Pinellas Suncoast Fire & Rescue

Board of Fire Commissioners Meeting Agenda Packet

March 21, 2017

Pinellas Suncoast Fire & Rescue

304 FIRST STREET
INDIAN ROCKS BEACH, FLORIDA 33785-2508
(727) 595-1117 FAX: (727) 595-5879
www.psfrd.org

FIRE CHIEF
SALVATORE A. D'ANGELO III

Date Posted: March 14, 2017

MEETING NOTICE

March 21, 2017, 7:00 pm

INDIAN SHORES MUNICIPAL CENTER
19305 GULF BLVD., 4TH FLOOR, INDIAN SHORES, FL 33785

AGENDA

WORKSHOP MEETING

MEETING CALLED TO ORDER **ROLL CALL**
PLEDGE OF ALLEGIANCE

ADDITIONS OR DELETIONS TO AGENDA:

DISCUSSION ITEMS:

ADJOURNMENT

REGULAR MEETING

MEETING CALLED TO ORDER

ADDITIONS OR DELETIONS TO AGENDA:

MONTHLY BUSINESS:

1. Approval of Minutes: February 21, 2017, Workshop and Regular Meetings
2. Treasurer's Report: February, 2017
3. Correspondence

REMARKS FROM THE AUDIENCE: *Citizens may comment on any NON-AGENDA item during this time. The speaker will state their full name and address. There will be a 3 minute time limit per speaker.*

REPORTS:
1. **COMMISSION**
2. **ATTORNEY**
3. **FIRE CHIEF**

ACTION ITEMS:

17-03 **Commissioner By-laws Revision** **Fire Chief**

17-04 **Impact Fees** **Fire Chief**
(Resolution 2017-02) **Second Reading**

ADJOURNMENT

NEXT MEETING: Workshop & Regular Meeting April 18, 2017, 7:00 p.m., to be held at the Indian Shores Municipal Building, 4th Floor.

Pinellas Suncoast Fire & Rescue District
Board of Fire Commissioners

Public Meeting Information

Requirements for Appeal

Persons are advised that if they wish to appeal any decision made at a meeting/hearing, they will need a record of the proceedings; and for such purpose, they may need to insure that a verbatim transcript of the meeting is made, which record includes the testimony and evidence upon which the appeal is made.

It is not the responsibility of the Secretary to provide the above-referenced verbatim record. The Secretary will provide an audio recording of the meeting, upon request and payment for the materials used for the recording.

Public Comments

Persons wishing to speak will complete a Citizen Comment Request card at the entrance of the meeting room and submit the card to the Secretary to the Board. When recognized by the Chair and called to the podium, speakers will give their name and address for the record.

Persons may speak on an agenda item when the Board has finished their discussion on that item and prior to the vote. To speak on a non-agenda item, speakers will be called during the "Remarks from the Audience" section of the agenda.

Accommodations

Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact Pinellas Suncoast Fire & Rescue District Administration at (727) 595-1117 ext. 100.

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FIRE CHIEF
SALVATORE A. D'ANGELO III

MINUTES
FEBRUARY 21, 2017
WORKSHOP AND REGULAR MEETING

Held at the Indian Shores Municipal Center
19305 Gulf Blvd., Indian Shores, FL 33785

WORKSHOP MEETING CALLED TO ORDER AT 7:00 p.m.
PLEDGE OF ALLEGIANCE

ROLL CALL: Commissioners answering roll call were Chair Joe Bruni, Vice Chair Lou Snelling, Secretary/Treasurer Larry Schear, Commissioner Laura Martin, and Commissioner Gardella. A quorum was present with Chair Joe Bruni presiding. Attorney Jeff Albinson, Fire Chief Sal D'Angelo, and Finance Director David Martin were also present.

ADDITIONS OR DELETIONS: None.

DISCUSSION ITEMS: None.

ADJOURNMENT

The meeting was adjourned at 7:01 p.m.

REGULAR MEETING CALLED TO ORDER AT 7:01 p.m.

ADDITIONS OR DELETIONS TO AGENDA:

OATH OF OFFICE –

Oaths of Office were administered by Fire Chief Sal D'Angelo for Firefighter/Paramedics Matthew Zeiner, Matthew Tomilonus, Christopher Wilfong, and newly promoted District Chief Jeremy Sidlauskas. Chief D'Angelo also presented District Chief Sidlauskas with a plaque to congratulate him on earning his Master's Degree.

MONTHLY BUSINESS:

1. Approval of Minutes: January 17, 2017 Workshop and Regular Meetings

Discussion: None.

A motion to approve the minutes of the January 17, 2017 Workshop and Regular Meetings.

MOTION: COMMISSIONER GARDELLA SECOND: COMMISSIONER SNELLING
All in favor, motion passed unanimously.

2. Treasurer's Report: January, 2017

Discussion: Secretary/Treasurer Schear stated that all balance sheet accounts have been reconciled as of January 31, 2017. Current total assets are about $4.8 million. Current liabilities are $94,700. Fund balances are in line with the normal inflow of non-ad valorem assessments at this time of the year. Revenues for next year are projected to be 4.5% less than last year, due mainly to fewer impact fees generated through new building construction. This trend is expected to continue as the available land for building is used, but the funding will be replaced with the newly implemented ad valorem tax, commencing in FY2017/2018. The combination of the referendum and a favorable conclusion of the EMS legacy dispute would strengthen the District's financial capabilities to enable it to provide adequate capital requirements to fulfill its service obligations. The program for a capital expenditure program is in process and the outcome will provide a path to establish a permanent facility for Station 26 and an avenue for the replacement of specific aging apparatus. The Unassigned Fund Balance increased to 25.4% of total operating expenditures.

A motion to approve the January, 2017 Treasurer's Report.

MOTION: COMMISSIONER MARTIN SECOND: COMMISSIONER GARDELLA
All in favor, motion passed unanimously.

3. Correspondence:

Secretary/Treasurer Larry Schear read a thank you card to Marshall Eiss for conducting a fire safety presentation at Starlite.

Secretary/Treasurer Schear next read a card from Alice Lawrence to Chief D'Angelo and personnel for attending Mayor Lawrence's memorial service.

Secretary/Treasurer Schear read a letter to Marshall Eiss from St. Jerome's Catholic Church thanking him for the donation to the Lifeline Ministry.

REMARKS FROM THE AUDIENCE:

[Public comments are in a clean transcript format. Comments have been edited for clarity.]

Ed Hoofnagle – [Did not state address] – "Before you start the timer, I just wanted to congratulate and thank the guys who did their new oaths, and also congratulations to the person who got the Master's Degree. Any comments that I make before that are not directed towards the men and women of the fire department who do an outstanding job. I'm here, as a commissioner of Indian Rocks Beach. It's nice to see you all. I'm trying to make a comment without singling out a specific commissioner, so please bear with me, even if I go over time a bit. Many of our commission meetings are having certain topics come up which have to do with the tax imposed by the District on the citizens of our city. Several times, our commission meetings may have 10 or 20 minutes' worth of public comment of citizens expressing frustration with respect to the double tax which will be levied, assuming that the lawsuit does prevail in our favor. So, I would like to, on behalf of many of the citizens, I would like to invite commissioners to have listening sessions with your constituents in a forum which would be professional and open, because many of them have asked me to come and ask you to have a listening session of some sort where they could express their opinions and frustrations about the financial impact of the double taxation. Thank you for your time and thank you for listening to me."

John Pfansteil – [Did not state address] – "Good evening. On February 10th, I attended, at the meeting in Redington Shores, along with Chief D'Angelo and several of the commissioners here. At that meeting, you had confirmation from the Assistant County Administrator and the Redington mayors that they are moving ahead with a new North Redington Emergency Operations Center at 173rd Avenue. I strongly advise that you abandon your plans to place a PSFRD fire station on a site that is only one-tenth of a mile from the District's southern border at the Redington Shores town line. The Commission and the Chief have repeatedly expressed their concerns about subsidizing service in the Redingtons under Pinellas County's mutual aid agreement, so it makes absolutely no sense to move our station down to our neighboring district's border, because then you'll be guaranteeing to provide services on a frequent basis.

Plus, two of these new stations would only be one and a third miles apart. The District's taxpayers already lost our EMS funding at PSFRD Station 28 in Oakhurst because it was too close to Seminole's Station 31 which has much lower per-seat cost. It's fiscally irresponsible to repeat that mistake by building a new PSFRD station too close to a station we now know that Redington Beach and Pinellas County are building. Therefore, I ask one of you to make a motion tonight to cancel plans to purchase any lots south of Park Boulevard. Thank you."

Kelly Cisarik – [Did not state address] – "Yes, good evening. My name is Kelly Cisarik. I made a public records request on February the 13th for your updated Public Facilities Reports, because your most recent report from last month is supposed to contain an explanation of, and I'm quoting from the Handbook for Special Districts, 'How the special district proposes to finance each public facility,' and, this becomes very important, since purchasing land for an Indian Shores fire station was approved at the same meeting last month. I think you need to amend that Public Facilities Report again with the updated information since you still plan to purchase land in Indian Shores this year. Now, also, I want to follow up on something I talked about last month. I want to talk about an improvement that I've seen in the District. I wanted to thank Ms. Fugate for including the impact fee information and the by-laws as supplemental information with this month's agenda packet. That's exactly how a professional agenda packet looks, and I certainly appreciate having online access to that information before tonight's meeting. At the last meeting, I asked Chair Bruni to call for public comment after each agenda item. I would like to add that after the commissioners have had their discussion and before they vote is the proper time to allow the public to speak on agenda items. Attendees often don't know what they want to comment on until after hearing the commissioners' discussion. This is not a privilege I was trying to obtain for myself at the last meeting; rather, it's how public meetings are normally conducted in Florida, so that the public has a meaningful way to add to public discourse. The first meeting I attended here at PSFRD was last May when I came for a second reading of the ad valorem referendum. I read about it in a newspaper article. Unfortunately, I had to comment at the beginning of that meeting under public comments. Those of us that attended that meeting never had a chance to hear the referendum language read and it wasn't available in the agenda packet. I'm providing this example to demonstrate how important it is that this policy on public comment is corrected. Chair Bruni, will you allow for individuals to comment on each agenda item and provide their comment cards afterwards if they haven't already provided one?"

Chair Bruni: "No, ma'am. That's not how it is written for us to do it. Your agenda item will be submitted to me on the card, and then I will call you to the microphone after our discussion, as a Commission, and before we vote. On your card you have 'maybe' under agenda item; there is no 'maybe' on the agenda. So, do you have an agenda item in conjunction with what you're speaking about now?"

Kelly Cisarik: "I may. It would depend on what your discussion is."

Chair Bruni: "Do you have a copy of the agenda?"

Kelly Cisarik: "Yes, I do."

Chair Bruni: "Then you see what our discussions are going to be."

Kelly Cisarik: "That's true, but I don't know what your comments are among the commission. I'd like to afford the audience the opportunity to hear commissioners' discussions, educate themselves, and then, if they feel it's appropriate to comment, have an opportunity to comment."

Chair Bruni: "You're more than welcome to fill out a card after our discussion and put on there which agenda item you want to speak about before we vote."

Kelly Cisarik: "And, how would someone know what they want to speak about?"

Chair Bruni: "You're going to listen to us discuss. After we have our discussion, if you have something to say on the agenda item, fill out a card and place it on the agenda item."

Kelly Cisarik: "Okay, so you will accept additions?"

Chair Bruni: "Yes, ma'am."

Kelly Cisarik: "Thank you."

Chair Bruni: "I'm just trying to follow our protocol. Thank you."

Nancy Obarski – 708 Beach Trail, Indian Rocks Beach – "First, kudos to the Chief and to Commissioner Bruni for not losing your cool during the meeting with the Redington mayors and the fire chiefs. I'm not sure that I could have done as well. I learned a lot after the meeting. I was surprised to hear that the Seminole Fire Chief actually said that they come into our District more than we go into theirs. And, if that really is true -- she did not have the facts and figures -- but, if that's true, that whole Redington subsidy argument just went out with the bathwater, and I understand why they turned your request down for reimbursement. Another piece of information that I could have done without ever knowing is that the PSFRD has been known to hang out in the Redingtons, which is why you end up to be the closest responder in a lot of cases. I just can't figure out why in the wide wide world of sports that would be the case, especially when all the residents are sitting here paying four to six times what the Redingtons are. You're hanging out down there. And, if it's being done to strengthen your argument to have that station in the south end of the County, or, the south end of our District, I think it's way too close for comfort to the other station. You may want to re-think that. If you're truly interested in saving money, I would get as far away from the Redingtons as possible, unless I was called to assist. Aid is one thing, but 'freelancing,' as Chief Burford referred to it, is another. Each segment of the Fire District has a representative on the commission, and I would say in the case of Oakhurst, they're being pretty well-represented by the members of the panel that are assigned to those districts. The referendum was a virtual tie in Indian Shores, so I would say that it gives the Indian Shores representative a little bit of latitude to go either way. That's not true for Indian Rocks Beach. Our community defeated the fire tax, but you'd never know it based on the votes of our representative. Belleair Shore and Belleair Beach defeated it, too, but their represenative has conducted himself in keeping with the wishes of the community and his constituents. Public officials actually have an obligation to put the public's interest above their own and when duties to family and friends conflict, the public duty must prevail. Because, let's face it, without the public trust, government doesn't work. It just simply doesn't work. After the passage of the bill in 2014, you're now required to comply with Florida ethics laws. Those are the ones that now include special districts. So, you might want to make sure that your website properly reflects that change. All of us admire the fact that you're up there in thankless positions, but the job is representation defined as acting or speaking on behalf of another, not yourself."

Bill Thomas – 470 20th Avenue, Indian Rocks Beach – "Last meeting, I brought up the issue of this brochure that I felt was misleading, where the front of the brochure stated that the PSFRD was proposing a 2017 half mill ad valorem tax to fund the necessary operating expenses. Made no mention about any other additional tax, other than the half mill for 2017. And, I did read the bottom part where it did state that if the tax was not approved in 2017, then at least one station would be closed, personnel would be cut, equipment would get older, leading to increased maintenance costs and services outages. It didn't say maybe, it said it will. I pulled up the Pinellas Suncoast Fire & Rescue District organization, the commission asked me to check with the District, and the District turned around and referred me to this Standard Operating Procedure on their Code of Ethics, Code 107, for the Pinellas Suncoast Fire & Rescue District, and, I looked through here, and back here, under Paragraph 107.3, Control of Policy, it states that 'Ethic questions relating ot the District or official duties should be directed to the Fire Chief.' So, and 'the District may refer any former allegations of violations of the State's Code of Ethics to the State Commission on Ethics.' So, I would like to give this chance for the Fire Chief to respond to this brochure here, and, what was the story behind the brochure, and, why it did not encompass the full information to the voters that they were voting on."

Chair Bruni: "You can answer, Chief."

Chief D'Angelo: "What's your specific question?"

Bill Thomas: "My specific question is here, on the front page, it states that you're proposing a 2017 half mill ad valorem tax to fund necessary operating procedures. Is that a correct statement?"

Chief D'Angelo: "Yes, sir."

Bill Thomas: "Is it a fully correct statement?"

Chief D'Angelo: "Yes, sir."

Bill Thomas: "And, that's all the ad valorem - "

Chief D'Angelo: "You see the three firefighters we just swore in?"

Bill Thomas: "Yes, sir."

Chief D'Angelo: "Okay, if there's no referendum, and it goes away... you see those three firefighters? Their jobs are gone."

Bill Thomas: "Yes, sir."

Chief D'Angelo: "Station 26 is gone. I'll most likely be laying off three more firefighters, for a total of six."

Bill Thomas: "So, the ad valorem was just for a half a mill, for 2017, that is stated in this brochure?"

Chief D'Angelo: "The half mill is for 2017, that's what the voters voted in. The half mill – "

Bill Thomas: "And that was it?"

Chief D'Angelo: "...and it also reduced the cap from three, which is in our current charter, to two."

Bill Thomas: "Where does it say in this brochure about that?"

Chief D'Angelo: "Is the ballot question on the back, sir?"

Bill Thomas: "Oh, read -- yeah, please read the ballot question. I would like to hear that one again."

Chief D'Angelo: "'Ad Valorem for Fire District Operating Expenses. Pinellas Suncoast Fire & Rescue District is currently vested with the authority to levy an ad valorem tax of up to three mills, subject to voter approval.' That's a factual statement. 'Shall voters reduce the maximum millage rate to two mills and grant the District authority to levy and collect the reduced ad valorem tax, the final rate to be set in an open budget process, and not to exceed one-half mills in the first fiscal year.' That, too, is a factual statement, in regard to if the referendum prevailed. What does that mean? That means, commencing October 1, 2017, which is fiscal year 2018, the Fire District would implement a half mill."

Bill Thomas: "Correct."

Chief D'Angelo: "Yes, sir. Now, if that does not pass, if it does not prevail, I've already spoke to the firefighters, I think they're still here. I've talked to every one of them - "

Bill Thomas: "Yeah, I've talked to them. They know."

Chief D'Angelo: "They know. I have to be able to balance operational costs, capital expenditures, personnel costs. We cannot to operate the Fire District on the $260 non-ad valorem fire assessment, which technically is not a tax. The other tax that is instituted in the Fire District, which is also instituted County-wide, is the .9158 millage rate, which is an EMS, County-wide millage rate. That is a tax, sir. That is the same thing as the half mill, which is a tax based on property valuations. So, everything in there -- and, I'll answer any more questions you have – everything in there, sir – and there were multiple, because I believe you were the one asking the questions last month – there were multiple pieces of educational literature that were mailed out to the residents of the Fire District."

Bill Thomas: "So – so, the real thing was on the back that stated about the reduction from the three mills to the two mills?"

Chief D'Angelo: "Yes, sir. That was the actual question that the residents voted on in the Fire District."

Bill Thomas: "Okay."

Chief D'Angelo: "Okay."

Bill Thomas: "And – that's all I have. Thank you very much."

Chief D'Angelo: "Thank you for your question."

[End of clean transcript.]

REPORTS:

1. COMMISSION: Secretary/Treasurer Larry Schear stated that he has been pursuing the Certified District Official (CDO) training through FASD, per commission approval. He stated that he has been to three sessions so far, and there are two more in March and June. He asked permission to attend one of those two classes. He stated that the first is $75 and the second is $100. Secretary/Treasurer Schear stated that he will use a PSFRD vehicle and there are no additional expenses. He added that there are reduced rates for multiple attendees if other commissioners would like to attend. Chief D'Angelo thanked Secretary/Treasurer Schear for attending the CDO courses, and he thanked Commissioner Gardella for attending the FASD meeting in Tallahassee last year. He stated that he feels attendance of these classes and conferences is very beneficial for the commissioners.

A motion to allow Commissioner Schear to attend the upcoming FASD conference and continue the CDO courses.

MOTION: COMMISSIONER SCHEAR SECOND: COMMISSIONER GARDELLA
All in favor, motion passed unanimously.

Secretary/Treasurer Schear stated that he would like to ask the Board for permission to purchase a shirt, at his own expense, with PSFRD's logo to wear to the conferences. Chief D'Angelo stated that he has no problem with this, but does not necessarily feel that the commissioners should pay for shirts at their own expense. He said that he feels it should be part of the annual budgeting process, as it is part of the District's business. Chair Joe Bruni instructed Chief D'Angelo to decide how to handle it.

Commissioner Gardella gave an update on the potential property for Station 26. He stated that he and Chief D'Angelo have had discussions with the realtor regarding the price of the property, and it appears that the owners are set on their asking price. He stated that the District is not going to submit an offer at this time. Commissioner Gardella said they have continued to look at other options, but nothing has materialized.

Chair Joe Bruni stated that he and Chief D'Angelo attended a meeting with the three mayors of the Redington communities on February 10, 2017. He explained that Chief D'Angelo asked the mayors to be open to the idea of conducting business a different way, as the Redingtons contract their fire protection with the City of Seminole and the City of Madeira Beach; however, under the automatic aid agreement, which is an agreement only between the fire chiefs in Pinellas County, they were not very receptive to the idea of discussing the amount of money that they spend on those two departments, even though PSFRD is the third department that responds for their fire alarms and structure fire responses. Chair Bruni stated that he explained to the mayors that PSFRD has a responsibility to its taxpayers, and that PSFRD responding under the automatic aid agreement is subsidizing the Redington communities. He stated that discussions did not go any further. He continued that this is when they officially learned from the mayors and the Assistant County Administrator that Pinellas County had entered into discussions with the Redingtons about building a station, which certain PSFRD residents had discussed at prior public meetings.

Chair Bruni stated that the mayors were open to the possibility of having workshop discussions regarding creating a consolidated regional fire department; however, their intent appeared to be to start a new fire district, dissolve PSFRD, and each community would have their own fire station, with each community's mayor in charge of their own station. Chair Bruni stated that Chief D'Angelo attempted to explain that this is not how fire departments operate; there are independent fire districts, dependent fire districts, municipal fire departments, and county fire departments. Chair Bruni said that he welcomes the opportunity for PSFRD to enter into workshop discussions with the other elected officials and fire chiefs regarding how to move forward. Chief D'Angelo wanted to clarify that he was asked at the meeting if he was aware of the "Emergency Operations Center," which was, in fact, the first time that he was hearing it from the officials. He explained that, after the meeting, he did send an email to Mayor Queen and Chief O'Neal, stating that he recalled Chief O'Neal mentioning Rescue 26 at a previous meeting, but that he did not associate that with an EOC, as they are two different things. The Chief also stated that, since then, he has sent another email to Mayor Palladino to discuss the four organizational designs that could be pursued for a consolidated fire department, but he stated that he will table that meeting if they choose to have workshop discussions. Chief D'Angelo thanked Chair Bruni for attending the meeting on behalf of the District. Commissioner Gardella asked Chief D'Angelo if the Redingtons were definitely building a station in the location that was discussed. Chief D'Angelo stated that John Bennett said that Pinellas County had not spent any taxpayer dollars at this time, but a sum of money has been allocated in their Capital Improvement Plan. Chief D'Angelo stated that it was discussed to hold workshop meetings and have a mediator or liaison lead the discussions. The Chief agreed that this is a proper way to move forward.

2. **ATTORNEY:** Attorney Jeff Albinson stated that there had been a ruling in the case involving Michael Carpenter and it was a split decision. He stated that the arbitrator ruled that Mr. Carpenter should be reinstated with PSFRD, as he concluded that any representation that may have been made to the Chief was likely made through a third party who is no longer employed by the District, and therefore Mr. Carpenter could not be held accountable for that. He continued that the arbitrator declined, however, to allow Mr. Carpenter the promotion that had been earmarked for him. Attorney Albinson said that an agreement has been made between the parties and Mr. Carpenter is back to work.

3. **CHIEF'S REPORT:** Chief D'Angelo stated that PSFRD's Fire Prevention Bureau has entered into an interlocal agreement with Treasure Island to provide new construction and educational services. Inspector Bob Hill has been working on plans review for PSFRD as well as Treasure Island. He stated that Treasure Island is in the process of hiring a new fire chief, and once that person is on board, PSFRD and Treasure Island will have another meeting to assess the interlocal service agreement to determine if PSFRD will continue providing these services. He stated that the agreement has been working very well and Treasure Island has been very satisfied with how things are progressing.

Chief D'Angelo asked Attorney Jeff Albinson if the District Charter will need to change to reflect the new cap on the millage rate due to the referendum. Attorney Albinson stated that he will need to look into it further, but he does not believe so, as the ability to collect the millage rate is determined by referendum; therefore, the authorization through the referendum would already be limited to two of the available three mills.

The Chief stated that NFPA released its 2015 Fire Service Needs Assessment Report and he feels that it is important for residents to know what is going on in the fire service all over the country. He stated that the report found that, the smaller the communities protected, the greater the need. He read that some of the key findings were: Departments with SCBA over 10 years old have increased. As PSFRD continuously looks for alternate revenue sources, the District was able to ascertain a federal grant to replace its SCBA which were also over 10 years old. Additionally, the number of departments with personal protective equipment (PPE) over 10 years old had increased. Two out of five fire departments reported that their structures were at least 40 years old, and 43% said that they have engines and pumpers over 15 years old. Chief D'Angelo stated that these are things that he tries to educate the public on, as they are issues in our own fire department, as well as issues in fire departments around the United States.

Chief D'Angelo invited the residents who truly wish to do something good for their community and promote a positive mindset in the fire department to join the Community Emergency Response Team. Chief D'Angelo stated that CERT currently has ten active members, four of which are from Indian Rocks Beach. He added that some members do not even live in the District, but they donate their time and efforts to make our community better.

Chief D'Angelo noted that, earlier in the meeting, he heard incorrect numbers regarding the referendum and wanted to ensure that everyone had the correct information. He stated that the District won the referendum by about 4%. He said that the final votes for "yes" were 5,335, and the final votes for "no" were 4,919; a difference of 52.03% to 47.97%.

Chair Joe Bruni echoed Chief D'Angelo's comments and encouraged residents to become members of the CERT team and find out what the organization actually does and to witness firsthand how their fire district actually operates.

Chair Joe Bruni also addressed Mr. Hoofnagle's comments regarding his suggestion of meeting with citizens who have concerns and opinions, and stated that he is more than willing to participate in this with Chief D'Angelo. He stated that, to do this as a commission, the meetings would need to be advertised under the Sunshine Law as a formal meeting; however, as an informal gathering, any citizens who would like to come together to meet at Station 27, or any other location, he stated that he is more than happy to join Chief D'Angelo and the citizens in those discussions. Chief D'Angelo said he fully supports and encourages this.

ACTION ITEMS:

17-03 Commissioner By-laws Revision

Discussion: Attorney Albinson stated that the by-laws are general protocols, written in a manner so that anyone could read them and have a fairly good idea of how the District operates. He added that they should typically be updated on a somewhat regular basis. He asked the Board to look them over between now and a week before the next meeting, and if anyone individually has any questions or input, he will work on a new draft. He added that commissioners should be sure to not talk amongst themselves and should not send him an email that is also sent to other commissioners. He also discussed that public comments need to be conducted in a way that maximizes the value of the citizens' input. He discussed how the miscommunication on the issue of public comments is only because it has not been an issue over the last 20 years. He said that the by-laws state, "Persons wishing to speak will complete a citizen comment request card at the entrance of the meeting room and submit the card to the Secretary to the Board. When recognized by the Chair and called to the podium, speakers will give their name and address for the record. Persons may speak on an agenda item when the Board has finished their discussion on that item and prior to the vote. To speak on a non-agenda item, speakers will be called during the Remarks from the Audience section of the agenda." Attorney Albinson added that there's no clear direction on how any individual body should go about the process of taking citizen comments anywhere in law, and every board approaches it differently. Chief D'Angelo suggested it may be beneficial to have two separate public comment cards for agenda and non-agenda items, which Attorney Albinson agreed with.

17-04 Impact Fees
(Resolution 2017-02) First Reading

Discussion: Attorney Jeff Albinson read Resolution 2017-02 in its entirety, to include Schedule A to Resolution 2017-02. Chief D'Angelo stated that these changes could be implemented after the second reading at next month's Board meeting. He added that any projects that had already been permitted prior to that time would have to be assessed at the old rate.

There being no further business to come before the Board, the meeting was adjourned in due form at 8:24 p.m.

APPROVED: **ATTEST:**

Joseph V. Bruni, Chair Date Approved

Kimberly G. Fugate, Executive Assistant

ACTION ITEM 17-03

COMMISSIONER BY-LAWS REVISION

PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

BOARD OF COMMISSIONERS
BY-LAWS

PREAMBLE

These By-Laws are created in accordance with all applicable law. These By-Laws shall be interpreted to be in accordance with all applicable law. In the event any part of these By-Laws is determined to be not in accordance with applicable Florida or Federal Law, the remaining parts of these By-Laws shall remain in full force and effect.

ARTICLE I - NAME

The name of this organization is and shall be: ***Pinellas Suncoast Fire & Rescue District***. Throughout this document the organization shall be referred to by its full name or by use of the terms "The District," "the District," or "PSFRD."

ARTICLE II – ENABLING and CONSTITUTING AUTHORITY

Section 1. **Constituting Authority**: The Enabling and Constituting Authority for the District is Chapter 2000-436, House Bill 1603, Laws of the State of Florida, Chapters 189 and 191, Florida Statutes, as amended from time to time, and hereinafter referred to as "The Act." In the event The Act or any other enabling authority is amended or changed, this document shall be considered amended as necessary to remain consistent with the new enabling authority.

Section 2. **Operating Authority**: The Board of Commissioners is the head of the Fire Department. Pursuant to, as is otherwise defined by, the Enabling and Constituting Authority and all other applicable law, The Board has the power to supervise, control, regulate and manage the Department and enforce all necessary and desirable rules and regulations. The Board is authorized to make contracts, borrow money, levy assessments and collect same, build necessary facilities, acquire firefighting equipment, hire a Fire Chief, Fire Marshal and such other personnel as are required to operate the firefighting equipment; to inspect property or provide administrative support. The Board shall adopt a fire code for the District and such rules and regulations as it deems necessary to transact its business and carry out the provisions of The Act and to operate within the scope of all other applicable law.

ARTICLE III - LOCATION

Section 1. **Headquarters**: Headquarters for the Commission shall be in the offices of the Pinellas Suncoast Fire & Rescue District, located at 304 First Street, in the city of Indian Rocks Beach, Florida. The Board shall have the authority to authorize relocation of the headquarters as The Board determines is necessary for the operation of the affairs of the Pinellas Suncoast Fire & Rescue District.

Section 2. **Additional Locations**: The District shall be authorized to locate, operate and maintain stations, offices, or other physical plants in any location allowed by law and deemed necessary by The Board of Fire Commissioners.

ARTICLE IV – THE COMMISSIONERS

The Board of Commissioners shall be comprised of five registered voters. The District shall be divided into sub-districts in the following manner. There shall be one each from the following locations:

SEAT NUMBER	LOCATION OF SUB-DISTRICT
Seat 1.	***Indian Shores***
Seat 2.	***Indian Rocks Beach***
Seat 3.	***Belleair Beach/Belleair Shore***
Seats 4 and 5.	***Mainland Area***

Note: The Seat Numbers have been assigned for ease of reference.

Section 1. **Elections: Elections:** All Elections shall be held in accordance with The Act and all other applicable law. Each Commissioner shall be elected to serve for a term of four years by a majority vote of the electors voting to fill such office. Elections for Commissioner shall be held at the same time as regular county elections. Any Commissioner may succeed himself/herself. Terms shall commence in November following the election or as otherwise directed by The Act or other applicable law. One Commissioner, who must be a resident of a sub-district, shall be elected from that sub-district by the electors who reside in that sub-district. If a Commissioner ceases to reside in the sub-district from which elected, the office shall be declared vacant; the Commissioner shall be disqualified from further service; and the remaining Commissioners shall elect, to fill the unexpired term, a successor who resides in that sub-district until the next general election at which time an election shall be held to fill the vacancy for the remaining term, if any, provided, however, no current Commissioner's seat shall be declared vacant because of residency until the current term of office has expired.

Term: Each Commissioner shall hold office until his or her successor is elected and qualified, unless he or she ceases to be qualified, resigns, or is removed from office.

Compliance With Applicable Law: Each Commissioner shall comply with all applicable law regarding eligibility for office.

Section 2. **Filling of Vacancies**: Vacancies on the Board shall be filled by appointment by the remaining members of said Board. Candidate(s) to fill the unexpired term(s) shall be selected from the same district represented by the vacating Commissioner. All such vacancies shall be filled as expeditiously as possible,

preferably within sixty (60) days from the receipt of the vacating Commissioner's notice of resignation or other causes.

Section 3. **Bonding**: All Commissioners shall be required to post a surety bond in accordance with the terms of Chapter 191, Florida Statutes, with all premiums to be paid for by the District.

Section 4. **Oath of Office**: All Commissioners shall be required to take an Oath of Office prior to assuming their duties on the Board.

Section 5. **References to The Board of Fire Commissioners**: As used herein, the terms "The Board," "the Board," "The Board of Commissioners," "Commissioner(s)" shall mean "The Board of Fire Commissioners."

ARTICLE V - PURPOSE

The purpose of this organization is to provide residents of the Pinellas Suncoast Fire & Rescue District with the best and most cost-effective emergency medical, public education, prevention, code enforcement and fire suppression services possible commensurate with Fair Labor practices as set forth under The Act.

ARTICLE VI - DUTIES AND RESPONSIBILITIES

The Board of Commissioners shall have the overall responsibility and authority for overseeing the operation of the Fire Department and for insuring that its mission and purpose as set forth in The Act are properly carried out. The Fire Chief and his delegates shall endeavor to make The Board of Commissioners aware of any and all needs of the Pinellas Suncoast Fire & Rescue District and shall work closely with the Fire Chief in providing the support and resources to fulfill the needs as required. The Board of Commissioners shall adopt rules for its own operation as well as record keeping, providing all required reports and sufficient staff to carry out its duties and responsibilities. To the extent determined by the Board to be necessary, the Board of Commissioners shall maintain a liaison with all municipal, county and state offices.

ARTICLE VII - OFFICERS

At the first regular convened meeting of The Board in November of each calendar year, the then-sitting Chair of the Board, or the designee of the Chair, shall swear in each new member of The Board or, in the case of a member of The Board being re-elected to a successive term, each re-elected member of The Board. The Board shall then, immediately following the swearing in ceremony, shall elect the following Officers:

1. Chair;
2. Vice-Chair;
3. Secretary/Treasurer.

Each Officer shall serve until the next election of Officers or until replaced or resigned.

The duties of said Officers shall be as follows:

Chair - Shall preside at all meetings of The Board of Commissioners and shall serve as coordinator of that body's general activities. The Chair shall maintain liaison with the Fire Department Administration, sign routine documents, and keep other members of the Board advised of items of general concern. The Chair shall oversee the creation of meeting agendas and shall oversee the notification and notice process to try to ensure that all meetings are properly noticed in accordance with all applicable law. The Chair shall have the authority to appoint committees and sub-committees (and to designate Chairs for each) as the Chair deems necessary and the Chair shall perform such other duties usually pertaining to, vested in, and incumbent upon like officers.

Vice-Chair - Shall preside at all meetings in place of the Chair and shall perform such other of his/her duties that may arise in the Chair's absence.

Secretary/Treasurer - Shall coordinate the Commission's correspondence and ascertain that it is processed to the proper party for action when required. The Secretary/Treasurer shall also be current on the District's financial status, work with the District Administration on the annual budget, assist in obtaining financing of capital expenditures, and work with the Commission's financial advisor when required. He/she shall make a report on revenues, expenses and the District's financial status at each regular monthly meeting.

ARTICLE VIII - COMPENSATION

The Board of Commissioners will be paid a monthly stipend each month for their services. The amount of the stipend shall be set forth by resolution. To the extent allowed by law, reasonable expenses incurred by members of The Board of Commissioners in execution of their official duties may be authorized for payment or reimbursement from funds of the Pinellas Suncoast Fire & Rescue District.

ARTICLE IX - MEETINGS

Section 1. **Work Sessions and Regular Monthly Voting Meetings**:

Work Sessions: Work sessions for The Board of Commissioners will be held by The Board of Commissioners on the third Tuesday of each month at 7:00 p.m., except that said date may be changed by agreement of a majority of the commissioners, and duly noticed as required by applicable Florida or Federal law by publication in a newspaper of general paid circulation in Pinellas County seven (7) days prior to such meeting. These are informal meetings held for the purpose of discussion and investigation of issues only and no official action can be taken.

Regular Monthly Voting Meetings: Regular Monthly Voting Meetings will be held by The Board of Commissioners on the third Tuesday of each month

beginning immediately after the Work Session scheduled for that month. In the event that no Work Session is scheduled, the Regular Monthly Voting Meeting will begin at 7:00 p.m. The District reserves the right to change the date of The Regular Monthly Voting Meeting by agreement of a majority of the commissioners, and the change shall be duly noticed as set forth in Section 189.417(1), Florida Statutes (and/or any then applicable Florida or Federal law) by publication in a newspaper of general paid circulation in Pinellas County at least seven (7) days prior to such meeting. All meetings of the Board shall be open to the public consistent with all applicable law.

Section 2. **Special Meetings**:

Special meetings may be held by the Board of Commissioners at any time agreeable to that body to resolve issues that must be resolved prior to the next regular meeting, provided that the District complies with all applicable law in giving notice of such special meetings.

Section 3. **Emergency Meetings**:

Emergency meetings may be held by the Board of Commissioners to consider matters of such urgency that they must be resolved before a regular meeting, or before the seven (7) day waiting period required for special meetings. The agenda for such meetings must be restricted solely to the item(s) considered to be of emergency nature. The District shall comply with all applicable law regarding notice for, and operation of, emergency meetings.

Section 5. **Open Meeting Policy**:

All meetings of The Board of Commissioners shall be held in accordance with the provision of the Florida Open Government Laws (Section 283.011, Florida Statutes and Chapter 119, Florida Statutes and all other applicable law) and are open to the public. All reasonable efforts shall be made by the District to ensure that all meeting places are accessible to all members of the public that wish to attend and that all necessary notice requirements regarding change of location (when applicable) are met.

Section 6. **Notification of Meetings**:

The District shall comply with all applicable law regarding giving notice of meetings to the general public. A schedule of the Board's scheduled regular monthly voting meetings and work sessions shall be filed annually with the Board of County Commissioners. The schedule shall include the date, time and location of each scheduled meeting. The special meetings will be advertised in a local publication as required by applicable law. Emergency meetings and work sessions must also be posted as required by Florida law. A schedule of the Board's workshop and regular meetings for the fiscal year will be advertised in a

newspaper of general circulation seven (7) days prior to the first scheduled meeting in the new fiscal year. Any actions undertaken at any meeting shall not be considered invalid in the event notice of the meeting was provided in lawful manner under Florida law but the notice of the meeting failed to adhere to the notice procedure set out in these By-Laws.

Section 7. **Place of Meetings**:

All meetings of The Board of Commissioners shall be held in a place that is accessible to the public. Each meeting of the Board of Directors will normally be held in a space provided for meetings in the District's Administration building in the Commission Meeting Room, located at Station 27 (304 First Street, Indian Rocks Beach, Florida). However, at the discretion of the Board, any meeting of the Board of Directors may be held in any other *suitable and lawful location* provided that all members and the public are properly notified in accordance with all applicable law.

Section 8. **Quorum**:

A majority of the members of The Board of Commissioners shall constitute a quorum for the purpose of transacting business at any duly called meeting.

Section 9. **Procedures for Commission Meetings**:

Rules of Order: Except where otherwise provided for in the laws of the State of Florida, all commission meetings will be conducted in general and informal accordance with *Roberts Rules of Order* as amended from time-to-time. However, no action of the Board shall be invalid for failure to maintain strict adherence to *Roberts Rules of Order.* In the event of any question as to the application of said Rules of Order, the decision of the Chair shall be final.

Voting: All voting by the Commissioners shall be done by voice or ballot. The ballot shall be signed by each Commissioner voting and open to the public for inspection. All members of The Board of Commissioners that are present at a voting meeting must vote on each issue or agenda item that is put to a vote unless a conflict of interest exists under Florida state laws or unless a member of The Board of Commissioners is otherwise prohibited from or unable to vote on an issue due to a conflict of interest.

ARTICLE X - COMMITTEES

Committees may be appointed by the Chair from time to time to do research and report on special projects or problems. Each such committee shall have a member of the Board of Commissioners. When standing committees are created, all members thereof shall be members of The Board of Commissioners.

ARTICLE XI – THE FIRE CHIEF

The Board of Commissioners shall hire a Fire Chief to serve as the administrative head of the District. As such, the Fire Chief shall be responsible for all personnel. The Chief shall conduct his/her administration in accordance with a specific set of RULES AND REGULATIONS approved by the Commission and within the policy framework established by the Board. The Chief shall keep the Board apprised of all non-routine matters that may arise and maintain a close liaison with its members. The Chief shall also prepare the preliminary annual budget for the approval of the Board, and provide such counsel and assistance as it may require from time to time.

ARTICLE XII - THE STAFF

The Board of Commissioners shall provide financial support for the administrative head to acquire and staff members to operate all facets of the District's business.

A. **Administrative Personnel**: Will be hired to serve the administrative head of the Department and perform all necessary activities for the management and operations of the District's business.
B. **Legal counsel**: One or more attorneys will be retained to ensure the District's compliance with all applicable state laws, authenticate documents as required and attend regular commission meetings and such other meetings as deemed by the Board.
C. **Accounting personnel**: Will be hired to serve the administrative head of the District and perform all necessary activities pertaining to monetary transactions affecting the management and operation of the District's business.
D. **Tax Assessor**: Will be hired to serve the administrative head of the District in assessing all properties within the District's boundaries to assist the county in maintaining proper and accurate records for billing and collection purpose in accordance with current agency practices.
E. **Financial advisor**: At its sole discretion, The Board of Commissioners may hire or retain a financial advisor at any time to assist in any accounting, investments, or expenditure procedures necessary to manage or operate the District's business. The Board of Commissioners is not required to hire or retain a financial advisor.

ARTICLE XIII – STATE and FEDERAL MANDATED REPORTS

The Board of Commissioners shall have the authority to hire or retain such professionals or other persons as are needed to assure that all lawfully required reports on the District's finances and activities are filed with the Pinellas County Board of Commissioners and such other governmental agencies and/or bodies as required by all applicable law.

ARTICLE XIV - FISCAL YEAR

The Pinellas Suncoast Fire & Rescue District's fiscal year shall run from October 1 through September 30.

ARTICLE XV - DURATION

The Pinellas Suncoast Fire & Rescue District and its Board of Commissioners shall remain in operation until replaced by legislative process or other lawful command.

ARTICLE XVI - AMENDMENTS

These By-Laws may be amended by a simple majority vote of the Board at any regular or special meeting thereof, provided that the statutory seven (7) day notice has been posted and the meeting is advertised as provided for herein, and provided there is no conflict with existing pertinent law. In the event of such conflict, that portion of the amendment which does not conflict with existing law shall remain in full force and effect and the conflicting passages shall revert to the most recently adopted By Laws that are not in conflict.

Adopted by the Board of Commissioners December 15, 2015

ACTION ITEM 17-04

IMPACT FEES

RESOLUTION 2017-02

SECOND READING

RESOLUTION 2017-02

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT REVISING THE PREVIOUSLY ESTABLISHED IMPACT FEE PURSUANT TO THE CHARTER OF THE DISTRICT AND SETTING RATES AND CHARGES FOR SAME AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Pinellas Suncoast Fire & Rescue District is an independent fire district under Chapter 191 of the Florida Statutes; and,

WHEREAS, Florida Statutes 191.009(4) authorizes the Pinellas Suncoast Fire & Rescue District to establish a schedule of impact fees on all new construction within the geographical boundaries of the District to pay for the cost of new facilities and equipment; and,

WHEREAS, the Board of Commissioners of the Pinellas Suncoast Fire & Rescue District has previously established a schedule of impact fees; and,

WHEREAS, the Pinellas Suncoast Fire & Rescue District continues to experience growth and development within its boundaries, creating a proportionate additional burden on its assets and requires the District to expend funds on capital assets in a proportionate amount to service new construction; and,

WHEREAS, the District has undertaken studies and formal audits to review its existing impact fees, and has determined a new, decreased rate to fairly assess new construction to address the additional burdens on existing District assets created by the new construction; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE PINELLAS SUNCOAST FIRE & RESCUE DISTRICT;

SECTION 1. The Pinellas Suncoast Fire & Rescue District shall implement the imposition and collection of the decreased impact fee in accordance with all applicable law and in accordance with its provisions of its Charter and in accordance with this Resolution and shall retain and expend all funds so collected in a manner consistent with all applicable law and its Charter.

SECTION 2. The impact fee shall be assessed and collected and in such amounts as are set out in Schedule A to this Resolution as if fully set forth in this section.

SECTION 3. If any part or sub-part of this resolution is declared void or unenforceable by any court of competent jurisdiction, all remaining parts of this resolution not so affected shall remain in full force and effect.

SECTION 4. This resolution shall be effective when adopted and shall remain in full force and effect until supplemented, amended, modified, repealed, discontinued, or otherwise altered.

PASSED AND ADOPTED on the 21st day of March, 2017.

PINELLAS SUNCOAST FIRE & RESCUE DISTRICT

Board of Commissioners:

_____
Joseph V. Bruni, Chair

ATTEST:

_____
Lawrence G. Schear, Secretary/Treasurer

SCHEDULE A

Resolution 2017-02

1. Effective Date:

This impact fee shall become effective on the date set forth in the Resolution adopting same.

2. Fee Schedule:

A. Single-story developments will be assessed at a rate of $0.50 per square foot.
B. Multi-story developments will be assessed at a rate of $0.63 per square foot.
C. The fee shall be charged and collected for all new construction under roof without regard as to whether the space is heated or cooled and without regard to the existence of walls.
D. The fee shall be imposed upon all new construction located within the boundaries of the Pinellas Suncoast Fire & Rescue District, including additions to existing structures and including all covered parking or other covered structures.

3. Credits:

Credit shall be given for any existing square footage (as indicated on the Tax Assessor's records or as shown on the demolition permit) that is replaced by new construction. The square footage of the existing construction shall be subtracted from the square footage of the new construction according to the fee schedule.

4. Time of Collection, Late Payments, and Interest:

A. Within 10 days of making application for a new construction building permit, the owner or developer of the real property shall submit the building plans to the District for determination of the amount of the impact fee.
B. The District shall endeavor to issue an impact fee invoice to the person or entity making the plan submission (also referred to herein as "Fee Payer") within 10 days of receipt of the submission. Failure of the District to issue the impact fee invoice to the Fee Payer within the time limit set forth herein shall not bar the right of the District to otherwise enforce the provisions of this Resolution.
C. A copy of the impact fee invoice will be provided by the District to the County or City Building Department affected by the new construction. Said Building Department shall not issue a Certificate of Occupancy until notice of the payment of the impact fee has been provided to the Building Department by the Fee Payer. It is expected that this notice shall be a copy of the receipt issued by the District.
D. The Fee Payer shall make payment in full of the impact fee to the District. The impact fee shall be paid within 30 days of the date of the invoice issued by the District. Upon receipt of full payment of the impact fee, the District shall issue to the Fee Payer a receipt showing the impact fee has been paid in full.
E. Interest shall accrue on any unpaid impact fee at the rate of 1% per month until paid.
F. The District shall retain the right to waive all or part of any accrued interest at its sole discretion.

5. "As Build" Inspections, Errors, and Misrepresentations:

A. Upon completion of the new construction, the District shall undertake an inspection of the new construction. If the District, in its sole discretion, determines that the impact fee was calculated and paid based on error of either party or misrepresentation, or finds that the "as built" new construction is not consistent with the plans that were submitted to the District for computation of the impact fee, the impact fee shall be re-calculated by the District.

   a. If the correct amount based on the "as built" construction is found to be less than the impact fee that was originally computed, the difference shall be refunded to the original Fee Payer. In such event, the Fee Payer shall not be entitled to recover interest.
   b. If it is found based on the "as built" construction that an additional impact fee is owed, the Fee Payer shall pay the additional amount owed within five business days of the date of the amended impact fee invoice.

B. Failure of the Fee Payer to pay the additional impact fee owed on a timely basis shall provide a basis for the District to cause the Certificate of Occupancy to be revoked without further notice to the owner and/or developer of the real property and shall also provide a basis for the District to bring any action permitted by law or equity to collect unpaid impact fees.

6. Attorney's Fees and Costs:

In the event the District brings an action to revoke the Certificate of Occupancy and/or institutes legal action to collect any unpaid impact fee due hereunder, the prevailing party shall be entitled to recover all reasonable attorney's fees and costs incurred in such action, including any and all such amounts incurred in any appeal proceeding.