

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
April 8, 2014

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

Pledge of Allegiance

Invocation – Moment of Silence

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

Others Present: Some Staff & Public

Guest Speaker – Ms. Hoshihara of Nabors, Giblin & Nickerson, PA is here to introduce her firm that has proposed to assist us in developing a legally sufficient assessment program. She explains their assistance would entail working with our rate consultants and coming up with an assessable budget, appropriate apportionment methodology, provide assessment resolutions put in place so the District could annually implement this assessment, as well as assist with the rate adoption process. She offers to answer any specific questions as the Board may inquire. Commissioner Ducrou asks if her firm is the one that would assist us with variables after the fact if things need to be amended after the adoption of the assessment. She confirms, and adds that they have worked with GSG closely in implementing assessment programs throughout the state of Florida for Cities, Counties, and Special Districts. She states it would be ongoing; developing the program and the amendments as we work through them year after year. They would be here to help the District in doing those. Commissioner Klos asks if they are solely responsible to help special districts, fire departments and police departments. She asks if he inquires of her or her firm. He clarifies, she alone. She states there are primarily two in her firm Heather Ensinoza and her, and there are others that do assessment, and they also have a Fort Myers Office, David Owen is the attorney there, and he works on assessment stuff, though not exclusively. She and Heather are in the General Governmental practice so they primarily work representing general County governments. Heather is the designated County Attorney for Wakulla County and Ms. Hoshihara was formerly the County Attorney for Walton County. She continues their firm is unique that it has a niche practice, that it only represents governmental clients. Consequently there are no concerns about potential conflicts. This is their specialty. She continues, their firm in the early nineties was instrumental in helping develop the proportionate methodologies, then defend them in court; and so a lot of attorneys often use LexisNexis or Westlaw to do legal research, and there are features now where you

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can search by subject or topic, and there's a list on the side of the attorneys who have handled the most number of cases, and when you look up special assessments, the top two attorneys are in her firm, Bob Nabors and Rex Stuart who does litigation; so in terms of assessment, it would be primarily her and Heather. If we were to have the assessment challenged, they would offer their people in their litigation department, if it came to that. She continues that it is their focus with government clients, to help keep us out of trouble instead of getting us out of trouble. So, depending on public input and the unique characteristics of this area, there will be certain exemptions that we may want to put in place, and certain ways we want to set the rates, so all those you would want to do with the mind of whether they would be legally defensible in court if challenged. The consequence if challenged and lost would be refunding that money. Most Districts that implement the assessments do so because they need those funds, so they use them. They don't leave them sitting in a bank somewhere to return one day in case it was to get overturned, which is why they feel it is important to have attorneys involved throughout the process so there aren't loopholes or issues that would expose us to any liability. Commissioner Ducrou states that they would then work with us on the language for the amendments and variances on things. Ms. Hoshihara confirms and states there are a lot of variances or exemptions we can put in place, and because we are talking about Public Funds, in order to create an exemption you have to connect the dots and show there is a public purpose to use more of the general fund to fund the particular shortage, because what happens when you create a variance or an exemption you can't assess all the other property owners to make up that shortage, because it has to be based upon the benefit that property is receiving, so if you were to exempt nursing homes for example, you would have to find other available funds within the budget to pay for that exemption. So it is essentially a buy-down, and in order to do that, you have to come up with a public purpose. That is where this firm would come in. So for the resolution, they would come up with the right language to put in that resolution so that it meets all of the legal sufficiency tests that have been statutorily created as well as through Florida case law. The Board has no further questions. Chairman Ducrou asks Chief Nisbet if he has any questions and he declines, but introduces Attorney Ian Mann the District's council and offers him the opportunity to ask questions. The Board thanks her for her time and presentation and she offers to answer questions should they arise during the meeting, and she has given Chief contact information as well. Commissioner Klos invites her to stay for the remainder of the meeting, and she graciously accepts. With no further questions, Chairman Ducrou entertains a motion to accept March 11, 2014 Board Meeting Minutes.

Minutes – Review and Acceptance of the minutes of the March 11, 2014 Board of Commissioners meeting. Motion made by Commissioner Klos to accept the minutes. Commissioner Griffin 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 March financials. Commissioner Griffin moves to accept the March financials. Commissioner Klos seconded the

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motion. Chairman Ducrou calls for questions or comments. With no questions or discussion, and none opposed, motion carries.

Fire Marshal and Administrative Reports (attached) – Chief Nisbet reads the Fire Marshal and Administrative Reports into the record. Chief Nisbet adds that compared to first quarter last year, this year's first quarter reflects an approximate 15% increase in call volume. Chairman Ducrou calls for questions or comments. With no further discussion or questions, Chairman Ducrou calls for Petitions.

Petitions before the Board – None

Union Petitions/Discussions – None

Old Business – None

New Business –

- **CCB Request** – Chief Nisbet states the Concerned Citizens of Bayshore contacted Sharon Harrington of the Supervisor of elections and has, at the meeting with Chief the other night, made a request he said he would ask the Board about. They find the District has 3355 registered voters and they would like a sample ballot concerning the Assessment be sent to our electorate. He notes the request would include 3400 pieces of mail, which would cost the District approximately \$1,394 that would include the postage. He adds that we are already planning on putting out an informational flyer. Chief states he told them he would ask. Commissioner Ducrou states he is not in favor of it. He feels the information is going to be out there, and we are holding an open house here... Chief confirms we are going to host a "Town Hall" meeting here and he will be asking for a date to be set in new business. Commissioner Griffin asks again, the number of registered voters in the District. Chief reiterates the number is supposed to be 3355 but he feels that number is high. He thought it was closer to 2200 or 2400. Commissioner Klos wants to know what it will hurt if we send out a sample ballot, a thousand dollars? Chief Nisbet states it is \$1300 we didn't budget for. Commissioner Griffin states, it is more money that we don't have. Commissioner Ducrou states he would rather we take all the time we can and talk to people one on one. People that are willing to come here and listen to the entire thing, rather than just reading a sample ballot without all the details. Chief Nisbet agrees, he wants to make sure people get accurate information and have a good understanding of all that is involved here; because there is a lot of misinformation that is being displayed and understand what the intent is and we are trying to keep a staffing shortfall from taking place. He feels he could definitely use those funds to make sure we got some information out. He would like to put a lighted sign up, which he does not know yet whether it is going to cost us money or not. He would like to have one for the meeting and for it to be free, but we may have to pay for that. Commissioner Griffin asks when Chief was planning for the meeting. Chief states he was asking the Board in the New Business; he is looking for a Tuesday and is looking at the 6th, 20th, or the 27th. The 27th, he notes, is the day after Memorial Day. Chairman Ducrou states the 27th is the only date of the three that he is not on shift and could attend. Commissioner Griffin states the 27th will work for him. Chief Nisbet asks for a motion so we can advertise it

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so it will allow as many of the commissioners to attend while conforming to the Sunshine Laws. He wants to put a lighted sign out front for the week before, so we can have as much of the public present as possible. It is requested to be at 7:00pm. Commissioner Griffin moved for the 27th of May at 7:00pm. Commissioner Klos seconded the motion. With no further discussion and none opposed, motion passed. Chairman Ducrou calls for any other new business and hearing none, Commissioner Klos asks if we know how long Commissioner Hansen will be out. Administration states he just couldn't move to get out tonight, we don't know any more than that. Commissioner Klos asks if we can send him a card or some flowers. Chief says we will send him some flowers. Commissioner Griffin asks what the latest is on the Loves project. Captain Underwood states they have moved the opening date to something like June 5th due to permitting issues and plans and stuff. They are really moving along but had to remodel some work on the inside due to some major changes. Code issues, Health Dept. came in and made them add some sinks. Commissioner Klos asks what restaurants are going in there. Captain Underwood states Wendy's and Subway. Commissioner Griffin asks if there's anything new on Northbrook. Chief Nisbet states nothing we haven't already discussed; he believes the infrastructure is still slated for the fall of this year. He believes they have gone through some permitting processes but we haven't gotten any Phase One plans from the County yet. Captain Underwood states the most recent letter he has received stated the County staff has recommended approval, and it has to go before the Board to get the final approval because all amendments to development orders have to get approval from County Commission. Commissioner Ducrou asks if we have the final packet for what they are being asked to final approve. Captain Underwood states it is just part of the original development order, which called for 250 homes of the 1200 planned and they will have to do a development order for the remainder as they are ready to build. The amendment they went for was to add some entrances on Pritchett Parkway and re-lay out some of the roads because the comp plan they originally were approved under has changed under the new laws implemented by Governor Scott. Chairman Ducrou thanks Captain Underwood for his information. With no further comment and no more new business Chairman Ducrou calls for Public Input.

Public Input – Hearing none Chairman Ducrou calls for Motion to Adjourn

Motion to Adjourn – Motion to adjourn made by Commissioner Griffin and seconded by Commissioner Klos. With none opposed, meeting adjourned 7:22pm.