

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT  
MINUTES OF THE BOARD OF COMMISSIONERS MEETING  
October 8, 2013

**Meeting called to order** at 7:02 p.m. by Vice-Chairman Griffin

**Pledge of Allegiance**

**Invocation – Moment of Silence**

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

**Others Present:** Some Public

**Minutes – Review and Acceptance of the minutes of the September 3, 2013 Preliminary Budget Hearing.** Motion made by Commissioner Cook to accept the minutes. Commissioner Hansen seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Review and Acceptance of the minutes of the September 17, 2013 Final Budget Hearing. Motion made by Commissioner Cook to accept the minutes. Commissioner Hansen seconded the motion. Vice-Chairman Griffin calls for questions or comments. With no questions or discussion and none opposed, motion carries.

Review and Acceptance of the minutes of the September 17, 2013 Board of Commissioners meeting. Motion made by Commissioner Cook 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 September financials. Commissioner Klos motioned acceptance of the September financials. Commissioner Cook 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 report and commends Captain Underwood for his outstanding job handling the inspections involving pyrotechnics. He reads the Administrative Report into the record. Vice-Chairman Griffin calls for questions or comments. Commissioner Cook asks if the vehicle had been picked up yet (referring to E-133). Chief Nisbet responds it is supposed to be picked up this week by a lowboy, headed to Tampa, then on to Argentina. He adds that since it is such a poor community, we also threw in some items now obsolete to us but still of use to them. Items such as an old gated “Y” with a cracked handle, and some old blue EMS helmets that EMS

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never used. Vice-Chairman Griffin calls for questions or comments and hearing none, calls for Petitions.

**Petitions before the Board – None**

**Union Petitions/Discussions – None.** DVP Lemieux does, however, have an award to present. He states it is a thank you plaque to the board for their support of Local 1826 and the MDA Boot Drive. The Board thanks him and he thanks the Board for allowing them to do it. Commissioner Hansen asks how much they raised. DVP Lemieux is uncertain as it has been since spring. Chief Nisbet recalls our intersection holds its own, somewhere around \$6,000. DVP Lemieux states that in all they raised some ninety-thousand dollars, with our Local 1826 raising the highest in the state. With no further questions or comments, Vice Chairman Griffin calls for old business.

**Old Business –**

- **Assessment Fees –** Proposed Resolution - Chief Nisbet states that for the past week and a half, we have been receiving requests from GSG for data pertaining to the assessment, as well as the necessary preparatory steps that would enable us to have the assessment in place by next budget year, should the voters approve it. One of the requirements would be a public hearing at which we would adopt a resolution enabling us to move forward to poll the voters and if approved, collect the fees. The hearing would be scheduled for December 10<sup>th</sup> at 7pm, our usual board meeting night; and it must be advertised 4 dates each occurring once a week for the 4 weeks preceding the hearing. The cost of the advertising will be \$327.45 and the resolution for consideration was included in the commissioner packets this month. What would happen at the December meeting is the public would have the ability to speak out either for or against the ability of the District to assess a fee. It would not be a time to go over the cost of the fee or how the fee would be calculated as we probably wouldn't even have that information at that time, but would permit us to meet our notice requirement due to the Property Appraiser by January first, that we are considering the adoption of assessment fees. This is the only way it can go on next year's TRIM Notice. So what Chief is asking is that we go ahead and set up the public hearing regarding the Resolution to take place during our normal meeting on December 10<sup>th</sup> probably right before old and new business. With that, Chief Nisbet offers to answer any questions. Commissioner Cook asks Chief what he needs from them. Chief replies he requires approval to set the public hearing for the 10<sup>th</sup> of December, at which time we will either adopt or reject the Resolution. Commissioner Griffin asks if the Notice of Intent is what we are talking about. Office Manager responds that is the notice we will be advertising for 4 weeks. He asks if those will be the dates we will advertise. She replies the 4 dates on the bottom are the publication dates. Commissioner Klos asks if we need a motion to run the advertisement. Chief Nisbet responds we need a motion to hold the public hearing at the December 10<sup>th</sup> Board meeting, and perform all the procedural requirements to do so. Commissioner Hansen asks if we will know all the information before then? Chief Nisbet responds that as far as the fee schedule, probably not. The only thing this is going to do for us is to provide us the ability that if we have the study done in time it will allow us to hold a special election prior to July 1<sup>st</sup> and we could assess this next year if successful. He continues that once GSG collects all the information data, they haven't come here and had the kick-off

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meeting yet, they just received a bunch of information yesterday, then they will set up different fee schedule scenarios that they will discuss with the Board at the completion of their report. Then we can determine how much of the budget we wish to fund through the fire assessment fee. Commissioner Griffin states this then is basically to get the ball rolling so we don't have to wait an additional year. Chief Nisbet concurs. Office Manager adds that it also provides the public the opportunity to be aware the potential exists for this to be imposed. Commissioner Griffin states then that if we don't get this in by the January deadline, then we have to wait until the 2015 fiscal year. Chief Nisbet agrees and states that the closest time he could have an election then would be at the primary. This will allow us to have a special election where we are the only item on the ballot, which could cost us anywhere between ten and twenty-one thousand dollars to hold a special election. As Commissioner Ducrou stated at the last meeting, and Chief Nisbet would agree, that is our best chance to win. It has always proven so. Commissioner Cook states you want knowledgeable people voting. Chief Nisbet states that civic groups such as the Bayshore Citizens have already expressed their ability to support this, he believes partly because of the support efforts we gave them the past few weeks with the flooding. North Olga Group wants us to come and give them the information, and they have always been very supportive of us. Mr. Makepeace who was here last month from the North Fort Myers Civic Association, is willing to assist us in getting the information out. Chief expects the next 4-6 months to be very busy getting that squared away. Commissioner Klos motions to hold the public Hearing on December 10<sup>th</sup>, 2013 at 7pm with our usual board meeting. Commissioner Cook seconded the motion. With no discussion and none opposed, motion passed. Commissioner Cook asks if we need to adopt the resolution. Chief Nisbet states that we will do that at the December 10<sup>th</sup> Hearing. He adds that if we can't get this done in time for a special election, the fact that we have made our intentions known is already out there and we won't have to do that part again. Commissioner Griffin asks if he has heard any public opinion on it yet. Chief Nisbet states that he has talked with people at Lawhons and they are all for it, and he has explained to quite a few of them that the more he looks into this, he doesn't believe we can get completely away from Ad Valorem. He doesn't believe legislatively we are allowed to, though he would not recommend doing so anyway. Just in case something came up, for instance this was challenged, or a constitutional amendment, or the legislature does something, and we lose it, this way we haven't done away with our other funding source we can fall back on. We would then fall back on the previous year's millage rate, which is the cap. He doesn't feel that is going to happen, a lot of the people out here are more concerned about not having firefighters out here than paying a few dollars more, though he feels there's a chance that quite a few people are going to save money, the biggest thing is they are going to know their flat rate is this and we will have to adjust that millage rate down based upon what we collect for that assessment. So lets just say that through the assessment we are able to fund 85% of our budget, and could lower our millage rate to a 1 for any ancillary items, like capital improvements or whatever, they have a pretty good idea that they're going to be assessed \$1 per thousand, so for a \$100,000 house, their ad valorem is going to be \$100 and their fire assessment fee is going to be \$150. (These numbers are for illustrative purposes only)The big thing is that the people that are not providing us revenue will have to start providing us revenue. The trailer parks could take a little hit. He also states that the stuff

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in the news right now about the assessment in Cape Coral, that assessment methodology is the one he stated he was not comfortable with, and the bond validation process. And the negative aspect we are seeing with that, he is glad we are not going that route. We are actually looking at a cost per services not a cost for readiness. Commissioner Griffin states that was what he was wondering, because of that going on, he was concerned about that stirring up everybody else. Chief states that is Cape Coral and that's a lot about Councilmen who aren't Councilmen anymore, but he thinks that process is going to run in to some hiccups. Commissioner Cook doesn't like the idea of us having both. He feels our argument is we need to have an assessment fee because ad valorem doesn't make much sense, but then we are going to try to keep it too. He feels we are not making a sacrifice here, we are wanting our tax payers to, but what are we doing? Chief states we have sacrificed, right now he has 6 guys on welfare. That's our sacrifice. We have been applying for Federal grants, we have reduced our minimum staffing, we've reduced our overtime, and we have reduced our levels of service on prevention aspects and stuff we were doing. We have made sacrifices, we are not providing the level of service we were. We are close, but we are not there. What we are looking to do is to stabilize our income to provide an adequate level of protection. The outcome of that is that if we lose 6 people, and we drop down to 6 per day, the average homeowner's fire insurance is going to go up \$1500-\$2000, so whatever the difference is between the ad valorem and the assessment fee, it is not going to make a difference if that homeowners insurance rate goes up the way it does, because we won't be able to do it. Commissioner Cook states that what he is saying is as a tax payer, you are going to come to him and ask him to pay an assessment, which he is fine with, he feels that is the way it should be, but what he is not fine with is that you would have the power that anytime you like or you get a whim, or you want to give raises, you could add the ad valorem to like 2% or whatever, anywhere up to 3.5; he doesn't like that. Chief Nisbet states that is one of the things they'll be doing is developing a long term sustainability plan to address that concern. He continues that even the special taxing districts that are using full assessments still have in their enabling act, the ability to go to a millage cap of 3.75, it's still there. All that still has to go through the process of adopting a normal budget, and again as commissioners, you would adjust that rate. The main thing is that we have a workforce that doesn't have to worry if they are going to be there next year or not. Commissioner Cook states he understands that, that's why you set your assessment to where it will cover your bills. He says make it an assessment we can really do, without ad valorem. He understands that Chief is afraid if they do challenge it, then we are done. If they challenge it and we gave up the whole ad valorem thing, Chief agrees, then we will be closed. Commissioner Cook takes the perspective that he may not always be sitting in that seat. He probably won't be, and doesn't want someone else to have control of his ad valorem when he is paying an assessment he has already agreed to when he was a board member. Chief agrees, but states legislatively, he does not know the complete answer to that, but he intends to find out, but he does not know if we are allowed to completely abandon ad valorem. Commissioner Cook states he understands, that we as a Board, and a Fire Chief are trying to get to where we have no risk, but as a tax payer, there's a whole bunch of risk, because there's that percentage there that we can add at anytime. Next year if assessments aren't going good, we got a big truck we need to buy, we're just going to go raise our ad valorem tax to 2.6 now

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because we need to raise this much money. He says as a taxpayer he doesn't want his bill to be \$350 one year and \$720 the next, and then back to \$170, he wants it to be pretty much consistent. Chief Nisbet states the thing is, lets say we set a straight assessment rate, and say, you're paying \$275 for your ad valorem right now. But I have to set an assessment rate that is at \$450 or \$475 that's not balanced out between ad valorem and assessment so you're going to look at that like there's a huge tax cut, so what is the difference. So depending on what the adjustment amounts that can be set through the assessment fee, if it's under the 633 new language, it's bound to the median household income or if its bound to whatever percentage we say we can adjust it per year, we may say we can adjust it 2% per year, and we don't adjust it for the first 3 or 4 years, then all of a sudden we have to make all that money up, so we have to do an 8% increase on it in one year, to make up the time that we lost. But if we have both, lets say we have a millage rate of 1.000 I can adjust that to 1.10 to make up for it, then it is distributed out equally, and in that scenario the commercial properties will pay a majority of those funds, and that's where the financial sustainability plan will come in to address that. Commissioner Cook states he understands why Chief is doing it, he's just saying as a tax payer he doesn't care for it. Chief states he wants to make sure that Commissioner Cook understands it so that when his community asks him about it, he is able to give them correct answers because in the public hearings, they will be asking the commissioners about it so he wants to make sure the commissioners have all the information, that there is no misinformation. Commissioner Cook asks for confirmation that we still have to follow the 2% cap for save our homes? Chief states that is what he is trying to find out still, is if we don't tie EMS funding to this, because we don't provide above basic life support first responder, now if we went ALS we would be under that 633 language, which indications are that is getting ready to be challenged, because of the EMS language in there. How does EMS affect real property, which Representative Caldwell said could happen. That's why they tied it to Lehigh Acres. He continues, if we wanted to go ALS and put a paramedic on the engine company, we can't use a fire assessment fee for that, We can use ad valorem. So we have to have that mechanism there in order to improve in certain levels of other services that will not fall under the fire assessment fee. But what it does is it balances out, and the big thing is making sure the community understands that the biggest portion of this is to maintain a level of sustainability that provides a level of service. For Chief, the big thing is he doesn't have to look across the table at his guys and say "we'll see what happens next year". He wants to get off the SAFER grant. Commissioner Cook states we shouldn't with an assessment fee. Chief agrees. Commissioner Cook also agrees that we are far safer with the assessment than we are with ad valorem. Chief states we will know more as the months go on. Commissioner Griffin states that when we get numbers in, then we will know. Chief states again, that we have just sent them the data. He adds that they even requested the 2014/2015 budget assumptions, which we couldn't even begin to provide. We have no clue what the health insurance numbers and FRS are going to look like. He continues, they wanted to know how much money we put back each year for capital improvement expenditures. That was none, obviously. We have reserves, and if we have to buy something, we have to use them, that's pretty much it. Commissioner Cook says ours should be pretty simple to figure out, it's not like we are South Trail. Chief States that South Trail would be easier. They are plotted. Everything is pretty uniform, of

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average size. Commissioner Cook states he was referring to departmentally, we don't have as many lines to worry about. Vice-Chairman Griffin asks for any other old business. Hearing none, he moves on to new business.

**New Business –**

- **2012/2013** – Chief Nisbet notes that we are amending the budget for 2012/2013 which we over spent by \$27,389.06, but we collected enough additional revenue to carry forward unexpended funds in the amount of \$29,366.54. He states that when we adopted the budget we had anticipated using \$68,634.45 of the reserves to balance the budget, but ended up not using over \$29,000 of those reserves. Line item moves are on the appropriation number 2. Commissioner Cook motions acceptance of the Resolution 2013-06 amending the 2012/2013 budget. Commissioner Klos seconded the motion. With no discussion offered and none opposed, motion carried.

**Public Input –** None.

**Motion to Adjourn –** Motion to adjourn made by Commissioner Cook and seconded by Commissioner Klos. With none opposed, meeting adjourned 7:31pm.