

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
September 9, 2020

Meeting called to order at 7:12 p.m. by Chairman Hansen

Invocation – Chairman Hansen

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

Others Present: Some staff

Public Input Agenda Items – None

Minutes – Review and Acceptance of the minutes of the August 11, 2020 Board Meeting. Motion made by Commissioner Cook 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 and Acceptance of the Financials for July 2020 skipped over last month. Motion made by Commissioner Griffin to accept the financials. Commissioner Mere 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 August 2020 financials. Commissioner Mere inquired of a statement in the minutes about a \$500 increase in the Firehouse software program and the program becoming obsolete and ESO will probably be the new program. Captain Underwood explains there will be an increase in the cost of the new program for the initial set up and the training which we are trying to get a better price by having a co-op training with some other departments and then the annual cost is anticipated to be approximately \$500 higher than we currently pay. Commissioner Mere moves to accept the August 2020 financials. Commissioner Griffin seconded the motion. Chairman Hansen calls for any further discussion and hearing none, motion passed and he calls for Fire Marshal's Report.

Fire Marshal and Administrative Reports (attached) – Chief Nisbet states we have no Fire Marshal's report but he will state, due to the news coverage, the situation at MW Horticulture with the small fire there. It is not a large fire; it is a deep-seated fire that they are working on. The yard is in the best shape it has been in and we are staying on top of it. It is just something they're going to have to take care of. Last Thursday they actually shut themselves down from taking in any new material and they have not taken any in since. They wanted to work on the fire. He adds they have been responding very quickly to our needs. Captain Underwood believes they were going to open today at a

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reduced capacity. There's a bit more discussion between Commissioner Mere and Captain Underwood about how they are controlling and turning over new debris and the fire is in the old material. Chief Nisbet adds the biggest issue going on there now is the fight between Paints & Coatings and themselves on the easement and the cul-de-sac, which he has made very clear, if we have 20' for our turnaround, we're staying out of it. He continues by reading the Administrative report into the record, adding that his update from George today we might have the engine back the first week of October. Chairman Hansen calls for any questions and hearing none, he calls for Union Petitions.

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

Old Business –

- **Electronic bill payment policy and Internal controls** – Chief Nisbet asks to table this discussion for another 30 days to allow Administration more input from outside sources and for us to examine options. He does state the auditor has suggested credit card payment. Chairman Hansen calls for the next item of old business.

- **Resolution 2020-04 Amending 2019-2020 Budget to Unencumber Accrued Leave** – Office Manager states per our last meeting with the Board having accepted Chief Nisbet's proposal for his retirement it does leave us with the opportunity to unencumber the Accrued Leave Reserve line and the associated employer taxes being reallocated to the Reserves Unencumbered line with a total impact to the budget of zero, merely allocations of the funds. Commissioner Cook moves to adopt Resolution 2020-04. Commissioner Mere seconded the motion and with all in favor Resolution 2020-04 is adopted.

- **5 Year Plan – Captain Underwood** – Captain Underwood asks the Board for any input they may have on the current 5-year plan as it was presented last month. Hearing no input, he has been in touch with Commissioner Ducrou who states he will have input and they will get together one on one; meanwhile he will also get with Chief Nisbet and review it for his input. He has done some work on it updating the charts, he references the 5 years of budgets which he is adjusting to cover 10 years of history so we will still have our ultimate highest years and our big hits we took subsequent to that as well as reflecting where we are now in relation to those numbers. He has updated the Impact Fees schedule now that we are back to collecting the full-figure number, up from when the County had elected to reduce them to incite development. He has updated the grants numbers to include the additional moneys we have received since the last plan but notes our numbers only go back to 2002/2003 as that is when we began using QuickBooks. He has also set another goal for the new plan to strengthen the reserve account to cover 5-6 months of reserves increasing them from the current 3 months figures. Commissioner Mere asks if our chances for grants reduces as the District finances stabilize. Captain Underwood responds that not for some time as we still do not have our minimum manning up to 4 where we are assured 2 in 2 out rule so even if we can't get retention funds, we could still qualify to add the 3 men to meet that requirement and it could possibly be fully funded for 3 years, but we won't know until the guidelines come out. There is some discussion about the delay in guidance as well as the

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fact we are a combination department with such a high level of volunteer staffing as that too helps with our ability to qualify and secure funding. Captain Underwood then covers growth and development of the District covering the Pritchett Parkway project, Bayshore Towne Center which is still approved for development and they are trying to revive that, as well as North River Rd. and Hwy. 31, Owl Creek, and the Lee County portion of Babcock Ranch. He then moves on to the Automatic Mutual Aid which he will go through those and update as necessary. He has updated the goal for the ISO section to maintain our current rating of 2 through 2026 so he will stay on top of the elements affecting that as requirements change. He continues he has updated some of the language regarding the construction of the fire station on Hwy. 31 which was in the last plan and will appear on the next plan as it is hinged upon the Babcock project and will impact response time to roughly 50% of the District. The vehicle replacement procedures and procurement, no new vehicles are slated for purchase in the budget you just approved, but we note that the engine which is just now semi-refurbished due to the incident, and in the 2021/2022 he states he has slated for 1 admin/rescue vehicle as well as one in 2024/2025 based upon the Chief's vehicle and Brush 132 due to the age of those apparatus. At the end of the new 5-Year plan he expects we'll be looking at replacing Engine 132 as it will be 18-19 years old by then (budget year 2025/2026). Commissioner Mere asks why we don't use E-132 as often since the hours and miles are so low. Chief Nisbet responds it has to do with capability and compartment space, explaining how E-131 serves as heavy rescue and carries all the heavy hydraulic equipment for rescues on I-75 whereas E-132 is the 4WD, 1000G, 150 pump but doesn't have the compartment space to carry all the equipment required, he continues to explain where and how we choose which one we use. They both serve different purposes and that's why they are so different. Captain Underwood continues, stating this is, again, a wish list as to what we anticipate needing and when, a guide to use, and obviously subject to our District and our funds. He continues with the personnel, and anticipates we are able to continue to fund the current SAFER staff with our current budget and plans to apply for further SAFER funds to get 3 more during this 5-Year plan and if not then after this one. He feels if we continue with continued growth and 5-7% increases per year in our budget we should be able to accomplish that, but it is all subject to the economy. He has also updated the personnel section for the effect the new Chief and the new probationary Captain, Engineer, and Firefighter positions. He has also updated the Key Performance indicators to reflect the current staffing with staffing of 4 per shift 95% of the time but desiring 5. He next discusses IT accomplishments with updates such as the District upgrading all of its MDCs, utilizing Sierra wireless and Verizon wireless cell towers for signals replacing the antiquated system supported by Motorola which we couldn't even get signals inside the station. Also, the plan to update our call reporting software to NIFRS and FIFRS, as Fire House software sunsets the end of 2021, he believes working with Shores and North to reduce that cost we could be running with the ESO by the end of the year. He plans on having meetings with staff to update KPIs for training and risk and the appendix. He concludes with the information he has done a study on the other fire districts on the inspection fees and we are right in line with other like-sized districts in this end of town. He again offers the Board to feel free to contact him or Chief with input of any suggestions or comments. He outlines his timeline for product submission and completion and when they would expect him to bring it to them for approval.

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He thanks them for allowing him this time. The Chief and the Board congratulate him on a nice job. Chairman Hansen calls for the next item on the agenda.

- **E-131 Repair** – Chief Nisbet states he was going to approach the Board to permit him to re-paint the apparatus while it is being re-worked as they are repainting a fair portion, however, the quote came in at \$22,000 so he has dismissed that proposal. He is however, going to ask them to take care of some electrolysis on the truck. He says George felt he might be able to get that handled. Chief still hopes to have the truck back by the first of October.

- **Lee County EMS Lease** – Chief Nisbet has provided the revision of the EMS lease which addresses the concerns the Board had, Section 3 paragraph A was changed to read “parties” rather than “County” so that both agencies are covered on the renewal aspect, the advanced notice required has been changed from 3 months to one year now. He continues, the only section we have had concerns about, is in section 4 and he and our attorney have spoken with Ms. Britton about that, and it has to do with County Commissioners approving appropriations, and if the County doesn’t approve the appropriations, they can terminate the lease within 60 days. He states we had wanted to change it to read “either party” but it turns out that is actually language that is required by State Statute, so it couldn’t be changed. So, our attorney feels he has no reason to advise the Board otherwise, and approve the lease. Chairman Hansen asks the Board their wishes with regards to the lease. Commissioner Cook states the changed the language. Commissioner Mere states he looked through it and saw nothing he had problems with and he moves to approve the interlocal Agreement between Bayshore and Lee County. Commissioner Griffin seconded the motion and with none opposed, and no further discussion offered, motion is passed.

- Chairman Hansen calls for New Business.

New Business –

- **Ratify Bargaining Unit Agreement** – Chief Nisbet states he has completed the negotiations with District 12 which went very well. He has made a synopsis of the contract changes and included that in the packets, he covers those changes. He states he wishes he could have done more. He would like to go on record stating that the Bargaining Unit is very reasonable and realistic on where we are at and they want to make sure everyone keeps working. They have the best intentions of the department in mind as much as anyone else. He asks they approve the contract. Commissioner Cook moves to approve the contract. Commissioner Mere seconds the motion. Chairman Hansen calls for any discussion. Commissioner Mere states he hope they guys understand that as the Board and the Chief, that we try to give them what we can each year and we appreciate what you guys do for us. We did some bigger ones earlier to try to get you a little bit closer but at some point we’ve got to mellow and see where things are to keep things going proper for the District, but we truly appreciate what your guys do day in and day out. Chairman Hansen states hopefully with the new developments

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we'll be able to do a little more down the road here. He calls for further comments and hearing none calls for vote and with none opposed motion passed.

- Chairman Hansen calls for any other comments and with no further discussion offered, and no other New Items, he calls for Chief Items.

Chief Items – Chief asks when the Board would like to discuss the Chief selection process. He suggests we begin the discussions late this year so the procedure is in place to begin in January. He also suggests we stay inside the department as we have three qualified Captains within the department so it would be a promotional process. That would also enable us to do testing later in the Spring or early summer to assess for the promotion for the Captain and Engineer positions. That way everything is in place so when the new Chief takes over, he can pull the trigger when he feels it's necessary. Commissioner Hansen asks if doing it in January would give us enough time to do everything. Chief Nisbet states it would, and reminds that when they hired him it only took them 30 days. Chairman Hansen asks if the goal is for the new Chief to shadow. Captain Underwood states the goal is to shadow from June 1st on. Commissioner Cook asks if all three are interested. Chief Nisbet is uncertain and states it will come out when the Board outlines the qualifications. It is decided we will put the discussion on the October and November agenda to begin the discussions so we are set to go in January with the process. Commissioner Hansen asks if all three Captains are involved and see what Chief does. Chief Nisbet states to an extent. Commissioner Mere would like to see all three apply for the experience if nothing else. Commissioner Hansen also agrees. Commissioner Cook would like to see us hash it all out and bring them one candidate. Captain Swindle states everyone fully supports one person. With nothing further offered Chairman Hansen calls for Commissioner Items.

Commissioner Items – Commissioner Griffin asks if we need to keep funds in the budget for vacation carryover. Chief Nisbet explains the difference between someone approaching retirement and their eligibility to cash out up to 500 hours of accrued leave per state statute (or the option to use the time), and the changes that were made through earlier contract negotiations in an effort to alleviate that obligation of the District for budgeting purposes. It was cleared through the auditors at that time that we could do it this way; however, that is something he would hope to see restored in future contracts down the road when the District is more able. This brings him to the last item he wished to speak with the Board on. He is seeking direction from the Board on Theresa's position and the 40-hour SOG which needs to be updated. He explains it's a mixed bag with other like-size districts. Some have contracts, some do not. He asks the Board if they want to do a contract for her, update the SOG, he asks for direction as she is the only employee in the District that doesn't have a contract. Chairman Hansen asks if it would be them negotiating it or would Chief negotiate it and bring it to the Board for approval. Chief states he would negotiate it and then bring it to the Board for approval, but for him to negotiate it he would require Board authorization to do so. Commissioner Cook asks what are the pros and cons of doing that. Chief states there's really not much difference. Commissioner Hansen asks of

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the job description. Chief Nisbet states the job description is just that, it doesn't cover the benefits. The 40 Hour SOG has the vacation Buy-back in there and this is where we got into some of the discussions... Commissioner Cook asks can't we just clean up the job description (referring to the 40-Hour SOG). Chief Nisbet states his hang up doing it that way is how hard she works and she is the only one in the department without a contract. Commissioner Mere asks, since we have a pretty direct line with that one individual, he asks her if she has a preference. She states she would rather have a contract as the contract would have terms and an SOG can be changed at any time. It provides her with security. Chief Nisbet explains Debbie over at the Shores has a contract and has had for several years. Commissioner Cook states a contract has an end date. Without one, we don't have an end date. If we decide to go in a different direction, we're kind of stuck with a contract. Chief states he doesn't care either way, but just because you make a contract for her as Office Manager, if you add office personnel down the road, doesn't mean you have to have a contract for them as well. You're not recognizing an additional bargaining unit; you're just saying, hey you know what, you've been a valued employee for us and we're going to write you a contract moving forward. He doesn't care either way, he just needs direction. There is discussion as to ability to dismiss her in each circumstance, At-Will vs Just Cause. Commissioner Mere states it could be an annual contract if Commissioner Cook is concerned about the time period. Commissioner Cook states no, I just feel it's another big paperwork thing we have to do every year and sit here and ratify and everything else. Chief Nisbet states well, here's the thing, we've never done anything separate from what we have done for the personnel and stuff, but I will tell you while we were doing the research, just like our line personnel's is out of whack, this position is out of whack on payroll pretty significantly. Even the department that is closer to us and has only a part-time person, were they full time they would be making more than Theresa does. Commissioner Mere states that he is not a contract employee individual truthfully, but when you look at our department and that everyone else has one, I think to keep things in a level playing field, and in this day and age, that is the thing, that employees have a contract. I think it protects her and gives us a guideline at the same time, and allows us to look at our agreement with her every year, because sometimes it can get kind of; not necessarily addressed the same way. Chairman Hansen asks the DVP how often we do their contract. The DVP responds it is written for three years and we re-negotiate every year. Chief states every year we have wages and insurance that can be re-negotiated every year. Commissioner Hansen asks if her contract would be the same thing, like a three-year contract and re-negotiate every year? Chief Nisbet states whatever you decide. Commissioner Hansen feels that every three is good then we're not doing all that paperwork every year. Chief states, well she still works for me and you could put that in the language that she works for the Fire Chief however, the Board of Commissioners have decided to establish a contract for that position, and actually I would not even say for that position, I would say for Theresa. Commissioner Mere states I think the contract has to state both, it would say her and the position she is in in regards to the contract. Office Manager states they do, but it does not imply successors... Commissioner Mere agrees,

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correct, it is your contract. Chief Nisbet states and I would still suggest we update the 40-Hour SOG to reflect what's in the contract so that if there's any hires post-Theresa so that if the Board decides not to issue a contract initially or for a period of time, then the 40-Hour guide would be in there. Commissioner Mere states it's not a bad idea but I think once we open that, anybody else we hire we're going to have to put under a contract, but I don't think that's out of the ordinary. Chief Nisbet states, no, you don't have to. Commissioner Mere states, yeah, but it's becoming more of a norm. Chief agrees, stating, but you don't have to. Commissioner Hansen states just because people want protection, there's no loyalty in businesses any more. There's discussion about whether a motion is required. Commissioner Mere moves for the Chief to sit down and put together a contract with Theresa and bring a contract to the Board for us to review, and I feel that it should be a three-year contract, the same as we are with everybody else, with the exception of the Chief, and we review insurance and salary annually. Chairman Hansen calls for a second. Commissioner Cook seconds the motion. Chairman Hansen calls for any further input and hearing none, calls for opposed and hearing none, motion is passed. Theresa thanks the Board for their consideration. Chairman Hansen calls for any other Commissioner Items. Commissioner Cook asks if we have a mandatory fitness program. He points to the Bargaining Unit contract Article 31, every duty-day, do you guys have it? Staff confirms they work out every shift. Chairman Hansen calls for Public Input

Public Input – None - Chairman Hansen calls for motion to adjourn.

Adjournment – Commissioner Griffin moves to adjourn. Commissioner Mere seconds the motion and with none opposed meeting is adjourned 8:18p.m.