

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
August 13, 2013

Meeting called to order at 7:00 p.m. by Vice-Chairman Griffin

Pledge of Allegiance

Invocation – Commissioner Hansen

Roll Call: Commissioner Ducrou – Excused

Commissioner Griffin – Present

Commissioner Klos – Present

Commissioner Cook – Excused

Commissioner Hansen –Present

Chief Larry Nisbet - Present

Office Manager - Theresa Sharp - Present

Attorney Ian Mann –Absent

Others Present: Union DVP Lemieux

Minutes – Review and Acceptance of the minutes of the July 09, 2013 Board of Commissioners meeting. Motion made by Commissioner Hansen to accept the minutes. Commissioner Klos seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Financial Report: Review & Acceptance of the July financials. Commissioner Klos motioned acceptance of the July financials. Commissioner Hansen seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion, and none opposed, motion carries.

Admin/Ops/Fire Marshal's-Report (attached) –Chief Nisbet reads the Fire Marshall and Administrative Reports into the record. In addition to the Fire Marshall Report (as no narrative is provided) Chief Nisbet updates the Board on the activities within the District. He states the Love's Travel Plaza has completed all of its permitting requirements and now has a construction trailer in place; they are going to break ground very shortly. He continues that the original US Homes project, now called Northbrook Subdivision on Pritchett Parkway, filed permitting for some additional adjacent entrance ways for a 1200 unit community for which Chief has the site plan and states they are planning to start construction within a year, at an estimated rate of 200 homes a year. Commissioner Hansen states he noticed the billboard. Commissioner Griffin states he thought that was a done deal way back when. Chief Nisbet states that to the contrary, that is actually permitted through turning dirt. Commissioner Griffin states that US Homes still owns that property then. Chief Nisbet confirms and states that they filed an extension in 2011 which gave them an additional 6 years, and the site plan he has shows 4 or 5 entrances and it is chewing up every bit of land on both sides of Pritchett Parkway. Commissioner Hansen states that they only have 3 lots left in Stoneybrook in Estero and only 13 lots left in Stoneybrook in Gateway, that's why they need to get this one moving. Chief Nisbet states it was going to be called Stoneybrook North, but now they are going to call it Northbrook. Chief Nisbet reads the Administrative report into the record. Commissioner Griffin asks what our reserve was on the engine for auction. Chief Nisbet

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responds that it was \$5,000 and we received a bid of \$5,200 but since we had the offer for \$10,000 prior to auction Land raised the reserve for us to that amount. Vice-Chairman Griffin calls for questions or comments, and hearing none, calls for Petitions.

Petitions before the Board – None

Union Petitions/Discussions – None

Old Business –

- **2012 SAFER** – Chief Nisbet states that Tice did receive their 2012 SAFER Grant notice 2-3 weeks ago, so he thought we might also receive it, as he understood we were still in the pipeline and the application period was coming up; but from what he understands, the Auditor General who oversees the disbursement of the funds up there, put a halt to any further awards for the 2012 funding. He continues, he spoke with Tina Godfrey to see where this leaves us, and her recommendation was to apply for the 2013 and if things change with the 2012, we can pull the request for the 2013 if we choose, but we can figure out from there what we want to do. Chief Nisbet states the application period for the 2013 closes the end of August. He would anticipate the timeline to run as follows: September to be the electronic grading period month, as it takes about 30 days; probably about the first of October they'll do the peer reviews, and toward the end of October, first of November, we'll start hearing the results, but we are going to be in the next budget year before we hear from SAFER.
- **Engine 133** – Fire Engines International offered \$10,000, we have a letter of intent for the purchase of that, they are sending us a \$1,000 deposit, the check is already in the mail and should be here in the next day or so. Then they will wire us the additional \$9,000 and then they come and get it. Chief continues, that he spoke with the agent about the plight this community is in, and he has some old brass gated "Y"s and stuff that we will never ever put on our trucks, that he will include with the truck. Chief continues, that should this deal fall through, the person who had the highest bid at the auction has contacted him, he wants the truck if the deal should fall through, Chief told him how much he has to have for the truck, he told Chief to give him a call. Chief states if that happens, we might see some negotiation; we might see \$10,500, or we might see \$8,000. His intent is to have it out of here by October. Vice-Chairman Griffin calls for any questions; hearing none, he calls for new business.

New Business –

- **Fire Assessment Fee**—Chief Nisbet states that as mentioned in prior meetings, Matt Caldwell who is our representative in the Florida House, put together a bill proposing that independent special taxing districts be allowed the use of fire assessment fees to fund fire, ems and operational administrative needs; pretty much everything. Some political wrangling it got hung up in committee, and we actually thought it was dead. He then attached it to the backside of 633 which was the Fire Marshall's bill and because of everything that was tied to that, it got approved. He continues that he and Commissioner Ducrou attended a meeting in Lehigh Acres about the fire assessment fees and the general synopsis is; we would have to have an independent study done to see what our assessment would need to be. They look at our budgets and assess

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where we are, and where we need to be for operations. They have a mathematical formula and they determine what our assessment fees should be. He continues, most of the reports he has seen through Public Information Requests through the Florida Fire Chiefs Assn., give us an idea how these are assessed and how they are put together. North Port's report was incredible. It was laid out well and very easy to read. He notes that a lot of fire departments and municipalities are doing this already. In a nutshell, he sites the example that, say we assess a single family home a fire fee of \$250 regardless of size. Commercial is by square footage, open land is by acreage, however we wish to set it up, and how ever this group would recommend we set it up. The caveat to this is there are no exemptions unless they are a part of US Government, so all the 20/20 we would be able to assess. Lee Civic Center, which we don't collect a dime on, but they rent out and collect a profit on, we would be able to assess. All the churches, we would be able to assess. He adds, that being said, it would be Board discretion who would be exempt, but he would recommend we leave the churches alone. Commissioner Griffin asks if this would be on top of ad valorem. Chief Nisbet's response is that it can be, Representative Caldwell's recommendation was that we use it to replace ad valorem. He continues that he has not received an answer yet, but he does not believe we can completely do away with our ability to assess an ad valorem, he believes we are bound to that by state statute. We could take the ad valorem to zero, and it would always be there with a 3.500 cap. Also of note here is any increase in the assessment is tied to the median household income in the state of Florida. Over the past four or five years, that has actually gone down. Though, it is not like ad valorem, when property values go down, our revenue goes down with ad valorem, with assessments we just can't increase it when income drops. If income goes up 3% our assessment can go up since that is what it's tied to; just like the state budget, that's what it's tied to. Chief states this could significantly stabilize our budget, it could give us enough money to take care of some things that need to be taken care of, it would allow us to get off the welfare of the safer grants, and would stabilize the economic condition of the district. Chief notes there is some cost to this. The average cost for an area the size of ours for the study is between \$25,000 and \$30,000 which we would have to fork out up front to have this done, to put it together. He continues, what that does, is gives us an independent study or independent review that they defend in court, we do not have to defend it in court, they do, that's their job, and every agency Chief has talked to, North Port, City of Cape Coral just used the same company for their study, Lehigh Acres is going to be using them, everyone he has talked to, this company is a top notch company and Chief liked their report the most. Once this is done and we have a report, Chief would recommend that we pay for a special election sometime in the late spring or early summer of next year, and we would hold our own election, so we would have it by October of next year. That being said, we have to have the study completed 4 months prior to setting that date, so whenever we get it done, we need to go for the special election four months from that date. Chief does point out that not everyone will win from this, there will be winners and losers, but what it does, is it stabilizes the community, they know what their fire fees are going to be, they won't have to worry about sticker shock, and we won't have to worry about homestead exemptions. He continues, right now our fees are assessed before exemptions, but that is subject to each property appraiser, when the next one

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comes in, how will they interpret the statute? They could start assessing after the homestead exemption, like they do in many other communities, that would cripple us. We would be done. 78% of our homes are homesteaded. Chief wants to make sure it is fair and equitable across the board, that levels the playing field, it would be laid out in lots, it would be laid out by what they refer to it as equivalent building units. So its very very fair on how its laid out. The reason he brings it to the Board this night is he needs to put some things in motion. First thing being to put out a request for proposals to perform the studies. Commissioner Hansen asks that if we put out \$30,000 for the study, and then don't like it, we are out \$30,000? Chief confirms, that while he doesn't like that aspect, it is necessary to go this direction. Commissioner Griffin asks what the proposal is. Chief Nisbet states the request for proposal is so that he can get 3 different agencies bids to perform the study. Commissioner Griffin wants to know what we get for the \$30,000 other than them defending us in court. Chief Nisbet states they identify all the various properties and their square footages and such, and identify what each property should pay. They will also assist us in setting up, if the voters approve this, they set up our system with the tax collector to collect our assessments and the interlocal agreement for the disbursement of those funds. The other thing with this, he continues, is the revenue stream is more stable, and is quarterly disbursements of more level amounts. The language is designed so that they do get discounts for early payment and penalties if they pay late, as with ad valorem taxes. Commissioner Griffin asks if this will go through us or the County. Chief Nisbet states that once we ge the voter approval, the tax collector instead of collecting ad valorem taxes, collects the assessments, like the garbage collection charge for us. It will be on their tax bill. Chief Nisbet gives the example for one property owner up off 31, he pays us over \$16,000 for fire protection for 1 house, and another here that is 1500 to 2000sf that pays us roughly \$100 for fire protection. It would level the playing field for the residents, and where we have had revenue unjustly and unfairly taken from us, that would stop. Commissioner Griffin asks for clarification on the government exemption on the 20/20. Chief explains that only US Federal Government property would be exempt, all the 20/20 property out here would not be. The Board can determine any additional exemptions they would wish to allow. Chief would suggest we get the study result first and see how much money we are talking and make the decisions from there. Chief says he asked around city hall how people felt about the assessment philosopy and didn't have any one against it, even if they had to pay a bit more, once the sticker shock was over, they preferred to know what their bill would be every year. They all felt it was a more fair system. Chief explains we went up 4% last year, and this year we went down a quarter percent, so instead of what might have equated to 10% of our budget back, now we might get 2% or 3% next year, or 5%, and the next year, we could be flat again. So we are looking at 11-13 years to get to where the funds are where he feels comfortable that we are close, not even completely, but right now he's looking at 5-6 years or more until he will have the funds to get off SAFER. He adds that he believes we are approaching the end of the SAFER now. He commends Representative Caldwell for his accomplishment with this work, and several other fire districts are going to be looking at this. He had a meeting with Roger DeJarlais the County Manager, which was a very good, positive and supportive meeting, in which he even said he likes this concept and says the County would assist in supporting this,

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with certain news agencies that tend to put negative spins, he would put a positive spin on this. Then if we went to a consolidated system down the road, this would make it a lot more economically feasible and remove another hurdle. We pretty much have the ability to do with it what we want. He adds that he and Billy sat down and discussed it the other day and determined that if we could get between 1.5 and 1.6 million, that would help us out. Right now, we are at just under 1.1, we are looking to generate another \$400,000. Chief Nisbet feels that is pretty much being chewed up by properties getting a free ride. Chief states he does not have the ability to do the study so he is asking the Board for permission to do a request for proposal for next months meeting so we can look at this. Commissioner Klos motions to proceed with RFPs. Commissioner Hansen seconded the motion. Vote is called and with none opposed, motion passed. Commissioner Hansen adds he really would not exempt churches. He would recommend the route Cape Coral went, they assess churches at the house rate.

- **Meeting schedule for 2013-2014**—Chief asks for official vote for board meetings to remain the second Tuesday of the month at 7:00pm. Commissioner Hansen motions to continue with the monthly Board meeting scheduled for the second Tuesday of each month at 7:00pm. Commissioner Klos seconded the motion. With none opposed, motion passed.
- **SWFL USAR Team 6**—Chief Nisbet states they have some equipment that is being damaged by being out in the sun, he asks the Board allow him to let them put the heavy rescue semi-truck (the green and white one) in the back bay where E-133 is presently. With that, he would ask that if they do not have a driver available, for in-county response only, that one of our personnel would bring the vehicle to the scene, then be released to return immediately to our station as soon as one of their command personnel arrived on scene. Commissioner Hansen asks what the fee is. Chief Nisbet states that he was not going to charge since USAR has to replace very expensive high tech equipment like vehicle extrication tools every 3-5 years, donations to us of the replaced equipment would be a considerable trade for the storage and use. Commissioner Griffin was going to ask the same thing. Commissioner Klos asks how many trucks. Chief Nisbet states just one; they are going to try to stage various apparatus in different spots around the county; he believes 1 to Iona, but the State USAR truck they want to keep near the interstate, and since Ken Craft now lives off Bahia Vista on Durrance, he is up here, and Jody Payne who is up off Leetana is a task force leader, as is Cindy Yeager, so they have 3 drivers in the immediate vicinity, who either work different shifts or not at all, so the demand on our personnel is not going to be that common, but just in case, they want to train a few drivers. Commissioner Klos motions we allow USAR to park their vehicle here. Commissioner Hansen seconded the motion. With none opposed, motion passed.
- **Recess for Executive Session 7:29pm**
- **Reconvene 8:07** Vice Chairman Griffin calls for Public Input and hearing none, Commissioner Hansen motions to adjourn. Commissioner Klos seconded the motion and with none opposed, meeting is adjourned 8:08pm.