

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
June 10, 2014

Meeting called to order at 7:02 p.m. by Chairman Ducrou

Pledge of Allegiance

Invocation – Commissioner Hansen

Commissioner Ducrou – Present
Commissioner Hansen – Present
Commissioner Cook – Present (7:03)
Commissioner Griffin – Present
Commissioner Klos – Present
Chief Larry Nisbet - Present
Office Manager - Theresa Sharp - Present
Attorney Ian Mann – Absent

Others Present: Some Staff & Public

Promotional Ceremony: Chief Nisbet announces last week we held a Captain's Assessment and two engineers tested for the Captain's position. He states the assessment was based on five different factors; conflict resolution, two tactical scenarios, research and a presentation, and a teaching scenario. Chief notes that both engineers did very, very well, but as in most cases, someone stands out on top. He continues that Engineer Swindle completed the assessment; performing very, very well; so tonight he is promoted to the rank of Captain to fill the current Captain's vacancy. Chief Nisbet calls Lewie Swindle up for the pinning ceremony. Chief Nisbet places his Bugles and Badge and the Board and Public applaud. The Board congratulates him. Captain Swindle takes the opportunity to express his gratitude for the opportunity and looks forward to helping change things for the better and improving some things. The Board expresses their well wishes and appreciation.

Minutes – Review and Acceptance of the minutes of the May 13, 2014 Board of Commissioners meeting. Motion made by Commissioner Hansen 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.

Minutes – Review and Acceptance of the minutes of the May 27, 2014 Town Hall meeting. Motion made by Commissioner Cook to accept the minutes. Commissioner Klos seconded the motion. Chairman Ducrou calls for questions or comments. Chief Nisbet commends Theresa for her diligent transcription of the lengthy verbatim minutes. Commissioner Cook appreciates the detail. Chairman Ducrou states it was nice to be able to go back and focus more in depth and not react to the things happening. He appreciates that opportunity. With no questions or discussion and none opposed, motion carries.

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Financial Report - Review & Acceptance of the May financials. Commissioner Cook moves to accept the May financials. Commissioner Klos seconded the 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 Report and invites Captain Underwood to provide further update on the Love's Truck Stop progress. Captain Underwood states opening is now pushed to August 12th; while it is nearing completion, there has been a set-back due to the parapet walls out front allowing visibility of the air conditioning systems on top of the roof from Bayshore Rd. Consequently County Ordinance has made it necessary for them to re-design or raise the parapet wall to cover this exposure. They now have to re-engineer and re-design the wall which has taken the opening from this week (as of meeting date) to August 12th. Commissioner Hansen asks whose fault that was, that they didn't catch that. Captain Underwood states that it got through plan review that way, and they are pointing fingers between the architect and engineer, and the County, no one is claiming whose fault it is, but it was missed in plans review; but of course it was noticed during inspections, and now it is something that has to be rectified. Commissioners Cook and Griffin both feel that is unfortunate. Chief Nisbet reads the Administrative Report into the record. Chairman Ducrou calls for any other questions or comments. Commissioner Klos asks Chief how much the brush truck is going to cost to repair. Captain Swindle estimates it will cost around \$1,100. Commissioner Klos asks what the nature of the repairs is. Captain Swindle responds torque arm bushings; all the suspension in the rear end; both sides. He states they're \$65 each but we replaced all 12. Commissioner Klos asks if that damage was on a NFM Fire. Chief responds it was, and we are going to have everything replaced here. With no further discussion or questions, Chairman Ducrou calls for Petitions.

Petitions before the Board/Public Input – None

Union Petitions/Discussions – None

Old Business –

- **ISO Update** – Chief Nisbet states he attended the ISO briefing the week prior at Estero, and Mike Morash, who was actually our initial evaluator, is now the manager of all the inspectors that are coming around the communities, and ISO is making some additional changes from the rating schedule they made last year, taking effect July 1st. One of the things that came out of the meeting, he continues, is out of the nationally recognized companies, 22 of the 25 companies that are nationally writing insurance policies, are currently using ISO. There are three of the 25 national companies that are not. He continues, out of that, there is a disconnect at the corporate level for where these ratings are set into the system that they utilize, and the insurance agents understanding what is presented; the number is already in their system, they just enter a field. They are trying to help some of the insurance companies take care of the disconnect. That's being addressed out there. Some changes that are taking place, one of the things we've previously discussed, he continues, is at least 4 members responding. One thing that came to light, that he was not aware of, he continues, that is good for us currently, is because we have an ISO class of 3 which only 2,237 fire departments in the entire country have that rating; since we have an ISO rating of 3/5,

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our 5 is going to be improved to a 3. He continues, the reason why that is, is because we actually had our water shuttle tender operation tested. And because we did that, they consider that an engineered and tested water supply system. So our areas that are a 5 are improving to 3 as of July 1st, it's going to be automatic, and it's going to be entered into the system that way. He continues, they have done some changes in the evaluation criteria; fire department is still 50% of that criteria, water supply is still another 40%, which we make up for with our shuttle system and how we test and service our own hydrants, fire alarms are still only 10%, but they've added 5.5% for community reduction. He continues, talking to Mike, from what we've been doing with the brushfire blitzes, and some of the information we've been getting out there, CPR training and such, we will probably be able to reach our 5.5% on those points, plus with our yearly inspection schedule. He continues, AVL is starting to become more important, we are working on that, they're going to be looking at fire flows. We've been sitting pretty much between the 1250 and 2500 fireflows, so we have to have 2 engines, which we knew that, we can share a reserve engine, some of that stayed the same. Dual classifications on apparatus; when we got our ratings, we had the rescue truck, we got that counted as a service company, because now they look at NFPA1901 list of equipment, they are now allowing us to utilize dual purpose apparatus; so if we are using E-131 as our pumper, E-132 can also be our pumper, and also get credit as a service company if we carry on it the equipment that a service company is supposed to have on it, which, looking at the list, we have a majority of that on there. So that was some good news. The tough news is, if we don't keep 4 people, the best we are going to do is a 9; district wide. They were very adamant about that. They said we have got to be able to assemble 4 personnel initially. He asked if we had 3 and he went...and they said that would still be 4, but, if you can't muster 4 people up on the initial alarm assignment, which is within the initial 480 seconds, which is 8 minutes, for the initial response, which in our area, up the dirt roads, is our getting back in there; and out east in the North Olga area; and auto aid cannot count in that aspect; it has to be from our organization, so the best we are going to get is a 9; that's going to be a significant impact. So the short of it is, come July 1st some are going to be doing some better, but after September if we are not successful, we have to report to ISO any changes, they will do a re-inspection, and probably January 1st it will take effect. They are not doing a year grace period or any thing along those lines anymore. He adds that Upper Captiva got smacked with the same thing. They actually ended up being a 10. That's just some of the information that came up from them. He's waiting for some follow up from Mike Morash; who's supposed to be sending some additional information. The training hours changed a little bit, but all in all, we covered everything, if we keep our 4 personnel, we could possibly go for another re-rating in another year, and might possibly even be able to improve on our 3. Iona McGregor just got a 2, so they are working very diligently. It's really the only way to judge what we're doing and how we're doing it. Commissioner Griffin asks for clarification about the percents, is that what the insurance company uses? Chief Nisbet explains it is what ISO uses for the points for the ISO rating. .. 40% of the points comes from water supply, 50% from fire department and that includes training, staffing, auto aid being immediately dispatched, common training guidelines; designated hours at the training academy per year; at a training facility; which we meet with our co-op training we do quarterly with the rest of the fire departments; and finally, 10% comes out of communications...it's a 100 point system. Lee Control always gets

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10 out of 10. He continues to clarify, not all the Lee County Fire Departments get 10 out of 10 though, the reason we do is because we carry the VHF pagers; the dual communications system gives us that extra; most of the Departments in Lee County only get 8, we get 10 because we maintain the VHF pagers. In some of the areas they are going to be kinder/gentler; we only missed a 2 on our last ratings by 2¼ points. But in other areas, they are not going to cave. And the big thing is the 2 In / 2 Out. Right off the bat, he continues, they threw out a statistic that 20,000 people are injured yearly from fires and 3,000 Americans die in fires, and there's \$125 Billion of insured loss; and they want fire crews to be able to get inside and put fires out. Commissioner Cook asks how many Departments in this county can't put 4 people into initial response? Chief Nisbet responds that they don't have to come in the same truck, right now, nobody; except some of the barrier islands like Useppa and Upper Captiva. Everybody else is meeting it. Commissioner Cook asks what about after October? Chief Nisbet says if the assessment doesn't go through, North has some issues; Lehigh is going to lay off 51 firefighters. Commissioner Ducrou asks what Upper Captiva was before they were re-rated. Chief Nisbet responds they were a 4 but because they didn't have 4 on the island, they went to a 10. He adds that a 10, by ISO standards, is no fire protection. Where they did real well, is a lot of their houses out there are sprinklered, but because they didn't have 4 personnel able to respond, they were rated 10. Chief Pepper is building an assessment or ad valorem right now, he's not sure which, to improve their staffing level out there to 4 per day. Commissioner Ducrou states he sure would like to have something he could pull out that would show the difference in a community's average insurance going from a better rating, say a 4 to a worse rating like 9. Chief Nisbet states that he asked them to work on something, that's one of the things he's waiting to hear back from Mike on; something that we could look at, but he states they are a little apprehensive about doing that without doing a full inspection... Commissioner Ducrou states there has to be a percentage change though, if you go from a 4 to a 10. Chief Nisbet states that there were 2 gentlemen there that told him without a doubt, if we drop down to 2 per day, the best we are going to do is a 9. Commissioner Griffin says why he was asking, now this goes back 16 years ago, when he built, the first thing they asked was how close he was to the station and what his water supply was. Because he didn't have hydrants, they weren't even going to give him a loan. Chief Nisbet responds that when they load that information in at the corporate office, if you're within distance of a fire hydrant, you're a 3, then the next question is how far from the station, and if you're within 5 miles, you're still a 3, but beyond that you're a 5. Now, he continues, we will still have a street (Duke's Highway) that is a 10 that will improve slightly July 1st with the new system, to be what they call a 10W, because of our ability to bring water, and they'll see about a 5% savings, but simply because it is so far out there and even mutual aid can't get there any faster, they're still going to be a 10; but all of that information was taken care of up there because he has had people call; that found with the information at the town hall meeting, they've actually checked on our claims, and their insurance agents were able to give them an answer, and it was a cost issue to them. He's had others say they couldn't give them that information without doing a re-claim or something, and then some insurance companies, if you just call and ask them, they are not going to trash their opportunity for business, by throwing out there a high rate. So, he continues, within 1000 feet of a fire hydrant and 5 is right, but if the base work on the fire

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department and other stuff that goes into the rating, if the best of that's a 9, you're right, it's not going to matter if you're within 1000 feet of a fire hydrant, or if you're within 5 miles of the station, you're going to be a 9. Commissioner Cook says that's what he was wondering, so he will be a 9? Chief Nisbet says that is correct, the house across the street will be a 9, because we don't have 4 people on duty, we don't have the capability to have 4 people respond. Chief reiterates he even inquired, in anticipation of this failing on June 24th, what about auto aid; and he was told that auto aid can not count. It has to be from the organization that is responding. Commissioner Cook asks if there's any way to do it with volunteers. Chief Nisbet responds that ISO is only recognizing 17/10, so honestly, the rural fire departments are going to take a hit. With no further questions or comments Chairman Ducrou calls for Item number 2 under old business:

- **Nabors, Giblin, & Nickerson, P.A.** – The proposals are before each Board member. Chief Nisbet begins by reminding the Board this is the Assessment Attorneys that gave us the proposal to assist us, if we are successful on June 24th, to put together the Management Resolution to ensure that we do not enter any inappropriate direction or take any actions that are not legally defensible. He states the new proposed rate is \$14,500 and they are a very reputable company, he notes you can see all the other agencies they are currently servicing with assessment type work they are doing; a lot of fire departments in there, a lot of other type departments. They said, he continues, if the Board decides to accept this proposal and if our vote is successful on the 24th, they'll be ready to rock & roll for us on the 25th. Chairman Ducrou entertains a motion to adopt the services; provided this passes. Commissioner Cook asks if we have to do that now or wait until it passes. Chief Nisbet states, here is where we are running into the time crunch. The Department of Revenue requires us to propose our maximum millage rate in July, like we do every year. We have to have a Management Resolution to do that. We either put out 3.5 mils and the assessment comes later, which is going to be a significant flag to the community that we are doing something that we said we wouldn't do...or we have them get the management resolution together for us so I can get it to you for review, so we can adopt it in July, then at least advertise our maximum rates at that point and then we can have further discussions on any potential exemptions, anything that you are potentially looking at, at that point, which will be Board decisions. Commissioner Cook states the only problem he has with this is it is the only bid they have to review. Chief Nisbet responds that this is the one GSG uses, and there are not a lot of firms that specialize in this area or have the proven track record in the courts. They are also the firm the FASD recommends. Commissioner Hansen says, if we vote on this, and that vote doesn't pass, then this is null and void. He notes we don't start paying on this until July 2014. Chief confirms that is correct, it is contingent on the ballot. Commissioner Klos asks if there's no money up front. Chief confirms there is not. Commissioner Klos asks if we have to do it this meeting. Chief Nisbet reiterates his prior comments, and that's why it is there for the Board to review. (It is the same proposal as last time only they have reduced the price \$500 since we have already done the first part of the work.) Chairman Ducrou asks if there are any other questions. Hearing none, he still entertains a motion. Commissioner Griffin motions to accept the proposal contingent upon the outcome of the election. Commissioner Hansen and Commissioner Cook in unison, second the motion.

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Chairman Ducrou calls for any further discussion and hearing none, calls for opposed. Hearing none, motion passed. Chairman Ducrou calls for New Business.

New Business –

- **Contingent Resolution for Assessment Referendum for Election in November -**
Chief Nisbet states there are two contingent resolutions pertaining to the election and the special assessment ballot for November. One is as the initial assessment was written; the other resolution is the assessment amount that would be required in addition to the ad-valorem as it is at the 3.50 millage rate. Chief states he is compelled to advise that the current rate we are proposing; the \$587.78, that break-even point is going to drop down to the assessed value of \$88,000. Right now, the break-even point is about \$168,000. So anyone with an assessed value above \$88,000 is going to be paying more than what we are recommending in the current ballot language. So they will be paying higher than the \$587. Commissioner Cook states, that is, if we go the other way. Chief agrees; that is if we keep the Ad-valorem and add the assessment; which he states he still has issues with the “dual taxation” aspect. He asks the Board select which way they would like to go, so we can have a resolution to the Supervisor of elections before July 4th in order to have it on the November ballot. Commissioner Cook states the only problem he has with the millage plus assessment is how you plan a fire department on “what-ifs”. Chief agrees and states we did get our preliminary numbers, and we saw roughly a 3.5% increase in ad-valorem, which equated to \$32,000. We are trying to make up \$483,000. Commissioner Griffin asks how we arrived at the \$285. Chief Nisbet responds that we had GSG run the numbers assuming we kept the 3.50 millage rate to see what was required to get to the budget number we required for the first assessment proposal. Commissioner Griffin understands this to mean that either system would produce the same result for the Department. Chief agrees; it’s really very, very close. He adds that some of the larger land owners are going to get a break because they will still get their AG exemption which is 1% of the assessed value, and they’re going to pay \$30 an acre... Commissioner Griffin says he was looking at that resolution and wondered why we changed that. Chief states, it has to be based on the study, and Commissioner Cook explains it like it’s a pie, and the distribution of the pie can’t change. Chief states, in his opinion, he feels the split system is going to be a bigger issue. Commissioner Cook agrees. He states, he knows it was brought up at the Town Hall meeting, but he feels people will flip-out when they see both on a tax bill. He states, his will go up even more that way. Chief says his would also. Commissioner Cook says, mostly everyone’s would if the Break-even is \$88,000. Chairman Ducrou passed the gavel to Vice-Chairman Griffin, and makes a motion to adopt the same rates for the November election as we have for the special election, contingent on a failure at the special election. Commissioner Hansen seconds the motion. With none opposed, motion passed. Gavel is passed back to Chairman Ducrou. He calls for any other new business. Hearing none, he would like to discuss further a point that was brought up at the Town Hall Meeting. He states, any group, referring particularly to the churches, non-profits, and governmental organizations, the study that came out, has them at a much higher rate than even the commercial rate, and he excuses Commissioner Hansen from any potential vote on it, due to his position as a minister, he would like to see us adopt the commercial rate for all non-profit entities in that category. He says it

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would drop their amount about in half, and the total amount we would collect...Chief states the total Institutional rate is \$61,000. Commissioner Ducrou states, so we would see \$30,500; but it would cut in half the amount that we are asking some of the churches, that have actually never paid taxes before, to actually pay, but that goes across the board for everything in that category. Chief agrees; that would be for everything in that category. Commissioner Cook asks for an example...Chief responds, the Civic Center. Commissioner Ducrou states that the Civic Center is mostly commercial use. Chief states, he will use Echo for an example; Echo has a lot of homes, each house is assessed as a home, and where their sales center and stuff is, that would be commercial; he states he sat down with their representative the other day and went over everything with him, and he was very supportive of the fire department. ARC, the animal Shelter, is another place. He talked to Gerry Howard the other day; honestly, from what he can see the ones that really get popped with the \$1.26 is the churches. He says, that's their use, they're considered institutional. Commissioner Cook agrees, especially since they were zero before. Chief states he agrees with Commissioner Ducrou, he doesn't think that's exactly..., you know, he continues, we didn't pick how the rates came out, that was based upon the research; but we can identify how much of the rate you want to assess. Commissioner Hansen asks if you would do that now, or would you wait until it passes or fails. Commissioner Ducrou states we could do both, it's going to be contingent on this organization that we've hired, on everything being within the law; but the reason he would like this on the record now, is he would like everyone in these churches to know, before the vote actually occurs, what the final tally is. It will affect them greatly and affect us minimally, when you look at the big picture. They don't have a line item in their budget for that. Commissioner Cook states you would then, essentially be eliminating that category. Commissioner Ducrou states you would be assessing them at the commercial rate. Chief states, it still has to be a separate category, it's by use, as per legislation. And while it would still say \$1.26, the Board gave consideration to assess at the commercial rate. That's the way he understands it. Commissioner Cook states that's what he was wondering as there's a number in there that we are supposed to get. Commissioner Ducrou states he asked them what the effect of that was...Commissioner Cook states that he bets some people will bring up "hey you lowered them, why aren't we getting lowered?" (He says: the percentages). Commissioner Hansen states when he and Chief talked about it they talked about stepping up to it, getting to the full rate over time, like a four year rate increment, because going from zero to \$26,000 is a chunk. Commissioner Cook adds, that way, we as a board don't look like we are playing favorites because one of us is in charge of a church. Commissioner Ducrou states that's why he would expect Commissioner Hansen to recuse himself from voting. Commissioner Hansen agrees. Commissioner Ducrou continues, when he looked at the rolls, those appeared to be the most drastically impacted and they have never had any kind of payment in the past. The company that we hired came up with the assessment rate, and the fact that it is so much higher than the commercial rate, threw him for a loop. So, he continues, based on, if we charge a commercial rate or, we can say we charged 50 cents on the dollar, or at 50%, or opted for the institutional rate, it does the exact same thing; it will impact this District by \$30,000 but will reduce the tax bill to the nonprofit by half. He thought of moving in that direction tonight, before the vote is actually held, so more people understand what the impact is. Commissioner

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Cook asks what Chief feels. Chief Nisbet replies this is a Board decision, he does not, however, disagree with Commissioner Ducrou, and he agrees the churches are probably the most significant change, from what he can see on the information, churches are. He adds that we didn't have that information until after we did the study. And then looking at the institutional rates, and talking with Jeff, he continues, and how everything is, and how it falls under the uses codes, churches are always going to be shown as institutional because they are a place of worship, even if they are running a school in there, it is a church school, like Temple Baptist, they were the biggest hit, they are looking at going from completely exempt to \$22,000. That's a big hit, and those were one of the ones...there were always some properties that concerned him; that was one of them. He feels this is a happier medium than an exemption; if we do exemptions, he loses the full \$61,000; and then we start opening it up for the "me too"s, and "what about me". And then we are going to get right back to where we are, not having enough money to keep firefighters on the job. And, he continues, a couple that we talked to, he says, you know the District is not asking for a budget increase, the District is not asking to raise our budget amounts, the District is asking for help to fill in a gap right now of a funding shortfall that we've lost through the grants, with the exception of funding some things that haven't been funded, like station maintenance, I'm not proposing significant increases in any budget item. Commissioner Cook states that what a lot of people don't realize is this shortfall actually happened 6 years ago. We've recouped some of that by getting the Federal money, but now we're done with that. Chief adds we've also gotten the bills, and some maintenance issues taken care of. He recalls that when he started, our vehicle maintenance budget was \$40,000 a year. It's down to \$16,000. Commissioner Cook states he thinks this is a good thing, and makes a motion to lower the institutional rate if this assessment passes, to the commercial rate; Chief Nisbet would add that be pending legal review, if this is successful. Commissioner Cook agrees and amends his motion to include the "pending legal review". Commissioner Griffin seconds the motion. Commissioner Hansen recuses himself from the vote. With no further discussion offered, Chairman Ducrou calls for opposed, and hearing none, motion carries. Chairman Ducrou calls for any other new business, and hearing none, calls for Public Input.

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

Motion to Adjourn – Motion to adjourn made by Commissioner Hansen and seconded by Commissioner Griffin. With none opposed, meeting adjourned 7:44pm.