

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
January 8, 2019

Meeting called to order at 7:02 p.m. by Vice-Chairman Griffin

Invocation – MOS

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

Others Present: None

Minutes – Review and Acceptance of the minutes of the December 11, 2018 Board Meeting. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Cook seconded the motion. Vice-Chairman Griffin calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

Financial Report - Review & Acceptance of the December 2018 financials. Commissioner Ducrou moves to accept the December 2018 financials. Commissioner Cook seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion offered, and none opposed, motion passed.

Fire Marshal and Administrative Reports (attached) – Chief Nisbet begins with Fire Marshal's report. He has additional reports that were only received the day prior, he will cover those later. He begins with the fact we had a fire break out the day before at MW Horticulture, in a new green waste pile. That pile we had some concerns about and had discussed that with them a few weeks before. The pile is roughly 200X200 or possibly 200X300. According to his and Forestry's calculations it is covering about 1.25 acres; possibly even 1.5 acres and is 20-25 feet tall. There is fire in several locations in the pile. He states after yesterday's fire, he determined, as Fire Chief, the time had come to issue a stop work order. We immediately issued a stop work order yesterday while we were there. The owners of MW Horticulture at that point jerked all of their equipment off the pile and said they weren't going to do anything else with it. I was going to contact the County's Attorney to have him contact the State's Attorney's office so we could go towards the charges of neglect. At that point MW Horticulture's owners decided they would continue to work on the pile. They asked us to reconsider the stop work order because it affects their bottom line and it may close their doors. I explained to them that as Fire Chief I no longer have an option; we're having too many fires; roughly 10% of our call volume last year was to that location and told them they are going

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to get that site into compliance, and that the fire is going to be extinguished, and there's not going to be any evidence of smoldering fires in that location before I'll reauthorize any material coming back in. When asked how long this was going to last, he replied "that's up to you. If you get on the ball and you get everything done in a week or whatever, we'll lift it." But he's also interested in them coming up with a plan on how they're going to handle the input and outtake; because they're definitely not moving material out as much as they're taking in. He also informed that this does not alleviate their responsibilities of the other pile, which the hearing examiner ruled on for June 6. Even though the hearing examiner does not have a direct correlation with the Fire District on enforcing the fire code; speaking with the Department's Attorney, he recommended that as long as they continue to make progress, that we honor the hearing examiner's date and continue to do that. He moves on to the request of the Board to have our attorney reach out to their attorney to find out what's going on with the suppression bill. During that period, we have found out that MW Horticulture no longer retains that attorney, so I recommended we go ahead and invoice them again and then if we don't get anything back within the 30 days, then we're to contact Ian again and we'll look into the next step of probably placing a lien on the property. He offers to answer any questions on the Fire Marshal report before moving on to the Administration Report. Commissioner Ducrou asks if they had the same attorney at their second hearing. Chief responds they did not; they used the property's attorney; the one from Minus Forty Technologies. He's good, Chief continues, he didn't put me on the ropes no where near what their other attorney did, but let's just say, he asked the right questions. And we never went in there to not be clear or transparent anyway, and one of the things I told the County Attorney was, I have to testify they were making progress, now, significant progress, that's the County's determination, this is a County Zoning hearing that they filed, it has nothing to do with the fire code, and I explained to them that it is still in violation of the fire code. But on the progress that they have made, they have made significant progress toward addressing that fire code set-back issue of that pile, the problem is that pile is still smoldering and it is still on fire; that's the issue. You know, the only way to get these piles extinguished is to tear them apart and separate them and get them wet. I'm worried that with Thursday's weather that we have coming in with the, we've already issued a red flag warning for Thursday; I'm concerned that the pile that we currently have the hot spot in and the fire on, is that it's going to really get up and roar. If that happens, we'll address it. I would also like to inform the Board that several Fire Chiefs have contacted me today and with the situation that we're dealing with, they're offering their equipment, their resources and their personnel at no charge, to provide us any assistance that we need. They said whatever it takes, we're going to back you up." Commissioner Mere asks "if we get another major one on Thursday, are we going to send them another suppression bill?" Chief Nisbet responds "oh yeah, they're going to get a suppression bill for yesterday. I'm just waiting to see what happens Thursday and I'm going to put it all on one." Commissioner Griffin asks "when you say lien the property, that's not their property, right?" Chief agrees and states he'll probably come to the Board next

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meeting and see if that's what they want him to do because he imagines that's going to put us into some type of legal fight with the property owner. Commissioner Ducrou states "the property owner, I would assume, would have insurance. And it's not up to us to determine, it is what it is. The only thing we can do is go against the property, so..." Chief Nisbet agrees but says "I don't want to rush to order that right now, I want to give the process time to finish out with this billing cycle and of course we're falling under the recommendations of the attorney. But probably next meeting if we don't receive payment on that first suppression bill then we'll have it on the agenda to discuss." Commissioner Mere adds "based on what kind of concern the property owner seems to have over the whole thing, I don't think..." Chief Nisbet states "he has become more concerned. I've actually had some really good conversations with the property owners' attorney and his intention is that they keep doing what they're supposed to be doing, and if they're not, then I'm supposed to let him know. And he actually said he understands the District's position on this whole-heartedly, but he has a client to protect, and that's his business." With no further discussion offered, Chief Nisbet moves on to the Administration Report. He adds on the topic of the MW Horticulture Date of June 6 to meet compliance, he states he has already contacted the County Attorney with regard to the fire and he is awaiting word, to determine whether he (Chief) is going to request a new hearing. He continues the Administration Report. Upon completion he notes again the extra reports he provided in addition to the meeting packets. He asks for questions.

Hearing no questions or discussion, Vice-Chairman Griffin calls for Petitions before the Board.

Petitions before the Board/Public Input – Hearing none he calls for Union Petitions.

Union Petitions – Hearing none Vice-Chairman Griffin calls for Old Business.

Old Business – Direction on Chapter 191 (Proposed Legislative Changes) – Chief Nisbet states per direction of the Board last meeting, he reached out to Mr. Richard Pringle and Mr. Smith regarding the language, how did this all transpire, how did we get to this with the changes in Chapter 191 regarding Referendum requirements to impose Non-Ad valorem assessments. He states, yesterday he received a copy of the proposed bill language and the Peebles, Smith, and Matthew Law firm's intent letter (the additional documents provided); if the District chooses to do this, the intent letter we would sign with them. He states, as you look through the bill, the language changes are extremely minimal in the aspect of some clarification language, some removal and some additions. As to the Agenda Item Summary, (he got this from Attorney Richard Pringle who is also working it on the Lee County side), and he contacted Chief by phone today, notified Chief that Chapter 191 has to do with independent special fire districts, was a statute that was developed from the Lee County Fire Chief's Association

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or the Lee County Fire Districts. It was a Lee County spearheaded bill. More or less Lee County was the one in 1997 that pushed for this bill to carve the Independent Special Fire Districts from some of the other special district languages. Also, in conjunction with this they also passed Administrative Law 97-408 which pretty-much mirrors this bill (191). At the time, he tells us, the Non-Ad Valorem Assessment Act was fairly new. There wasn't a whole lot of discussion on that so language was placed into it that, in hindsight, probably shouldn't have been. Us being the only government body independent district of any type, we are the only ones that are required to go to a referendum type system to ask to pass a dual non-ad valorem system. All other forms of elected government are permitted to do so. The intent is to even up the playing field to allow them the ability to do that. Richard felt that since 191 was initially a Lee County sponsored bill, Lee County should probably again lead the charge on this for the change; that was one of the questions that came up in our board meeting when we tabled this; so, he's bringing it to the Board again today for consideration. He states his recommendation, after seeing more of the language and after talking to Mr. Pringle, for whom Chief has a great deal of respect regarding his history with legislation and Fire District law, Chief recommends that we, at least for this year, jump on board and see what happens. They're asking for \$3,500 one-time charge, to support the legislative aspect of it; and he can absorb that into the budget. Commissioner Ducrou asks "are there are other ways we can assist with their cause, because I talked with some folks at Lehigh and Lehigh is sitting on millions and millions in reserves; we're a much smaller department, we don't have those kinds of money?" Chief responds "I do not know if that's the case and I doesn't know Lehigh's business and what Lehigh's shop is, but I know; speaking with Chief Dilallo, a lot of those reserves are earmarked for the station aspects that they have going on. I don't know if they're sitting on that much; I also know that they have 120 employees, so, I don't know what their..." Commissioner Ducrou adds "all at a higher pay, with Kelly Days; I mean it's just not..." Chief Nisbet states "partial, part of the department has Kelly Days, not the entire department." Commissioner Ducrou states "I think that's going to go away this year, they're going to eat the Kelly Days again. We're just, it's not an apples to apples comparison, for them to ask everybody for the same amount, for me... for them, it's a clean and easy way to do it, whether you can make it work or not, I'm not sure if that's, personally, the right way we should go about assisting; but that's just me." Chief Nisbet states "Richard and I talked about the \$3,500 and where it was at, and he said they looked at what they felt they needed to work this up through the legislation, to do the lobbying and everything that goes along with it, that was the cheapest they felt they could do it if everybody jumped in; they didn't look at per capita or budget size, anything along those lines; they just said hey if we have this... Collier County has expressed an interest, I asked Richard, because Richard actually represents several of the fire districts, which fire districts are already on board that are going to do this, and, off the top of my head, but; Lehigh Acres, Alva, Fort Myers Shores, Tice, Iona McGregor, and one more...possibly Estero; they're all on board; there's a couple that have to do the

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finalization in this meeting, but they've instructed him to go ahead and move forward." Commissioner Ducrou states "he represents them all. And if none of them got onboard, Lehigh would still front the money to do it because they have to." Commissioner Cook asks if they would be willing to take a reduced rate or is it all or nothing. Chief "I know that answer, but even if we don't jump in, we still get the benefit from it if it passes. I just think that with one of the other hats that I wear as the President of Lee County Fire Chiefs we always stand stronger when we stand together and we do our part, and just as I told you earlier, a lot of those agencies, and Lehigh Acres being one of them, offering to assist us on the other aspect, I don't know if that would..." Commissioner Ducrou states "we go to assist them anytime they need it..." Chief agrees, we do and I know I'm not comparing apples to oranges, I just think... seeing some of the lobbying that gets involved, I did ask the question that Commissioner Ducrou asked about Florida Professional Firefighters where they're at with this, they're in discussion with them right now, and that's another assistance that they would seek for as this moves on down the road, it's pretty-much a local bill, I also asked why we weren't utilizing the Florida Association of Special Districts' lobbyists on this, and to be honest, the concern was because this portion of special district's legislation deals strictly with independent fire districts, that they didn't want to muddy the waters by all the independent special taxing districts trying to jump on board right now, the bodies to be are really concerned about the fire district funding. They wanted to ensure the fire districts funding. I do like the language in there that it says if you do levy an assessment, then you are bound to 50% of your ad valorem. So that kind of makes the argument to, you diversify your income, you lower your taxes, you use the assessment and it spreads out; and assessment again spreads it out to multiple property types that are typically reduced or not taxed, for example government buildings. Almost the entire city of Tallahassee is being provided fire protection by assessment because of all the states and government buildings there; and universities." Commissioner Mere asks "if these changes pass, what kind of bottom line increase is this looking for us?" Chief Nisbet responds "that'll be up to us. What we'd have to do then is we'd have to do what was required of us last time, we'd have to sit down and look at what we wanted to fund in an assessment. For example, Cape Coral funds their capital items like fire stations, truck replacement, look at what we'd want to utilize the assessment for. We would pick a methodology or get proposals for different methodologies and determine which one is best for us; they would do a study which there would be a cost associated with that, which can be folded into the reimbursement within the assessment, and then at that point we would determine on what methodology we would use for the assessment, then what that rate would be. The only difference is, if this would pass, we would not be required to do an ad valorem vote, we would still require 2 public hearings, for the community to come in and discuss for or against, but Commissioners, I've got to tell you, right in this last ten years and what we tried to do before, it makes sense to me, this is a better way to fund fire protection. And, I always thought a blended system was better than doing one or the other. I know we did one or the other earlier, trying to make it

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more palatable, but, I think a blended system will definitely be a lot easier to provide out there, I can't say right now what the numbers would be because I haven't done any of the math, but even if we just use an assessment to replace fire trucks that are getting aged, and station construction, just on capital items, that would be a huge improvement for us on our budget and our ad valorem dollars." Commissioner Cook states "I don't mind getting in on it, I just think it should be less than, I agree with what you said (to Commissioner Ducrou), less than \$3,500." Commissioner Ducrou states "I can't do it, Lehigh's going to fund it, they have to. They don't have a choice. I'd be happy to lobby for it, make phone calls or go to Tallahassee." Commissioner Mere asks "Is Alva putting in \$3,500 too?" Chief Nisbet confirms they are. Commissioner Mere asks if they had to do a fund raiser for that. Chief Nisbet responds no. Commissioner Ducrou states they have, what, 2 guys a shift? Chief Nisbet believes they have 3. Someone states "like the rich asking the poor to pay for it". Commissioner Ducrou tells Chief to tell Richard to do some pro-bono work. With no further questions, Commissioner Mere moves to proceed. With no second motion failed. Commissioner Cook moves to proceed at a lesser rate, suggesting \$1,000. Commissioner Mere asks Negotiate? Commissioner Cook states "not negotiate, just say we're offering our support, but \$1,000 worth, not \$3,500; if that's what they mean by support; you gotta pay something." Chief Nisbet suggests \$2,500 if that's what they want to do. He feels \$1,000 is kind of a slap in the face if they're going to be doing the hard work on this. He would rather see us on board at a lower rate than not at all. He does feel we need to be realistic; if they're asking \$3,500 from the districts as the lowest rate they could have done it, and we jump on with \$2,500, hey at least we're jumping on with \$2,500. Commissioner Ducrou still feels that we can be on board by doing different things rather than just dumping money. Commissioner Cook states, "I just know how attorneys work." Chief Nisbet states "we need them for this." Commissioner Cook states "they come up with a cause to fight for and then they send a bill out." Commissioner Ducrou agrees there is a need for it, but Lehigh, from what the employees from that department told him, has Millions in reserves. Chief Nisbet agrees, but states we're not in Lehigh, he understands Lehigh's issues, but the benefits Cape Coral has seen with this has been huge. Commissioner Ducrou states "and I would hate for us to have to levy anything like this because we've already heard that the citizens of this district do not want it and for us to be able to go behind that and do it anyway; doesn't sit well with me. I know we need the money." Chief Nisbet feels if we needed it for a capital item like an engine or the station upgrade as it is 20 years old, that would be his recommendation if we ever did this in the future, it should be for capital improvement, not operations. Commissioner Ducrou thought that's what impact fees were for. Chief states they are for new, not replacement. Commissioner Griffin points out the letter from the attorneys states the figure is \$3,500 per year. Chief replies, that's if they have to do it again next year, but it also says you can legally withdraw at any time. Commissioner Cook states it also says a total fee not to exceed \$3,500, it doesn't say \$3,500 in stone. Commissioner Ducrou asks doesn't the Association

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of Special Districts, I know that you said they don't want to confuse or clutter this, but don't they, I thought they support local bills. Chief Nisbet agrees, they have in the past and we have another local bill that the fire districts want to talk about on the COPCN process, which is something else that we're dealing with about fire districts that do non-ALS transport don't have to do COPCN process and FASD has backed us up in previous years on that bill, and they refused to do so this year. They said they have other issues to deal with besides fire district issues. He's not exactly happy with FASD right now. Commissioner Ducrou asks "what's their..." Chief doesn't know. Commissioner Ducrou states "I can't imagine it's a cost issue." Commissioner Cook also wants to know why they don't fight for this. Commissioner Ducrou states the FPF will fight for local issues that benefit the fire departments... Chief Nisbet agrees, but it is a local issue and FASD..., he states if FASD jumps on this and they look at 191; then they're going to want to change 189 and all the other special district languages and whichever ones they are, and now they're going to open it up to all independent districts such as water and lights; any special district that's around anywhere else to have the ability to do that, and they don't want to do that; right now they want to maintain it for the fire districts specifically, the Lee County bill that was originally proposed that was put in the statute under FL Chapter 191. Commissioner Cook asks if there isn't a lot more power if there's a lot more people fighting for it than just the fire districts in Lee County? Chief responds there's also a lot more opposition. Right now, if it's for fire protection or for a fire district or fire protection services; we'll have the tax watch groups and the government money groups that'll oppose everything, but you won't get a lot of the other ones like FL League of Cities, or other groups wanting to jump on because it is primarily a Lee, Collier, and Pinellas County issue. Those are the big ones, and then there's a lot of little fire districts in the panhandle. But as Mr. Pringle states, 191 was spearheaded in Lee County, that's why he felt Lee County should spearhead the change. Commissioner Cook rescinds his motion. After a long pause Commissioner Mere moves to offer the amount of \$2,000 to support on our side, giving more than half the amount but still a little easier for us to absorb the amount, to support the passing of the changes in Ch. 191. Commissioner Cook seconds the motion. When vote is called, Commissioner Ducrou and Commissioner Griffin oppose. Commissioner Mere asks if we can table it until next month, but since it is already in committee and March 5 is the deadline for filing new bills in their final form as pointed out by Commissioner Ducrou, it is decided to support without financial commitment at this time as moved by Commissioner Cook. Motion is seconded by Commissioner Mere. Vote is called and motion passed 4:0 in favor of support without financial contribution.

Vice Chairman asks for anything else in old business. Chief Nisbet has just one more thing, he asks the board if he can bring this to them again if he finds they will accept a minimal contribution. Commissioner Ducrou states if you give them \$50 to support it, they're not going to turn the check away. Commissioner Mere asks if the Board would like to give him a spending limit to take back to the firm.

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Commissioner Cook states he would prefer to have Chief bring it back to the board next meeting. The board supports the change but with the finances of the District and only now bringing back a portion of the staff shortage on a grant, they just can't justify the expenditure. Commissioner Ducrou praises Chief for making things work for the District, but doesn't feel we should throw money to a district that has so much revenue at their disposal when they get paid twice what our guys get; he would rather use it for our guys next budget and show our support in other ways. The entire Board represented agrees. Chief Nisbet asks one more thing in old business – The County's COPCN draft that they're recirculating on the re-draft of the Ordinance on the Certificate of Public Necessity for advanced BLS Systems involved in that, and urgent transport and non-urgent transport, with the language the county had proposed, there was significant push-back by several of the districts plus the cities, and Lee Memorial Health Systems, we may need to discuss our position on that down the road. The language as it stands is very overreaching, in his opinion, on county control of protocol, county control of oversight with the office of the medical director, which they want to create, overreaching on quality assurance issues and the disciplined paramedics and EMTs that might make a mistake in treatment, or may have a negative aspect in treatment, and in all of their opinions it violates Chapter 401 which deals with emergency medical services; so this might be an issue coming down the pipe that, even though this certificate of public necessity doesn't affect us, per se, immediately, it could affect us in the future if we decide to go advanced life support and we want our own medical director; one of the provisions in the ordinance is that if the county medical director doesn't agree with a recommendation from an agency's medical director, then he supersedes on the protocol, which is again, a violation of Chapter 401. There has not yet been a date where this has been forwarded to the commissioners. He hopes we can come to an agreement before it turns into a circus, but this is gearing up to be a major issue, but all of the fire departments county-wide, including the municipalities, are against the language that's in there. It takes away the district board's authority to determine the level of service you want to provide. If the medical director wants to provide a cutting-edge treatment that we want to support down the road, and our medical director says hey we can do this and at that point if the county doesn't agree, then they can say no. The other thing that it does is if we have a non-transport ALS license that it forbids us from ever applying for a transport license; regardless of whatever happens with the Lee County EMS System, if it decides to dissolve or decides to go private; anything along those lines. Again, us being a special district government, I think that imposes on our sovereign rights as a district. So, stay tuned. We may have to look at a collective support with the fire department districts on that, even though it doesn't affect us immediately." Commissioner Ducrou asks if this has to go to legislature. Chief Nisbet states it does not, it is a County Ordinance. Commissioner Ducrou states "at Bayshore with EMTs we fall under their protocol now, right?" Chief replies "yes; well, we have a county-wide protocol; but there are some agencies that have some variations of the protocol. I'll give you an

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example, some of the fire districts still use ET tubes, intubations, for advanced life support airway. EMS has gone mostly strictly to the IGEL and that's an area of contention because; and I'll use Estero Fire Rescue as an example they're still using ET Tubes, they pop the glide scopes which are laryngoscopes with the tv screen on them, they're really sweet; but every morning the paramedic comes in and he practices 2 insertions every morning so they can maintain that. And that gives him the protocol. Well what happens is, certain members of the county staff, I guess EMS division, don't agree with that. They're not happy with that. And to be fair to Lee County EMS, there's been a couple fire districts that have tried some new treatment modalities; one of the districts tried with what's referred to as a ketamine drip; which, personally, I don't know why a non-transport agency needs to do a drip, because that's a long term aspect, but they were trying a ketamine drip as I guess a beta test to try something because that's what the doc wanted to do; and they didn't tell EMS that they were doing this and they ran a call on the patient and all of a sudden they're "hey what's this, I don't know what this is" and the Medic had to ride into it. So, it does create some potential liability issue on the County side with a treatment modality that was going on. So, there is some legitimacy to some of the concern. But, county wide we have a medical care council and that medical care council establishes common treatment guidelines. Now in those Lee County Common Treatment Guidelines, us, even as a BLS agency, Bayshore Fire Rescue, we fall underneath that. We practice it, we train on it. All of our guys are familiar with the document, and they review it regularly. But even in that document, there is the language, there is the protocol for endotracheal intubation and IGEL insertion. They are both in there, so they are both part of the protocol. And that's, I think the county is really pushing that they have complete control over what the protocol is going to be. And, according to Chapter 401, any ALS licensed agency, either transport or non-transport has the right to have their protocol determined by their medical director." Commissioner Ducrou asks "who is it in these other departments, is that Rhode?" Chief Nisbet responds "Rhode, Lafferty and Lee, and a fourth one in there, I'm not sure of which one that is; but Lafferty and Rhode are like the two majors and Dr. Lemmons. Dr. Lemmons is of course for several of the agencies. The other part about it is, I actually reached out to 1826 and discussed it with them, there was discussion in there about the office of the medical director would review yearly QA's of any ALS agency within the county and determine if appropriate actions had taken place. So, of course I asked JP Duncan, I think this is an unfair labor practice because it's my job to discipline my personnel. It's my job to see wherever it is. And where I guess that has been a problem in the past with some of the agencies is, some of the EMS leadership hasn't agreed with some of the stances of the fire districts because when they review the call, the fire district goes, well I'll give you an example, there was an agency that had a missed endotracheal tube, and EMS flagged it as a failure of the tube. Well, it wasn't a failure of the tube; they began to intubate the patient and determined the patient had a broken neck, and abandoned using the tube and went to an esophageal type airway because it was less detrimental to the patient. That's not

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an intubation failure; that's a re-evaluation of the airway and transferring the device you want to use. So, all in all, the COPCN document went from 13 pages to 33 pages. It has become more of a patient care document instead of a licensing document, more or less. And Myself and Chief Cambareri the other day were talking about this; this document should be very clinical and very straight-forward; if I want to apply for a COPCN to provide Advanced Life Support – Non-transport, for Bayshore Fire Department, I need to meet these criteria; is there a necessity, did we pay our \$500 licensing fee with the state, do we have the financial means to meet the obligations, do we have the equipment, do we have all these things; are we inspectable, how many trucks are we applying to have, and that should be it; that's where it should stop." Commissioner Ducrou agrees. Chief Nisbet continues "and then, the other problem is when we go for renewals, when these agencies go for renewals, they have to go through the entire process again, there's no streamlining for renewal process. The other problem with this is, as fire chiefs we're having a problem with this, since 1993, when Lee County approached the Fire Districts to get into the advanced life support providing service, when Chris Hansen was the Chief of EMS, EMS asked, hey we need help, we need an EMT on every fire truck at minimum; we need an AED on every fire truck at minimum, and anybody that can afford to go to advanced life support we need to go to advanced life support. That was in 1993; and since 1993 we've been involved in the COPCN revision process ever since then, until this re-write; and apparently, it's been going on for 2 ½ years." Commissioner Ducrou has a one-word reply that is indiscernible. Commissioner Mere asks "Is there new blood just wanting to re-invent things or..." Chief Nisbet replies "I think that's part of it, and I think part of it is to; oh, I'm gonna be honest, arrogance on certain county staff members, and I also think we've lost a little bit of our history. We've had so many retirements and so many transitions over the last few years, that several agencies forgot the history. And I'll be honest with you, there are sometimes I don't know things and I call either Dan Gorely or Nat Ippolito, and actually on this particular issue I called Chris Hansen because he lives in the district and I asked him, hey walk me through this; and he actually came to the office last week and we sat down and he walked me through it. And of course, not just the fire districts have an issue with this; it also affects Lee Health needing ALS transport units. They have some issues on that because technically, the way this document they're proposing says that they'll dictate their protocol; and they're a specialty transport service. So, Ben Abes, the EMS Chief and assistant public safety director in charge of EMS and communications has said that all of our concerns is not the intent of the document, I don't have any reason to doubt him, he's never been dishonest or untruthful in the past; but what the document states and what the intentions are, in our opinion, 2 different things. And he could be gone tomorrow and then who's the next person we have to deal with." Commissioner Mere agrees "Once it's in writing, they can..." Commissioner Griffin agrees "what's in writing is gospel". Commissioner Ducrou states "I'd offer you this; I know you guys don't want to do this, the fire chiefs or the organization of fire chiefs of Lee County, but, I think this is an instance if you want to have

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more information about who's behind this, how they're proceeding, just raw data kind of thing, I would say get with JP or Henry with Local 1826, let them put together or assist in putting together a very detailed public records request, and inundate them with it. Not for copies of it, just to look at it, because they have to provide you with copies to look at free of charge, and then if there's something of substance that would help you guys to better understand where this is coming from and how to correct it, then you copy that." Chief agrees, that's a good idea. Commissioner Griffin asks if this is through the County Commissioners or EMS. Chief Nisbet states it's not through County Commissioners, we're not there yet. Maybe EMS, or maybe County Managers Office, he doesn't know. He does know the Chief of EMS is in a tough spot right now, his gut tells him that some support below him has pushed for a lot of this, and this has kind of gone on; and another part of this is they're having some issues they're dealing with an interfacility transport services because they have to give them COPCNs too; and they're having some control issues with those which is part of this, He's not sure, but he believes for the Chief of EMS, I don't think he has a win right now. I think either way he goes, if he backs off on the language, we have concerns about, he's going to have issues with the staff and the internal; or if he pushes, and this is the one I'm worried about, is the damage it's going to create for the public service partnerships that we have developed so hard over so many years, because he knows there are Fire Chiefs in this county that will, if this goes through the way that it is written, Fire departments provide EMS with 90% of their infrastructure, we provide their stations, and he states Commissioner Ducrou can tell you how hard we had to fight just to get \$10,000 out of them because the two of them had to go down and meet with Commissioner Judah, at the time, because it was getting to be ridiculous. And they threatened to pull the ambulance out at the time and Chief told them ok, go, because they offered us like \$3,500 at the time. He does acknowledge that EMS has some challenges, 70% of their organization is under 3 years. He also states how much he loves working with EMS and our partnership. He also tells how well respected our organization is with respect to our Basic Life Support and our EMT skills which he states is why we were the first department selected for the beta testing for the Advanced EMT level of service and we will be under the County COPCN license for that. He also states he has no problem with the MOU but if we do go to ALS he's probably going to want our own medical director, just because of our demographics, and the agricultural fields and heavy machinery used there; or carrying some antidotes for organophosphate poisoning because of the fertilizers in use out here. He just has a hard time supporting anything that limits a board of commissioner's ability to govern their district. Commissioner Mere asks, "out of curiosity, when the agreement was made back in 1993 to help them out because EMS was in the situation they are, are we under any type of legal obligation to continue the support that we currently do, or can this come to a point where we say listen, if you want to push it this way, no problem, you've got it all. We don't have to help you, we did it as an agreement, so..." Chief Nisbet responds "no, I don't think we can stop providing first response services. Agencies don't have to provide ALS

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unless it's in their enabling acts. We provide rescue services which means first response for EMS calls at a BLS level with the ability to go to advanced life support (he believes that's some language that was re-codified), but they are not required to do so. Commissioner Mere points out that there are some fire departments in other areas that don't go out on rescue calls at all. Chief Nisbet and some board members state that is no longer true. Commissioner Ducrou states when he was hired in 1986, it was just then that they were requiring everyone to become EMTs and now, many are requiring Paramedic. Chief Nisbet states Advanced Life Support first response is quickly becoming an industry standard nation-wide. He notes Senate Bill 488 that floated last year that would remove the requirement for non-transport ALS fire departments to have to go through the COPCN process; all we would have to do is apply for our license and we could go to work. We'd have to meet all the requirements, we just wouldn't have to ask the county for permission on it. We'd do all our own protocols and other stuff. That bill, he states, was actually fought against by Collier County EMS and Lee County EMS and one other agency but it was actually moving onto the floor for approval, it made it through all of its committees with thumbs up and was actually getting ready to go to the floor for the House and Senate debates and then the shooting over at Parkland and all the kids flowed into Tallahassee and everything got shut down at that point. Chief states he imagines some of the language that's in this is in response to that Bill that was filed last year that has not been filed yet this year. Commissioner Ducrou asks what their opposition to it was. The only problem he would see is if we had our own medical director and there was a conflict in ALS medications for instance you administer something for a condition that's going to have a bad reaction to something Lee County EMS might have to administer when they are transporting someone. Chief agrees stating they argue the continuity of care which is an argument that he feels doesn't hold water. Commissioner Ducrou states they don't have that now. Chief states they feel liability applies when a patient gets into their ambulance, which he states everything has liability attached to it. We have that now just responding to a call. On the continuity of care aspect, he states that just makes the argument for the agencies that want to transport, if they would let them transport, continuity of care would no longer be an issue. The other option would be to allow the Paramedic to ride in the ambulance to take care of the patient on the ride in. Commissioner Ducrou states if they want continuity of care, they would put an ALS medic on our engines. That way they have one of theirs administering their care until the ambulance gets there. Everyone agrees this document sounds like a lot of inhouse problems are translating into this document. Chief notes he does approve and applaud the portion of the document that creates a Physicians Advisory Board, taking the heads of several disciplines to develop protocols. Hearing none he calls for new business. He does feel the Office of Medical Director should consist of all of the Medical Directors that would coordinate any protocol QA issues and things along those lines and look at any issues that come up, as a board. He is advised that there is currently a re-write going on. We should be getting a copy soon, Chief just wanted to make the board aware of

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what is presented to date and the issues surrounding the current draft. With this discussion concluded, Commissioner Ducrou gives consent to summaries of the minutes rather than verbatim. Commissioner Mere seconded the motion and with all in favor, motion passed. Due to the extensive opinions shared in this session, much of the content has been transcribed verbatim, though, not all. Vice Chairman Griffin calls for new business.

New Business –

- **S-131 (Pick-Up)** – Chief Nisbet asks in light of all the repairs done last year to the pick-up he requests permission to get a cheap re-paint done and re-letter it. Commissioner Mere asks how much will it cost. Chief states he got no bids but can't imagine it would cost much more than \$1,000. The opinion is that's probably on the low side for all the work, but Chief feels it will not be too expensive due to our connections through Ara Hagopian a former employee who has hooked us up on other work. Question is raised as to how much we use it and Chief replies since the A/C and tires have been done, definitely a lot more, almost daily, or if not, every other day. It also has a mismatched tailgate on it. It is used as a back-up for his vehicle when his in out of service, it makes runs to NAPA etc.... and is also used for major events to run Captains to Division and such. It ran twice only the day before to bring additional personnel to the fire scene. All are in favor of re-painting and re-lettering the truck and Commissioner Ducrou requests that we please protect it when it's not in use by keeping it out of the sunlight. Vice Chairman Griffin moves on to Chief Items.

Chief Items – Chief Nisbet announces he will be out of town the week after next for Fire Rescue East.

Commissioner Items – Hearing none Vice Chairman Griffin calls for Public Input

Public Input - As there's no public input offered, Vice Chairman Griffin entertains a Motion to adjourn.

Adjournment – Commissioner Cook moves to adjourn. Commissioner Ducrou seconds the motion and with none opposed meeting is adjourned 8:12p.m.