

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
April 9, 2013

**Meeting called to order** at 7:00 p.m. by Vice-Chairman Griffin

**Pledge of Allegiance**

**Invocation** – Moment of Silence

**Roll Call:** Commissioner Ducrou – Excused

Commissioner Griffin – Present

Commissioner Klos – Present

Commissioner Cook – Present

Commissioner Hansen –Present (7:02)

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 March 12, 2013 Board of Commissioners meeting. Motion made by Commissioner Klos to accept the minutes. Commissioner Cook seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion and none opposed, motion carries.

**Financial Report:** Review & Acceptance of the March financials. Commissioner Klos motioned acceptance of the March financials. Commissioner Hansen seconded the motion. Vice-Chairman Griffin 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 Administration reports into the record, noting that the \$4,000 auction price received for the Expedition was substantially higher than the \$1,500 we would have received as trade-in. Commissioner Cook asks if the vehicle was fully depreciated, and if we have to pay tax on the profit. Chief Nisbet replies it was fully depreciated, though we are tax exempt and the proceeds add directly back into our General Fund. He continues that we are going to reuse some of the warning systems & lights for B-132 when we reconfigure that back up to light duty rescue capability. We got some truck boxes for it, so we'll put the better light bar on it; we just have to hold off right now as we are using it a great deal. We will hold off until we start to get some real rain. With no other questions or comments, Vice-Chairman Griffin calls for any Petitions before the Board.

**Petitions before the Board** – None

**Union Petitions/Discussions** – None

Vice-Chairman Griffin calls for old business

**Old Business** –

- **SAFER Update** Chief Nisbet states that since denial, he has continued to call DC about every 10 days. He has been talking to Tina Godfrey and various other people. He continues that he had a very good conversation with Tina on Friday, she went over where we are sitting right now with our application and their funding capabilities. They are meeting this week and there are 16 fire departments in the country in the same position as us. There are still funds that have not yet been expended. They are going

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to meet and make a determination on those 16, we and Tice are in the 16. He continues that his gut feeling tells him we will end up doing a re-application and if we do, that's probably going to open up in the next 4 weeks. That would probably be submitted by the end of June or first of July, and we would probably start seeing awards by August or September. They are very aware up there of what we are doing down here and what we are dealing with. He feels that will help us out quite a bit. He adds that he did get confirmation that it was the dates that hurt us, and he says that wouldn't have been a problem, if they had not moved them around. He concludes, that it is what it is, and we are staying on top of it, as is Senator Nelson and Congressman Radel, who are banging the drum for us up there. Commissioner Cook asks what the problem is with the dates. Chief explains that your potential lay-off date must fall within 90 days of the close of the application period, and we've always not quite fallen in there because of the way our budgets fall, but we've always been fairly close. This time, there was an 8 month gap, which has always worried him, but they told him to put in for it anyway. The next application, we will be past it, so he will have the ability to sustain them through the application period, but it's not going to be long. Commissioner Cook says it now is like we need emergency funding. Chief Nisbet agrees, it will increase our stock in the award. He continues that he has been keeping track of the property values in the area, and there have been a lot of sales in the last 30-60 days. A lot of houses on average have doubled in the assessed value because of the new sales price which may not help this year, but he is anxious to see what the numbers will look like in June. Commissioner Klos says another house in Hunter's Glen that is going to be going up. Chief Nisbet concurs, we have 6 coming out of the ground right now in District. Commissioner Griffin asks Commissioner Klos if he's saying there are new homes being built now. Commissioner Klos confirms that there are now two in Hunter's Glen. Chief says yes, and there are 2 on Rich, 1 on Lynn, 2 on Nalle Grade, and 1 on Old Rodeo Drive. He adds that the one on Old Rodeo is huge. Commissioner Klos says it's because the impact fees have been cut in half. That's why everyone's building right now. With no further questions or comments, Vice-Chairman Griffin calls for Public input. Hearing none, he calls for new business.

**New Business –**

- **Surplus E-133** – Chief Nisbet requests due to the 1 year anniversary of the purchase of E-132 (May 1) Engine 133 is eligible for surplus. He requests a vote to surplus it. He expects the best we will get for it may only be \$10,000, but we already have some interested parties, but there are a few things he wishes to remove and retain prior to sale. Commissioner Cook feels we have no reason to keep it and asks if anyone disagrees. Hearing no disagreement, Commissioner Cook motions surplussing of E-133. Commissioner Hansen seconded the motion. Vice-Chairman Griffin calls for any discussion or opposed. Commissioner Klos asks if we are going to disclose anything that is wrong with it. Chief Nisbet states it is an 'as is' sale, as with the Expedition or any other equipment we dispose of. With no further comments and none opposed, motion carries.

Vice-Chairman Griffin calls for any other new business, and hearing none he has a question about rumors that claimed if we were awarded the SAFER and Tice was not, that we intend to forfeit ours to Tice. Chief denies that context and states how the conversation went. He states he was asked which of us has the greater need. He was honest. He

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explained that they have 13 guys and they don't have the little bit of reserves that we do. While he is the Chief, and has an obligation to this department, his personal ethics would not permit him to deviate from the truth, Tice does have a dire need. If it gets down to only one of us being awarded, it will probably be Tice who gets it. Commissioner Cook states then the rumor was true. Commissioner Griffin states, it is not the way it was told to him. Chief agrees, there is a difference. He continues that even if we could forfeit to a selected other party, the amount we would give up wouldn't even be 1/4 of what Tice needs to maintain. He adds, that he was just being honest. Commissioner Griffin agrees, that is honest, and it isn't the way it was told to him. He agrees there is a difference, and he would have had to answer that question the same way. Chief Nisbet speaks candidly notifying the Board that if we do not get the funding and have to go to the 2013 application period, the Board should expect he will come to them to use the reserves to fund those positions to get through the 2011 grant period, which will be until about the end of August next year. That would be approximately \$253,000 basing it at what the current Ad Valorem dollars calculate. We would know that number better in June/July. Those are the numbers he is waiting for now. If we get into that situation, that is why he has guarded those reserves as much as he has. He continues, the consequence of not using the reserves is that we default on our 2011 grant, and the Federal Government will no longer have to fund it, and it will cost us six guys instead of three. Commissioner Griffin asks for further clarification. Chief explains it kind of plays to our advantage to have them staggered three in each grant providing leverage, but if we get denied in the off year, we default and have to lose six anyway, unless we retain through reserves. The goal is to get off SAFER 3 by 3 and in the order of the longer term employees first. Commissioner Hansen agrees, SAFER isn't to be lived on. Chief states that is correct and he stated in his last application, we are beginning to see a turn around, however, with the loss of 43.7% and only having 4% income, we are looking at at least a 10 year run to get back to where we were before we started taking the hit. He adds on a positive note, that we have also reduced a lot of our expenses at the same time. We have taken care of a lot of equipment that was in sad shape and costing us huge repair bills, he got low payments, we got rid of a station payment, we've reduced our insurance costs. Operationally, we can't really decrease any further, and in fact, this year we will have to increase our costs for things such as fuel; we're going to be dealing with some radio replacements coming soon, we are going to have to start replacing 2-3 radios a year, and a handheld portable is \$3500, and we can get some 50/50 money for that, but we will have some stuff to take care of, but the big equipment costs are under control for a while. So, he concludes, his plan B is if we have to, he will seek permission from the board to utilize the reserves to keep everyone working until the end of the SAFER 2011 which would be August 5 next year. We can take whatever action is necessary in that budget session. He does not expect to have that happen, but that is Plan B. He has done some calculations and determined that worst case scenario, if we did that, we would only have to drop 3 positions and we would still have our 90 days reserves. Commissioner Griffin asks who did get grants in Lee County. Chief Nisbet replies SouthTrail and City of Fort Myers. He adds that City of Fort Myers was denied last application period and was awarded almost immediately this application period. That is exactly what we are going through right now. They had a 30 day window where they didn't have funding. Ours would be longer than that but we have already built our budget out to October. Commissioner Cook asks why Southtrail was awarded. Chief Nisbet says they have waited 4 years to add 6 positions even though call volume warranted them, but budgets did not, and they were understaffed by 6 positions. He continues that 15% of the SAFER

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funds had to be utilized for new hires and they were one of the departments that were awarded in that 15%. Then 70% went to retention, and the part we are looking at now is the \$50M they set aside for the VOW to Hire Hometown Heroes Act. He has heard 2 different numbers of the funds remaining in that group, \$27M and \$17M. He expects that remaining money will get spread thin now but he has made certain that they know that one of the guys that will be affected is an Afganistan Veteran, and that we have done everything they have asked us to do, and they haven't funded us. Commissioner Griffin says he was wondering how hiring Josh affected it. Chief says it again raised our stock. He does credit Tina Godfrey and the staff up there (DC) as working very hard for us, and they are really doing everything they can do, and they have not lost a SAFER funded firefighter yet. He states there was a story of a department in California that was losing 3 SAFER funded guys, but the true story is, they didn't re-apply; you've got to re-apply. Commissioner Griffin asks then in Lee County, you have City of Fort Myers, and SouthTrail; we applied and Tice...Chief Nisbet adds that Lehigh was awarded in the last one, and in Collier, you have Big Corkscrew and Immokalee, and he believes that's it in Southwest Florida. Commissioner Cook agrees, those areas do need it. Chief states those areas are seeing a little boom right now, he spoke with Rita Greenburg the other day; who feels she won't need it the next application period, she feels they will chew into reserves a little the first year, but that things appear to be turning around. There is some discussion as to the activity in this area. Commissioner Cook notes how his assessed value went from \$79,000 back up to \$129,000 in 1 year. Chief states we will have to see how recapture comes into play. There's something about if you are assessed below true value, they have to recapture some of that. The save our homes is capped to 3% above what the true value of the home is. So, he continues, if you're paying taxes below the true value of what the home was when it was constructed, and it gets back to that point, that's where the 3% kicks back in. Commissioner Griffin says his has not changed since everything fell, his has consistently gone up. Commissioner Cook states when he purchased his house in 1993 he paid \$76,000 for it and 2 years ago, they figure the house is worth \$79,000. That's \$2000 in \$18 years and he has done a lot to his house!

Chief Nisbet now wishes to discuss consolidation. He states the Fire Chiefs have had a very informative discussion regarding consolidation, in light of the current changes such as the talks about the privatization of EMS services, and centralizing of certain things, and the push on the EMS services side has led them to look at the possibility of putting a plan together for themselves, since there is a push for them to go in this direction. In speaking to the County Commissioners, he feels they are not really for it. He thinks they would like to have an even playing field and level service coverage. They don't really want to be in the EMS business, but they also don't want to dump it to 19 different fire departments. He continues that two of the commissioners do not even feel there is enough public support to even look at it, or even do anything with it. The Fire Chiefs Association wants to look at what it would take and what it would cost to maintain the level of service we have right now. He just wanted to apprise the Board that they are talking about the possibilities. Ultimately, it would come down to the voters who would have to vote to dissolve their district and move to a county wide or regional district, and then there would have to be a separate vote to decide the millage rate for that new district. Then you would have to elect commissioners, he estimates it would take probably a 5-year process, once you get the ball rolling. Probably 5 years to get the ball rolling; in all probably a 10 year process to get anything done. Commissioner Cook says the sad thing is they have been talking about this forever, and we could have already been doing

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it. Chief states that he feels that the reason these talks have failed before, is we are always looking for a win-win; how we take care of this retirement, how we take care of this contract; but when it gets down to it, there are going to be some winners and some losers. You have to set a millage rate so you don't start out on a budget crunch; because when you start out on a budget crunch, you're done before you get started. For the lower tax bases, it will be great, for the places like Sanibel and down south, let's face it, the Haves are going to have to pay for the Havenots. That's just the way it is. He continues to explain how there will have to be a well detailed plan that is effective on a certain date, and people will suddenly no longer be working for their old department, under the old terms. They will have a new organization they work for and a new pay rate, and possibly even a new location at which to work. There will be areas of service delivery where we will have to fill holes; we still have 2 person fire stations in the county; (a minimum of 3, if not four). This station, if you went strictly full time, you are looking at 6-8 would need to be out here, because you are looking at a 4 person engine company on a full day, a 2 person rescue company, and probably 2 people to bring a tender and a brush truck during brush fire season. You might be able to get away with 6 in non brushfire season and 8 in brushfire season. He continues, we also don't have a ladder truck here in the north end. We would have to move a ladder truck up here and put 4 people up here, maybe at station 3 or a new station 1, or something along those lines to put a ladder truck up this way. Commissioner Cook states the one thing is, we do have the equipment in the county. He feels we do have enough equipment to cover the county. Chief states we would probably have to build some small sub-stations, like 31 and North River Road, would be one good example, or possibly a little further down North River because Shores would service that area. Then you have the decisions whether you are going to have single cert medics; are you going to have to send them to fire school... where it's more advantageous for the fire service to be involved in the EMS system is where we can have a firefighter paramedic on an ambulance, and we don't have to pay overtime until they go over 53 hours, as long as they have firefighter duties as well as EMS. With EMS, everything over 40 hours they have to pay overtime and most are on a 56 hour work week so every week they are getting 16 hours a week overtime. There's no money to be gained in EMS, the county talks about how much it costs to run, but they recoup all but about 2 million dollars of it. Chief doesn't feel it would be astronomical for us if we did it, but we wouldn't make any money. This concludes the discussion.

Commissioner Cook notes that the Board is present to hear any input or discussion the firefighters might have but there are none present to speak. Chief states that they are actually on a call. Commissioner Cook states there are those that are not on duty. Office manager mentions that we actually had a very good turn out last month. Chief Nisbet agrees and says we had about 8 present last month. With no public input Commissioner Hansen motions adjournment. Commissioner Klos seconded the motion. Motion passed unanimously. Meeting is adjourned at 7:30pm.