

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
August 11, 2020

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

Invocation – Chairman Hansen

Commissioner Hansen – Present
Commissioner Griffin – Present
Commissioner Mere - Present
Commissioner Ducrou – Present
Commissioner Cook – Present
Chief Larry Nisbet – Present
Office Manager – Present
Attorney Ian Mann – Present

Others Present: Some staff

Public Input Agenda Items – None

Minutes – Review and Acceptance of the minutes of the June 9, 2020 Board Meeting. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Griffin seconded the motion. Chairman Hansen calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

Financial Reports - Review & Acceptance of the June 2020 financials. Commissioner Mere moves to accept the June 2020 financials. Commissioner Griffin seconded the motion. Chairman Hansen calls for discussion. Commissioner Ducrou has a question regarding the check to San Carlos Park Rehab MW Fire check. Office Manager states they came as mutual aid on a fire and Chief Nisbet authorized pizza purchase for rehab. Chief Nisbet explains the late-night fire they helped us and they put the pizzas on their credit card and we reimbursed them for that expense. Commissioner Ducrou is satisfied with the expense explanation. Chairman Hansen asks if there's anything else. With no further questions or discussion offered, and none opposed, motion passed.

Financial Reports - Review & Acceptance of the July 2020 financials. (Agenda Item skipped – will present for adoption next month.)

Fire Marshal and Administrative Reports (attached) – Chief Nisbet reads the Fire Marshal's report into the record. He continues by reading the Administrative report into the record, noting that the new time frame for the engine repairs could be closer to 45-60 days rather than 3-4 months. He also corrects the typo of dates to read June & July instead of March & April on the call volumes portion of the report. He offers to answer any questions. Commissioner Ducrou notes on the calls report it doesn't report the Mutual Aid Given or Received. Chief Nisbet apologizes and offers to e-mail it to the Commissioners. Commissioner Ducrou asks if he would just cover it on the next one so it is in the record, he asks it be handled that way. Commissioner Mere asks if we have an idea of what the cost is going to be for E-131. He acknowledges it will be under insurance, but is curious. Chief Nisbet states he's thinking \$50-\$60,000 but they are working the quote now and awaiting on some pricing from the factory on some of the

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repairs. Commissioner Mere inquires of the Body Armor that we're purchasing, noting that there are several departments taking this step, but wonders if this is some action that is being taken throughout, as it hasn't been a problem in Lee County yet. Chief Nisbet states it is now an NFPA Standard and with the civil unrest that's taking place over the last few months, it's becoming more and evident with the violence incidents, hostage situations, and law enforcement is wanting anyone that could be up in the area to be in body armor and it is pretty-much becoming the norm throughout the country. He continues, we bought it here locally and the distributor here is the largest distributor in the country. We didn't get helmets or knee pads, just the body armor, and he feels she gave him the best possible price, and we only did the paid full time at this point.

Commissioner Mere asks the cost. Chief Nisbet states \$500 per vest. Captain Underwood offers an update on MW Horticulture stating they were under a stop work order for approximately one month, unable to take any debris, and were under pretty strict guidelines in order to reopen. We have since lifted the stop work order, and have been keeping an eye on the level to make sure they are moving out as much as they take in. That is why you saw 8 follow-up inspections as we were doing weekly inspections on his time, so it wasn't costing the District anything for his time. They were also under order to reduce and process their existing piles, which they have begun to do. We also believe the property owner is pushing for them to reduce their piles and is requiring them to do a detailed monthly survey that shows pile dimensions calculated to cubic yardage to monitor their progress from that perspective. The combined efforts appear to be effective. He also notes he has a subpoena for another hearing next week via Zoom for the case of Lee County vs MW Horticulture to discuss some previous fires and photos, but they have been managing to stay within fire codes of late so we don't really have issues with their areas of concern. They've really only had a few small fires in there since the last big one burnt up everything, so right now were just looking at one small pile, maybe 200-300 cubic yards which they're pulling off 100 cubic yards at a time with their large trucks and they are only allowed to bring in the small trucks for disposals, not semis, so they are keeping the new stuff that can catch fire to a minimum. Commissioner Hansen asks if they've ever paid us any more on their bill. Office Manager states no. Captain Underwood states there are still in the Bankruptcy case which has been pushed out due to COVID, but he feels they have a hearing coming up soon on that as well. Chairman Hansen calls for any questions and hearing none, he thanks Captain Underwood and calls for Union Petitions.

Union Petitions – Hearing none Chairman Hansen calls for Old Business.

Old Business – Chief asks to address a Grant before we go into the EMS Lease

• **ToughBook** – Chief Nisbet reminds the Board how we purchased the Toughbooks last fall and were hoping for a Forestry 50/50 grant, however, not hearing anything and still needing to purchase those, we just went ahead and did it – well, last Friday, he states, we were notified we did get the grant so he is looking for the Board to accept the grant. Commissioner Ducrou moves to accept the grant. Motion Seconded by Commissioner Mere. All are in favor and motion passed unanimously.

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- **Lee County EMS Lease** – Chief Nisbet states he is working with Marla Britain there who is the County Lands Manager and has provided the counter proposal of 2% annual COLA with the rent at \$12,000 or \$3,000 per Quarter, leaving us about \$1,000 apart and though it is not in this agreement, if they break something they fix it. An example of this is a month or so ago, they took out the bay door and they're taking care of the entire bill. Commissioner Cook moves to accept the agreement. The question is brought up about the term limit of the lease and discussion ensues over various clauses in the contract that conflict and favor EMS for terms reaching out as much as 25 years without our ability to re-negotiate the terms. The District's Attorney makes a couple suggestions as to ways to make the contract less onerous and Commissioner Ducrou asks to have the contract completely re-negotiable after the first term. Commissioner Cook repeals his motion to adopt it as it is. With so many conflictions contained in it, Chief states he will send it back to them noting the Board's objections. With no other Old Business, Chairman Hansen calls for New Business.

New Business –

- **5 Year Plan** – Captain Underwood advises the Board of his activities with FASD and the CDM (Certified District Managers) course he began back in January and he has selected the 5 Year Plan as his project since it is due next year for update. He asks the Commissioners to please review the current 5 Year Plan as he will present again for input and discussion and for the Board, particularly the expenditure items and vehicle replacements. He invites the Board to contact him any time with input or suggestions if they would like to speak on an individual basis and he will bring this to the Board again at the next meeting as it is due for project submission by November 2020. He states it does not have to be adopted, but he does need input and work documented in order to submit the project for his grade and certification. Commissioner Ducrou states he will be happy to go over it and get with Captain Underwood on the input he has. Captain Underwood states he has already checked the Fee Schedule portion of the plan and it is in line with the other northern Agencies in the County as far as current fees. He states the Board can amend those fees if they so choose so it is an area they can look at as well. He continues, down the southern end of the county, that are charging substantially more but they are funding their entire prevention divisions with the fees and they also do internal plan reviews whereas the County is reviewing ours for us. He also notes our Mutual Aid Agreements are included in the plan, so if we have new agreements or language, those are also incorporated into the 5 Year Plan. He again invites any Board Members who have input or questions to contact him via e-mail or phone. He thanks them and states he looks forward to working with them on this plan. Chairman Hansen calls for questions on the 5 Year Plan. Hearing none, he moves on to Chief's Retirement Proposal.

- **Chief Nisbet Proposes his retirement exit strategy** – He has presented the Board Members in their packets his proposal and asks them at this time to consider the plan and asks them to accept the terms outlined therein. Chairman Hansen asks the Board if they have any input. Commissioner Cook states he really doesn't want Chief to leave but he has no problem with Chief's proposal. Chief states he feels it is a good time, with vacation beginning July next year it will permit whomever takes the reins to negotiate the new full contract with the Bargaining Unit and the new budget and he assures he will

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be available to the new Chief. That way he will burn up his vacation time and when he gets to October 1st, whatever is left over can be a wash, he will let it go. He says it will also give the Board a back-up, if something should happen to the new Chief, he could step back in temporarily as a short term solution until they can work something else out. He states he has no regrets. Chairman Hansen again calls for any comments from the Board. Commissioner Ducrou asks if it is something they need to make a decision on tonight. Chief states he would like them to. Commissioner Ducrou states Chief's about a year away still. Chief Nisbet states he understands that, and feels it will help with the new budget and it's a good deal for the Board, and he would appreciate it if they could finalize it. Commissioner Ducrou is trying to understand how it will help the budget. Chief explains we currently have funds committed for his accrued leave that is payable per his contract at his departure, and if the Board accepts this plan that would make those funds available to aid in balancing the budget. Commissioner Ducrou states it would just go into wages, he knows we're close on reserves, he's just trying to understand. He states he's not opposed to it. Commissioner Mere states in the short time he's been here, he thinks Chief has done a great job from his position and it has been a great learning curve as well. He feels the proposal of it is fair, and he would like to make a motion to accept it, regretfully, as he doesn't want to see Chief go, but understandably-wise too, so he moves to accept the proposal for the retirement plan of the Chief. Chairman Hansen calls for second and Commissioner Cook seconded the motion again stating he doesn't want Chief to go. Commissioner Griffin has a question on the insurance coverages. He asks if we know what the dollar amount would be. Chief states he doesn't know until we pick a plan next year, and then it will go until it's gone, whatever that works out to be. Commissioner Ducrou states "it would be 120 hours times your hourly rate right?" Chief agrees. Chairman Hansen calls for any other questions and hearing none he states "I think we all agree that he's done a good job for us here and we hate to see you leave, but understand you've got a grandchild and some other things you want to play with so..." Chief states he would like to enjoy his last year here and wants to make sure that the transition is as smooth as possible. He suggests that when they do their selection process, he suggests after the first of the year, that we can work up the promotional process, and he would recommend they do it from inside, that they do a promotional process from a Captain and an Engineer, that way for whomever it would be, that process could be as smooth as possible, and again, these guys have worked so hard for him these past 12 ½ years, it'll be 13 years before this is all said and done, and he doesn't have any interest in seeing anyone step back one step, and he will still be available to help out as much as needed, for the betterment of the District. And he's not moving out of the District. Commissioner Hansen asks so he's signing on for Volunteer? Chief says, "we'll see, maybe after a break". Chairman Hansen states we have a motion and a second and calls for any opposed. Hearing none, motion is passed. Commissioner Mere suggests we have someone selected and ready to shadow Chief beginning January 1st, and there's discussion as to that not being necessary or financially sound and Chief assures with it being one of the three Captains, he shows them throughout the year how to do things as they arise. Again, he reminds he will also be available for inquiries for assistance. He feels his Captains are well prepared. He feels a cover letter and resume would be all that would be necessary. Chairman Hansen calls for any other comments and with no further discussion offered, and no other New Items, he calls for Chief Items.

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Chief Items – None. Hearing None Chairman Hansen calls for Commissioner Items.

Commissioner Items – Hearing none Chairman Hansen calls for Public Input

Budget Workshop – Chief Nisbet has a few working budgets prepared for the Board and states as it sits now with the current contract, they really don't have much to look at, as the best scenario we are still looking at \$69,000 from balancing. He offers he has under the Operations Equipment budget line he has the municipal 4 portable radios at \$22,000 that he will not require all of that, offering we can talk about 2 this year and 2 next year, plus the 5000s that we kept will be obsolete the end of this year or first of next, but he has an operational line in there of \$20,000 and if he can get those purchased for the same price we purchased the others, he can probably purchase them for ½ the money he has in there and we can release the other \$22,000 to help balance out the budget. The other increases are pretty-much just the way things have gone up, he cites the change in expense for Firehouse software which used to be about \$750 and is now \$2300 and it's scheduled to go up another \$500 and is going away the end of 2021. He continues the communications line went up \$1600 because we had to buy air cards due to the MDCs and technology so the MDCs could communicate with dispatch and they cost us monthly for the data. Physicals went up to accommodate the volunteer physicals based on the criteria the Board identified of over 30 or 2 years of service. He adds the income line also drops due to the SAFER funding and our portion going to a 65% match for funds and the next budget we'll only have a quarter of the year with 65% match of funds and SAFER will be gone. There is some discussion of SAFER potential and where the new guidance may go but there is nothing out there yet. Retention is discussed, as well as the operational equipment allowances and how those are applied or the intent for those funds. Chief Nisbet explains that they are earmarked for any particular piece of equipment but it is still necessary to allow funds for these items, for instance the air bags could split as they are 12 years old, or he could have to replace a failed portion of hydraulic tools, our nozzles are 12 years old. AFFF Foam has gotten very expensive. There are always unexpected equipment failures. Commissioner Mere asks what is involved in contractual services. Office Manager explains website maintenance, air conditioning contract, software maintenance like QuickBooks and Firehouse, he is satisfied. Chairman Hansen calls for further questions or discussion. Commissioner Ducrou asks for the Chief to include the candidate intended to fill the Chief's position to be included in the budget planning. Chief agrees, adding they are involved quite a bit now, but yes, he will. Chairman Hansen calls for any further input or discussion and hearing none, calls for a brief break followed by Executive Session.

Public Input – None - Chairman Hansen calls for Recess for Executive Session 7:50pm

Executive Session – 7:55pm-8:23pm

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Reconvene – 8:23pm – Chairman Hansen asks if there is anything else that requires discussion. Commissioner Ducrou asks if the Board decides to hire someone from within, he would like the budget to include whatever compensation would be required for Captain to Chief and Engineer to Captain and Firefighter to Engineer and the replacement Firefighter, for the period of June first while they train, even working out of pay grade would impact the budget whatever amount, he would like it included in the numbers. There is discussion as to whether he would like them in a reserve line so they can be separately identified and dealt with when the funds are required and it is up to Chief but Commissioner Ducrou would like the numbers included. Chief Nisbet recommends calculating differentials such as Acting Chief pay... until October 1st. Office Manager requests we move all Impact Funds money except for maybe 2 houses, from the Impact Fund to the General Fund as reimbursement against the outstanding balance the General Fund has paid on behalf of the Impact Fund for the Apparatus purchases so the money is moved prior to budget and prior to audit. She also asks for permission to pay bills electronically for those bills that the time frame isn't there for the companies to get the bill to us and for us to cut a live check and get it back to them before it is late – this due to the incredible length of time it is taking for the mail and the short due by dates we are given. She refers primarily to utilities, Cable and phone and Verizon. There is some discussion on the methods and safety of the process and it is determined we will inquire of other districts and with the auditors to see what options we can safely work with. Chairman Hansen calls for a motion to move money from the Impact Fund to the General Fund. Commissioner Ducrou moves to allow the transfer of up to \$41,000. Commissioner Mere seconds the motion. Chairman Hansen calls for any discussion and hearing none calls for any opposed and hearing none, motion passed. Chairman Hansen calls for any further discussion.

Chief Nisbet announces he plans to work until his last day and thanks the Board for allowing him to move forward with his proposal and adds he has loved being the Fire Chief here. He thanks them for allowing him to do what he does. Chairman Hansen calls for motion to adjourn.

Adjournment – Commissioner Ducrou moves to adjourn. Commissioner Griffin seconds the motion and with none opposed meeting is adjourned 8:43p.m.