sentence, I'm assuming we're going to clean that up where it'll make sense,…” Commissioner Ducrou states a word got dropped; the word “shall” should not be struck through. Commissioner Mere continues; “so basically, we cut out the lump-sum payout several times because it was redundant?” Commissioner Ducrou states “that is correct.” Captain Underwood states that

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they also added that he would not be eligible for the severance package of 500 hours until he completed 20 years of service, similar to what they will be looking at for the Bargaining Unit Agreement, other than termination for cause or felonious act. Commissioner Mere inquires of the salary, annual to what the rounding is per paycheck, should the numbers match exactly? Commissioner Ducrou states if they don't it is most likely due to the \$112,500 is his base annual salary and on top of this, he will receive his incentives and longevity of 1.75% this year. (It comes up a bit later in the session that his longevity will actually be 1.5) There is further discussion of the math and how those wouldn't be in there, etc, (but for the record, the salary is input into QuickBooks as a salary and QuickBooks breaks salaries into pay periods each year.) It is decided that the word "rounded" is to be removed. Commissioner Mere moves to the next inquiry which pertains to the 40-Hour SOG person being at low-risk and the Chief being high-risk for FRS contribution class. The difference is explained. That concludes Commissioner Mere's inquiry. Office Manager asks of Captain Underwood if he sorted out the hourly rate for FEMA in the contract to be an un-loaded number and he responds it has been fixed to be unloaded. It had been \$86.12 and it should be \$81.14. Commissioner Griffin asks about the 457 plan Chief is eligible to contribute to and the phrase "at no cost to the Chief" and it is explained that any administration fees charged, the Chief would not have to pay; which currently they are not charging any fees. Commissioner Hansen asks if we need a motion on this. Chairman Ducrou states if there's no further discussion I'd entertain a motion for adoption. Commissioner Mere asks Captain Underwood if there's any questions he has on this. He states he does not and how he did much of the strike throughs and reductions in sick time and leave himself in an effort to more closely match the Bargaining Units benefits. Commissioner Ducrou states in his research and with only a handful of Chief contracts available in the north end districts, it is by far the most restrictive in both benefit package and pay there is in Lee County with the only possible exception of Alva, and he doesn't know what Alva gets, but states we are getting the biggest bang for our buck, there's no doubt about it. There's further discussion about the differences, and Commissioner Mere states the biggest thing is that you as Chief coming in, that you are happy with the contract, regardless of what any other department does, you're the one we need to keep happy here. Captain Underwood states he is happy with this proposal, the only negotiating they really had to overcome was the base salary starting pay and since the guys are the same difference below the other departments, he felt this was a fair start and should the board decide to give raises in October he will be happy with that and should they refrain from doing so, since he gets his longevity in November, he can live with that as well. Commissioner Mere moves to adopt the contract. Commissioner Hansen seconds the motion and with none opposed, motion carries unanimously.

• **Impact Fund reimbursement to the General Fund** – Office Manager seeks approval to use \$55,720.16 from Impact Funds to reimburse the General Fund for past payments made for the Tender to clear the balance due from Impact to General Fund for that line; noting that doing so would leave the Impact Fees Reserved \$346.45 short of its \$1,338.95 briefly until the outstanding fees that the County currently holds on our behalf are remitted to us in April or May. Commissioner Hansen moves to proceed with that reimbursement to the General Fund in the amount of \$55,720.16. Commissioner Griffin seconds the motion and with none opposed motion carries unanimously.

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• **SAFER Grant** – Chief Nisbet states the SAFER grant opened on Monday and there is no limit on the amount you can request and there is no match requirement for a three-year grant. He states there is enough money in the budget now to sustain the three firefighters we currently have on SAFER; he requests Board approval for he and the soon-to-be Fire Chief to work on that application for three additional firefighter positions to take our full-time staffing back up to four per day. Commissioner Mere feels it's a great idea and additionally it will give Captain Underwood more hands-on experience going through the grant process. Chief Nisbet notes that they did work together and submitted the AFG grant today for a new pumper requesting \$550,800, adding that truck grants are tough but he feels they wrote a pretty good one; but there will be a lot of AFG applicants.

Chief Items – None, but Chief Nisbet thanks the Board for approving soon-to-be Chief Underwood's contract. 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 Mere moves to adjourn. Commissioner Griffin seconds the motion and with none opposed meeting is adjourned 8:47p.m.