

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
June 8, 2021

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

**Invocation** – MOS

Commissioner Ducrou – Present  
Commissioner Hansen – Absent  
Commissioner Mere - Present  
Commissioner Griffin – Excused  
Commissioner Cook – Present  
Chief Larry Nisbet – Present  
Office Manager – Present  
Attorney Ian Mann – Present (7:10)

**Others Present:** DVP & some staff & Public

**Public Input Agenda Items** – None

**Minutes** – Review and Acceptance of the minutes of the May 11, 2021 Board Meeting. Motion made by Commissioner Cook to accept the minutes. Commissioner Mere seconded the motion. Chairman Ducrou calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

**Financial Reports** – Review and Acceptance of the Financials for May 2021. Motion made by Commissioner Mere to accept the financials. Commissioner Cook seconded the motion. Chairman Ducrou calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

**Promotional Ceremony** – The Department recognizes:

Firefighter Justin White  
Engineer Chad Gollieher  
Captain William Lemieux  
Fire Chief Doug Underwood  
Retiring Fire Chief Larry Nisbet receives Axe Award

**Fire Marshal Report** – Chief Underwood states we have no Fire Marshal report as we've been doing hose testing and promotions and other maintenance items, and annual inspections are pretty much done for the year. He updates the current involvement with MW Horticulture stating that as anticipated, once the county's case was dismissed, there's been little to no effort to make progress at the site and the equipment has again been removed from the site. Consequently, since their equipment is in "repair" somewhere south, we have had to take care of some hot spots out there at their request. Attorney Mann offers at this time, he had spoken this very day to Jennifer Gutmore from the County Attorney's Office, they have filed the amended lawsuit, as the first filing cited "too many different laws" that were being cited causing the defendants to claim they "couldn't tell what they were accused of doing wrong." The judge agreed, and so the County has been working to simplify the focus of the lawsuit which he feels should help insulate it from another similar attack. He continues; the downside is, it appears we have, to a certain extent; the success of the

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district in getting Minus Forty Technologies and MW to, at least partially, remediate the problem, may in fact slow down the County's lawsuit because they lose a little bit of their argument about it being an emergency. They improved the problem a little bit, it's no longer a critical danger, it's still clearly a nuisance under the County's code, so their long-term goal hasn't changed, but it's not crystal-clear right now whether it's going to have a significant impact on how fast the County's lawsuit is moving. From our perspective, our plan has always been to not get caught in the cross-fire between the county and the land owner and get dragged into a lawsuit to cost us a lot of money, we're still successful in that strategy; and we're going to maintain our position of assisting the county as requested, enforcing the fire code, but closing them down, that's the County's lawsuit, and we're standing by to assist and watch. Chief Underwood adds that the emergency, what they've done to mitigate some of our concerns, was they removed all of the green waste that had not caught on fire yet. There was a pile toward the back that had not caught on fire yet. The remaining piles to the left are piles that have already burned, covered in dirt, smoldering. So now, for public nuisance, we won't have some raging fire out there any more, we could have some fires, but they're going to be small in size, small in scope. And, he adds, they've got equipment on site, which it's temporarily not there, and they've opened up the fire lanes better, allowing us better access. Those were our top concerns we entered on my last affidavit last month, and they immediately mitigated those first, to try and eliminate that emergency, but the county is still trying to file it as an emergency, using us less as an emergency and more of a county zoning issue with the public nuisance and the public hazard with the smoke continuing to billow off the site when the small smoldering piles start up. Someone asks if they still have those voids in there, that is the danger. Chief Underwood agrees and states they do, and that's still in there, but having the equipment on site, and they also fenced off the property again, that's one of the complaints I had in my last affidavit, to secure the property, per fire code, so they did that; but as soon as the case was suspended, they stopped doing any production. Commissioner Mere asks if the neighbors are still blocking the exits. Chief Underwood responds, there are still people parking vehicles, but not hindering, they said they're going to start using dump trucks instead of walk-in tractor trailers to remove the debris so they have access to get in and out with the dump trucks with the access they have and they are maintaining the 20' fire lane for us. Commissioner Ducrou states that's what they used when they came back was the dump trucks, right? Chief Underwood agrees that's correct. Chairman Ducrou asks for any further questions for the Fire Marshal report and hearing none, moves on to the Administrative Report.

**Administrative Report** (attached) – Chief Underwood reads the Administrative Report into the record. Chairman Ducrou calls for any other questions for the Chief. Hearing none, he calls for Union Petitions.

**Union Petitions** – Hearing none he calls for Old Business

**Old Business** – Hearing none he calls for New Business

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**New Business –**

- **Set Maximum Millage Rate** – Commissioner Mere moves to set the Maximum Millage Rate of 3.500 mills. Motion seconded by Commissioner Cook. With all in favor, motion passed.

- **Authorize Office Manager to set Budget Hearing dates** – Commissioner Mere moves to authorize OM to set the budget hearing dates. Commissioner Cook seconded the motion and with none opposed, motion is passed. Commissioner Mere asks if they have made it so that we can do our TRIM advertising on line yet, so as to save money. Office Manager states they are working on that, but TRIM is such a delicate issue, they have such stringent laws due to taxation. She expects to get more definitive details at the conference.

- **Reminder to all Commissioner their Form 1 Financial Disclosures are due July 1<sup>st</sup>.** Commissioner Mere offers that if they haven't already done so, they can do it on-line.

- **Authorization to Transfer Command** - Commissioner Mere moves to permit Chief Nisbet to Transfer Command to Chief Underwood on June 29, 2021. Commissioner Cook seconded the motion and with none opposed, motion passed. Chief Underwood notes we will have a Changing of the Guard on the 29<sup>th</sup> with all Commissioners invited.

**Chief's Items** - Chief Nisbet advises the board of an overpayment made to him in payroll of a total of \$1,307.70 which has already been handled as the pay has been corrected and he has opted to, and has already repaid the sum in full rather than do the payment plan offered in our handbook. He just wants the board to be aware of the situation and how it was handled.

Lastly, Chief Nisbet states I want to thank everyone for the plaque and an awesome 13 years and states "you have been an awesome board, and while we've had some passionate discussions we have always come together for the greater good. And this is a one-station small department with the same class ISO rating as a large department, and that's because of these people sitting right here and what they have done. I am ecstatic about the fire chief coming in, I think he's gonna do great. I ask you to give him the latitude you gave me to lead, and to think outside the box, and to move forward though you may not understand exactly what he's thinking; he's got some good ideas. And again, thank you for giving me the opportunity to be the Fire Chief here. I really appreciate it." The Board and staff thank him for taking the job.

Chief Underwood asks the Board to allow him to secure one more credit card attached to the current Visa account. He explains the Chief carries one and the Office Manager has one she keeps in her office that floats to whoever needs to make a purchase; and he requests one now for the shift Captains to control, that will follow the same policies and procedures and accesses the same credit line as the others. Commissioner Mere asks where the new one will be kept. Chief Underwood states it can be kept either in the Captain's Office or their bunk and we will create a policy on that. Commissioner Cook asks if it has been a problem. Chief

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Underwood states not really, but on occasion Chief Nisbet would have to come up on the weekend to get them the card for a particular purchase. Commissioner Mere moves that we add a Captain's credit card, he doesn't see an issue as long as we have a good policy as to where it is kept, so it doesn't wind up going home and having to track it down. Make it easy accessibility but taking off the burden to the other card holders. Commissioner Cook seconded the motion and with all in favor, motion passed. Commissioner Ducrou suggests that we could make it that whenever the captain's card is used, Chief gets a text. Chief Underwood likes that idea. Chief Underwood adds he is getting a department cell and as soon as he has that number, he will share it with the Board.

With no further new business, Chairman Ducrou calls for Commissioner Items.

**Commissioner Items** – Commissioner Mere asks if the truck has been ordered. Chief Underwood states it has, and though he said at the last meeting the build date would be June 4, that date has returned to "TBA" so we again have no clue as to when the vehicle will be available. The current Chief's vehicle will be fine until that time. Chairman Ducrou calls for any other Commissioner Items. Hearing None, he calls for any Public Input.

**Public Input – None** - Chairman Ducrou calls for any public input and hearing none, he calls for recess for the Executive Session. The Public is dismissed at 7:38 at which time we take a short recess.

**Executive Session** – 7:45-8:40 Collective Bargaining is the topic

**Reconvene** – the meeting is reconvened and with no new discussions offered Chairman Ducrou entertains a motion to adjourn.

**Adjournment** – Commissioner Cook moves to adjourn. Commissioner Mere seconds the motion and with none opposed meeting is adjourned 8:41p.m.