

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
April 12, 2011

Meeting called to order at 7:01 p.m. by Chairman Ducrou

Invocation – Moment of Silence

Pledge of Allegiance

Roll Call: Commissioner Ducrou – Present
Commissioner Hansen – Absent
Commissioner Cook – Present
Commissioner Griffin – Present
Commissioner Klos – Present
Chief Larry Nisbet - Present
Office Manager - Theresa Sharp - Present
Attorney Ian Mann –Available by phone if needed

Others Present: Some public

Minutes – Review and Acceptance of the minutes of the March 8, 2011 Board of Commissioners Meeting. Motion made by Commissioner Cook to accept the minutes. Motion seconded by Commissioner Klos. Chairman Ducrou calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Financial Report: Review & Acceptance of the March 2011 Financials. Commissioner Cook mentions the different appearance of the financials. Commissioner Ducrou confirms that they provide more detail and visual representation. Chief Nisbet explains that they supply more simplified layout with summarization of each financial account and add trend information. Commissioner Ducrou states his appreciation and that it looks nice. Commissioner Cook agrees with regard to the appearance. Commissioner Klos motioned acceptance of the March financials. Commissioner Griffin seconded the Motion. With no questions or discussion, and none opposed, motion carries.

Admin/Ops/Fire Marshal's Report (attached) – Chief Nisbet reads Fire Marshal report into the record with the notation that the Pioneer Village Hot dog Day donation amounted to approximately \$1300.00; and that the steaks that Upriver made in appreciation for the Department were very good. Commissioner Cook asks about the project "Racetrac" that is mentioned in the report, asking what they are doing there. Chief Nisbet responds they are building a brand new fuel station on the north side (of Bayshore) in the commercial park. Chief Nisbet adds that he answered a call today inquiring about fuel pressure lines. Commissioner Ducrou states this way they don't have to clean up the site on the other side. Commissioner Cook states it just seemed weird to him since they already had a spot (referring to the old site on the south side of Bayshore closer to I-75). Chief Nisbet completes the Inspection Summary tally and moves forward to read the Administration report into the record. Chairman Ducrou calls for questions; hearing none he calls for petitions before the board.

Petitions before the Board – None

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Union Petitions/Discussions – None

Old Business – None

New Business –

- **Resolution 2011-01 Adopting Fee** - Chief Nisbet explains that this resolution is being offered in conjunction with certain abilities offered to us through Florida Statute 590.14 and Florida Statute 191.009. Chief Nisbet explains that this resolution is fueled by the fire we had in District last month along the railroad tracks. That fire was ignited due to a mechanical malfunction of one of the trains and the storage of old railroad ties near the tracks causing the additional fire hazard resulting in an additional fire load. Chief Nisbet goes on to explain that through the state statute and the Division of Forestry, if we have an intentional act such as that one, we are permitted to charge suppression costs. Other examples of scenarios would be if someone was burning illegally and caused a big brush fire it would be their fault and they would have to pay for suppression costs. Commissioner Cook agrees that it is a good idea but inquires as to how we would figure what it costs them. Chief responds that there are hourly rates for engines, etc. and personnel would be at their hourly rate unless they are called in, in which case it would be their hourly rate at time & a half; volunteers would be at \$25 hour, administrative costs would be at \$25 hour, our primary engine would be \$75 and hour, the six-bys at \$65 an hour and the small brush would be at \$55 an hour. Commissioner Cook agrees that it's a great idea but questions what happens when we send them a bill and they don't pay. Chief Nisbet explains that we work in conjunction with the Division of Forestry; we put a lien on their property, or we can go through them (Forestry) and they (the party at fault) get fined through the State. Commissioner Ducrou inquires if the payment platform that we adopt is consistent throughout the county. Chief Nisbet explains it is the payment platform that the State has adopted. Commissioner Cook asks then that we have something to back us up? Chief Nisbet confirms. Chief Nisbet goes on that it is pretty much FEMA and State rates. Commissioner Cook says "ok" so long as we don't have to defend ourselves on everything, that would be a pain in the neck. Chief Nisbet adds that the other part of that is, the guy that is burning illegally, he's not going to fine him, he's just going to tell him not to burn and put it out; however, if we go back the next day and he's doing it again and now it has gotten into his neighbors' yard, he's getting charged. He goes on to explain that it gives us the ability to replenish foam, and equipment and maintenance; he's not looking for an alternative revenue stream, just reducing the impact of an intentionally caused fire. Commissioner Cook adds, "or negligence as with the railroad ties". Chief Nisbet confirms. Commissioner Cook motions acceptance of Resolution 2011-001, seconded by Commissioner Klos. Chairman Ducrou calls for questions or further discussion; hearing none, calls for opposed; hearing none, motion passes.

- **Current Bargaining Unit Contract – Modification & ratification** – Chief Nisbet states, beginning May 11, 2011, we start receiving funding for the next three higher positions on the firefighter's rank. Chief advises per the Board's decision in the Executive Session held March 8, 2011, he presented the Bargaining Unit with a letter stating the Board's intent to raise the hourly rates back to the original salaries of September 30, 2010, and the reinstatement of the annual physicals. He goes on to state that the language in the contract has been modified to reflect these changes and that the DVP, Local 1826 representatives, and he, have read over the changes and now are presenting the revised agreement for the board ratification. He adds that the Bargaining Unit has already ratified it. Chairman Ducrou asks for confirmation that the board is just officially ratifying what was decided at the Executive Session. Chief Nisbet confirms.

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Chairman Ducrou asks for motion to put into place the current collective bargaining unit contract modifications from said Executive Session March 8, 2011, to take effect May 11, 2011.

Commissioner Griffin motions acceptance. Commissioner Klos seconds the motion. Chairman Ducrou calls for any discussion; hearing none he calls for opposed; hearing none, motion carried.

- **Establishment of 457 Plan** – Chief Nisbet states that the Data Systems proposal for a 457 plan was favorably received by a large number of staff. It would provide a deferred compensation plan allowing staff to put away additional funds to build their retirement income, and many are very young so they could build up a very significant income for their retirement, at no cost to the District, and no administrative cost. Chief Nisbet goes on to state that this company is supported by the FASD and the Florida Fire Chiefs Assn., Florida Professional Firefighters, and the Florida Fire Marshals Association. Chief Nisbet requests authorization from the Board to establish the 457 Plan for the employees. He adds that for the District all it will require of us to set up a QuickBooks payroll deduction for which we will cut a liability check each month. He adds that there are two positions to be filled administratively; Chief himself will be sitting as the Trustee, overseeing the Plan, and Billy (DVP) will be sitting as the Plan Administrator. Commissioner Klos asks who the Plan is through. Chief Nisbet responds Data Systems through Cincinnatti Insurance Company (the exact name for which he is uncertain as he does not have the plan itself before him). He adds that once he has received Board approval, he will be bringing it back before the Board at the next meeting for execution. Chairman Ducrou calls for a motion to initiate a 457 Plan as described by the Chief. Commissioner Cook makes the motion to establish the plan. Commissioner Klos seconds the motion. Chairman Ducrou calls for any further discussion, hearing none he calls for opposed, hearing none, motion carries.

Public Input – None -

Chief Nisbet states that he has an addition item for new business. He advises the Board that last week one of the employees came to him asking for the opportunity to “buy-in” his initial part-time service when he began with the department for vesting in the Florida Retirement System. After Chief’s initial investigation, he finds he has opened up a box. His findings have revealed that any employee that works(ed) a regularly scheduled position longer than 6 months in a position that is permanent, is/was entitled to FRS benefits. It is determined that we have to now go back and identify any employees who worked between 2003 when we entered into the Florida Retirement System and 2008, when we ceased the use of part time staff; and any unreported wages paid them during that period. Chief Nisbet advises he spoke with the District’s attorney and we have no choice. He adds that he also can not ignore it as he is now aware of it. He does not yet know the impact of the situation, but he does know it will not be small. Commissioner Klos asks if he is just making the Board aware of the situation at this time. Chief Nisbet confirms and continues that the attorney has advised him to find out as much as he can and then the attorney will negotiate on our behalf to see if he can get them to waive fees and penalties. Commissioner Cook asks if the attorney has gotten back with Chief as he was going to get with someone and get back to Chief. Chief Nisbet responds to the negative. Commissioner Ducrou (facetiously) states what great timing this is since we have so much spare money at this point. Commissioner Griffin states that this goes way back though; and asks how far back it goes. Chief Nisbet replies 2003-2008 and adds that it involves approximately 10 employees and probably more than \$325,000 in payroll. Commissioner Cook calculates that liability to be possibly \$100,000. Chief Nisbet estimates it between \$100,000 to

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\$200,000. Commissioner Cook states that there's really not much discussion, we really have no choice. Commissioner Griffin refers to it as a skeleton in the closet. All of the commissioners are happy they are not responsible. Commissioner Ducrou states "it is what it is". Chief Nisbet states he can not ignore it as he would be guilty of malfeasance. Commissioners joke that if he would, it would be their way out of his (Chief's) contract. Office Manager reminds Chief he wasn't here either when all this was missed. Chief grabs that opportunity to plead his innocence in all of this as well. All kidding aside Chief Nisbet assures we will get the situation fixed; he is just not certain what the plan will be. Commissioner Ducrou thanks him. With no further discussion offered, he calls for any additional new business. Hearing none, he again calls for Public Input. Hearing none he calls for motion to adjourn.

Motion to Adjourn – Commissioner Cook motions adjournment. Seconded by Commissioner Klos. Vote called & passed unanimously. Meeting adjourned at 7:24 p.m.