

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
September 14, 2021

Meeting called to order at 7:22 p.m. by Sec/Treas. Mere

Invocation – Commissioner Hansen

Commissioner Hansen – Present
Commissioner Griffin – Excused
Commission Mere - Present
Commissioner Ducrou – Excused
Commissioner Cook – Present
Chief Doug Underwood - Present
Office Manager - Present
Attorney Ian Mann – Absent

Others Present: Some Public

Public Input Agenda Items – None

Minutes – Review and Acceptance of the minutes of the August 10, 2021 Board Meeting. Motion made by Commissioner Cook to accept the minutes. Commissioner Hansen seconded the motion. Sec/Treas. Mere 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 August 2021. Motion made by Commissioner Hansen to accept the financials. Commissioner Cook seconded the motion. Sec/Treas. Mere calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

Fire Marshal Report – Chief Underwood states we have no Fire Marshal report but annual inspections should resume October through December.

Administrative Report (attached) – Chief Underwood reads the Administrative Report into the record. Sec/Treas. Mere calls for any questions for the Chief. Commissioner Mere asks Chief Underwood if we know if any of the settling agreement between the parties involved in the MW Horticulture case is going to include us. Chief Underwood responds since we decided not to joint the case way back, no. He continues, he contacted the County today for update on that agreement and the night before the hearing they were on Zoom asking for a continuance because the owners were suffering through COVID, and they asked for some time to come up with a settlement agreement, there was one paragraph they had a problem with and the county changed it and have yet to hear from them since. They do have another case; however, Chief will not have to testify in that one, it is a case management hearing for the judge to see where the parties are at with this agreement. They should hopefully have an agreement in the next week or so and that agreement will consist of them having all that property cleaned off in six months. Our case still stands as he has said in the past, if we want to collect that \$21,000+ we will have to file a law suit. Filing a lien will just give us a piece of paper, it goes against the property owner, not the tenant, every attorney he has talked to including our own says we could probably get

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a lien, the lien would go against the property owner, not the tenant and the owner would just sue us to get the lien removed. It is not the property owner's debt. All have told him a lawsuit against the tenant is our only recourse. Commissioner Mere states we are thinking about hiring November 3, is there something, even though we haven't gotten the approval so we can start the hiring process? Chief Underwood states we did a hiring process when Firefighter White at Chief Nisbet's retirement and in that process, we established a list so that was part of my grant narrative when I wrote FEMA to move this up, was that the hiring process was already started. As soon as you're awarded, they give you six months but since we're a small department and we already have an established list, that was part of the narrative stating that we're capable of getting these guys through all the pre-employment requirements and get them started. So we have a list established and I've already reached out to those individuals and notified them we were awarded and as long as they don't get hired somewhere else, because everyone's hiring right now, hopefully we can retain these 3 individuals. Sec/Treas. Mere asks if anyone has anything else. Hearing none, he calls for Union Petitions.

Union Petitions – Hearing none he calls for Old Business

Old Business –

- **Chart of Accounts** – Office Manager states as per earlier discussions, the District is obliged to adopt some changes in the Chart of Accounts per the 2020-2021 Uniform Accounting System Manual. She covers the changes and Commissioner Cook moves to adopt the revised COA. Commissioner Hansen seconded the motion. With all in favor, motion passed.

New Business –

- **Bargaining Union Contract** – Chief Underwood states we TA'd every article in the second negotiations and the Bargaining Unit has put it to a vote and the Union has a copy of the vote recorded, so we just need you to ratify the contract and we have a clean copy of the contract without the strikes and underlines. Commissioner Hansen moves to ratify the contract. Commissioner Cook seconded the motion. With all in favor, motion is passed. Chief Underwood states he will take the contract along with the minutes reflecting that you have all agreed to ratify, and have him sign it and we'll get it to the Union for their signatures.
- **40 Hour Guide** – Chief Underwood states as discussed earlier this year when he was appointed Chief Select, he would bring the 40-Hour Guide and Chief's Contracts up for revision approval each year as the Bargaining Unit Agreement changes. He states the longevity reflects the language in the Bargaining Unit Contract. Sick Pay Conversion has been added and he has created a scale equivalent to the Bargaining Unit's based upon percentage, 2 occurrences of 4 hours or less will equal 1 day used, which he adds is a change that was also made to the Bargaining Unit's Agreement, if they use 12 hours or less twice that will count as an occurrence. He states he did e-mail these to the Board

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Chair and he did not have any objection to these. He asks for any questions on the policy. Hearing none, he asks for a motion to adopt. Commissioner Cook moves to adopt the 40-hour guide. Commissioner Hansen seconded the motion. With none opposed, motion passed.

- **Chief Underwood's Contract** – Chief Underwood states the same changes apply to his contract with a few other changes as well. His amended date on it is to reflect the same timeline the Bargaining Unit's changes take place, that being October 6th, 2021. Salary, he added the language to include longevity based upon a 40-hour work week. He states there has been discussion as to whether he was exempt from the FLSA law, and Captain Swindle pulled the statute which expressly states that firefighters, regardless of rank are not exempt from overtime or comp time. He notes the hours reflect 7:30-4:00 however as he does not typically take a lunch and if he does it is with leadership of another district so he will actually be working until 3:30 but the contract reflects that to keep us clean rather than not allowing him lunch. It also notes he is on a 28-day pay cycle giving him the time to try to use the comp time earned within the 28-day period instead of having the impact of extra time occurring every two weeks. It also reflects all time is considered time worked and finally, Chief has the ability to convert sick time to vacation time as outlined in the 40-Hour Guide. He offers to answer any questions. Commissioner Cook asks if we need to adopt this as well. Chief Underwood states yes, and he will have the board chair sign it. Commissioner Hansen moves to adopt the revised Chief's Contract. Commissioner Cook seconded the motion and with all in favor motion passed.
- **2020 SAFER Grant** – Commissioner Cook moves to accept the 2020 SAFER Grant. Commissioner Hansen seconded the motion and with all in favor, motion passed.
- **Medical Director** – Chief Underwood states our contract ran out in June and the extension is to carry us through the fiscal year (through the end of this month) and we are in the process of negotiating a new contract as we were in with Shores and Pine Island and now Pine Island is going ALS so we are trying to see where this takes us, but this will carry us to the end of the month. There is some discussion over the epi-pen. Commissioner Cook moves to adopt the 1st addendum for the medical director. Commissioner Hansen seconded the motion and with all in favor motion passed.

Chief's Items – None

Commissioner Items – Commissioner Hansen asks where they are at with the Bayshore Farms Project. Chief Underwood states they are in the development order phase or maybe even the zoning phase. Their original proposal was for 200 homes, but it has since been reduced to something like 130's. Commissioner Cook asks

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where that's at. Chief responds across from HogBody's. They did ask us for a letter regarding access for their development order and I did that, because they were to have a secondary access for the development order, so I did a letter stating we were ok with that access. It would be emergency use only. It's going to be full hydrants and something like 136 homes. With that development order, I would say sometime next year. Commissioner Hansen states they have to do something out here on Bayshore. Chief agrees and has also asked them about this light out here to be made into a real light. There's discussion about the widening they are talking on Palm Beach Blvd. and also 31 and the round-a-bouts. Sec/Treas. Mere calls for any Commissioner Items. Hearing None, he calls for any Public Input.

Public Input – None - Sec/Treas. Mere calls for any public input and hearing none, he calls for motion to adjourn.

Adjournment – Commissioner Cook moves to adjourn. Commissioner Hansen seconds the motion and with none opposed meeting is adjourned 8:00 p.m.