

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
December 13, 2011

Meeting called to order at 7:03 p.m. by Vice-Chairman Griffin

Pledge of Allegiance

Invocation – Commissioner Hansen

Roll Call: Commissioner Ducrou – Excused

Commissioner Hansen – Present

Commissioner Cook – Excused

Commissioner Griffin – Present

Commissioner Klos – Present

Chief Larry Nisbet - Present

Office Manager - Theresa Sharp - Present

Attorney Ian Mann –Absent

Others Present: Some public

Guest Presentation- 2010-2011 Audit Findings - Jeff Brown of Ashley & Brown, CPA presents highlights of the FY 2010-2011 Audit. He begins with page 1 summarizing that the District's financials accurately reflect the District's position and that staff has kept accurate and orderly records and has readily and easily provided all requested documentation. He then explains that the Management's Discussion & Analysis pages 3-8 provide some excellent overview analysis of the financial data with comparisons to the prior year. He continues that the actual audit begins on Pg. 9 and includes some new elements this year; he points out the changes on page 11 which reflect the additional columns added by the separation of the Impact Fee Funds from the General Fund to facilitate the tracking of the Impact Fund shortages owed to the General Fund. He notes that the funds are combined at the bottom of page 11 reflecting that the District has nearly \$460,000 in total funds with just under four months available in liquid funds, indicating the District is financially sound. He also points to the new classifications of funds and the disclosures required, such as the Prepaid expenses which are now considered non-spendable. He goes to page 13 Statement of Revenues, Expenditures and Changes in Fund Balance, stating this is the "For Profit World" Income Statement or Profit and Loss. He notes that we received revenues of \$1,430,886 and expenditures were \$1,427,034 indicating we received revenues in excess of our expenditures, thereby increasing our Fund Balance Carry forward by \$3,852 for the year. He states that pages 15-22 are the notes to the financial statement which give a bit of the history of the District and define the "Reporting Entity" and the accounting policies and procedures that we follow. There are some schedules in the back that support some of the numbers in the front, such as the capital assets, which provide more detail of the building, equipment, and vehicles. Page 23 is the Budget vs. Actual Schedule, which reflect total expenditures were budgeted at \$1,485,000 and we actually spent \$1,427,000 so we are \$58,477 to the good. He goes on to say that there are two additional reports on pages 24 & 25 which are the auditors reports on internal controls and compliance; he takes us to page 25 noting the last sentence in paragraph 2 which notes that there were no deficiencies identified in internal control, and under the compliance Section, the last sentence in paragraph 1 states there were no instances of noncompliance or other matters that are required to be reported. He takes us to pages 26 & 27, the Management Letter from the auditors to the Board which states numerous references to Florida Statutes, and Rules of the Florida Auditor General's Office, all of which are positive and state that we complied with everything we were supposed to and we are not in a deteriorating financial condition. This

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concludes his presentation and he offers to take any questions now or whenever the Board may have need for information or clarification. The commissioners have no questions and thank the auditor for his work. The auditor states that the entire process is quite disruptive, but notes that the District has a good staff that did a good job, and was able to provide everything they were asked for. The auditor is allowed to leave and does.

Minutes – Review and Acceptance of the minutes of the November 8, 2011 Board of Commissioners Meeting. Motion made by Commissioner Hansen to accept the minutes. Motion seconded by Commissioner Klos. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Financial Report: Review & Acceptance of the November 2011 Financials. Commissioner Klos motioned acceptance of the November financials. Commissioner Hansen seconded the Motion. With no questions or discussion, and none opposed, motion carries.

Admin/Ops/Fire Marshal's Report (attached) – Chief Nisbet reads Fire Marshal report into the record and adds that after the report was prepared, Captain Underwood received a call from Banks Engineering who was looking for flow reports which would indicate some progress on the development of Bayshore at I-75. Commissioner Griffin asks which corner. Chief responds that it is the North side where Racetrack is going in. Commissioner Griffin remarks that it will be good to see that come along. Chief Nisbet reads the Administrative Report into the record. Commissioner Griffin asks Chief Nisbet if the Cyano kits were provided just to us, or to all departments in the area. Chief Nisbet responds that they were supplied to several departments; he adds that EMS has to use them since they are an IV treatment; but since we are kind of an anchor truck for the area since we respond mutual aid regionally, we were identified as a carrier of the product, with 2 kits on our truck. He continues that we have them, Lehigh Acres has them, San Carlos Park and Iona McGregor have them, and Cape Coral has them...so they are spread out. He adds that there are several EMS units that have them as well but not all have them. Chief adds that pretty much, if we are on a fire and we have a firefighter who has worked in fires and experiences chest pain; they are finding that they are often related to cyanide exposure, and they are going to give them the cyanide kit along with treating them for the cardiac emergency since there are no adverse affects of the kit if it is not cyanide related. Commissioner Hansen asks if everyone qualified for the performance based bonus. Chief Nisbet responds to the affirmative, that everyone scored at least 51. He adds that the Captains did very fair and thorough evaluations, and everyone did score 51 or higher and will receive their bonuses Friday. Chief and the staff present thank the Board again. Vice-Chairman Griffin calls for questions or discussion; hearing none he calls for petitions before the board.

Petitions before the Board – None

Union Petitions/Discussions – None

Old Business – None

New Business –

- **Accept Audit and Amend 2011-2012 FY Budget for carryover**

Commissioner Hansen offers motion to accept audit. Chief Nisbet reads Resolution 2011-09 accepting the audit and amending the 2011-2012 budget into the record. Vice-Chairman

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Griffin calls for the vote. Resolution passes with all in favor and none opposed. Chief Nisbet adds the note that of the \$68,568.27 amendment to the carryover, \$52,000 was from the second safer grant. He continues that many of the additional expenditures he requested throughout the year were absorbed into the budget rather than hitting the Reserves as approved, as the staff is really being fiscally responsible.

• **New Impact Fee Schedule** – Chief Nisbet expresses the general concenses regarding the potential pending reduction of the Impact Fees, and asks the Board if he might pick a fight when future discussions take place. He states that while he does agree some incentive to build could help stimulate growth, he and the others affected do not agree that all the percentages are reasonable. While the rate for commercial is not significant, about 5%, the rate for residential, which is predominantly what we are out here, they are talking a reduction of 41% of our current rate. Everything else was between 18% and 41%, except warehouses which were 86%. He sites the example if they put in two or three hotels that are 5 stories high out here at Bayshore and I-75 and the big box store they are talking of putting in the Bayshore Town Center, we are going to need a 75' ladder truck to maintain our ISO rating and our protection class. With a reduced budget of 43.7% there is no way we can wait for the taxation monies to start coming in for those properties to get that truck when we are still trying to catch up from what we've already lost. The loss of the Impact fee of that amount could be significant enough to prevent us from having that truck. While there are other avenues, he would like to at least try to negotiate where our reduction isn't as much as they are proposing. Vice-Chairman Griffin asks for a motion or questions. Commissioner Hansen asks when they are looking to make that effective. Chief Nisbet replies that the County is still reviewing the report, then it will go to the County Commissioners where there will be public hearings. Chief Nisbet doesn't expect there will be public hearings until after the first of the year, probably somewhere around February or March. Chief Nisbet asks because the County Community Development has asked for input with regard to any concerns and any findings in our review. He adds that it is his intent to focus on the amount of the reduction. He does not want to appear as though we are not conscientious of what the County is trying to do, but he does wish to make sure they are conscientious of the amount they are trying to cut and how that is going to affect the districts; not only us, but Alva and Tice, and Shores. He explains that these departments are among those that truly benefit from the impact fees as opposed to those that are already fairly well built up. It could be enough of an impact to us that at 41%; if you cut them in half, if we collected on these projects going here, say one and one half million in impact fees would be \$750,000 instead; that's the difference of us being able to build a fire station on highway 31, and not being able to meet the increased needs for service. He estimates a new station would run a million dollars by the time you purchase the property and get site development and build it. Commissioner Hansen jests, all you need is a shell on a truck. Wouldn't a pole barn work? Chief Nisbet chuckles and states that that is his concern; the report states that each district already has a truck that can pump water and has a hose on it so any new building brought into the district would not really negate the department's ability to fight fire. He adds, this really shows how little the research firm knows about the fire service. Commissioner Hansen makes a motion to let the county know how we feel. Commissioner Klos seconded the motion. Motion passes unanimously. Commissioner Griffin asks on a side note, hypothetically, if they were to build the hotels Chief spoke of, don't they have to provide ...Chief Nisbet finishes by stating that there are other options for us to look at; but the impact fees are what are supposed to provide that. He uses the example of Bonita Bay's Phase 1, the department negotiated with Bonita Bay to build the fire station and giving the department the deed; because they wanted the fire

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station housed there, and they were to front the department all of the impact fees so they could purchase all the equipment to go there. That would permit them to provide the safety for the community and have their safety system in place prior to marketing of the homes. Commissioner Griffin notes that the hotels wouldn't be able to build without us having the ladder truck to service them due to the shortage of impact fees, so everyone would loose. Commissioner Hansen notes that that is how the City got their station out at Pelican Preserve. Chief states that as soon as we see the impact fees coming in, it is his intent to pay off the tender right away to get us out from under that, and then probably sit on the impact fees for a while, so that what happened down south doesn't happen to us. (They received the impact fees, bought all that equipment, and then had to give them back because the development didn't go through.) Preliminary Bayshore Town Center merchantile calculations would yield about \$184,000 in impact fees, which would be a big help. They can't be used for anything else, but capital improvement, but it would be a big help. He continues that if we get the grant for the engine and we get all that squared away, after the tender, he would want to get a rescue truck so we wouldn't have to run the engines for rescue calls. He likes what NFM did for their rescue trucks and they did them very economically, he would request permission to use the impact fees for a rescue truck. Vice-Chairman Griffin asks if there's any other new business. Commissioner Hansen asks when Chief's contract is due for renewal. Chief responds that it runs out in October, but notice is required by March. Commissioner Hansen asks if Chief negotiates the guy's contract in June. Chief confirms that to be correct. Commissioner Hansen mentions that Commissioner Ducrou normally handles that, but states he does not wish to do it again. Chief would like to work it out that he will again. Commissioner Hansen asks about Chief's contract. Chief Nisbet confirms Commissioner Ducrou handles that as well. Commissioner Hansen states he does wish to stay ahead of those schedules. Chief Nisbet offers that we can deal with that after the first of the year, but notes that changes will be required due to legislative changes to items such as severance package, but notes that he has already discussed that with Commissioner Ducrou, and they won't pose a problem. Commissioner Hansen agrees that we should get Chief's contract worked out January, February, March, so it is in place so Chief can get the bargaining unit contract worked out on schedule. It is decided that we will place it on the agenda for the January meeting. With that resolved, Commissioner Klos inquires how long it takes us to get special event reimbursement. Chief Nisbet states that the Civic Center is right on top of that, with a phone call the Monday after the event if they are not yet in receipt of an invoice. Office Manager confirms that they also pay within just a couple of weeks, that we have in fact already received reimbursement for the event we are currently cutting checks to the event staff for now. That topic satisfied, Commissioner Klos inquires how many mutual aid medical calls we run a month to Charlotte County. Chief responds on an average, maybe two. Commissioner Klos states that it seems as though we go there a lot, but they don't seem to come here much. Chief Nisbet responds that there are two sides to that. Off of Nalle Grade, Charlotte County engine 9, when we run medical calls, we are mostly running the calls to support Lee County EMS; not so much to support Charlotte County. He continues that Chief Dickerson asked him several months ago, if her ambulance was dispatched to Charlotte County, within our automatic aid area, that we would go with them, so her medics aren't caught without assistance, or without a rider. He goes on to cite an example of a few months ago when Shawn delivered a baby in the back of the ambulance, that patient came out of Charlotte County. Charlotte County is not going to put a firefighter in the back of an ambulance to ride down here. So, pretty much, all of our support there is not really for Charlotte County, but rather Lee County EMS. Commissioner Klos agrees, but says it seems like we are dumping our station out to go there. Chief Nisbet

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explains that the last call was Little Farm Road, that's 2 streets past County Line. He says we are either running three or four calls, or no calls at all into Charlotte County. But Charlotte County now, for the most part, is the primary unit we pull in for standby; that way Chief can keep the other nearby units available if we need assistance. Commissioner Klos asks if Chief is saying that Charlotte County actually stands by here. Chief responds to the affirmative. He qualifies that statement that if we are going out east for a wreck, we pull in North's Engine 3, because it's an easy call; but if it's a fire, and North is with us, Charlotte County is coming in. Chief goes on to say that the other night we had a possible structure fire on Huffmaster, 1 house north of the County line, and Charlotte was sending 3 engines, an ambulance, and a batallion; when we got to the scene and found it was nothing, we called off their other units. Commissioner Klos is happy with the explanation that our response is more to cover Lee County EMS; while he does like and agree with mutual aid, he doesn't want it abused. He asks if Engine 9 is out of the station on 31. Chief Nisbet responds that it is, and explains that they respond to calls off of Nalle Grade, and the only way for them to get there is to come down 31 to Bayshore and then back up, and with Lee County EMS up there on a medical call, they're sitting there for 15 minutes without backup. Commissioner Hansen asks if Lee County EMS went to Little Farm Road. Chief Nisbet responds, yes, because the closest EMS unit for Charlotte County is housed in Punta Gorda off 17, so it's a matter of logistics, and notes a call where a person died because it was uncertain which EMS unit would respond, which is partly due to communications problems between Lee County Dispatch and Charlotte County Dispatch, which they are working on. Chief Nisbet states that he and Chief Ditteo are in communication about the current mutual aid and the changes it requires, and they are working on that. Commissioner Klos agrees it is great that we help them, but wants to be sure our main priority is the Bayshore Fire District. Commissioner Hansen asks for confirmation that when we run mutual aid it is his belief that we do not get reimbursement. Chief Nisbet confirms that is the case, and they do not get reimbursement for aid to us. He adds that we've used Shores and North more than them, but Charlotte is on automatic response for structure fires as far south as North River Road off 31. He adds that Chief Fair has stated on numerous occasions that he wants to repay the favor; and those days are over where we are on scene and they arrive and see us there and leave. He states that back in the spring we worked a brushfire off of Granville, we kept it contained for a while off of Granville, and as soon as the Charlotte County got there we came home. Commissioner Klos says he likes the way Chief put it, that we are assisting Lee County EMS. He is totally happy with that. Commissioner Klos has one more topic, he would like to see about getting the Commissioners paid per meeting again; he feels we might get a little more help during meetings if we did that. He asks if he needs to make a motion for that, or how do the other commissioners feel. Commissioner Hansen says he doesn't know if its too late for this year since we've already done the budget for this year. Chief Nisbet states that we could make a budget amendment, it would require a resolution which we could make at year end with any other budget amendments we make. Vice Chairman Griffin states we could make it a motion to dicuss it at the next meeting. There is some discussion as to what it should be called so that we do not have to pay retirement on it. (We have carried it most previously as Commissioner Salaries, paid \$100 per month if meeting was attended, deducted taxes, and have opted not to include it in the FRS; a decision which was required a year ago last December.) Commissioner Klos motions that we add it to the next agenda. Commissioner Hansen seconded the motion so we can discuss it further. Commissioner Hansen asks what Commissioner Klos has in mind. Commissioner Klos says to have it as it was before, it was removed shortly after he came to the Board, and he isn't really sure why it was taken away. Commissioner Hansen explains

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that it was a move on the Board's part to show the staff their support during these difficult times as a good faith offering since the staff was making so many sacrifices for the budget. Commissioner Klos states he's all for the guys and the Department, but feels the Board deserves it too. He asks Chief how he feels. Chief Nisbet responds that he feels we've done everything we can to keep the guys as whole as possible; and the Board donates their time and all; he says he knows there are costs associated to it, but he doesn't feel it will make that much difference in the budget, he does not know however, how the bargaining unit will feel. Commissioner Klos states that if it's going to cause heartache with the guys, he doesn't even want to bring it up. Chief Nisbet states there is potential there. Commissioner Hansen calculates that if every commissioner made every meeting, it would cost \$6,000 per year. Commissioner Klos again states he doesn't want to get the guys upset, but in talking to other commissioners around the County, and he knows they have larger budgets, many get 400-500 dollars; and many whether they make the meeting or not; and they are doing the same jobs. Chief Nisbet states that if the Board decides to do that, with what we've carried forward and that, it's not going to make that much difference. Commissioner Klos states that is what made him feel it would be ok, since the audit made it clear we are, at this point financially sound, he felt it would be ok. Chief agrees, we are holding it together, that we are tired, but holding it together. Commissioner Klos says if next year we have to give it up again, he doesn't mind giving it up again. If it means the difference of that or laying off guys, he would be willing to forgo it again. Chief Nisbet states he could see a little bit of heartburn with the guys, just like a lot of them have done their part, and we've done everything we can to keep health insurance, and get salaries back up, and replace the FRS contribution, he feels the commissioners have done their part too. Commissioner Klos states again he hopes there wouldn't be any heartache. Vice Chairman Griffin calls for any more new business. Commissioner Hansen notes the Community Children's Christmas is Saturday. Chief Nisbet announces the awards banquet is the 14th of January, at the Caloosa Girl Scout camp on 31. He states we have full use of the facility, lakes, canoes, kayaks, etc... We're going to have a barbeque like we did last year, probably have horse shoes, corn hole game, just a family fun day. Larry Ballenger at Lawhon's has already offered to supply the meat, probably hamburgers, hot dogs & chicken, like last year. Captain Underwood states that the Girl Scout Camp is donating the site, free of charge and no contracts. Chief states he can see some light at the end of the tunnel, he says if we can get the SAFER sustainment grants, we should be able to hold it together for the next 18 months. There are two things he feels we should work towards, which would be a staffed station on 31 and a rescue truck, and of course, he would want to hire some people. He says he is thinking big, and hopefully we can get to that point. He says on a sidenote, we have a request for the regional grant for the AVLs & MDCs in with the AFG; we are waiting to see what will transpire with that. He and Chief Noble have been discussing some joint operations on some things, with our auto aid coming into North Fort Myers, and they have a new Battalion Chief starting January 1, and Chief Noble has told him they have several hundreds of thousands of impact fees that they can't utilize right now, some are close to the end of the five year period, that one of the things he said he'd like to do is, if we don't get the regional AFG grant, because he wants us to go the closest unit response, with the AVLs and MDCs, is if the County Attorney will approve it, North Fort Myers would purchase the equipment for us, and then we would work out something where we would pay them back down the road, with our impact fees. Just trying to do some out of the box thinking. Commissioner Griffin asked if we didn't receive some of those MDCs a few years back. Chief Nisbet responds that we did, but they are garbage, and are still sitting in his office. Chief Nisbet states that that is the one bad thing about these mobile data systems, the life span on them is only about 5 years. He says once

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we get them, we are going to be replacing them about every 5-7 years. He adds that when we get them, they will not be in every truck, just in the front line engines, the rescue truck, and his truck; everything else will just have an AVL.

Public Input – None offered. Commissioner Hansen asks Captain Underwood his feelings on everything. He responds that you may have some who experience heartache with commissioner salaries, but he feels that's a decision they must make, he appreciated the bonus that was offered us, that was very generous, and he and the other guys appreciate it. Commissioner Klos agrees it was a pretty big bonus and doesn't understand why they should be upset. Captain Underwood adds that the inquiries for development are very encouraging as well, and the requests for flow test, that's the first sign of development. Chief Nisbet adds that there is no shortage of water source to support a development, 8000gpm total available flow consistent. Commissioner Griffin asks if Chief said we had 2 volunteers get hired on at Lehigh. Chief Nisbet confirms that Weinberg and Moses were, and adds that we interviewed 2 new ones who were hired to Lehigh during our interview process. Those two, Chief has offered to keep their applications on file for 6 months, since the positions at Lehigh are SAFER positions. We have three right now that are going through the boot camp, and the academy just graduated 11 more and three have come out to see him already, and we will be doing another hiring in January. Commissioner Griffin asks if there are many departments hiring now. Chief Nisbet adds that four of our full timers have applied to Sanibel for security reasons; and he has written their letters of recommendation without any hesitation; though they actually hired someone from North Naples. Cape Coral is getting ready to hire. North just hired two, and may be doing a couple more due to retirements. With no further input, Vice Chairman Griffin calls for motion to adjourn.

Motion to Adjourn – Commissioner Hansen motions adjournment. Commissioner Klos seconded the motion. With no discussion and no opposed, meeting is adjourned at 7:57pm.