

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
February 12, 2013

Meeting called to order at 7:02 p.m. by Chairman Ducrou

Pledge of Allegiance

Invocation –Moment of Silence

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

Others Present: Some Public

Minutes – Review and Acceptance of the minutes of the January 8, 2013 Board of Commissioners meeting. Motion made by Commissioner Cook to accept the minutes. Commissioner Klos seconded the motion. Chairman Ducrou calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Financial Report: Review & Acceptance of the January 2013 financials. Commissioner Klos motioned acceptance of the January financials. Commissioner Cook seconded the motion. Chairman Ducrou calls for questions or comments. With no questions or discussion, and none opposed, motion carries.

Admin/Ops/Fire Marshal's Report (attached) –Chief Nisbet reads the Fire Marshall and Administrative reports into the record with the notation to the Administrative report that since the time of its preparation, B-133 has blown the front axle seal. Chairman Ducrou notes some inaccuracies in the annual status report and encourages Chief Nisbet to review the process for input of stats details and see what can be done to make those reports accurate. With no other questions or comments, Chairman Ducrou calls for any Petitions before the Board.

Petitions before the Board – None

Union Petitions/Discussions – None

Old Business –

- **Interlocal Agreement (Re: Impact Fees Collection)**–Chief Nisbet states that the Interlocal Agreement came up to the County Attorney's Office through Donna Marie Collins, who is now assigned to look at all the agreements pertaining to Impact Fees as she is now the Impact Fee Attorney that will approve or deny the expenditure of those funds. He continues that several of the County Commissioners did not want to include fire and EMS in the suspension, and they only make up about 4% of the fees. Back in 1989 when it was written, (all 17 Districts are covered under the same agreement) for the County to suspend, all parties must agree. Chief continues that they are checking as to whether the school board has the same agreement. Commissioner Ducrou asks that if they left us and the school board alone, is it possible

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they would continue to suspend the others. Chief responds, absolutely. He states that DOT and the school board are the big ones. Commissioner Ducrou states the news last night said that the new proposed bowling alley on Treeline was facing \$500,000 in impact fees. Commissioner Cook states that could make or break a deal. Chief Nisbet states that after our last meeting, he attended the first public hearing on this issue and he spoke on behalf of Lee County Fire Chiefs, where he mainly outlined what debt services the fire districts have tied to impact fees, and what their projected income is, but there were several entities such as the realtors association, that were in support of suspending impact fees, but they wanted to exclude the fire and ems impact fees. They were pretty adamant about it. Commissioners Hall & Mann are both against suspension, Pendergrass and Manning are for suspension excluding fire & ems, Commissioner Kiker is kind of waffling, probably looking more at a reduction rather than a suspension. Chief continues, they have pushed the decision back for 30 days, and doubts they will have a decision then. He's told there has been a lot of public outcry against the suspension. Commissioner Griffin asks if they can raise them with the agreement in place. Chief explains that it is done by a math formula based upon construction costs. When they reduced it back in July, that's why single family went from \$720 to \$384. Commissioner Ducrou questions why construction costs would affect impact fees. Chief Nisbet replies that they are spent on capital improvements, station construction, and apparatus. He continues that when they do the rate, they contact us for pricing to buy a custom pumper, an aerial truck, a brush truck, a rescue..., and we give them market prices for new at that time. Commissioner Ducrou asks if all the Districts do that. Chief responds that they all respond to the Lee County Fire Chiefs, that's who the request goes to. Then they do a median range on the costs. Commissioner Ducrou asks why it is then that Estero has a different fee than ours. Chief states that he does not know why that is, but that the Districts do have varying fees; but that there are 8 of us whose impact fees are pretty much identical. The ones that are, he believes are us, Shores, Tice, NFM, Pine Island, and he thinks it might be the area, and current infrastructure capabilities, if we got a large influx of construction, what we would need. Estero, South Trail & Iona are all different. So far, he has not been able to discern why. Prior to the Uniform Fire District Bill, each district used to set their own. Commissioner Ducrou asks if they are uniform, why are they different. Chief explains that they are also considering different types of fees now; one called the mobility fee is being considered, wherein it will cost less for a city fee than a rural one, which could hurt us further if it is substantially less to build in the city where services are established; where are they going to build? He is afraid it will impede us in future growth considerations along Bayshore and I75. Commissioners Ducrou and Cook seem to think if they were trying to encourage growth, they would make them less out here. Office Manager's view is if they are trying to revitalize areas in town; since it is dying from the inside out, it would make sense they would charge less there, where services and infrastructure are already present. Chief Nisbet continues that as part of Commissioner Kiker's proposal to suspend the decision for 30 days, he included a proposal to place all impact fees in an escrow account until this is decided. Chief Nisbet did inquire of the County Attorney as to how that will affect us since the Love's Travel Plaza is out there and that will have Impact Fees involved. The County Attorney's reply was that it should not have an impact due to the interlocal agreement, but that she would get back to him. Commissioner Ducrou states that if they can't suspend them due to the agreement, they won't be able to hold on to them long term either. Chief Nisbet states that when the resolution was prepared, it included us in the

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suspension, since at the first public workshop, there was not 3 commissioners with clear-cut direction to exclude the fire and ems from the suspension. (The legislation set forth at the time of the agreement stated that the county *shall* collect the fees and they do collect a small portion for handling them) Commissioner Ducrou asks if that changes if they change the land development code. Chief Nisbet states that even if they change the land development code, they still can not suspend our impact fees, they would have to come to each fire district, and everyone would have to agree. Chief Nisbet states that whoever wrote it back in 1989, wrote it to not go away. Commissioner Ducrou asks if it has to be renewed or anything. Chief Nisbet states it does not. The only time is if both parties agree it needs changes in the language. He continues that the only way the County can terminate it is if they find we are guilty of misfeasance, malfeasance or nonfeasance in the proper disbursement of impact fees; pretty much if we did something illegal, for instance improper utilization, or not having authorization. He sites the example, the purchase we made on engine 132, if someone accuses us of improper expenditure, since we had county attorney approval for the purchase, the county would have to step in to defend us and we would be held harmless, because it was authorized as an appropriate expenditure. With no further questions or conversation, Chairman Ducrou calls for any old business. Commissioner Cook asks Chief when he gets his truck. Chief Nisbet replies, probably another 4-5 weeks. It is supposed to be on the assembly line now. Commissioner Cook asks if Chief is going to go up and see it in production. Chief laughs, and states he did not order a pre-build or anything like with the engine. He states that it was to be on the line for a week, then ships the next week, he believes from Texas, then they also have the siren and light packages to install. Commissioner Ducrou states that Chief will have to watch the buttons on the dash of the Chevy's, he's never seen such a poor product. He says when you touch the buttons for the a/c, the paint comes off, and you can't swap a button out, it's a \$400 head unit. He continues that if you google Tahoe dashboards, they crack in 4 places. His popped out 2 weeks ago. They've known about it since 2007 but have not fixed the design yet. Chief Nisbet asks how many miles he has on it. Commissioner Ducrou states it has 75,000 garage kept miles. With no further discussion, Chairman Ducrou calls for new business.

New Business –

- **SAFER Grant status**—on checking status today he was told by a young lady that she could neither confirm nor deny, but that if we had not received a denial letter yet, we should not be concerned. Chief believes we are real close to having an award on that second SAFER. The 2010 runs out in May and he would expect we would hear something in the next 2-4 weeks. Since we have a 30 day turn around to accept the grant he would like to have approval to accept the grant so he can turn the paperwork around without delay since it pretty much picks up where the other one lets off. Commissioner Cook states we pretty much have to have it. Commissioner Ducrou agrees and entertains a motion to accept the grant. Commissioner Cook motions to accept the SAFER grant if awarded. Commissioner Klos seconded the motion. With none opposed, motion passes. Chief adds that we also have in requests for AFG Grants for exhaust removal systems for the bay, and airpacks that are approaching the end of their service life; which could be a huge revenue expenditure, but he does not have a timeline on that grant. Commissioner Cook states that we don't need those exhaust systems, we never close the doors. Chief continues, finally, he held a staff

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meeting last week to discuss the fair and some concerns the staff might have. He states he asked everyone to say what was on their minds, raise any concerns they have, anything. Only two people spoke up. The concerns raised, first was of course, chief's vehicle, and another, was the employees' ability to interact with the Board. They say they don't get to see these members as much as they used to see board members. Chief feels he gets the time and talk that he needs, but asks if they wouldn't mind taking the time when they come around to chat with the staff here. Chief says he would appreciate it. Commissioner Ducrou states the Board would like it if they sat in on the meetings. Commissioner Cook states they are here once a month. DVP Lemieux states that at the meeting after, he did advise the staff that the Board has expressed their opinion that the staff doesn't come to the meetings or express that they care. Commissioner Ducrou adds that he has always felt that if they have concerns they express them to their DVP so the Board gets one call instead of 12. Commissioner Cook states he could have come to the BBQ, but he was busy. Chief Nisbet states that one of their observations was that he had a higher level of concern to a nice fleet that for the personnel. (That is the one that bothered Chief the most because he feels he does everything he can to support the personnel, but he inherited some fleet issues.) Chief adds that the nice thing about taking care of the fleet issues now, is that when the rebound comes, he won't have the fleet issues, and will be able to take care of the personnel issues. He won't have to balance between replacing the fleet or the personnel issues. Commissioner Cook asks what they mean by taking care of them, as in his opinion they have been fairly well taken care of. Chief declines as he doesn't want to get into negotiation issues. He chooses to simply say, they felt that the \$41,430 would have gone a long way toward getting them where they should be. Commissioner Ducrou states they were upset with Chief's truck and also with the commissioners getting paid. DVP Lemieux speaks for the Bargaining unit that it isn't so much they don't feel the commissioners should get paid, but more a matter of the meeting seems short lived, that it's not a priority, that it's a get in/get out kind of thing. Commissioner Klos asks how they would know that when they are never here. DVP Lemieux states that was his view on it, after what was to be a 5 minute post meeting turning into a half an hour trying to get a resolution. Chief Nisbet attests to his efforts and expresses his appreciation for Billy as his DVP. He was very supportive of Chief and what he was trying to do, and he feels he had a pretty good meeting after Chief's and Chief is pretty sure Billy laid it all out. Billy continues, he knows how business works, and what has to be done, and obviously, if you can make a meeting quick and successful, that's the goal and he doesn't hold anything against the Board for that. Commissioner Ducrou feels they should understand how it works; they get the packets ahead of time, and he gets multiple calls a week and if he has questions, he asks them then, before the meeting, to try to get a clarification or understanding, not beating Chief over the head with them at the meeting. He has pretty much reviewed everything before the meeting and everything is pretty much a formality by the time we get to the meeting. Anything that isn't has come up new, something that is not spelled out in old or new business, or in the body of the packet. That's the only thing for him that's going to make the clock stretch out. Without that it's a 10 minute meeting. Chief states he told them he would inform the Board how they felt. Commissioner Cook says even when you have so few people you still have these problems. Chief agrees and states that sometimes being such a small department, there's no buffer between him and the men and they are a close-knit group. He thinks highly of our people, he values them, and when they have issues, they have to come to him, that's why he keeps his door

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open. But they have to come to him. And some people are just going through a hard time, others are just a little bent out of shape, and some people, you're just not going to get through to. And one of the things that came from this is, if they can't accept it, he will be happy to write them a letter of recommendation, and we'll miss them. He continues that he didn't want it to be that kind of a meeting, but he wanted to get rid of some stuff that was not productive for the agency. Commissioner Ducrou states that it is his perception that when he looks at everything long term, or at least mid term, it's still bleak. We are still needing so much new growth and appraisals to go up, and for the most part they're going to be capped out unless its commercial, per year, to get past that threshold, he can not see the SAFER lasting that long. He continues that he's not sure that we can get district growth, but if you do get the growth and we spend it, then no matter what, when that money runs out, 6 guys are gone, then you have to try and figure out how you're going to run a department. He doesn't know the best way to address it, the money, everything just needs to be laid out there, how do we do this effectively, and then how do we address it when the worst case scenario happens, because if we start to get growth and everyone sees a 5 or 6% increase, then we start to look at, ok now we can do more...never mind that we are at 92% payroll and 8% operational budget; that's crazy. That's unheard of; so any increase we get, everyone sees it and he knows everyone's been frozen, and the money is definitely an issue... Commissioner Cook states they have really not been frozen, some people have, but Bayshore hasn't, we've always done something. Chief states that we understand we have to get everyone secure without SAFER. Commissioner Ducrou agrees with Commissioner Cook, it has been something...3%...??? DVP agrees but adds it was an offset, and at the same aspect, you also saved 8% on what you were paying to the state. Commissioner Ducrou continues, when the health insurance goes up... and DVP Lemieux defends that we work real hard to shop and find other options with higher deductibles, etc... Commissioner Ducrou states we have to do that to even exist, there's been increases, and we've been able to offset them in other ways with operational and payroll expenses, but that's his long term fear, it has always been that, look at the books to figure out how long it's going to take to get out of the hole, what direction do we go, and unless we can start to try to build things up, he would like to get it that once we get our annual, normal property taxes come in, to where it supports at least 3 other guys, then at the most, you're losing 3, but to lose 1/2 your department, it's huge. There is some discussion about the Obamacare and state pool, which they're not going to do. Chief states that a lot of the commissioners don't get to see the process, but Chief keeps the DVP very informed as we are building the budget, he lets the employees provide Chief with any equipment they feel we need in the form of Budget Requests, starting in April, and the 2 big unknowns every year are health insurance and FRS. Commissioner Ducrou adds a 3rd, are we going to get the SAFER grant. DVP Lemieux adds a 4th and that's the worker's comp. Chief agrees and reminds that we are going to have a worker's comp increase this year, because of Captain Brunson's claim. Chief Nisbet announces that the Collier County Fire Chief's Assn. has actually formed a 401(C)3 for collective purchasing, collective insurance, collective bidding on fuel, collective bidding on lawn maintenance, and because they've been formed for a year, they can do the purchasing of the health insurance for all the fire districts in Collier County, with all those members under one plan. They came to the LCFCA last month, and he's going to bring it up this next meeting, but they have offered to let Lee County Fire Chief's to get involved with them, and make it more or less a SWFL Cooperative act. He adds that one of the chairman's is the

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immediate past president of the United Healthcare System, he lives in Naples, and is a very, very smart man. But they're looking at everything, gear, foam, hose...a lot of it is still in its infancy, but the big area this year is the health insurance cost because everyone is facing the same thing. Smaller departments have to deal with canned plans, bigger departments have to deal with their exposure and their mod., but it would put us into this poole. We are going to discuss that this month at the Fire Chief's meeting; whether we are going to go with them or form our own. Chief prefers to go with the horse that's already saddled. Commissioner Cook states it's bigger that way. Commissioner Ducrou states we've been trying to accomplish that for years. Chief state's there'll be more things we've tried to do for years happen. Commissioner Ducrou states it was easier for Naples, because they're less fractured. Chief Nisbet agrees, as they're only dealing with 4 fire districts. Commissioner Cook talks consolidation has been needed for some time. Commissioner Ducrou states coporative agreements have been needed. Chief Nisbet states that was actually one of the last things Bud did before he left presidency, was to get these people to come up. Commissioner Ducrou states that if they are able to provide examples that the Chiefs can take back to their Boards, where they've saved, on anything, whether it's gear or a truck, fuel he feels would be huge. Chief Nisbet states that the fuel has been less effective because it depends on where it's getting delivered to. With no further discussion, Chairman Ducrou entertains a motion to adjourn.

Motion to Adjourn– Commissioner Klos motions adjournment. Commissioner Cook seconded the motion. With no discussion and none opposed, meeting is adjourned at 7:45pm.