

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
October 8, 2019

**Meeting called to order** at 7:12 p.m. by Vice-Chairman Griffin

**Invocation** – MOS

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

**Others Present:** Some Public & Staff

**Public Input Agenda Items** – None

**Minutes** – Review and Acceptance of the minutes of the September 9, 2019 Board Meeting. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Mere seconded the motion. Vice-Chairman Griffin calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

**Minutes** – Review and Acceptance of the minutes of the September 9, 2019 Preliminary Budget Hearing. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Mere seconded the motion. Vice-Chairman Griffin calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

**Minutes** – Review and Acceptance of the minutes of the September 24, 2019 Final Budget Hearing. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Mere seconded the motion. Vice-Chairman Griffin calls for questions or comments. Hearing none, he calls for any opposed and with none opposed, motion passed.

**Financial Report** - Review & Acceptance of the September 2019 financials. Commissioner Mere moves to accept the September 2019 financials. Commissioner Ducrou seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion offered, and none opposed, motion passed.

**Fire Marshal and Administrative Reports** (attached) – Chief Nisbet reads the Fire Marshal report into the record. He reads the Administration Report into the record and offers to answer questions. Vice-Chairman Griffin calls for any questions or discussion on the Administrative Report. Commissioner Mere asks if there's any more word on homes going in at Brightwater yet. Chief states we have 17 he believes completed permits, eight with impact fees, and a second builder had an

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING

October 8, 2019

opening event last Wednesday or Thursday and they're bringing in 11 models. They're supposed to start construction any day; there's a construction office trailer set up there now, but he hasn't seen anything else moving yet. The other project at Rich and Leetana did get County Commission approval so that will be an additional 200 homes in there, but he doesn't have any construction timeline on that. He's supposed to meet with Syd Kitson in the next month or two on the Lee County portion of Babcock for conceptual drawings and basic timelines. He states once he gets the drawings and timeline there, he'll begin working on updating the Five-Year Plan. Vice Chairman Griffin calls for any further questions and hearing none, he calls for Union Petitions.

**Union Petitions** – Hearing none Vice-Chairman Griffin calls for Old Business.

**Old Business** –

- **MW Horticulture** – Chief Nisbet defers to the District's attorney to discuss the MW Horticulture update. Mr. Mann states the rumored invitation from the County for Bayshore Fire to join the County's litigation was official based on his discussion with the Assistant County attorney James Holloway a couple weeks prior. It is Mr. Mann's understanding based on conversations with Chief Nisbet that from a fire code standpoint, that MW Horticulture is continuing improve and move in the direction of ultimate compliance with the fire code; and he therefore recommends that the District not join the litigation and he will continue to monitor the two lawsuits, the one by the County and the one by DEP, and he will report back if he feels circumstances change or they change in our position. He states, the County has asked us to join their suit and he is recommending, and he is requesting a vote from the Board declining the invitation, so he can report back the decision was made at this time. Commissioner Mere moves to stay out of the litigation at this time. Commissioner Ducrou seconded the motion. Chief Nisbet notes for discussion that if we note degradation in the progress or if we have another major fire break out, he has notified both MW Horticulture and the County that we will issue an immediate stop work order until they get back to where they need to be. Commissioner Mere asks if we've been out there recently to see where their heights are. Chief Nisbet responds we were out there twice in September, once on our own and as in the Fire Marshal report, once with the County and DEP. They continue to move toward the compliance with the fire codes though DEP has some issue with compaction. Attorney Mann states the County and DEP have their own issues over which they are suing, and our position is they are different than the fire code, that is why he recommends we do not join them. With no further discussion and no opposed, motion passed. Vice Chairman Griffin calls for any other old business.

- Commissioner Ducrou states he noticed we put into the packets what we talked about with regard to the three-month carryover/encumbered reserves. He states he knows it is generic language, that we weren't able to find anything from the accountant, he though we had put something together in the past. Chief Nisbet recalls us discussing when the economy tanked, we had discussed what would the bare minimum be that we wanted to carryover for 90 days; payroll, keep the trucks running, keep the lights on. He defers to Theresa as she did most of the research on this, but the DOR wasn't any help. Theresa states she does not recall, nor can she find where we have ever established an

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING

October 8, 2019

actual policy on it, should we establish one, it would be placed in our SOG and in our policy manuals, our auditors had pushed for the entire budget; GFOA was the only resource she could find and that is very arbitrary by the governing body and what you as a Board deem is appropriate for our circumstances. Chief Nisbet states after polling many of the local departments a lot of them take their full budget and divide that by 4 and that's their 90-day reserves. Commissioner Ducrou agrees we can't do that, but if we take everything but capital and include that in that quarter, we just need a policy. Chief Nisbet offers we can do that, if you would like us to draw something up and we can bring it to the next meeting. Commissioner Ducrou states, I kind of thought that's what we discussed at the budget meeting. Chief Nisbet states at the budget meeting we were asked to bring back what the guidelines were as to what we were supposed to have. That's what Theresa has done here. With that, I was hoping to get some additional direction as to where you want us to go now. Commissioner Ducrou agrees and feels it is prudent so that future board members know and can have that policy to understand, and if we need to amend the policy because it is either too little or too much, then we can amend the policy but there should be some rhyme or reason as to why and how we're doing it. Chief Nisbet states we should also include Reserve lines for Apparatus replacement, a Reserve line item for Capital Improvement, so that as we move forward, we can earmark for the various upcoming expenditures, but I like that we keep all but the 90 days reserves unencumbered, especially since we are still coming out of the housing market crash; that gives us the ability to carryforward and to move on and we have the ability to use the Line of Credit, if we need to; but for the last two years we haven't needed to, even though the auditors recommended that we use the line of credit in order to leave the reserves alone, I understand the Board's position on that, and it is nice to have that in case something bad happens, but it's nice not having to do that. The Office Manager offers to let the District's Attorney give his input on whether it should be a policy or a Resolution. Commissioner Ducrou states that both would only take a meeting. You can change a Resolution at any meeting same as a policy, it just needs a quorum of the Board. Attorney Mann states the only difference is our notice requirements when adopting a Resolution; there's supposed to be some advanced publication. Commissioner Ducrou states we don't. Chief responds, it just has to be on the agenda, right? Mr. Mann agrees, but you can't just decide 2 days before the meeting, an issue comes up, so we're just going to bring it up; it has to be on the agenda, posted in advance. Our meetings have to be noticed and there are certain levels of action that we take that have to be given some advanced notice, and it is my understanding the rules have always allowed that as long as it is on the agenda for that meeting, at the customary time that agenda is published. Commissioner Ducrou asks where our agenda gets published. Office Manager responds, on line. Mr. Mann suggests if you're going to do it by Resolution and you want to make it less easy to reverse, I would do it when you have all five commissioners here. Commissioner Mere states he doesn't see why you would need to do a Resolution over a policy when the whole idea is to get a guideline off of it. It's a little easier of a process as a policy as opposed to a Resolution. Mr. Mann states your expressed intent in terms of what you want to do, "yes, we want to do that, we want to follow this as ongoing practice; how tightly do we want to mind ourselves, and there's not a dramatic difference between the two, it's not If you pass it as a resolution it takes 4 out of 5 to undo it in the future... Commissioner Ducrou states we better never do that. Attorney Mann states Policy makes

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING

October 8, 2019

it slightly easier to respond to unforeseen circumstances than a resolution. If it's a resolution and you have some completely unforeseen emergency that will put us in a huge difficulty, and it happens after the agenda for the meeting has already been published, who do we open ourselves up to among the citizenry to complain that we revoked a resolution without proper public notice. These events are all highly unlikely, but my job is to protect you from unlikely. Chief Nisbet states that if we ever got into that situation, I would probably ask that you declare a state of emergency based upon financial conditions at that point. Commissioner Mere states, I think we should keep it as a policy as opposed to a resolution. I think the reality is, if we have that situation come up, we can still make that decision on the spot, regardless of any type of previous notice and do what we need to do to continue operating as we need to operate. Commissioner Ducrou states that policy is only going to affect us during the fiscal budget formulation. Chief Nisbet adds, guidance on authorization to release. That's really what you're looking for here, right? Your policy as to what's included, and the steps to release those funds if needed, right? Commissioner Ducrou states, if you feel that's going to be what you need to carry yourself into the new fiscal year, is that what you're saying? Chief states, what do we use to identify those reserves, I'm trying to get an idea of what you want in this policy... Commissioner Ducrou responds, well if we encompass everything but capital, there's a good start. Chief Nisbet feels we should also include in the policy what steps to take if we have to utilize those funds and how they're released. Commissioner Ducrou asks "Do you foresee a need to have to utilize those funds?" Chief Nisbet responds, right now they're encumbered anyway, I have to come to you... Commissioner Ducrou states, that's what I'm saying, if you're going to have to come to the Board, even if we had to have a special meeting, because if we're that bad off that we need to go into something like that, if it's not seen ahead of time, I would expect we'd have a Board Meeting... Chief Nisbet states we would. What I'm asking is do you want to have it in the policy that if you want to have these funds released, I'm just trying to make sure we have an all-inclusive policy. Kind of a road map for future boards. Commissioner Ducrou states let's don't re-create the wheel, let's find out how others are doing it. Commissioner Mere suggests we do the research and discuss it more next month, when we have more information. Commissioner Ducrou agrees. Vice-Chairman Griffin calls for any more Old Business With no further old business, Vice-Chairman Griffin calls for new business.

**New Business –**

- **None** – with no New Business on the agenda, Commissioner Ducrou asks – how's all the computers doing? Chief Nisbet states we have two of them in and programmed and we're still waiting on two more and they're still looking at October 28<sup>th</sup> roll-out date. And I'm waiting on the girl from Verizon to get back with me and we're going to get Sim cards for the Sierra wireless; the County has got a good rate that they negotiated for the MDCs; I think our air cards are going to be like \$35 a month but the sim card is like \$15, and I'm just going off the top of my head, so don't hold me to it. Commissioner Griffin asks if that's per card. Chief states it is. He continues that with the 2 in, one is going into B-132 because it is running rescue pretty regularly with a full time employee and a certified volunteer, and then my vehicle is going to have one just because the way this is going to be going, I can't go

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
October 8, 2019

without having one. And mine will have an air card system, not a sierra wireless and we did that so we wouldn't have to put in a charging port and vehicle charger and all that. Commissioner Ducrou states I thought it was in the bracket. Chief Nisbet responds for the computer it is, but to keep the battery charged to the vehicle, the draw over a 24hr period it was recommended that if I didn't go with the air card, and I can take the computer out, I can take it wherever I need to with the air card. Mine will have an air card, the rest will go through the Sierra wireless hot spot or whatever it is... Commissioner Ducrou asks if it is all unlimited data. Chief states it is. Commissioner Mere asks so we have 1 at \$35 and 3 at \$15 per month? Chief agrees, ball park, yes. So, when we make the adjustments for the carryforward from what we didn't spend of the 2018/2019 budget, I'll make the adjustment on the cellular service in the budget. They will go in E-131 and E-132 but we'll have to put new brackets in the engines because the old brackets won't work. We'll at least have 1 up before it goes hot, but it's moving along. Commissioner Mere asks if there's any increased cost to us on the maintenance for these items. Chief responds what they're telling him right now is no. But there's no guarantee. He begins to discuss Motorola radios and they've negotiated a pretty substantial hardware replacement deal with the county with the P25 that's coming in, we've still not received information on our AFG, if we don't get that, I'm going to get Motorola to quote me with the infrastructure deal to bring back to you for direction on that. The radios would be 10-year radios. My recommendation would be to replace the whole lot and then as we move forward, five years down the road we look at piecing it, because right now our 2500s they don't support any more. The 5000s they discontinued supporting those but there's still some equipment, and I'll probably keep the 5000s I've only got 4 of those. If we have to do this ourselves, I will not recommend going with the dual band radio, just the straight 800mh radio because the dual band is about \$1200 more. There're benefits to both single and dual, he briefly explains some scenarios, and benefits of options. He also mentions the air system and it is 11 years old and getting fussy and applying for AFG after the first of the year. Commissioner Ducrou states time to put some money away. Vice Chairman Griffin calls for any other New Business and hearing none, calls for Chief Items.

**Chief Items** – None. With no Chief Items Vice-Chairman Griffin calls for Commissioner Items.

**Commissioner Items** – None. Vice-Chairman Griffin calls for Public Input

**Public Input** – None - Vice-Chairman Griffin calls for Motion to Adjourn

**Adjournment** – Commissioner Ducrou moves to adjourn. Commissioner Mere seconds the motion and with none opposed meeting is adjourned 7:45p.m.