

**FORT MYERS SHORES FIRE & RESCUE PROTECTION DISTRICT  
BOARD OF FIRE COMMISSIONERS  
April 16, 2020  
MINUTES**

**Call Meeting to Order**

Commissioner Detzel called the meeting to order at 7:33 p.m. In attendance were Commissioners Detzel, Kimball, Ragen, and Schneider. Commissioner Apperson was absent (excused). Also in attendance were Chief Dowaliby, Deputy Chief Rewis, Attorney Pringle, and Administrative Assistant Howard.

**Pledge of Allegiance and Moment of Silence**

**Amendments to the Agenda**

New Business: Resolution calling for an election to request an increase to the District's maximum millage rate.

**Presentations/Awards**

None

**Approval of Minutes**

The minutes for March 2020 were presented for approval. Commissioner Ragen made a motion to accept the minutes as presented. Commissioner Schneider seconded and the motion passed.

**Treasurer's Report**

Bank account balances for the month of March 2020:

The operating account opened with \$2,420,545.32. There were deposits of \$1,302,786.58, expenditures of \$398,348.36, and an ending balance of \$3,324,983.54.

The impact fee account opened with \$1,025,466.79. There were deposits of \$442.50, no expenditures, and an ending balance of \$1,025,909.29.

The 4-week C.D.A.R.S. opened with \$2,250,000.00. There were transfers in of \$250,000.00, transfers out of \$1,250,000.00 and the ending balance was \$1,250,000.00.

The 13-week C.D.A.R.S. opened and closed with \$2,500,000.00.

The 26-week C.D.A.R.S. opened and closed with \$2,000,000.00.

The total of all accounts on March 30, 2020 was \$10,100,450.33.

Commissioner Kimball made a motion to accept the Treasurer's Report. Commissioner Schneider seconded and the motion passed.

## **Chief's Report**

### **Items of Interest**

- A gentleman stopped in to thank A-Shift for helping to save his life. Casey Gee was off duty working on Engine 82 and was the only member available who was on the call.
- The site plan for the FPL property is being drafted.
- We are close to signing the contract for the Verandah property. All conditions have been agreed upon.
- The coronavirus has the men becoming acquainted with a new way of responding to calls for service delivery.
- A Walgreens employee, Tamika, bought hand sanitizer for all shift personnel. Thank you Tamika!
- We had an evening brush fire behind River Hall. It was 12.25 acres. In case anyone asks you , I did talk with HOA member Robert Stark who provided me with a picture of the fire.
- The annual physicals are starting on April 30<sup>th</sup>.
- It was brought to our attention that employees' families names are protected, so I will no longer be naming family members in my report.
- April birthdays: Commissioner Kimball, Engineer Swindle, Captain Burrell's son, and Volunteer Dibella. Happy Birthday!
- Engineer Washburn and his wife celebrated their wedding anniversary this month as did Volunteer Salyers and his wife. We hope you had a great day!
- Telecommunications Week was celebrated with tributes and appreciation for all that Lee Control does.
- We had three personnel at the fire at the airport that destroyed over 3,000 cars in the rental car storage lot.

- The shift did a drive-by with the fire trucks for a nine-year old in celebrating a birthday.

### **Meetings Attended**

- Lee County Fire Chiefs Association – Phone Conference
- Infection Control Webinar with Deputy Chief Rewis
- Monthly Officers Meeting

### **Training Attended**

- Daily shift training continues

Commissioner Ragen made a motion to accept the Chief's Report. Commissioner Schneider seconded and the motion passed

### **Attorney's Report**

- The additional agenda item before the Board is a resolution calling for an election, probably in the Primary, asking for an increase in the District's millage cap. State law required the Board to approve a resolution calling for an election on a millage rate increase and we have to provide the information at least 120 days ahead of the election to the Supervisor or Elections. If you hold the election in the August 18, 2020 Primary, and the voters approve the rate cap increase, the new cap would be effective for the fiscal year beginning on October 1, 2020. If you decide to hold the election in the General Election in November the new rate cap would not be effective until the fiscal year beginning October 1, 2021.

Commissioner Detzel asked about the costs associated with the election if we hold it in a general election year. Attorney Pringle said that the Supervisor of Elections does not charge the district per voter for putting a question on the ballot in a general election year like they do in a non-general election year or on a special election. The next general elections are in 2022, so if the District decides against holding the election this year, it will be two years before the next general elections. This is not the first time this item has been discussed, but this timing of the election and the choice of ballot language.

- The contract for the Verandah property is in the final stage and we have come to agreement to our satisfaction on the items we have discussed in prior meetings.

Commissioner Ragen made a motion to accept the Attorney's Report. Commissioner Kimball seconded and the motion passed

### **Fire Prevention Division Report**

- Current Construction: Race-Trac
- New Construction: None to report
- Projects Completed: Florida Lung and Sleep Associates; Home Source Realty of SWFL, LLC
- Revenues: The Division billed \$145.00 for the month.
- Meetings Attended: Lee County Fire Chiefs Association – remote phone conference; Lee County Fire Marshals and Inspectors Association; Lee County Communications Committee
- Prevention Education: None to report
- Inspections: The division completed 14 various fire inspections for the month.

Commissioner Schneider made a motion to accept the Prevention Report. Commissioner Kimball seconded and the motion passed.

**Public Input on Agenda Items** – No public present

**Old Business** - None

### **New Business**

1. Approve Replacement Electronic Extrication Equipment or new power unit for current Hydraulic Extrication Equipment. We currently have three sets of extrication tools – two Hurst tools, one of which is the new electronic tool we purchased last fiscal year, and one TNT tool. The TNT tool, which is 12 years old has an internal throttle issue. It is only able to operate on high, which is OK since that's what we operate the tools on, but it will need to be repaired. It will take a couple of days to repair. The motor housing on the 15-year-old Hurst tool cracked. We can purchase a new power unit for approximately \$2,500.00 but it will take 12 weeks to receive it. We had planned to replace the older Hurst tool with a new set of electronic tools next fiscal year, and we have \$32,000.00 set aside in reserves for that purchase. If we go ahead and spend that money now, we could purchase the new equipment for \$31,985.00 and it could be here in 6 weeks. We recommend going ahead with purchasing the new equipment because it is much

more efficient than the older equipment. We recently had a call where C-Shift had the lady extricated in the time we could have hooked the other tools up.

Commissioner Detzel asked for a comparison of the power of the hydraulic tool vs. the electronic tool and Chief said the new tools are more powerful in certain specific areas and are specifically constructed to work more efficiently on the newer vehicles. Commissioner Schneider asked if the firefighters like the new tools better. Chief Dowaliby said yes because they are much more convenient – there aren't any power units or hydraulic hoses to set up and they are easier to store on the trucks with fewer parts and no need to clean up any little oil leaks.

Commissioner Kimball asked if there is any merit in replacing the power unit and just having that tool as a backup. Chief Dowaliby said it would make sense, but we don't have any place to store it. There was some further discussion about the cost of maintenance and the storage issue, and it was decided to purchase the new tool and not order the replacement power unit. Commissioner Ragen made a motion to purchase the new electronic extrication equipment for a total of \$31,985.00. Commissioner Kimball seconded and the motion passed.

2. Discussion and action on resolution to hold an election on the question of raising the millage rate cap from 2.00 mills to 3.00 mills. We have had discussion in past meetings about the fact that we need to pursue a millage cap increase before we move forward with building the second station. It is the only way we will be able to staff a second station in the next few years. The District already owns the land at River Hall, we are purchasing the property adjacent to the current station, and we are working on acquiring the Joppa Lane property from FPL for a training facility. These properties position the District well to provide service for many years to come, but we are not yet able to commit to building because we cannot guarantee sufficient ongoing funding for staff without the millage cap increase.

Chief Dowaliby said that he would like the Board to move forward with the election this year, but the Board will need to decide if they think this is the best time to do it.

Chief Dowaliby explained the millage cap by using another fire district for an example. They have a millage cap of 3.00 mills and this year their millage is 2.36, illustrating that raising the cap doesn't mean that we would or should go right up to the cap.

Commissioner Detzel noted that by holding the election in the August Primary, we would know the outcome prior to finalizing our budget for fiscal year 2021. If we wait until the November General Election, it wouldn't go into effect until the following fiscal year.

Commissioner Schneider also noted that by holding the election we are just giving the voters the option. The decision is up to them.

Chief Dowaliby said that he looks at August as being geared more to the year-round residents.

Commissioner Schneider said that most people do mail-in ballots if they are registered voters in Florida, so even if they are not physically here for the Primary, they will still have the ability to vote.

Commissioner Kimball said that he does not believe the voters will think to look for this on a Primary ballot. The election office sends out sample ballots with all of the ballot questions on it.

Commissioner Detzel asked Commissioner Kimball if he supports a millage cap increase and he said not until the current economic situation is resolved. Commissioner Ragen and Chief Dowaliby both said that Commissioner Kimball has a valid point to consider.

Attorney Pringle reminded the Board that the next General Election year is 2022, so if they choose not to hold an election at all this year, that will be the next time it can be done without holding a Special Election at a fairly substantial cost to the District. Commissioner Detzel said that he feels we should go ahead with the election in August so we will have an idea for future planning. Commissioner Schneider agreed and pointed out again that the District does not have to use the entire additional millage, it would simply make it available in the future.

Commissioner Kimball does not want the District to ask for the higher millage cap and compared it to giving a kid the credit card and telling them not to use it until they need it. Chief Dowaliby said that he and Chief Duncan have always spent taxpayer money very judiciously. Commissioner Ragen agreed and Commissioner Detzel said he hasn't seen any waste on anybody's part.

Chief Dowaliby said that as the Fire Chief he has to think about community need and our call volume will increase by approximately 50% by 2030. If we want to begin to address the need for manpower, equipment, and facilities to be able to run those calls, we have to start now. There will come a point where we will be questioned on why we haven't built the second station. However, we can only do as much as the voters want us to do, and he understands whichever way the voters choose.

Commissioner Detzel noted that Highway 80 is going to have four lanes all the way to 27 at some point and when that happens the traffic is going to go up. The District is running more calls and we are going to need the ability to put more people on the road to deal with it.

Attorney Pringle also noted that as a service driven organization – our only function is to have the necessary people to respond to the calls in a timely fashion. We need to have the funds to keep adequate personnel on staff to handle the calls as volume increases.

Commissioner Schneider said that we are really asking for the opinion of the public, not telling them. He also said that a lot of seasonal residents do not come down until January. All seasonal residents who are also registered voters can get absentee ballots for the Primary as well as the General Election.

Commissioner Detzel said that he would still like to go ahead in the August Primary.

Commissioner Schneider agreed. Attorney Pringle told the Commissioners that they will need to choose a date and the ballot language from four alternatives below:

**ALTERNATE ONE:**

Shall the Fort Myers Shores Fire Protection and Rescue Service District be authorized to increase the annual maximum ad valorem millage tax rate on all property within its boundaries from 2 mills (\$2.00 for every \$1,000.00 of property value), which was approved by referendum in 1990, to 3 mills (\$3.00 for every \$1,000.00 of property value), to meet the increasing operating costs of the District?

Yes for Approval

No for Rejection

**ALTERNATE TWO:**

To fund the operation, construction, and maintenance costs of the services and facilities of the Fort Myers Shores Fire Protection and Rescue Service District, shall the District be authorized to increase the current maximum available annual ad valorem millage tax rate the District can charge from 2 mills (\$2.00 for every \$1,000.00 of property value), which was approved by election in 1990, to 3 mills (\$3.00 for every \$1,000.00 of property value)?

YES FOR APPROVAL

NO FOR REJECTION

**ALTERNATE THREE:**

To fund the operation, construction, and maintenance of District services and facilities, shall the Fort Myers Shores Fire Protection and Rescue Services District be authorized to increase the current maximum available annual ad valorem millage tax rate of 2 mills (\$2.00 for every \$1,000.00 of property value), which was approved by election in 1990, to a maximum available annual ad valorem millage tax rate of 3 mills (\$3.00 for every \$1,000.00 of property value)?

YES FOR APPROVAL

NO FOR REJECTION

**ALTERNATE FOUR:**

Can the current annual maximum ad valorem millage tax rate that can be levied by the Fort Myers Shores Fire Protection and Rescue Service District for construction, operation and maintenance of District facilities and services in the amount of 2 mills (\$2.00 for every \$1,000.00 of property value), which was approved by election in 1990, be increased to 3 mills (\$3.00 for every \$1,000.00 of property value)?

YES FOR APPROVAL

NO FOR REJECTION

After some discussion Commissioner Ragen made a motion to hold the election on August 18, 2020 and use Alternate 2 for the ballot language. Commissioner Schneider seconded and the motion passed 3 to 1 with Commissioner Kimball opposed.

Attorney Pringle read the title and substantive portion of Resolution #2020-03 into the record as follows:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE FORT MYERS SHORES FIRE PROTECTION AND RESCUE SERVICE DISTRICT; CALLING FOR AN ELECTION TO DETERMINE VOTER APPROVAL OF AN INCREASE IN THE ANNUAL MAXIMUM MILLAGE TAX RATE THE DISTRICT



CAN IMPOSE ON PROPERTY WITHING THE BOUNDARIES OF THE DISTRICT; AUTHORIZING ACTION TO CONDUCT AND ELECTION; RESCINDING ALL RESOLUTIONS IN CONFLICT; PROVIDING FOR LIBERAL CONSTRUCTION AND AN EFFECTIVE DATE

The District is currently authorized to charge an annual maximum millage tax rate of 2 mills, which was established in 1990, and the proposal is to increase the maximum millage tax rate to 3 mills.

The resolution calls for holding an election on August 18, 2020 for the purpose of submitting to the qualified electors of the District a question of whether the annual maximum ad valorem millage tax rate of 2 mills, which was approved by referendum in 1990, should be increased to an annual maximum ad valorem millage tax rate of 3 mills. The official ballot shall be in the form as provided by law and shall contain the question to be voted upon which shall be substantially in the following form:

REFERENDUM TO INCREASE MAXIMUM MILLAGE RATE OF THE FORT MYERS SHORES FIRE AND RESCUE DISTRICT

To fund the operation, construction, and maintenance costs of the services and facilities of the Fort Myers Shores Fire Protection and Rescue Service District, shall the District be authorized to increase the current maximum available annual ad valorem millage tax rate the District can charge from 2 mills (\$2.00 for every \$1,000.00 of property value), which was approved by election in 1990, to 3 mills (\$3.00 for every \$1,000.00 of property value)?

---Yes for Approval

---No for Rejection

Commissioner Schneider made a motion to adopt Resolution #2020-03 and Commissioner Ragen seconded. Upon being put to a roll-call vote, the resolution was adopted:

Commissioner Kimball – No; Commissioner Detzel – Yes; Commissioner Ragen – Yes;

Commissioner Schneider – Yes; Commissioner Apperson – Absent

The resolution will be sent to the Supervisor of Elections and they will have it translated into Spanish as is required in Lee County. We will then be able to work on some educational information to share with the public about the election. The District can educate the public on the needs of the District, but we are not allowed to ask anyone to vote yes.

**Public Input on Agenda Items:** No public present

**Union Report:** None

**Comments from Commissioners:**

Thanks from all. Stay safe and healthy.

**Adjourn**

Commissioner Ragen made a motion to adjourn. Commissioner Kimball seconded and the motion passed. Meeting was adjourned at 8:37 p.m.