

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
December 11, 2018

**Meeting called to order** at 7:05 p.m. by Vice-Chairman Griffin

**Invocation** – MOS

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

**Others Present:** None

**Minutes** – Review and Acceptance of the minutes of the November 13, 2018 Board Meeting. Motion made by Commissioner Ducrou to accept the minutes. Commissioner Cook 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 November 2018 financials. Commissioner Cook moves to accept the November 2018 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 states “we do not have a Fire Marshal report, but I will tell you we have a meeting with the County on Thursday. Just to update where we are with MW Horticulture, we were there today for a small breakout fire, they called us for some help. They got a small fire in the hardwood in the pile they’ve been working on. We usually handle it with our resources on site, but I would say they’ve made probably at least 25-30 percent of the pile they’ve actually reduced, so they are making progress on that. So, we’re getting with the County on Thursday before the Hearing Examiner’s Hearing revisit on December 17<sup>th</sup> which we’ll be a part of. I will give you an update once that’s completed.” He reads the Administrative Report into the record. He then invites questions on the Admin Report. Commissioner Ducrou asks Chief if he is going to go into discussion on the hazmat deal in the industrial area he saw on the news. Commissioner Cook states it has to do with biodiesel. Chief Nisbet states it is not in our district; that’s in North Fort Myers’ district. Hearing no other questions or discussion, Vice-Chairman Griffin calls for Petitions before the Board.

**Petitions before the Board/Public Input** – Hearing none he calls for Union Petitions.

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

**Old Business – None** Vice-Chairman Griffin does have a question on the MW Horticulture payment for the suppression bill. calls for new business. Chief Nisbet states we are getting ready to send them another notice.” Commissioner Griffin states “I was just curious what was going on with that.” Chief Nisbet states if I don’t get a reply on that within 30 days, then I’ll just have our attorney contact their attorney and we’ll go from there.” Commissioner Ducrou asks “how long it has been since we gave them the initial?” Chief Nisbet estimates we’re probably at 60 days. Commissioner Ducrou asks “you don’t think it’s time to have our lawyer write that letter?” Chief Nisbet states, “we could; I could go ahead and make that call. Their attorney did contact us and said hey, we’d like to know if you all would allow us to make payments on it; which we told him that would be fine.” Commissioner Ducrou states “but they’re behind already though.” Chief Nisbet states “I’ll follow up with Ian tomorrow on it.” Vice Chairman asks for anything else in old business. Hearing none he calls for new business.

**New Business –**

- **Election of Officers** – Commissioner Cook asks if any Commissioners that are present want to be Chairman; if so, he will nominate them, or if they prefer to leave it as it is. Commissioner Griffin states he is good with the way it is now. Commissioner Ducrou nominates Commissioner Hansen for Chairman. Commissioner Cook seconded the motion and Vice-Chairman Griffin calls for any opposed and hearing none, motion passed. Commissioner Cook nominates Commissioner Griffin for Vice-Chairman. Commissioner Ducrou seconds the motion and with none opposed, motion passed. Commissioner Cook nominates Commissioner Mere for Secretary. Commissioner Ducrou seconded and with none opposed, motion is passed.
- **Support Chapter 191 Legislative changes** – Chief Nisbet states “Commissioners, in your packet I gave you just kind of a brief overview that was provided by Smith and Lawson Attorneys at Law and along with it, the attorney for a lot of the Boards Richard Pringle is also involved in this; this has to do specifically with non-ad valorem assessments. Very similar to what we tried to do with our funding mechanism several years ago. As you are aware, we had to go through a referendum, a vote, to hold this election to determine if we could do non-ad valorem assessments. After doing some research from Lehigh Acres Fire Chief and a few others, it was quickly found out that independent special taxing districts are the only ones in governing body that have to do that through a referendum. Dependent districts don’t have to do it. Cities don’t have to do it. Counties don’t have to do it. They are an elected government of the people just like the fire commissioners are, and the state allows them to make those decisions regarding non-ad valorem assessments and the only thing they have to go to referendum for is millage adjustment. Their cap is there cap, but if they want to do anything above

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that or change the cap, they have to go to referendum on that. So, this group, along with Attorney Pringle, and I believe they've also talked with Terry Lewis up at Tallahassee; Florida Association of Special Districts' council; they're looking to change the language in Chapter 191 which deals specifically with Independent Fire Districts. It doesn't deal with all independent districts throughout the state, just specifically fire districts. They feel that they would have a better chance of doing some language changes in that chapter to allow independent special fire districts to be able to levy a non-ad valorem assessment without having to have a referendum. As we saw in ours, we saw a lot of confusion and misunderstanding by our taxpayers. They thought we were going to double tax them, they thought we were going to have this large amount on this non-ad valorem assessment and that we were also going to charge the 3.5 mils. We heard that a lot in our public hearing. So, I'm bringing it forward to you; a majority of the fire districts are talking about this over the next two weeks. All the chiefs are taking it to their perspective bodies; I know that Lehigh Acres is going to support this initiative. I believe Fort Myers Shores is. I was also told that San Carlos Park is. Those are the three I know are going on for sure, and this is also being proposed in Collier County. What they're looking for, and what I would need authorization from the Board is, if we want to support at least the initiative to try to make this change in the chapter, and if we do, do we want to support the legislative working group; and they've asked for \$3500 from each independent special taxing district to help cover some of the costs that are going to be associated with that." Commissioner Griffin asks "and this is basically to change the language..." Chief Nisbet states "really it's just a paragraph, they want to change a paragraph." Commissioner Ducrou asks "do you have any proposed language or drafts?" Chief Nisbet states I do not believe so, yet, because I don't think they are at that point yet. I think what they do is their lobbyists go to work...we've already got, from what I was told, the newly elected state representative Spencer Roach has already said he'll file the house bill on this. So, they've already got that on that end; on the Senate side, I don't know yet." Commissioner Ducrou asks "you don't think the taxpayers are going to see this as an end run around the save our homes?" Chief Nisbet states "Potentially, I mean they could; I think if we decide at a future date that we want to do a non-ad valorem assessment, what would we want to use those funds for? For example, the Cape Coral assessment is heavily levied toward capital items; fire station construction, apparatus replacement, things they can't use impact fees to purchase, gear, all that. They use the Ad valorem, and I know the city government is a little bit different, but they use a lot of the ad valorem for the day to day stuff; personnel costs, the fringe benefits, maintenance fees, things along those lines. Right now, just seeing where things are going, my recommendation would be if we ever did decide to go to a non-ad valorem assessment, I think it would be beneficial for us to look at it for capital improvement. If we need to purchase some apparatus replacements, if we need to strengthen and remodel the station, those things; as you're very aware, our budget is very limited as to what we can do. And it would open up some areas where we could use a different funding mechanism for those costs that would allow me to expedite the hiring back of a fourth firefighter

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per shift. I could see some benefits in this; I do think the fact that independent special taxing districts are secluded in this. I think that actually is, you know, we're elected, or you guys are elected just like any other local government, you should have the same power and authority of those local governments to assess up to your cap and to levy a non-ad valorem assessment." Commissioner Ducrou asks "well, the school board falls under this right now, right?" Chief Nisbet asks "under 191?" Commissioner Ducrou asks "well, are they a special taxing district?" Chief Nisbet states "but, chapter 191 specifically deals with independent fire districts." Commissioner Ducrou states "I know, but I'm just trying to use your argument for all these special districts. The last thing I want is the school board deciding they're going to do a special assessment because somebody's a/c's not working, because that's what they're likely to do. I heard that argument about the sales tax that unfortunately passed." Chief Nisbet responds "yes, they are an independent special taxing district. Their rules in some aspects are a little bit broader than ours; but in some aspects a little bit more restrictive. For example, the additional homestead exemption that didn't pass by 60%. If that would have passed, the school districts were exempt. We also would have been exempt, but only because our property appraiser's interpretation of that law that he's defended. That wouldn't have been the case in every county." Commissioner Ducrou asks "what's the deadline for commitment for the money?" Chief Nisbet states "they would like for us to go as quickly as possible because bills are already being filed for the legislative session which is going to start in March. Actually, I think some of the major statutory stuff had to be filed earlier already but, I believe that over the next few weeks they would have to start filing the language changes in those items. The one thing that makes me feel very comfortable about this legislative intention on this, is the fact that Richard Pringle is on board with it. And most of you know Richard, he has been a fire district attorney in Lee County for something like 30 years. He represents a good portion of the fire districts in Lee County. One thing about Richard; Richard is as versed in special districts, particularly fire districts, as I think Terry Lewis in Tallahassee. And if he feels comfortable with this, I think it puts a little bit of ..." Commissioner Ducrou states "he's an attorney, he'll feel comfortable with whatever you pay him to." Chief Nisbet states "but here's the thing; he actually, I believe with some of the districts he represented, he brought this to them and said "hey, this is something for you to look at". It wasn't that a district was saying hey we want to do this; how do we do this. Because this is also going to affect the fire districts in Collier County, Pinellas County; if they can get this through; and I know that Collier County is going to sign on also. I talked to Jamie Cunningham the president of the Collier County Fire Chiefs a few weeks ago." Commissioner Ducrou asks "Do you know, I've probably asked you this in the past, do you know what the number is of independent fire districts?" Chief Nisbet responds "56 right now". Commissioner Cook looking it up on his phone corrects him "it's 53 and 9 counties." Chief Nisbet adds "and actually there were 3 or 6 independent fire districts that were added over the last 2 years up in the panhandle area. The number has actually gone up." Commissioner Cook states "well, they say approximately." Commissioner Cook states "he's only representing

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Lee County fire.” Chief Nisbet agrees saying “right, they came to Lee County first, and here’s the big reason why Lee County they’re looking at this,…”

Commissioners Cook and Ducrou are discussing something among themselves so Chief stops. Commissioner Cook states “We’ve probably got the most independent districts in our county; wouldn’t you guess?” Chief agrees saying Pinellas County is close. Commissioner Cook continues with Commissioner Ducrou and Chief is talking with Capt. Underwood. Commissioner Cook asks “you see who we’re writing the check to...Richard Pringle, he’s only representing Lee County, and so we’ve only got how many here?” Chief responds “we have 19.” Commissioner Ducrou states “so he’s not doing this statewide?” Commissioner Cook states “he’s only representing Lee County.” Chief Nisbet states “here’s the thing with this, I think the big thing is, I think one of the big portions of the reasons we’re looking at this has to do with Lehigh Acres assessment. When they did the ballot question, I don’t think, and this is of course to the best of my understanding, that their mechanism to increase their assessment; they didn’t clearly spell out, or they didn’t put it to be substantial enough, they’re almost as far as they can go on the assessment with the funds and what they’ve got going on there; trying to facilitate reconstruction from the storm damage on 3 of their 4 stations; they’ve got to build 2 stations; they’ve got some challenges ahead of them.” Commissioner Ducrou asks “storm reconstruction, that wouldn’t be insurance? I don’t understand why you’d have to have a fee for that.” Chief Nisbet responds “they’re having issues with their insurance covering the full cost; and the other thing too is now because, again, to the best of my knowledge, 2 of the stations that have to be reconstructed, may have to be torn down, but regardless, they have to be brought up to current code that they probably weren’t meeting because they were older stations.”

Commissioner Cook states “I’m sure they got some FEMA money out of the deal.” Commissioner Ducrou states “they’re reconstructing more than 50% of it, right? Chief Nisbet agrees “yeah, they had some pretty significant damage. And then their station 2 they have to relocate because of the widening of Homestead Rd.”

Commissioner Cook states “If they have a value of \$150,000 and they spend over 75,000 that’s 50%. It don’t take but a roof to put \$30,000 in a roof on one of those commercial buildings.” Chief Nisbet states “so, Commissioner, they’re asking for \$3500, I bring it to you, you can decide what you think. If you ask me, for this year, it may work, it may not go through; it might be worth the investment to be on board with this, to support it. I think it could be beneficial to the district...” Commissioner Cook states I understand that, but he needs 8-10, right?” Chief Nisbet agrees.

Commissioner Cook states “I like the idea, but isn’t there 8-10 people that have a lot more money than we’ve got to pay for this thing? Ride their coat tails” Chief Nisbet states “I think what it is...” Commissioner Cook states “they’re looking for 8-10 out of 21 districts. How many are on board do you think?” Chief Nisbet states “I’ll put it this way, I know of about 8-10 fire chiefs that are taking it to their boards over the next week to two weeks; whenever their meetings are.” Commissioner Cook states “so, it’s 8-10 is all, that’d be the max; they’re probably going to get it, that’s all they’re taking...” Chief Nisbet agrees “that’s what they need to get it going.” Commissioner Ducrou asks “do you know if he’s approached the union?”

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Because honestly, this is what they do.” Chief Nisbet responds “yes, I believe that discussion happened; I have talked to JP about this but I do not believe that they have yet. I think they wanted to see if they got buy-in from the fire districts first and then we wanted to jump on board; and I think what the plan is, is to talk to the locals and talk to the FPF and then go from there. I will say that the one gentleman here, I believe it is John Wayne Smith, he used to work for the League of Cities and was instrumental in arguing against non-ad valorem assessments and now that he’s working in this group and he’s been exposed to what these are for the fire service, primarily for emergency services, he is one of our personnel that’s going to be working on our behalf to help build those to get the larger groups that we need to get this through on board. This is pretty-much the information I have for you right now Commissioners; if we wanted to jump on board or not, I know that Commissioner Pringle is, I know that Lehigh is already on board, like I said. I talked to Chief Howard today, I know that Ions McGregor is talking about it today, Estero talked about it today, I don’t know what the outcome of those discussions are.” Commissioner Griffin asks, “so other than they need the money as soon as possible, we don’t have like a deadline date or anything like that?” As of right now, no, they’re planning on, from what I understand, they’re already doin’ stuff, but they need to get things going.” Commissioner Ducrou states “Lehigh’s going to have to do it no matter who’s in. Our January meeting is on the 8<sup>th</sup>. I’m not opposed to it but I’d almost rather wait until then and see what the census is and what the local is able to accomplish, because they’ll find sponsors and co-sponsors because you’ll have Collier/Naples, and 1826, between those two, you’ll have... because 1826 with the FPF can find, I would think between him and Pritchett could get it directed. I would think that would be good, at least that’s what they’re supposed to do.” Chief Nisbet agrees “yeah, I could, like I said, I just talked to JP a little bit about this just to give him a heads up, hey this is something that’s being worked on. But I don’t know if they’ve reached out to the FPF as of yet.” Commissioner Griffin states “I’d like to be able to see, give it a little more time myself, just to see where it’s at so we’re not jumping in, throwing money out there too soon.” Chief Nisbet agrees “I understand Commissioners, this is very basic information, I understand that, and I wanted to bring it before you to see if this was something we’d be interested in. If you want to table this until the January 8<sup>th</sup> meeting, I would say that if we’re going to make a decision, we probably need to make it on that January 8<sup>th</sup> meeting, either yeah or nay, if we’re going to be on board or not, so that we can get things taken care of, and if we’re going to support it, get the funds to them. As far as the budget, I have room in the budget to support that.” Commissioner Cook states “you can tell them that we support it as a board, we just don’t have the money. We support the idea.” Commissioner Ducrou moves to have it put on the agenda for the January 8<sup>th</sup> meeting for updates. Commissioner Cook seconded the motion and with none opposed, motion passed.

**Chief Items** – Chief Nisbet announces “I have badges for you guys, but I don’t have belt clips. They are in my office. Commissioner Cook notices they initiative states it is asking for the Chiefs support and he tells Chief the Board supports

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Chief supporting it and writing his own check! Chief states it is in his spending limit in the budget and states “they actually encouraged the Chiefs stating it is probably within all of their spending limits, but I informed the attorney there was no way that I was going to make a decision that was going to legislatively affect the board without taking it to them first. Anyway, you have badges, so as soon as the belt clips get here, you’ll have badges. I’ll have them for you next meeting. As soon as San Carlos Park gets their ID card machine fixed, we’ll have those.” He also announces Commissioner Ducrou is now fully retired.

**Commissioner Items** – Hearing none Vice Chairman Griffin calls for Public Input

**Public Input** - As there’s no public input offered, Vice Chairman Griffin entertains a Motion to adjourn.

**Adjournment** – Commissioner Cook moves to adjourn. Commissioner Ducrou seconds the motion and with none opposed meeting is adjourned 7:35p.m.