

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
October 9, 2012

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

Pledge of Allegiance

Invocation – Commissioner Hansen

Roll Call: Commissioner Ducrou – Excused

Commissioner Griffin – Present

Commissioner Klos – Excused

Commissioner Cook – Present

Commissioner Hansen –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 09/04/2012 Board of Commissioners meeting. 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.

Minutes – Review and Acceptance of the minutes of the 09/04/2012 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.

Minutes – Review and Acceptance of the minutes of the 09/18/2012 Final Budget Hearing. Motion made by Commissioner Hansen to accept the minutes. Commissioner Cook 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 2012 financials. Commissioner Hansen 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 and Administrative reports into the record. He adds that Office Manager Theresa Sharp has received notification from the Florida Association of Special Districts that all criteria are met and she has achieved the designation of Certified District Manager. The Board acknowledges their appreciation for the award and the work to achieve it. Chief Nisbet also adds that we have lost 7 volunteers in the last 5-6 weeks, all to paid firefighter positions; three being to Golden Gate, one to Cape Coral, two to Lehigh, and one to Bonita. Commissioner Cook asks if we are filling those spots. Chief Nisbet confirms we are and adds that he went to the fire academy and told the students that are getting ready to graduate to come see us if they are wanting to work. He continues that we have interview scheduled for the 20th and there are 8 candidates that we are looking at with 6 positions to fill. He then finishes the Admin report of vehicles in service and call runs and asks the board if they have any questions.

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Commissioner Hansen asks if the Certification that the Office Manager received comes with any extra pay, and laughs. The Office Manager responds that it comes with an incentive of \$0.12 per hour. He asks if the Board ok'd that. Chief Nisbet says he approved it and the Office Manager states that we did allow for it in the budget since we knew it was coming. Commissioner Hansen says he's just giving her a hard time, can't let her skate by. With no further questions or comments, Vice Chairman Griffin calls for any Petitions before the Board.

Petitions before the Board – None

Union Petitions/Discussions – None

Old Business – Bargaining Unit contract Ratification. Chief Nisbet explains that he did not make a copy of the entire contract for ratification as the only Section that was affected was 11.2; the ½ step on page 11 and the signatures and dates on page 22. He adds that the staff has not yet received the adjustment that was to take effect on 10/01/2012 as it was still to go through ratification. He adds that the Bargaining Unit has voted on it and approved it 7 to 3. Chief Nisbet also adds that the directives that were discussed at the executive session pertaining to workshops with regard to the step program and the possibility of immediate revisions due to FRS changes, have been noted and approved by both parties, and are to take place before next year's negotiations. Commissioner Hansen asks Chief if he needs a motion to accept. He confirms he does. Commissioner Griffin asks how the ½ step works, will it move them between pay scales, or how will it work. Chief Nisbet explains that many of our staff, though they have advanced to much higher step positions, their wages are set at the wages for steps behind their current status. We calculated the difference in pay to move those eligible, up 1 step in wage and then divided that increase by 2. Commissioner Griffin asks for further clarification as to where they are, are any Captains or Engineers higher than a one? Chief Nisbet explains that all the Captains are a Captain 2 or higher and are at the Captain 1 wage, The Engineers are all two or higher but are at Engineer 1 Wage, and all the firefighters are between 1 and 2 steps behind. Chief Nisbet goes on to say that we haven't been able to utilize our step program for a very long time, for obvious reasons, and it is agreed that it really needs to be addressed, however the DVP did not wish to address it at this time, but will in the near future. Everyone understands that when this program was initiated, things were looking good, and we thought we were going to be able to do this. And it is probably a thorn in their side that they have been here so long, and should be earning a certain amount, but yet are still way below that, and it isn't anyone's fault, it is the economy's fault. Chief goes on to explain we had offered to pay them holidays if they actually worked, but they countered with the ½ step and the numbers were right about the same, and the health insurance adjustments we were able to make probably saved us right between \$35,000 and \$40,000. Vice Chairman Griffin calls for other questions or comments. Hearing none, Commissioner Hansen moves to accept the Bargaining Unit Contract Ratification. Commissioner Cook seconded the motion, vote was called and passed unanimously.

New Business –

- Chief Nisbet advises that we are preparing to draft from the Line of Credit while we await the influx of Ad Valorem taxes to arrive. He states we have enough for the next check run, but we will begin thereafter. He adds that we have found out that we can draft only the amounts that we need to get us through the check run and will request

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the transfer just as we currently do from the Money Market to the Operating account. This will enable us to only draft the amount we need for the period of time we need it, so we pay less interest on it than if we transfer more earlier. He estimates we will only need to draw about \$100,000 before we receive funds the end of the year. He adds that we will leave about \$20,000 in the Money Market account to cover smaller transfers so that we do not have any checks bouncing. The Board agrees this is a good plan.

- Set Meeting Dates for new fiscal year – Commissioner Cook motions to leave the meetings as they are, for the 2nd Tuesday of each month at 7pm. Commissioner Hansen seconded the motion and will no discussion, vote is called and motion passed unanimously.
- Office Manager requests we move the discussion of meeting dates to August in the future as we can then know what date the September Budget hearing is and we won't have to re-advertise the regular meeting to coincide, potentially saving us advertising costs. Board is in agreement.
- Budget Amendment 2011/2012 Chief Nisbet states that we have simplified the budget amendment line distribution process to zero the difference budget to actual as the Board desires and allow the explanation in the Appropriation to outline the primary areas of impact. Commissioner Hansen motions to accept the Budget Amendment for Fiscal Year 2011/2012 budget. Commissioner Cook seconded the motion. With no further discussion, Vote is called and Amendment is passed unanimously.
- Commissioner Cook Motions to accept Resolution 2012-09 as presented Amending the 2011/2012 Budget. Commissioner Hansen seconds the motion and the vote is called. Resolution 2012-09 passed unanimously.
- Chief Nisbet brings old business regarding the auditor selection, to let the Board know that in answer to Commissioner Ducrou's concerns regarding wasted spending on the Auditor as we did not select the lowest bid, Ashley and Brown has agreed to meet the price of the lowest bid in an effort to make the entire Board comfortable with the decision and save the District some money.
- Chief Nisbet wishes to update the Board on the concerns with the EMS upheival the County is experiencing at this time. He states that the Fire Chiefs are going to have a Five Bugle Meeting soon to discuss the concerns such as privatization of the entire system. He states that while they haven't gotten to that yet, Commissioner Mann has already discussed that thought a couple of times. Chief Nisbet adds that in his experience, whenever he has seen this action in the past, it has not proven beneficial to the community and they have always gone back. The fire Chiefs will be discussing and going back to their Boards to see if they want to get involved in the ALS service and what it would require. He adds that there are grant funding sources out there for us to look at; but he wanted to make the Commissioners aware of the possibility, and explains that it is their goal to keep the system the way that it is, but there are concerns if it moves in the direction of privatization. Commissioner Cook asks if we did that,

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would our Department have only 1 ambulance? Chief Nisbet responds that we would probably have two. He explains that we would do it like we do now, only instead of sending two guys out in the Rescue truck for a medical call, he would send an ambulance for a general illness; if it were a cardiac arrest, then the engine would go. He goes on to explain that Lee County EMS's payroll requires pay for overtime for every hour over 40; so every employee gets 16 ½ hours at time and ½ in their 56 hour work week. Honestly, he adds, fire departments can do it cheaper. Commissioner Cook asks if they can do it cheaper, why aren't they doing it. Chief Nisbet explains it is because Lee County already had a system in place, and that's part of their tax revenue. He speculates that it is possible, with the current conditions in their administration that they might look at bringing in a private company to take over the current system and that could be detrimental, because it will no longer be about the community. Commissioner Cook states that there should be some ambulances for sale then. Chief Nisbet agrees. He states he spoke with Chief Kinsey in Bonita because he has been doing research on how much it cost to bring all these ambulances up; he's getting ready to order some. Chief Nisbet states that to outfit an ambulance brand new, out the door, it's right at \$150,000. Commissioner Cook states that they are there already. Chief says, speaking only for himself, there may even be a possibility that they could pay us to provide the service. Commissioner Cook states that would make more sense in his opinion. Chief states he can put an EMT/Firefighter and a Firefighter/Paramedic on that ambulance for 56 hours and not have to pay them overtime, just like they are here for the 24/48 now. And he could staff the ambulance for that and it would be a closest unit response with a lot of interlocal agreements. It may be something we have to look at; there may be a potential revenue stream with it, and there's also a potential revenue expense with it, he doesn't have all that, but he felt it best to give the Board a heads up. Commissioner Cook agrees, and states that the Fire Chiefs should put their heads together and present to the County the options they come up with. Chief Nisbet states that he's talked to Chief Elliott, the President of the Lee County Fire Chiefs, for the past two weeks about this since Chief Nisbet is now in charge of Operations, and they have just been stepping back, until now, where the conversation is surfacing regarding privatization, and they may need to throw their hat in the ring now. He repeats, ideally they would like it to stay as it has been, but if they are going in the direction of privatization, he believes we would like to have an opportunity to take it on. He imagines if they do go to a private system and we decide we want to go ALS on our own, say two years down the road, from what Chief Nisbet understands, our enabling act would allow us to do it at that time, because the County is no longer providing that service; our District enabling act would supercede that. Chief Nisbet reiterates that he just wanted the Board to be aware of what is going on, and that much of this is his opinion, but it's going to get interesting here for awhile.

- Chief Nisbet announces that the Chief of Lehigh Acres quit yesterday. Chief Nisbet adds, he was asked if he was interested, which he had (emphatically) replied, he is not.
- Chief Nisbet advised the Board that Theresa had been contacted some weeks earlier by a lady at a title company who is trying to do a closing involving one of the properties that were held in the retirement trust the District was involved in many years ago. He

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continues, that we provided the requested documents in a timely manner considering all the other things we were dealing with at the time, but the title agent has since contacted former Chief Jorgensen, advising him that the documents transferring the title and selling the property were done incorrectly, it shouldn't have been done, the trust was supposedly put together incorrectly, on and on, and handing Chad all this grief. Chad in turn contacted Theresa and Chief, forwarded us the e-mails from this lady, and she has provided him a statement to sign that she assures him is fine and everything will be ok...but Chad has advised her he will not sign it as it is not completely accurate, and he has advised her she needs to work through an attorney to get whatever it is detailed and then to plan on covering the expense of the District's attorney to review and provide an opinion before he would be willing to lay his neck out for it. Chief Nisbet feels that was something he knows nothing about and as he starts to state his opinion on it, the discussion ensues about what it was. Commissioner Hansen explains that when he came to the department, the Retirement system here was in a property trust package. We owned property in Charlotte County, Sarasota County, Central Florida, Marion County, we had all kinds of property. One property was 25 acres and it had five families of vagrants living on it who had lived on it long enough that they wanted to claim homestead. He continues that it was quite a mess, everything that they had gotten into, and they had tried to sell it off piece by piece, but couldn't, and they ended up selling the whole package for 50¢ on the dollar, just to get rid of it, and these guys lost some of their retirement, and it was just a mess. Chief Nisbet feels that at the time it was done, there were parties who organized the process and prepared documents and were responsible for the transaction, and as far as he is concerned, we have no dog in the fight. He feels the title agent just wants to close out the property and close the deal, the easiest way possible, and he feels it is not our problem. Commissioner Cook feels it sounds like a scam. Chief advises we have forwarded all her e-mails and a copy of the trust docs to Ian with the caution that we do not wish to take any action on this and certainly do not want to incur any legal fees over it, but want him to have whatever pertinent information and be aware that this is out there. Until such time it is determined we must take action, and then only under advisement from our attorney. It is the Board's position that we do not sign any documents pertaining to these properties that were involved. Chief Nisbet agrees, as we do not have any properties, and the trust is no longer valid, he has no plans to take action. Chad has also told her he is not going to take any action on it. Some day should it ever become anything, Chief would contact Bouchard, our Management Liability Insurance, to advise their might be a claim, but for now we fully expect this will go away, the people will lose interest in the property or something. We are just not going to risk further liability or involvement. Chief just wanted to make the Board aware.

- Commissioner Hansen wishes to add to the new business. He advises the Board that Chief had a small vehicle fire in the Expedition where some wires had melted; now he has a bad shimmy in the front end...it has 124,000 plus miles and is 8 years old, and Commissioner Hansen had asked Chief to bid out a replacement vehicle. Chief has done that and has come up with some numbers. Commissioner Hansen reviews the information. The State bid is \$37,888 and Estero Bay is \$35,593; \$2,245 less than state bid. Commissioner Hansen is not asking for authorization at this time but does

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want the board to know that we will have to look at it this year and he is going to have to replace it sooner rather than later, with the issues it is starting to have. Chief intends to reuse radios and siren (command cabinet) and the light package and console are expected to cost about \$4,500 and approximately another \$300 for lettering. He does not wish to finance the vehicle and would trade the present vehicle in.

Vice-Chairman Griffin calls for any other new business. Hearing none he calls for Public Input.

Public Input – None.

Motion to Adjourn – Commissioner Cook motions adjournment. Commissioner Hansen seconded the motion. With no discussion and none opposed, meeting is adjourned at 7:52pm.