

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
January 12, 2010

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

**Pledge of Allegiance**

**Invocation** by Chairman Hansen

**Roll Call:** Commissioner Ducrou – Present  
Commissioner Hansen – Present  
Commissioner Cook - Absent  
Commissioner Griffin - Present  
Commissioner Klos – Present  
Chief Larry Nisbet - Present  
Office Manager - Theresa Sharp - Present  
Attorney Ian Mann - Present

**Others Present:** Some staff.

**Minutes** - Review and Acceptance of the December 8, 2009 Board of Commissioners Meeting - Motion made by Commissioner Griffin to accept minutes. Motion seconded by Commissioner Klos. Having no questions or comments vote is called. Motion passed unanimously.

**Financial Report:** Commissioner Hansen motioned acceptance of the December 2009 Financials. Commissioner Klos seconded the Motion. Call for questions or comments. With no questions or discussion vote is called. Motion passed unanimously.

**Admin/Ops/Fire Marshal's-Report** (attached) – Chief Nisbet covers the Fire Marshal's report and Administrative report. He expressly commends FF Kirkland and Engineer Edwards for their obtaining Associates degrees. Chairman Ducrou calls for questions or discussion. Commissioner Ducrou asks whether the article from the Neighbor about Brush-133 is on the website. Chief Nisbet responds it should be but later supplies Commissioner Ducrou with an original hard copy. Commissioner Hansen mentions that we need to discuss Chief's leave. Chairman Ducrou asks if it's covered in the budget, is it vacation, or something the Department is paying for? Chief responds that no, it is all Federal program. He will just take the same leave the guys do when they are out to class. Commissioner Hansen asks if he has someone covering for him while he's gone. Chief Nisbet responds that we have the Captains for the daily shifts, and he'll get with the neighboring fire chiefs, Chief Pye and Chief Duncan are very good and he feels confident with our Captains. He adds that he will also be available by cell phone. Chairman Ducrou asks if there are any more questions or comments. With none having been brought forth he moves on to petitions before the board.

**Petitions before the Board** – None

**Union Petitions/Discussions** – None

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
January 12, 2010

**Old Business – CAM Agreement** - Chief has supplied the Board with a copy of the proposed CAM Agreement he worked out with Chief Dickerson. He states that we had a verbal commitment of \$12,000 for the year, but they wanted to be able to pull out in 30 days with a complete reimbursement for the time they were not here. There was also no language covering maintenance costs. Chief was asked if he would consider \$10,000 and split the repairs to equipment that they share with a \$500 maximum per occurrence. Chief stated that he had felt comfortable with that, but if the Board should insist on the \$12,000 that language would be stricken. He also brought their attention to the severability of the agreement as outlined in Section 17 Right to Termination; stating their (EMS') continuing concerns regarding Lehigh Acres ability to terminate their ALS at any time. The contract allows for 30 day advance written notice via Certified mail or return receipt. If they terminate the agreement from November to April 1<sup>st</sup>, they are eligible for 6 months refund; after April 1<sup>st</sup>, no reimbursement would be made. Chief notes that for them to terminate they have to go through County Commission approval. The CAM agreement is very similar to the others around the county; the only thing we don't have in there are the rules and assignments of duties. Chief states he feels that doesn't belong in a CAM Agreement, that that is station business. Commissioner Ducrou asks if it is working out now the way it is. Chief states that yes, we don't have any problems with chores. Commissioner Ducrou inquires of the status in the other contracts as to payment and then repayment. Chief states that some of them have an immediate refund while others require a years termination notice. All CAM Agreements are paid in November. The \$2 per foot was just nuts, and 1 department gets \$21,000 per year and they helped build the fire station. At least this is a start. It gets us some help with the expenses. Commissioner Hansen asks if it's renewed at the end of the year. Chief Nisbet states that yes, it's automatically renewed every year, and there is a clause in there that we have a right, with notice, to increase the rate as we see fit. Commissioner Ducrou asks where in the contract it is about the County Commission. He then finds where it calls for a Resolution. Chief adds that EMS Admin was not excited about that language being in there, but Chief adds that the rest of the CAM Agreements call for it and he believes that if they're entering into a contract with us, as a County entity, he's pretty sure that's the way it has to be. Commissioner Klos states his opinion that Chief Dickerson should be pretty happy that we are only charging them this much with everyone else getting so much more. Chief Nisbet states that there are others that only get \$2 per sq. ft. like Cape Coral; but that he talked to ex-Chief Hanson who said that originally the \$2 psf was only supposed to be an introductory charge, that it was then to go to fair market value. His thing is that he wants to try to keep an ALS unit out here as much as possible and we will have to monitor how much the unit is out here after the new arrangement. However if it doesn't work out down the road, we can look at doing ALS. Commissioner Klos states that with the new SIREN program we don't know what's going to be here anyway. Chief Nisbet states that they just toned out this medical unit to go to Cape Coral Station 2. Engineer Lemieux adds that this past week we have had units 11 & 17 standby out here, which we have never had a unit standby out here before. Commissioner Ducrou states that they are going to drive those ambulances into the ground and Chief Nisbet states that yesterday the EMS told him they had done 9 hours of driving & standby and 70 miles. With discussion subsided, Chief Nisbet asks commissioners for their blessings on the CAM Agreement with the exception of the change of the names of the Chairman from Hansen to Ducrou so he can get it Blue Sheeted for the next County Commissioners meeting. Commissioner Ducrou states his displeasure with their ability to write us a check and then change their mind since the budgets are already set and especially since we're coming down in

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING

January 12, 2010

money on it. However he will entertain whatever the rest of the Board feels. Commissioner Hansen asks if the other CAM Agreements have payback money clauses in them? Chief Nisbet states that some do and some of them don't, they have that they can terminate at the years notice, just not renew. Commissioner Hansen asks if they wanted the payback in there. Chief Nisbet clarifies that they wanted to be able to terminate with 30 days notice and receive the unused portion back, but he wanted it that they pay the year and we keep the year, but they met in the middle. Commissioner Ducrou states that he finds it frustrating since it's not a lot of money and they're still balking about it. Chief Nisbet states he understands that. He has dealt with this so long and wishes this agreement were better but feels it has gotten to where he's fighting with Kim about the numbers of calls and it's where they want to relocate Medic 19. He adds he feels it's in the best interest of the District that we have Medic 19 here but still feels they need to pay some of their keep but unfortunately he cannot correct what had been neglected in the past. At least this gets us in the direction where we at least get an agreement in place and we can build upon this. Chairman Ducrou calls for a motion for adoption. Commissioner Griffin asks if they are going to pull the unit out of here if we can't agree on something? Chief states it has come up several times, that they are going to use this system where they utilize strategic numbers of the past call volumes since there are more calls west of Slater Rd. than there are east of Slater Rd. Chief's question to her was how many of those east were higher priority 1 and priority 2 calls by call volume that we run, which he felt she didn't appreciate. He still has not received an answer to that question. With this new program they state that they can have an ALS unit on scene at 8:59 or less, presently 93% of the time and they're shooting for 90% of the time. Chief's problem with that is most of that 8% that they are not meeting is in our District. He is still trying to acquire data to support that. It was stated that that would imply that they are responsible for the entire county? Chief stated that he is responsible for the entire Bayshore Fire District, they are both looking out for the best interest of who they work for. We will have to see how that plays out. Commissioner Ducrou asks if our medical sheets show the onscene time for Lee County EMS. Chief Nisbet states yes, we are tracking that. Commissioner Ducrou states that we could then go through last years call sheets and figure that. It is his belief that when he was working with Lee County EMS, not only are they trying to make that 90% they would exclude the worst 10% and the best 10%, and we are already in the worst 10 so if that 10 is not even being looked at, and then we have 7% more to worry about, it could be a true detriment to us. Chief agrees, he is very concerned about it. That is why he feels if we can at least have the unit here, when it is here it does supply a higher chance of survivability. He goes on to state one of the arguments he had the other day with Lee County EMS Admin was what to tell the gentleman who's 38 years old with cardiac arrest on his ranch off Sharon or Shirley Lane, "sorry but the computer says that you aren't supposed to having this call right now and its going to be 12 or 14 minutes before you get an EMS unit"? When you look at the big picture and all the numbers, he's concerned for the next call. He looks at each call as being as important as the first. Commissioner Klos asks about the problems today, was it just that everyone was all backed up? Who did we have over here? Chief and Eng. Lemieux reply that we had 19 for all 3 of our ALS calls, Chief adds that we had 17 last night for our pediatric asthma patient, but they came down Del Prado extension to Slater. Commissioner Klos asks so his District (North) was just backed up today. Engineer Lemieux adds that we had 2 heart attacks and a gunshot today. Commissioner Ducrou asks if we can run that on the software, just see where they're at for last years... Chief responds to the affirmative. He states he had us start tracking it in the spring, so we should have a majority of the year. Capt. Underwood states that that was right when the computer system came on line too. Chief states that all this is on the top of his radar screen right now. Commissioner Hansen

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING

January 12, 2010

asks for Chief's opinion if this is the best agreement he can come up with right now? Chief responds to the affirmative. Chief states at least this gives us something to build on. Commissioner Hansen states "in the door". Chief recaps where we began at \$2 per square foot, we thought was monthly, they said yearly, difference being we were at \$32,000 a year they were at \$3200 a year. Looking at all the agreements out there, it is definitely not the best CAM Agreement but it is also not the worst. Using Estero, it's close to Estero's rate but Estero doesn't have any shared cost in maintenance or house equipment, they bear all costs. Commissioner Ducrou asks if they paid for part of the station construction for Estero, Chief responds that they did. Commissioner Ducrou states that was quite a bit of money. Chief responds in agreement and adds that Sanibel got over a million dollars and their CAM Agreement is \$9000. He does believe this is about the best we can do. We can go to \$12,000 a yr. which deletes the maintenance agreement and they will want a termination clause which he feels he can fight but he feels that the \$10,000 with the repair and maintenance has the potential to benefit us more than the \$12,000 per year with things like the microwave, dishwasher, tv, and Engineer Lemieux adds that the A/C unit will fall under that also and the units are very old. Commissioner Ducrou asks if it covers repairs or just replacement and if it would cover the one we just had done. Chief Nisbet states yes, and it would since the agreement would be retroactive back to October 1, 2009. Commissioner Ducrou states his displeasure in them dragging this out so long. Chief and board members agree. Commissioner Hansen motions acceptance if Chief feels this is the best way to do it. Commissioner Klos seconds the motion If Chief is confident with it. Chief states he feels it is a good start. Chairman Ducrou asks if there are any more questions or comments. With none having been brought forth he calls for a vote. Vote is unanimous. Motion passed.

**New Business –**

- **Budget Amendment Resolution 2010-01 for carryover per Audit.** Line item of changes in the budget due to the audit. (see Resolution attached) Budget increase is \$116,773.45 income as per auditor, expensed as Reserves Unencumbered. Commissioner Ducrou asks for the audit page that correlates to the number. Office manager points to page 4 of the audit "Unrestricted". Commissioner Hansen asks the difference between the auditors \$490,449 unrestricted and our resolution amending the unencumbered to \$480,449 and the office manager responds that the \$10,000 is the emergency disaster fund, which the auditors don't have anything to do with since it's a budget item and the Board can elect to unrestrict it at any time as it is really just money earmarked for a potential purpose. Commissioner Griffin motions adoption of the resolution. Commissioner Hansen seconds the motion. Chairman Ducrou calls for additional discussion and hearing none, calls for vote. Vote is unanimous. Resolution 2010-01 adopted. Resolution is executed.
- **Financial Strategies for FY 2010-2011 –** Chief Nisbet states that he is beginning to address the anticipated financial issues for the next budget year. His first note is to the increase in the FRS Retirement contribution of apx. 2 ½% for Special Risk just on the base rate, normal risk is scheduled to go up apx. 1%. These are entirely employer based assessments. Also health insurance is expected to go up at least 15% next year and depending on what goes on in DC they are talking that employee health plans paid for by the employer could be taxed 23%. That would be detrimental to our operation. While vehicle maintenance costs have gone down, equipment costs have gone up, foam costs have risen, fuel costs have fluctuated; and he is concerned that we do not have the ability to absorb budget adjustments or budget inflations

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING

January 12, 2010

next year. He continues that his plan A is that we have several grants in; we have a grant in for the truck and one for personnel, for some equipment, and even have one for some fire prevention stuff, and if all those come to fruition, we will do well, however, if they don't, we will need to have a plan B on how to generate revenue for the District, and a plan C with how to involve negotiations, and of course the last plan he wants to look at would be a reduction in 3 personnel. He states we really don't want to get to that point. Chief asks the Board where do they want him to look in the way of financial strategies. He offers one possible solution to consider would be for us to go for an advalorem increase raising our District cap from 3.5 to the state cap of 3.75. That would generate between \$120-\$140,000 per year best guess based upon property values. While it's not a lot, it does buffer the impact and helps us keep the bodies on the trucks. Commissioner Hansen explains that they are already holding seminars on the health insurance, where we buy the insurance and the employee buys it from us to get around that. Chief Nisbet continues that they are also talking the pre1975 FRS plan where the employee bears either 4 or 8% of the retirement cost like you would see in a 175. He explains that FRS suffered a 23.6 billion dollar devaluation of assets, which put it into an unfunded liability; they've since returned about 14 billion of that, they are looking it. It may be that if they just do a rate increase on the contribution, that might bring that down. That would be the easiest thing to do, but looking at the actuaries, they've got 3 or 4 options that they might be looking at. He states what he is looking for in direction here is if we choose to look at raising the cap, having a referendum by vote, we could hold it in the general election, but we have to have the Resolution adopted and in to the Supervisor of election by July 5, 2010, and it's going to take some work to get it done. He states he has asked Ian to look into what all needs to be done to accomplish this. He states that it will be a hard sell. Commissioner Hansen asks how much that translates to per homeowner. Chief responds approximately \$3.50 for each \$1,000 in property value. Commissioner Ducrou states it adds another 25¢ per thousand of property value. The other part is that they signed into law last year that we cannot use our positions, or expend any tax dollars to support or oppose a voted or referendum type of issue. He asks Attny Mann if he has that correct. Attny. Mann states that we essentially can not campaign for it. Chief Nisbet states that we can hold informational meetings regarding the District's status, but that's it. It would be tough but it is do-able, Golden Gate got one passed last year. He continues that he does not like looking at it, but if we don't get the grants, we are going to have to do something. We might be able to eat some of it in reserves, but that's going to take us well below our 90 days, one of the things we could do is not fund our vacation liability, which puts a note on our audit, but some departments don't do it. We believe we are not required by law to do so. Commissioner Ducrou states he believes that GASB 34 changed that to a requirement. We will double check. We are hearing that we may experience another 10% reduction in our advalorem this year; at best a flat year. Chief states that the last 2½ years we have experienced a reduction of 37½ % of our budget. Commissioner Ducrou states we should put it on the June agenda as old business to discuss again, by that time we should know about where we stand. Attny. Mann asks when we have to have the Resolution by. Chief responds that 105 days notice is required so the deadline is July 5, 2010. Attorney Mann suggests May for the discussion would be more appropriate and to have the Resolution prepared for adoption at the June meeting so that if it's determined that we must take this route, we will be prepared and timely submitted. Chief points out that even though this would be addressed now, it would not go into effect this next budget year, but rather 2011-2012. We are already too late to affect this next budget year, but it would allow us ability to look into financial bridging to get us through. Chairman Ducrou states that Chief could start looking into the steps required to accomplish this. Chief agrees, and states he has already reviewed our Enabling Act which

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING

January 12, 2010

does allow us to go to the State cap, but only by referendum. He goes on to say that other Districts did not have that in their Recodification and therefore have been able to take advantage of the rollback rate. Commissioner Ducrou states that can't be legal since it would be above their voted cap. He states it probably hasn't been tested yet. Chief Nisbet states that he prefer it this way as it shows transparency and allows the voters to decide what their service level should be, and if they vote it down, it's their decision. Commissioner Ducrou states that if there's a true need there is nothing keeping us from on our own time walking the community and neighborhoods trying to educate the citizens on why it's necessary. Chief Nisbet adds that is what Golden Gate firefighters did. Commissioner Hansen states that when we had that special election, we only had 400 people vote, it wasn't a big turnout. Captain Underwood adds that it was in the middle of summer, that it wasn't in a general election. Chief Nisbet states that we could also look at MSTUs and fire fees, those are some options like Iona-McGregor is looking at, charging fire fees. The sales tax initiative that was voted through, Chief states, he hasn't heard anything more on and doesn't know why that hasn't continued to be discussed. That has to be approved by the county. That may come up again over the next couple of months, but he states, that language is going to go back before the Senate for some tweaking. Commissioner Hansen asks about charging MVAs the \$75 fee once discussed. Chief says we cannot charge for that, however we can charge for Hazardous materials like fuel spills, those we can bill for equipment and materials used and get 100% by Federal statute. Commissioner Ducrou asks what the minimum spill is on that now. There is some discussion as to whether it's 10 or 15 gallons. Chief explains that we just bill the insurance company and provide the statute and we get our money. Commissioner Ducrou states that as much as he hates to go there, we really need to consider the Mutual aid for Charlotte due to the distance, and we need to keep an eye on the frequency and type of calls they ask for mutual aid on. He feels that we need to watch that we're not taken advantage of, especially in these lean times. Chief Nisbet states he is definitely watching and tracking that situation. Moving forward, Chief Nisbet is authorized to check out the steps necessary and gather any information he can on the referendum to raise the millage cap. He is to provide any information as he receives it but determinations will not be made until the June meeting, if it does need to be addressed. Commissioner Ducrou asks if we have any clue as to what we would be into reserves for if we stayed status quo. Chief estimates about \$300,000 but is doing preliminary investigational work now. He states that may be on the high side.

Chairman Ducrou calls for any other new business. Commissioner Klos states that he was into the website and noticed that while our gallery looks good, we may want to revisit the pictures we are publishing, watching for anything that could leave us open for law suit. Captain Underwood says he will take care of reviewing all our photos for content.

Chairman Ducrou calls for any other new business. Hearing none he moves to Public input.

**Public Input – None**

**Motion to Adjourn –** Motion to adjourn made by Commissioner Griffin, Seconded by Commissioner Hansen. Vote Called. Motion passed unanimously. Meeting adjourned at 8:00pm.