

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
May 8, 2012

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

Pledge of Allegiance

Invocation – Moment of Silence

Roll Call: Commissioner Ducrou – Present

Commissioner Hansen –Present

Commissioner Cook – Present

Commissioner Griffin – Excused

Commissioner Klos – Present

Chief Larry Nisbet - Present

Office Manager - Theresa Sharp - Present

Attorney Ian Mann –Present

Others Present: Some public

Minutes – Review and Acceptance of the minutes of the April 10, 2012 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 April 2012 financials. Commissioner Hansen motioned acceptance of the April 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 Fire Marshal and Administrative reports into the record. Chairman Ducrou calls for any questions or comments. Commissioner Cook thanks Chief for his 4 years of service. 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 –

- **Chief's contract** – Chairman Ducrou notes the copy of the proposed contract before the Board. He states that Chief's intent was to stay status quo because he knows the current position the District is in. He notes also that when we brought him on, the Board chose not to pay him his requested compensation at the time, with the intent to try to get him there in the next few years. That did not happen due to the property valuations and the District's financial status. His compensation has pretty much gone the way everyone else's pay has gone. He adds that he is, with the exception of Pine Island, the lowest paid Chief in the county, with the least amount of benefits. He adds that Chief is not complaining about it, Chairman Ducrou just wants the Board to be aware of it; and that Chief Nisbet enjoys working for the District, and the challenges involved as he tries to mold the District into what he sees it should be, especially in these times, with the finances and the budget we have. Chief, he adds, was the one to bring the section 3.5 change to Chairman Ducrou's attention, as he did not know the statute had changed; not even just the 20 week leave compensation, reduction from 52 weeks to 20 weeks. He notes there was the other change as well, where the Board had given

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him a lump sum leave when he was hired. Chief Nisbet adds that Section 14.3 was also changed pertaining to if he wants to go for his master's, we will only budget for it at that time, should he choose to pursue one. The expense then would be Board approved at budget time. Chairman Ducrou states that was another cost savings they saw at the time they worked out the contract. With no other changes proposed, Chairman Ducrou calls for motion to adopt the tentative agreement. Commissioner Hansen motions to adopt the contract. Commissioner Cook seconded the motion. Chairman Ducrou calls for further discussion. Commissioner Cook inquires where Chief's wages should be. Chairman Ducrou states that an average based upon the 4 comparable nearby Districts; North Fort Myers, Shores, Tice, and Pine Island, he estimates that Chief Nisbet is about \$10,000 short. He adds, that it is a money thing, and we do not have the money coming in right now. Commissioner Cook adds, that Chief would know. Chairman Ducrou notes that June 1 we will receive preliminary numbers, and he hopes that we have finally ceased the decline in the valuations, and can start to rebuild from there. He offers that he has done the work on the comparative wages, and can provide that for the Board for the next meeting. Commissioner Cook asks, budget-wise, how many departments are lower than us. Chief Nisbet offers that in reference to budget, Alva would be the only one. Commissioner Ducrou states that when you look at budget, you have to look at other things, what your overhead expenses are comparatively, like how many employees do you have, do you have more than one station, because your budget gets eaten up many different ways. He goes on to say, that's why we tried to limit it, for both the bargaining unit and the Chief, to say we wanted to do comparables within the north and northeast region instead of areas like Estero, because we know we don't have the money to compare with areas like that. That's why we took these areas to use for comps. Commissioner Cook agrees. DVP Lemieux asks if it's possible for us to collect the other staffing numbers while we are looking at Chief's. Commissioner Ducrou states we can; the numbers will be available. Chairman Ducrou calls for any further discussion, and hearing none, calls for any opposed. Hearing none, motion carries. Commissioner Hansen asks if that takes effect June first. Chief Nisbet confirms it does, and adds that it is effective for five years. Commissioner Cook states that the Board is happy to be able to lock Chief in for another five years. That's a good thing. Commissioner Ducrou states that he believes Chief has been offered other options, but has declined; which he feels is a good sign for us. Chairman Ducrou calls for any other old business. Hearing none, he calls for new business.

- **Resolution for Elections** – Chief Nisbet states that the resolution is for seats 2 and 4. Those being for four-year terms. Commissioner Hansen motions to accept the Resolution 2012-03. Commissioner Klos seconded the motion. Vote is called and unanimously adopted. Chief Nisbet notes that qualification period is from Noon on June 4th to Noon on June 8th.
- **Chief's vacation** – Chief Nisbet notifies the Board that he will be on vacation from July 5 through July 22nd, he will be at his cottage in Canada. He advises he will miss the July board meeting.
- Chief adds to the agenda, the discussion of the replacing of the mattresses we brought up last Board meeting. He states that the last mattresses we purchased are not holding up, that some are having back issues; and he has been looking into the model that Commissioner Ducrou sent him some information on. It is kind of like a sleep number bed, it's a Comfortaire mattress, which is usually \$1600 each, but the GSA is \$625.

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Commissioner Hansen asks what size mattress that is. Chief Nisbet replies that is the extra-long twin. Commissioner Ducrou is going to send Chief the contact information. Chief states that it is not a budgeted item, but he would like to go ahead and replace those for the guys. Commissioner Cook asks how many we are talking. Chief Nisbet replies eight. He states we can use some of the Upriver donation for that. Commissioner Cook asks how old these are. Chief replies 2 years or so. Commissioner Cook is incredulous, stating it seems like we just talked about these. He asks if it is two years, or three, and will we need twelve? Chief replies that it is two or so years, and that we had actually bought Serta last time, and they are just not holding up. Commissioner Cook asks if weight is the problem or what. Chief laughs and states he can neither confirm nor deny, and explains that the nice thing about these beds, is that they are made of components, that are replaceable. We didn't have to replace the entire mattress. He believes they have a 5 year warranty, and the estimated life span is 10-15 years. It has an air bladder, he explains, so they can adjust the firmness. Commissioner Ducrou asks Chief if he has spoken with her about demonstrating one. Chief states he has not, he hadn't gotten that far, he hasn't spoken with the representative that Commissioner Ducrou had, yet. Commissioner Ducrou states that his Department is still only researching them right now. Commissioner Cook asks if they had gotten to use them yet. Commissioner Ducrou states he had actually received the recommendation from his chiropractor. It is the mattress he will probably end up buying for himself. He adds that they are probably going to demo one, since they will be buying so many, and they need to make sure that the pump's not too noisy, and that it's going to accommodate everybody. He feels that at \$600 they are not much over the typical mattress. Chief Nisbet agrees, he recalls paying over \$400 for the last ones, maybe close to \$500. Commissioner Hansen addresses Commissioner Ducrou, asking if his station is looking at getting them. He replies he is looking at using some of the fees imposed to the contractors for running past a year on building their new station for funding the difference. Because they have already tried the Sertas and others, and they just don't last, they want to try these. Commissioner Hansen asks if the idea is that if they get them and we get them, were going to get an even better price? Chief replies, that this is the GSA price, so it doesn't really matter how many of us get them, that is the price, it's pretty much wholesale. Commissioner Ducrou states that it's better than wholesale. He goes on to say that the primary difference between the \$500 one and the \$600 one, is the noise level of the pump. And when you're in a large open room with them, and somebody wants to adjust their bed... Commissioner Cook asks if these then are adjustable... Commissioner Hansen says, yes, you set it to your number... Commissioner Ducrou explains that they are, and the big thing about them is, that take someone like himself, who can't sleep on their side in a regular bed, this bed is adjustable to each person's comfort, it takes off pressure points, because you can tailor a mattress to fit you. Commissioner Cook states it sounds like a no brainer. Chief Nisbet requests permission to proceed, and get a demo. Commissioner Ducrou states he will get Chief the contact info tomorrow. Chief Nisbet states he will have more information for the Board next meeting. Commissioner Ducrou states, if he can personally get GSA pricing, he can afford to go ahead and do it, because they had some kings that were \$7,000 on up to \$11,000. There is some conversation how these are normally very expensive mattresses and the great price this is. Chairman Ducrou calls for any other new business.

Chief Nisbet wishes to update the Board on Captain Brunson's condition (injured work comp.). He has had his surgery, that the injury was not as bad as they thought it was going to be, but he did end up having his quad repaired, reattached, so it's going to be another 3-

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4 months, instead of six. DVP Lemieux adds that rehab will begin within 3-4 weeks. Commissioner Ducrou asks if we did an injury investigation, was it just like water leaking out of a truck, or what? Chief Nisbet confirms we did, there were 3 witnesses, it was just a little bit of water, of uncertain origin, just a very small water spot. Commissioner Cook asks if it was here, in the bay. Was it by the ice machine? It was not. With no further discussion, Commissioner Ducrou asks about the copy of the Thank you note in the back of the Commissioner package. Chief Nisbet explains that Bayshore, Shores, and Alva got together and bought the dispatchers pizza for Dispatcher's Appreciation Week, so we took over a couple of pizzas per shift, and they sent us a thank you. Chairman Ducrou understands now. He then mentions one other item of new business, another item in their packet, The Fire Commissioners Forum. He states that he is not opposed to our participation in it, but he would like to see the frequency scaled back. We can do them quarterly, or even twice a year, and if something comes up, we can base the meetings on need, and maybe, the Friday before, we get confirmations before the meeting, on who is going to attend, so that we don't show up, when there's no quorum. Chief Nisbet states they are probably going to have to get their By-Laws changed in order to do that. He adds that they are going to have to get a quorum there in order to do that. Commissioner Ducrou states that he went through that with his Homeowner's Association, where they ended up going door to door, begging people to go to that one meeting, and after that meeting, they were able to change things, to make it represent. Whatever number we come up with, if it's half of whatever fire districts they want to include, a quorum should be decided. He feels there are certain things that we could educate other commissioners on, everyone has information to offer, he continues, he has tried to get to the point of the meetings before; he has tried to find out why we have them, he doesn't recall anything that's positive having come out of them. What Leroy explained, was that they came out of a requirement for passing of legislation that would allow the commissioners to be paid up to \$500 per month; that they attend some type of joint co-op meeting. He does not know whether Collier holds them, or other fire districts do this, or what, but it was more of an obligation to justify compensation, than to accomplish a purpose. He does feel that there certain things on which we need to educate commissioners. Commissioner Cook states he has attended one and doesn't feel it is productive either. Commissioner Ducrou states, in his opinion, it is not structured, he would like to see an agenda that isn't just a generic old business, new business; if there is some topic we are going to discuss, then have it on there. He feels that everyone could bring something different that they see to these meetings, like he would like to talk about, you know, all these fire districts, we're trying to be more fiscally conservative, more efficient in the way we spend district's money, he still sees or hears reports of fire commissioners paying attorneys to negotiate collective bargaining agreements against their labor in their departments. He feels if he could educate some of the commissioners on it, it is a gigantic waste of money. He states, the Board makes the ultimate decision on whether a contract is approved, or what direction they want the Chief to go in. If a fire chief can negotiate a contract on a fire apparatus, or he can help in negotiating his own contract, he can surely negotiate a contract against labor. For some reason, they all want to take this hands-off approach and have somebody else be the bad guy, at the cost of \$200-\$300 an hour, it gets stretched out, it just doesn't seem to make sense. He feels there are certain things that the forum could be used for, to try and educate each other on. DVP Lemieux states that not everyone is like Commissioner Ducrou, he wishes they were, but not everyone is going to change things, or go. Commissioner Ducrou states that not everyone is going to listen to him if they know his background; he has a lot of guys that hate him and he has other commissioners that hate him, because of his history; but it is what it is. The

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turnout is really the problem. Commissioner Cook states that they can't have two commissioners from a district show up. Commissioner Hansen states it is not a Sunshine violation because of the way they advertise it. Commissioner Ducrou states that since the meetings are published in the paper, all five of ours can go. The problem is, they started counting commissioners to see if they had a quorum, and half of them would be from the same district. When you count for quorum, you can only count one from each district, and if you have to vote on anything... only one commissioner can vote from that district. Otherwise you can have four or five from a district show up, and carry the vote. Office Manager attempts to address and identify our Board's response to Mary's questions for all commissioners.

- 1) Are we interested in being a part of the organization, the apparent answer is that we find it could be beneficial and effective if organized properly.
- 2) Where would we like the meetings held? South Trail on Daniels is preferable.
- 3) Are commissioners aware of their duties?
- 4) Are commissioners aware of the purpose of the Fire Commissioner's Forum. It would appear, as stated to us, that it is to satisfy a requirement for reimbursement.
- 5) Are the commissioners aware of what the Forum has accomplished in the past? Generally our Board is not. Commissioner Ducrou knows one of the things they tried to do was a co-op health insurance, but the problem was the plans are so different, and they couldn't get the medical information from all the individuals to try to get that accomplished. Chief Nisbet notes that the Fire Chiefs are currently working on an insurance and fire clinic with the Sheriff's office with Dr. Rhode, it is in the developmental stages right now. They started working on it a month ago, and it is probably not something they are going to have done for this year, but they feel confident they will have something to look at by next year. They are looking at worker's comp and everything, and it is probably going to be in conjunction with the Sheriff's Department Clinic site, but Dr. Rhode wants to include the fire departments. Commissioner Ducrou asks where the Sheriff's Department Clinic site is. Chief Nisbet believes it is on Metro somewhere.

Commissioner Cook asks if they don't have dues, where do they get their \$3737. Commissioner Ducrou states they used to have dues, but they waived them. Commissioner Cook asks if every district paid. Commissioner Ducrou states they did. Chief Nisbet states it was an annual fee, like we do with the FASD, we pay a percentage of our ad-valorem taxes. Commissioner Ducrou states that he believes the only cost they incur is the corporation filing fees. Chief Nisbet believes that is true, because we had to pay to advertise the meeting we hosted. The Board was surprised at that. Commissioner Ducrou wonders why you would not advertise once for all of them. Office Manager states it is because they are always looking for the next site. Commissioner Hansen states that if they did select a central site, they could do advertise them all at once.

Commissioner Ducrou states the suggestions made are: to set one central location as the site for the meetings, advertise all the meeting dates at one time, and recommends they be quarterly. And if something comes up, and you need to have a special meeting, there's nothing that precludes it. Commissioner Cook agrees that there is a lot of good that could come of this organization, if you've got a lot of districts represented, not just a lot of people. Chief Nisbet offers that FASD conference is next month, and we are going to have a fire district's roundtable where we will discuss a fire district section for lobbying legislative issues, part of FASD, but our own area of concern. Commissioner Ducrou states that is valuable,

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because there are so many fire districts. Chief Nisbet states there are 64 fire districts in the state. Commissioner Ducrou states that if all 64 are working toward the same legislative priorities, we can get things done in Tallahassee. Commissioner Ducrou feels Lee County Fire Chiefs are on the right page. He hopes we can harness that with the rest of the state. That's what he didn't like about the meeting he went to for FASD in Tallahassee, there were just too many other types of districts represented to be able to focus on just the fire districts. There was too little focus. What Chief is talking about could be very beneficial if we can get all 64 on a fax and e-mail, and there's strength in numbers. DVP Lemieux suggests we stay on that healthcare consolidation path, since healthcare is so expensive, and until we can all lobby as a group, they will eat us alive; but everybody will be jumping at a chance to deal with thousands of employees at a time. Commissioner Ducrou states that the employees with the union are the same problems that we have with the fire districts with the chiefs. Unless financially, you are forced to make painful choices with your health insurance, just like the districts would be to merge, they will fight it every step of the way. Unless something financially forces you to make those adjustments, he doesn't see a consolidation happening. DVP Lemieux states that a lot of the old guys are retiring, and we're losing those people, and the new people are younger, and realize that unless you do, you are not going to win. Commissioner Ducrou sees a different younger group than that. DVP Lemieux states that we've got to stay on that, it is the only way we will win there. Commissioner Ducrou states he understands, it is a huge cost, we have to be smarter about it. It's good to have these discussions; we need to work toward their outcome.

Chairman Ducrou asks if there are any more questions with regard to the Fire Commissioner's Forum. Hearing none, he calls for any other new business. Hearing none he calls for Public Input.

Public Input – Commissioner Hansen asks if there is anything from the attorney. Attorney Mann replies he is just happy to be there. The Board expresses their appreciation that he is there. With none other offered, Chairman Ducrou calls for motion to adjourn.

Motion to Adjourn – Commissioner Hansen motions adjournment. Commissioner Klos seconded the motion. With no discussion and none opposed, meeting is adjourned at 7:39pm.