

**Bonita Springs Fire Control and Rescue District
Regular Meeting of the Board of Fire Commissioners
Station Four Administrative Building
27701 Bonita Grande Drive, Bonita Springs, FL 34135
Monday, January 11, 2015 at 5:00 p.m.
Agenda**

1. Call Meeting to Order
2. Invocation by Chaplain Chitwood and Moment of Silence for Fallen Firefighters and their Families
3. Pledge of Allegiance
4. Public Comment on Agenda Items
5. Approval of December 7, 2015 Regular Board Meeting Minutes
6. Approval of December 2015 Financials – (One Motion)
 - a. December 2015 and Current Expenditures and ACH Payments
 - b. Acknowledgement of Financial Report
 - c. Acknowledgement of Wire Transfers and Transfers between Accounts
7. Presentations
 - a. Michael Marcus – Trauma Program Manager, Lee County Trauma Services District
8. Commissioners’ Business
9. New Business
 - a. Mural Proposal for Station 21
 - b. ALS Transport Update
 - c. Resignation of Commissioner Forbes and Appointment to Fill Seat Vacancy
10. Chiefs’ Reports
 - a. Chief Joseph Daigle
 - b. Assistant Chief Greg DeWitt
 - c. Deputy Chief Giuliano (*DC Report Attached*)
 - d. Deputy Chief Rich Scott
11. Public Comment

**BONITA SPRINGS FIRE CONTROL AND RESCUE DISTRICT
BOARD OF FIRE COMMISSIONERS**

**Minutes – TO BE APPROVED – December 7, 2015
Monthly Board Meeting**

Fire Commissioners Present:

Steve Lohan – Chairman
Lawrence P. Kosilla, Jr. – Vice Chairman
Fred Forbes – Secretary/Treasurer
James Murphy – Commissioner
Patrick McCourt - Commissioner

Administrative Staff Present:

Joseph V. Daigle – Fire Chief
Greg DeWitt – Assistant Fire Chief
Frank Giuliano – Deputy Chief
Rich Scott – Deputy Chief
Tim Fernandez – Fire Marshal
Lisa Gendron – Admin-Finance Director
Jessica DeWitt – Admin Coordinator

Chairman Lohan called the meeting to order at 5:00 p.m.

The meeting was opened with a moment of silence for the families of the four firefighters that lost their lives during the past month and an invocation by Chaplain Chitwood. The invocation was followed by the Pledge of Allegiance.

PUBLIC COMMENT ON AGENDA ITEMS

There was no public comment during this time.

APPROVAL OF NOVEMBER 2015 MINUTES

Commissioner Forbes made a motion to approve the November 9, 2015 Regular Board Meeting Minutes. Commissioner Kosilla seconded the motion. There was no further discussion, and the **motion passed unanimously.**

APPROVAL OF NOVEMBER 2015 FINANCIALS

Commissioner Kosilla motioned to approve the November 2015 and Current Expenditures and ACH Payments, Acknowledgement of the Financial Report, and Acknowledgement of Wire Transfers and Transfers Between Accounts. Commissioner Forbes seconded the motion and the **motion passed unanimously.**

PRESENTATIONS

Promotions Presentation and Pinning

Chief Daigle recognized five firefighters who were being promoted due to recent retirements. Winthrop Telford was promoted to Battalion Chief, Eric Madden was promoted to Training Captain, and Firefighters Chicas, Harrison and Mendez were promoted to Lieutenant positions.

CRS Computer Security Presentation

Bill Lamon, consultant from CRS addressed the Board to discuss the District's computer security systems. He first explained that Sonicwall was an intrusion protection in the router which protects against malware. CRS also administered a content filter for devices on the District's WiFi. Each computer desktop had up-to-date antivirus software installed. Lastly, there was a

third party that all District email goes through to scan for spam and viruses. Mr. Lamon explained that the best level of protection from corrupt emails was to educate the users.

COMMISSIONERS' BUSINESS

Commissioner Kosilla asked about the progress of the new station east of the VillageWalk community. Fire Marshal Fernandez commented that he had received proposals from the landscape architect and also that Lennar homes agreed to sharing the nonpotable water from the lake. He mentioned that the architects looked to the designs of Station Two and Station Five, improving upon them to be up-to-date and efficient.

Commissioner Forbes mentioned he had seen a lot of use of robots in the fire service recently and wanted to make sure that the District was looking into it as well. Chief Daigle noted that he would have to look into it further.

Commissioner Murphy noted his appreciation for the District's support at a recent fundraiser at the Golisano Childrens Hospital, where over \$250,000 was raised for the hospital's benefit.

NEW BUSINESS

Interlocal Agreement relating to the Collection and Disbursement of Fire Impact Fees

Commissioner Murphy made a motion to approve the interlocal agreement and Commissioner Kosilla seconded. **Motion passed unanimously.**

Proposed Resolution to Amend General Employees' Retirement System

Commissioner Murphy made a motion to approve the proposed resolution amending the General Employees' Retirement System and Commissioner Forbes seconded the motion. Commissioner Kosilla believed it was an improper time for the resolution and that it should be discussed before a new budget year begins. Chief Daigle explained that the resolution presented involved two parts: (1) updating language to comply with Internal Revenue Codes, and (2) to include longevity pay into members' pensionable salary. The Chief explained that when the Firefighters' Retirement System received the benefit of including longevity pay into pensionable salary, they also began employee contributions of 7%. The General Employees' Retirement System members also contribute 7%, yet do not receive longevity pay into their pensionable salary.

Chairman Lohan stated that a change to a labor contract should be done when the contract is up for negotiation. Chief Daigle noted that there were five employees in the General Employees' Retirement System who were not Union members.

Commissioner Murphy withdrew his motion.

Commissioner Murphy made a motion to divide up the resolution into the two parts and to approve the resolution with only the Internal Revenue Code changes. Commissioner McCourt asked if he received a copy of the proposal with the agenda. Chief Daigle and Chairman Lohan stated that it was in the agenda packet that the commissioners received. Commissioner McCourt stated that he would have to pass on the motion since he missed it in the packet. **In a roll-call vote, Commissioners Kosilla, Forbes, Lohan and Murphy approved the resolution with**

only the Internal Revenue Code changes, and Commissioner McCourt abstained from the vote. Motion passed 4-0.

Commissioner Murphy made a motion to discuss the part of the resolution that would approve including longevity pay into pensionable salary. There was no second and the motion died.

2016 Board Meeting Dates

Commissioner Murphy made a motion to approve the 2016 Board Meeting Dates presented. Commissioner Kosilla seconded the motion and the **motion passed unanimously.**

CHIEFS' REPORTS

Chief Joseph V. Daigle

As requested by the Board, Chief Daigle presented a valuation of the District's operations as they relate to NFPA 1710 standards. The chief referenced an article titled "Replace Big Apparatus for Better Fire Service EMS Resource Deployment" from JEMS, the Journal of Emergency Medical Services, which noted a few organizations who began responding with smaller apparatus after "America Burning." Chief Daigle noted that to have light rescues, there would need to be an increase in staffing. Chairman Lohan stated it made the most sense to send an engine each time versus a light rescue that can handle only about 60% of what an engine can. Chief Daigle noted that the District had done an evaluation of different options for shift lengths. To continue to comply with NFPA 1710 standards, if the District implemented 8-hour shifts, an additional 50 employees would be needed. Chief Daigle noted that the lower yearly salary this would mean for firefighters would make it very difficult for the District to find well-qualified candidates.

Chief Daigle noted that the Board was presented a proposal to receive an area of land south of McLaughlin Blvd as a donation. This land could be a site for a future fire station. Chairman Lohan voiced his concern that this property could not have a boat dock, which does not solve the District's issue of long MERT response times. Commissioner McCourt voiced his concerns for the motivations of the donation from the developer. He was concerned that building on the property that the developer would retain is illegal due to environmental conditions.

Commissioner McCourt also stated that he was unsure whether response times needed to be addressed in the area. Dennis Gilkey, broker for the owner of the property, addressed the Board to explain the piece of land and what the project involved. In answering Commissioner McCourt's questions about calls in the area, Chief Daigle noted that there are about 200 calls per year on the island and 52 boat rescues. Approximately 23% of calls come between 10 p.m. and 7 a.m. Chief Daigle stated that most likely the ratio of calls was about the average of the entire District which is 70% medical and 30% fire. Commissioner Murphy made a motion to postpone discussion regarding a station on Hickory Boulevard. Commissioner Kosilla seconded the motion. During discussion, Chairman Lohan suggested having a special informational meeting involving questions and answers with residents. Commissioner Murphy amended his motion to postpone until March, Commissioner Kosilla seconded. **The motion passed unanimously.**

Chief Daigle reviewed recent non-EMS calls in the District as a reminder of the fire, hazmat, rope rescue, extrication, and other rescues and recovery calls for which BSFCRD firefighters are prepared.

Assistant Chief Greg DeWitt

Assistant Chief DeWitt noted to the Board that the total number of calls year-to-date had increased by over 600 compared to the same time during the previous year.

Deputy Chief Rich Scott

Deputy Chief Scott reviewed a recent house fire that the District responded to.

PUBLIC COMMENT

Marty Roach addressed the Board and stated that he lives on Hickory Island directly across the street from the property that Mr. Gilkey's client proposed to donate to the District. He stated he is also the president of the Bonita Beach Alliance and they have over 400 members who do not want that specific area developed because they do not want any more development on the island. Mr. Roach then explained that recently he called 911 at his friend's home located north of McLaughlin Blvd, and that a fire truck and an ambulance arrived within six to seven minutes. He noted that the island had a traffic problem during season and that he believed the residents of the beach area needed an ambulance during this time. Mr. Roach stated that he would be happy to send a survey out to the 400 members referenced if the Board would like.

Dawn Koncikowski addressed the Board to note that at the north end of Hickory Island there are community facilities with a parking lot and boat ramp. Chairman Lohan noted that the District had looked at it but the dock was not deep enough. Ms. Koncikowski then stated that Lee County was currently working with the State of Florida to put various facilities on Hickory Island and that the District should look into it. She stated that she believed it was a good idea to park an ambulance at the Century Link building. She noted that Mr. Gilkey mentioned his proposed site was in RS-1 zoning, but she said that the comp plan would override this. She also noted that the island was a deed-restricted community and that the District should keep in mind that commercial areas were at the south and north ends.

The meeting adjourned at 7:09 p.m.

Bonita Springs Fire Control
Monthly Transfers
Dec-15

Operating Account Transfers		(101-01-002)		
Date	From Account	To Account	Amount	Reason
12/3/2015	Operating	Money Market	1,000,000.00	Transfer
12/7/2015	Operating	Money Market	1,000,000.00	Transfer
12/9/2015	Operating	Payroll	650,000.00	Transfer
12/15/2015	Operating	Money Market	10,000,000.00	Transfer

Money Market Account Transfers		(101-01-001)		
Date	From Account	To Account	Amount	Reason
12/23/2015	Money Market	Payroll	550,000.00	Transfer

Payroll Account Transfers		(101-01-003)		
Date	Pay period Date	Account	Amount	Reason
12/10/2015	11/23/15-12/6/15	101-01-003	1,131.75	FRS
12/10/2015	11/23/15-12/6/15	101-01-003	6,932.11	Admin Pension
12/10/2015	11/23/15-12/6/15	101-01-003	186,620.85	CHAP 175 Pension
12/10/2015	11/23/15-12/6/15	101-01-003	508.00	ICMA
12/10/2015	11/23/15-12/6/15	101-01-003	134,649.06	Taxes
12/10/2015	11/23/15-12/6/15	101-01-003	2,930.00	Union Dues
12/10/2015	11/23/15-12/6/15	101-01-003	1,734.48	Child Support
12/10/2015	11/23/15-12/6/15	101-01-003	72.00	Benevolent Fund
12/10/2015	11/23/15-12/6/15	101-01-003	1,985.10	Aflac
12/23/2015	12/7/15-12/20/15	101-01-003	7,529.46	Admin Pension
		101-01-003	167,692.41	CHAP 175 Pension
		101-01-003	508.00	ICMA
		101-01-003	101,031.84	Taxes
		101-01-003	2,769.20	Union Dues
		101-01-003	1,139.31	Child Support
		101-01-003	65.00	Benevolent Fund

Impact Fee Account Loan Transfers		(101-10-001)		
Date	From Account	To Account	Amount	Reason
12/15/2015	101-10-001	101-01-002	34,647.02	Station 4 payment

Money Wired into District Accounts				
Date	Account	Name	Amount	Reason
12/15/2015	101-01-002	Operating	9,987,976.01	Ad Valorem Dist # 3
12/30/2015	101-01-002	Operating	2,292,297.21	Ad Valorem Dist # 4
12/15/2015	101-01-002	Operating	9,582.00	Facilities Rental-November
12/8/2015	101-10-001	Impact Fees	75,796.24	December Impact Fees - City of Bonita
12/8/2015	101-01-002	Operating	19,220.11	City of Bonita-Fire Prevention Fees
12/8/2015	101-01-002	Operating	652.02	City of Bonita-Fire Prevention Fees (Estero)

ACH Payments made to Vendors				
Date	Account	Name	Amount	Reason
12/9/2015	EVT	Operating Acct	4,520.00	Vehicle Maintenance

**Bonita Springs Fire Control and Rescue District
Budget 2015-2016**

December

Unaudited as of December 31, 2015

	Property Value	8,875,848,487			
	Roll back rate	2.2428			
	Millage =	2.3500			
	Revenue	Budget 2015-2016	Actual 2015-2016	Variance 2015-2016	%
311-01-001	Ad Valorem Taxes	20,858,243.94	17,565,260.86	(3,292,983.08)	84.21
311-01-002	Excess Fee Revenue	120,000.00		(120,000.00)	-
311-01-003	Prior Year Ad Valorem	5,000.00	12,548.25	7,548.25	250.97
311-01-004	Ad Valorem Discount	(750,896.78)	(699,608.02)	51,288.76	93.17
	Ad Valorem Refunds				
311-01-005	Deducted	(5,000.00)	(8,796.43)	(3,796.43)	175.93
311-01-231	Ad Valorem Penalty	12,000.00	4,146.12	(7,853.88)	34.55
335-01-230	State Supplemental Comp.	40,000.00	9,510.00	(30,490.00)	23.78
335-01-235	Grants (Boat Lee County)	1,100.00		(1,100.00)	-
342-01-401	Inspection Fee Revenue	180,000.00	75,498.04	(104,501.96)	41.94
342-01-402	Fire Flow Fee Revenue	1,500.00	165.00	(1,335.00)	11.00
342-01-403	EVT outside Department	42,000.00	8,405.61	(33,594.39)	20.01
361-01-001	Interest	30,000.00	3,708.69	(26,291.31)	12.36
361-01-002	Ad Valorem Interest	1,000.00		(1,000.00)	-
362-01-001	Facilities Rental	135,000.00	28,746.00	(106,254.00)	21.29
364-01-001	Disposition of Fixed Assets	-			
369-01-002	Other Miscellaneous Revenue	20,000.00	6,631.85	(13,368.15)	33.16
369-01-003	Admin Fee/Union Dues	215.00	56.80	(158.20)	26.42
	Designated Donation-Radio				
369-01-004	Enhancement	17,000.00		(17,000.00)	-
369-01-005	CPR Class Revenue	3,500.00	1,333.50	(2,166.50)	38.10
369-01-007	Insurance Proceeds				
369-01-008	USAR reimbursement				
369-01-009	Car Seat Donations	1,000.00	215.00	(785.00)	21.50
	Fundraiser-Explorer Post				
369-01-010	5513				
369-01-011	Fundraiser-Smoke Alarms				
	Sub Total	20,711,662.16	17,007,821.27	(3,703,840.89)	82.12

Other Funding Sources				
	Other Assets-Vehicle pre-			
156-01-002	payment			
399-10-100	Transfer in (Impact Fees)	415,764.00	103,941.09	(311,822.91) 25.00
Fund Balance				
Reserves*				
	Operating Reserve	4,598,506.26		
	Emergency Disaster Reserve	245,538.97		
	Insurance Reserve	480,000.00		
	Total Reserves	5,324,045.23		
Debt Service*				
	Debt Service	500,000.00		
	Total Debt Service	500,000.00		
Future Capital Planning*				
	Land & Bldg. Replacement	1,923,112.49		
	Capital Outlay-Future Station			
	Total Capital Funding	1,923,112.49		-
	Fund Balance Committed*	7,747,157.72		-
	Fund Balance Unassigned	728,147.57		-
Fund Balance Assigned				
	Explorers	8,483.00		-
	Car seats	1,220.67		-
	Radio Enhancement	79,200.00		-
	Smoke Alarms			-
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	Total Fund Balance	8,564,208.96	-	-
	Total	29,691,635.12	17,111,762.36	(4,015,663.80) 57.63
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**Bonita Springs Fire Control and Rescue District
Budget 2015-2016**

December

Unaudited

		Budget	Actual	Variance	%
		<u>2015-2016</u>	<u>2015-2016</u>	<u>2015-2016</u>	
Personnel Services					
522-01-120	Regular Salaries and Wages	7,170,976.69	1,678,565.68	5,492,411.01	23.41
522-01-121	Holiday	237,551.27	63,818.26	173,733.01	26.87
522-01-122	Longevity	404,343.38	149,239.24	255,104.14	36.91
522-01-123	Temporary Employee	-		-	
522-01-124	Art 23 Time Pool	25,000.00		25,000.00	-
522-01-125	Salaries-Commissioners	30,000.00	7,500.00	22,500.00	25.00
522-01-130	Overtime/FLSA	499,443.61	107,545.27	391,898.34	21.53
	<i>Overtime/Extra Time/Emergency</i>	<i>100,000.00</i>	<i>22,191.16</i>	<i>77,808.84</i>	<i>22.19</i>
522-01-140	<i>Overtime/Extra Time/Pub ED</i>	<i>8,000.00</i>		<i>8,000.00</i>	<i>-</i>
522-01-140	Total Overtime	<i>108,000.00</i>		<i>108,000.00</i>	<i>-</i>
522-01-141	Building Maintenance-Salary	8,000.00	632.40	7,367.60	7.91
522-01-142	Vehicle Maintenance-Salary	40,000.00	8,022.60	31,977.40	20.06
522-01-150	Special Pay/Incentives	695,355.00	157,634.95	537,720.05	22.67
522-01-210	FICA Taxes	683,757.66	161,844.33	521,913.33	23.67
522-01-220	Retirement Contributions	3,651,560.42	853,255.65	2,798,304.77	23.37
522-01-222	FRS-Commissioners	12,657.00	3,170.25	9,486.75	25.05
522-01-223	General Pension	142,164.79	33,036.74	109,128.05	23.24
522-01-230	Life, Health, ST,LT Insurance	2,300,000.00	733,413.60	1,566,586.40	31.89
522-01-240	Workers' Compensation	360,000.00	179,879.95	180,120.05	49.97
522-01-250	Unemployment Compensation	300.00		300.00	-
	Sub total for Personnel Services	16,369,109.83	4,159,750.08	12,209,359.75	25.41
522-01-260	VEBA Employee Contribution	172,066.53		172,066.53	-
522-01-260	Retirees prior to VEBA	76,678.00			
	Sub Total For VEBA	248,744.53	-	172,066.53	-
Operating Expenditures					
Professional Services/Consulting					
522-01-310	Professional Services	52,500.00	300.00	52,200.00	0.57
522-01-312	Legal Fees	40,000.00	8,410.30	31,589.70	21.03
522-01-313	Appraisal Fees	162,000.00	40,332.77	121,667.23	24.90
522-01-314	Tax Collector Fees/Deductions	380,000.00	338,932.85	41,067.15	89.19
522-01-319	Ad Valorem Tax-Postage			-	
522-01-320	Annual Audit	30,000.00		30,000.00	-
522-01-321	Medical Director	25,000.00		25,000.00	-
522-01-322	Annual Physicals	60,000.00	1,506.00	58,494.00	2.51
	Sub Total for Professional Services/Consulting	749,500.00	389,481.92	360,018.08	138.20

Travel and Training					
522-01-403	Educational Seminars	78,350.00	5,508.37	72,841.63	7.03
522-01-404	Training	75,500.00	6,362.93	69,137.07	8.43
	Sub Total for Travel and Training	153,850.00	11,871.30	141,978.70	15.46

522-01-405 USAR Expenses - Reimbursable

Communications					
522-01-411	Radio Tower Fees	30,000.00		30,000.00	-
	Subtotal for Radio Tower Fees/Pagers	30,000.00	-	30,000.00	-

District Insurances					
522-01-455	Liability Policy	100,000.00	47,014.58	52,985.42	47.01
	Subtotal Insurances	100,000.00	47,014.58	52,985.42	47.01

Repair and Maintenance Service					
522-01-461	Building Repair & Maintenance	144,575.00	31,012.45	113,562.55	21.45
522-01-462	Vehicle Repair & Maintenance	165,000.00	43,094.40	121,905.60	26.12
522-01-463	Equipment Repair & Maintenance	50,800.00	9,603.72	41,196.28	18.90
522-01-465	Communications Maintenance	12,000.00		12,000.00	-
522-01-466	Special Op's Supplies/Repair	20,000.00		20,000.00	-
522-01-467	USAR - District Expenses	15,890.00	15,890.00	-	100.00
522-01-468	Office Equipment Maintenance	10,500.00	1,430.26	9,069.74	13.62
522-01-469	Computer Support/Maintenance	178,552.00	56,646.64	121,905.36	31.73
	Sub Total Repair and Maintenance Service	597,317.00	157,677.47	439,639.53	211.82

Public Education/Fire Prevention					
522-01-481	Fire Prevention Expenses				
522-01-482	CPR Class	5,000.00		5,000.00	-
522-01-483	Car Seat	2,220.67		2,220.67	-
522-01-484	Public Education Expenses	15,000.00	3,036.22	11,963.78	20.24
522-01-488	Explorers Post 5512	8,483.00		8,483.00	-
522-01-489	Smoke Alarms	12,000.00		12,000.00	-
	Sub Total Public Education/Fire Prevention	42,703.67	3,036.22	39,667.45	20.24

Supplies					
522-01-491	Legal Ads	5,000.00	239.87	4,760.13	4.80
522-01-511	Office Supplies	11,000.00	1,586.14	9,413.86	14.42
522-01-512	Freight and Postage	3,500.00	366.74	3,133.26	10.48
522-01-515	Administration	19,200.00	6,521.00	12,679.00	33.96
522-01-520	Station Supplies	20,000.00	2,661.21	17,338.79	13.31
522-01-521	Fire and Medical Supplies	94,200.00	10,308.11	83,891.89	10.94
522-01-522	Uniforms	49,600.00	13,040.56	36,559.44	26.29
522-01-523	Office Equipment	1,000.00		1,000.00	-
522-01-524	Personal Protection Uniforms	177,250.00	155,527.86	21,722.14	87.74
522-01-526	Food Consumables/Supplies	6,000.00	384.61	5,615.39	6.41
522-01-541	Books/Publications/Dues	16,675.00	8,051.63	8,623.37	48.29
522-01-543	PETC Lee County (Hiring)	750.00		750.00	-
522-01-641	New Equipment less than 750	8,850.00		8,850.00	-
	Sub Total Supplies	413,025.00	198,687.73	214,337.27	256.64

522-01-830	CERT Training	4,500.00		4,500.00	-
	Sub Total CERT Training Expense	4,500.00	-	4,500.00	-
Station Operating Expenses					
Station 1					
522-01-431	Electricity	12,000.00	2,766.50	9,233.50	23.05
522-01-432	Water/Sewer	6,500.00	938.40	5,561.60	14.44
522-01-433	Garbage Service	2,300.00	356.90	1,943.10	15.52
522-01-434	Gas/Oil/Propane	30,000.00	8,687.50	21,312.50	28.96
522-01-435	Pest Control	2,000.00	267.00	1,733.00	13.35
522-01-436	Comcast Cable			-	
	Sub Total Station 1 Operating Expense	52,800.00	13,016.30	39,783.70	95.32
Station 2					
522-02-431	Electricity	8,000.00	1,908.08	6,091.92	23.85
522-02-432	Water/Sewer	3,000.00	412.27	2,587.73	13.74
522-02-433	Garbage Service	1,600.00	276.76	1,323.24	17.30
522-02-434	Fuel/Propane	7,500.00	924.96	6,575.04	12.33
522-02-435	Pest Control	1,250.00	215.00	1,035.00	17.20
522-02-436	Comcast Cable			-	
	Sub Total Station 2 Operating Expense	21,350.00	3,737.07	17,612.93	17.50
Station 3					
522-03-431	Electricity	7,200.00	2,078.84	5,121.16	28.87
522-03-432	Water/Sewer	2,500.00	561.61	1,938.39	22.46
522-03-433	Garbage Service	1,600.00	276.76	1,323.24	17.30
522-03-434	Gas/Oil/Propane	1,200.00	1,153.60	46.40	96.13
522-03-435	Pest Control	750.00	162.00	588.00	21.60
522-03-436	Comcast Cable				
	Sub Total Station 3 Operating Expense	13,250.00	4,232.81	9,017.19	186.37
Station 4-Operating Expense					
522-04-413	Telephone	35,000.00	8,004.05	26,995.95	22.87
522-04-431	Electricity	35,000.00	8,431.52	26,568.48	24.09
522-04-432	Water/Sewer	5,000.00	816.23	4,183.77	16.32
522-04-433	Garbage Service	2,300.00	346.72	1,953.28	15.07
522-04-434	Gas/Oil/Propane	30,000.00	6,768.71	23,231.29	22.56
522-04-435	Pest Control	1,500.00	332.00	1,168.00	22.13
522-04-436	Comcast Cable	1,000.00	285.06	714.94	28.51
	Subtotal Station 4 Operating Expense	109,800.00	24,984.29	84,815.71	151.56
Station 5-Operating Expense					
522-05-431	Electricity	9,000.00	2,090.80	6,909.20	23.23
522-05-432	Water/Sewer	5,000.00	758.82	4,241.18	15.18
522-05-433	Garbage Service	1,600.00	276.76	1,323.24	17.30
522-05-434	Gas/Oil/Propane	20,000.00	3,135.13	16,864.87	15.68
522-05-435	Pest Control	1,000.00	310.00	690.00	31.00
522-05-436	Comcast Cable				
	Sub Total Station 5 Operating Expense	36,600.00	6,571.51	30,028.49	102.38

	Sub-Total Operating Expenses	2,324,695.67	860,311.20	1,464,384.47	37.01
	Sub-Total Personnel and Operating	18,942,550.03	5,020,061.28	13,845,810.75	26.50
	Capital Outlay				
523-01-618	Station 6 - Construction/Consultants	645,000.00		645,000.00	-
523-01-620	Building	56,000.00	105.00	55,895.00	0.19
523-01-630	Office Equipment	94,900.00	10,704.52	84,195.48	11.28
523-01-640	Machinery and Equipment	283,200.00	12,948.61	270,251.39	4.57
523-01-645	Vehicles	61,000.00		61,000.00	-
	Sub Total Capital Outlay	1,140,100.00	23,758.13	1,116,341.87	2.08
	Debt Service				
523-01-810	Principal St 4	355,279.00	88,118.90	267,160.10	24.80
523-01-822	Interest St 4	60,485.00	15,822.19	44,662.81	26.16
	Sub Total Debt Service	415,764.00	103,941.09	311,822.91	25.00
	Reserves				
	Operating			-	
522-05-911	Operating Reserve (90 Days)*	4,670,765.76		4,670,765.76	-
522-05-912	Emergency Disaster Reserve	286,459.42		286,459.42	-
	Insurance	480,000.00		480,000.00	-
	Debt Services	415,764.00		415,764.00	-
	Sub Total Reserves	5,852,989.18	-	5,852,989.18	-
	Future Capital Funding*				
522-05-915	Capital Improvements	1,766,911.63	-	1,766,911.63	-
522-05-915	Equipment	349,462.89	-	349,462.89	-
522-05-915	Office Equipment	115,905.33	-	115,905.33	-
522-05-915	Vehicles	1,107,952.06	-	1,107,952.06	-
	Additional*	0.00	-	-	-
	Sub Total Future Capital Funding	3,340,231.91	-	3,340,231.91	-
	Total Expenses	20,498,414.03	5,147,760.50	15,350,653.53	25.11
	Total Budget	29,691,635.12	5,147,760.50	24,543,874.62	17.34

General Ledger Trial Balance for Period Ending 12/31/2015

Bonita Springs Fire Control (002)

Account Number	Description	Debit	Credit
CASH/CURRENT ASSETS			
101-01-001	Money Market Account	13,218,258.62	
101-01-002	General Operating Account	4,004,714.49	
101-01-003	General Payroll Account	84,294.63	
101-01-005	Investment CDs	1,021,704.56	
101-01-006	Petty Cash Account	300.00	
101-01-008	Explorers Post 5513	8,562.78	
101-01-009	Money Market Bank United	2,655,921.85	
101-01-012	Bank of America -purchasing card	0.00	
131-01-001	Due from Impact fee	0.00	
133-01-001	Due from other Governments		0.01
	CASH/CURRENT ASSETS:	20,993,756.93	0.01
FIXED ASSETS			
161-01-900	Land & Improvements	2,699,136.10	
162-01-900	Buildings	14,873,516.73	
166-01-900	Vehicles	4,253,113.81	
166-01-901	Equipment & Machinery	2,303,463.80	
166-01-902	Office Equipment & Equipment	524,099.51	
166-01-910	Accum. Depreciation all categories		8,023,162.12
	FIXED ASSETS:	24,653,329.95	8,023,162.12
AMOUNT TO BE PROVIDED			
181-01-001	Amount to be Provided	4,663,846.00	
	AMOUNT TO BE PROVIDED:	4,663,846.00	0.00
LIABILITIES AND OTHER CREDITS			
202-01-001	Accounts Payable/General Fund		13,200.73
210-01-900	Comp Absences		754,730.05
210-01-901	Retirees Health Insurance		968,431.00
216-01-001	Accrued Wages Payable		18,106.55
216-01-002	Employee Union Dues Payable		18.00
216-01-003	Misc. Employee Payables		630.84
216-01-005	Pension Plan/Employer/Supp	441.34	
216-01-006	Pension Plan/Employee/Suppress		0.00
216-01-008	Child Support	23.85	
216-01-012	Benevolent Fund		500.00
216-01-013	ICMA deferred Compensation		0.00
216-01-014	Florida Retirement (Comm)		1,056.75
216-01-015	Pre Paid Legal		1,119.79
216-01-016	Nationwide-Deferred Comp		0.00
216-01-018	Allstate Insurance		1,106.98
216-01-019	Payable-GenEmpPen 7%		0.00
216-01-020	General Pension 15%		0.00
216-01-021	Uniforms taxable	11,040.00	
216-01-023	Aflac-Pretax		5,599.85
216-01-024	Aflac After tax		202.56
216-01-025	Ameritas Life		0.00
216-01-026	Principal Life Insurance		2,555.73
216-01-027	FRS 3% Employee Contribution		70.66
217-01-001	Accrued FWT Payable		0.00
217-01-002	Accrued FICA Taxes Payable		7.61
	LIABILITIES AND OTHER CREDITS:	11,512.80	1,767,329.49
Notes and Loans Payable/Special			
225-01-900	Notes & Loans Payable/General		2,940,684.95
	Notes and Loans Payable/Special:	0.00	2,940,684.95
Equity			
272-01-000	Unreserved Fund Balance		8,997,007.68

General Ledger Trial Balance for Period Ending 12/31/2015

Bonita Springs Fire Control (002)

Account Number	Description	Debit	Credit
Equity			
280-01-001	Invest/General Fixed Assets		16,630,167.83
280-01-002	Prior year Corrections		91.74
	Equity:		<u>25,627,267.25</u>
Revenue			
311-01-001	Ad Valorem Taxes		17,565,260.86
311-01-003	Prior Year Ad Valorem		12,548.25
311-01-004	Ad Valorem Discount	699,608.02	
311-01-005	Ad Valorem Refunds Deducted	8,796.43	
311-01-231	Ad Valorem Penalty		4,146.12
335-01-230	State Supplemental Comp.		9,510.00
342-01-401	Inspection Fee Revenue		75,498.04
342-01-402	Fire Flow Fee Revenue		165.00
342-01-403	Fleet Maintenance Revenue		8,405.61
361-01-001	Interest		3,708.69
362-01-001	Facilities Rental		28,746.00
369-01-002	Other Miscellaneous Revenue		6,631.85
369-01-003	Admin Fee/Union Dues		56.80
369-01-005	CPR Class Revenue		1,333.50
369-01-009	Car Seat donations/Revenue		215.00
	Revenue:	<u>708,404.45</u>	<u>17,716,225.72</u>
Cash Brought Forward			
399-10-100	Transfer from Impact Fees		103,941.09
	Cash Brought Forward:		<u>103,941.09</u>
Personnel Expenditures			
522-01-120	Regular Salaries and Wages	1,678,565.68	
522-01-121	Holiday	63,818.26	
522-01-122	Longevity/Sick Accumulation	149,239.24	
522-01-125	Salaries-Commissioners	7,500.00	
522-01-130	Overtime/FLSA	107,545.27	
522-01-140	Overtime - Extra time	22,191.16	
522-01-141	Overtime - Buildings	632.40	
522-01-142	Overtime - Vehicle Maintenance	8,022.60	
522-01-150	Special Pay/Incentives	157,634.95	
522-01-210	FICA Taxes	161,844.33	
522-01-220	Retirement Contributions	853,255.65	
522-01-222	FRS-Commissioners	3,170.25	
522-01-223	Admin Pension	33,036.74	
522-01-230	Life & Health Insurance	733,413.60	
522-01-240	Workers' Compensation	179,879.95	
522-01-310	Professional/Consult Services	300.00	
522-01-312	Legal Fees	8,410.30	
522-01-313	Appraisal Fees	40,332.77	
522-01-314	Tax Collector Fees/Deductions	338,932.85	
522-01-322	Annual Physicals	1,506.00	
522-01-403	Educational Seminars/Per Diem	5,508.37	
522-01-404	Training Books and Supplies	6,362.93	
522-01-431	Electricity	2,766.50	
522-01-432	Water/Sewer	938.40	
522-01-433	Garbage Service	356.90	
522-01-434	Gas/Oil/Propane	8,687.50	
522-01-435	Pest Control	267.00	
522-01-455	Liability Policy	47,014.58	
522-01-461	Building Repair & Maintenance	31,012.45	
522-01-462	Truck Repair & Maintenance	43,094.40	
522-01-463	Equipment Repair & Maintenance	9,603.72	

General Ledger Trial Balance for Period Ending 12/31/2015

Bonita Springs Fire Control (002)

Account Number	Description	Debit	Credit
Personnel Expenditures			
522-01-467	USAR - District Dues	15,890.00	
522-01-468	Office Equipment Maintenance	1,430.26	
522-01-469	Computer Support/Maintenance	56,646.64	
522-01-484	Public Education Expenses	3,036.22	
522-01-491	Legal Ads	239.87	
522-01-511	Office Supplies	1,586.14	
522-01-512	Freight and Postage	366.74	
522-01-515	Administration	6,521.00	
522-01-520	Station Supplies	2,661.21	
522-01-521	Fire and Medical Supplies	10,308.11	
522-01-522	Uniforms	13,040.56	
522-01-524	Personal Protection Uniforms	155,527.86	
522-01-526	Food Consumables/Supplies	384.61	
522-01-541	Books/Publications/Dues	8,051.63	
522-02-431	Electricity	1,908.08	
522-02-432	Water/Sewer	412.27	
522-02-433	Garbage Service	276.76	
522-02-434	Gas/Oil/Propane	924.96	
522-02-435	Pest Control	215.00	
522-03-431	Electricity	2,078.84	
522-03-432	Water/Sewer	561.61	
522-03-433	Garbage Service	276.76	
522-03-434	Gas/Oil/Propane	1,153.60	
522-03-435	Pest Control	162.00	
522-04-413	Telephone	8,004.05	
522-04-431	Electricity	8,431.52	
522-04-432	Water	816.23	
522-04-433	Garbage Service	346.72	
522-04-434	Gas/Oil/Propane	6,768.71	
522-04-435	Pest Control	332.00	
522-04-436	Station 4 Comcast	285.06	
522-05-431	Electricity	2,090.80	
522-05-432	Water/Sewer	758.82	
522-05-433	Garbage Service	276.76	
522-05-434	Gas/Oil/Propane	3,135.13	
522-05-435	Pest Control	310.00	
	Personnel Expenditures:	<u>5,020,061.28</u>	
Capital Outlay			
523-01-620	Buildings	105.00	
523-01-630	Office Equipment	10,704.52	
523-01-640	Machinery and Equipment	12,948.61	
523-01-810	Principal/General Station 4	88,118.90	
523-01-822	Interest/General Station 4	15,822.19	
	Capital Outlay:	<u>127,699.22</u>	
	Report Total:	<u>56,178,610.63</u>	<u>56,178,610.63</u>

General Ledger Trial Balance for Period Ending 12/31/2015

Impact Fee Fund (100)

Account Number	Description	Debit	Credit
Cash/Current Assets			
101-10-001	Impact Fee Account	107,302.31	
		Cash/Current Assets:	<u>107,302.31</u>
Liabilities and Other Credits			
202-10-002	Due to General Fund		0.00
		Liabilities and Other Credits:	<u>0.00</u>
Equity			
245-10-001	Fund Balance/Special		94,086.41
		Equity:	<u>94,086.41</u>
Revenue			
363-10-001	Impact Fee Revenue		117,123.99
363-10-002	Impact Fee Interest Revenue		33.00
		Revenue:	<u>117,156.99</u>
Capital Outlay			
523-01-615	Station 4	103,941.09	
		Capital Outlay:	<u>103,941.09</u>
		Report Total:	<u><u>211,243.40</u></u> <u><u>211,243.40</u></u>

Check Register
 Journal Posting Date: 12/24/2015
 Register Number: CD-000051

Bonita Springs Fire Control (002)

Bank Code: A - BB&T - Operating

Division Number: 00 General Operations

Check Number	Check Date	Vendor	Invoice Number	Invoice Date	Invoice Amount	Discount Applied	Payment Amount
030066	12/24/2015	ACTION	Action Automatic Door & Gate S245906	10/1/2015	139.95	0.00	139.95
				Invoice Comment: Station 1 Repair			Check Entry Number: 001
030067	12/24/2015	ALERT	Alert-all Corporation 215110161	11/30/2015	1,500.00	0.00	1,500.00
				Invoice Comment: Plastic Hats			Check Entry Number: 001
030068	12/24/2015	AMEX	American Express 12/10/15	12/10/2015	370.04	0.00	370.04
				Invoice Comment: Food Consumables/Station Supplies			Check Entry Number: 001
030069	12/24/2015	ANTONIO	Antonio Correia BF12-2015	12/14/2015	100.00	0.00	100.00
				Invoice Comment: December Board Meeting			Check Entry Number: 001
030070	12/24/2015	BAYLAMD	Bay Landing Owners Assoc., Inc 329	1/1/2016	12.25	0.00	12.25
				Invoice Comment: 1st Quarter Dues			Check Entry Number: 001
030071	12/24/2015	BOULEVA	Boulevard Tire Center 21-GS99034	12/15/2015	1,559.46	0.00	1,559.46
				Invoice Comment: E-21 Tire			Check Entry Number: 001
030072	12/24/2015	COPY	Copy Concepts, Inc. 343596	12/10/2015	87.00	0.00	87.00
				Invoice Comment: Copier Maintenance			Check Entry Number: 001
030073	12/24/2015	CRS	CRS Technology 265655	12/15/2015	82.50	0.00	82.50
				Invoice Comment: Copmputer Support			Check Entry Number: 001
030074	12/24/2015	CUMMINS	Cummins Southeastern Power 080-95575	12/8/2015	133.14	0.00	133.14
				Invoice Comment: Truck Supplies			Check Entry Number: 001
030075	12/24/2015	DELL	Deil Marketing LP XJW21XC63	12/17/2015	9,896.80	0.00	9,896.80
				Invoice Comment: 20 Computers			Check Entry Number: 001
030076	12/24/2015	DRESSER	Dresser & Associates 24026	12/18/2015	6,400.00	0.00	6,400.00
				Invoice Comment: HR Actions Implementation			Check Entry Number: 001
030077	12/24/2015	EDISON	Florida SouthWestern State Col S0254312	12/7/2015	932.52	0.00	932.52
				Invoice Comment: Perez Fall 2015			Check Entry Number: 001
030078	12/24/2015	FL DETR	Florida Detroit Diesel 2200774PI	12/14/2015	379.20	0.00	379.20
				Invoice Comment: Truck Supplies			Check Entry Number: 001
030079	12/24/2015	FLCOAST	Florida Coast Equipment 1223-3215	12/23/2015	10,388.07	0.00	10,388.07
				Invoice Comment: RTV-X900GH			Check Entry Number: 001
030080	12/24/2015	FPL	Florida Power & Light Co 12/02/15	12/2/2015	2,635.51	0.00	2,635.51
				Invoice Comment: Station 4 Electric			Check Entry Number: 001
			12/07/15	12/7/2015	664.51	0.00	664.51
				Invoice Comment: Station 5 Electric			Check Entry Number: 001
			12/11/15	12/11/2015	605.36	0.00	605.36
				Invoice Comment: Station 2 Electric			Check Entry Number: 001
			12/14/15	12/14/2015	845.85	0.00	845.85
				Invoice Comment: Station 1 Electric			Check Entry Number: 001
			12/14/15-2	12/14/2015	35.09	0.00	35.09
				Invoice Comment: Station 1-Outdoor Lights			Check Entry Number: 001
				Check 030080 Total:	4,786.32	0.00	4,786.32
030081	12/24/2015	FPLFIBE	FPL FiberNet 346555	12/22/2015	1,140.00	0.00	1,140.00
				Invoice Comment: FPL Fibernet			Check Entry Number: 001
030082	12/24/2015	GOOD	Goodyear Rubber Products, Inc 325311	12/15/2015	82.58	0.00	82.58
				Invoice Comment: Truck Parts			Check Entry Number: 001
030083	12/24/2015	HOOK	Hook-Fast Specialties Inc. 303631	12/4/2015	14.49	0.00	14.49
				Invoice Comment: Badges			Check Entry Number: 001
030084	12/24/2015	HULETT	Hulett Environmental Services 5534949	12/16/2015	47.00	0.00	47.00
				Invoice Comment: Station 1 Pest Control			Check Entry Number: 001
			5534950	12/16/2015	40.00	0.00	40.00
				Invoice Comment: Station 2 Pest Control			Check Entry Number: 001
			5534951	12/16/2015	58.00	0.00	58.00
				Invoice Comment: Station 4 Pest Control			Check Entry Number: 001
			5534952	12/16/2015	40.00	0.00	40.00
				Invoice Comment: Station 5 Pest Control			Check Entry Number: 001
				Check 030084 Total:	185.00	0.00	185.00
030085	12/24/2015	KONICA	Konica Minolta Business 237117075	11/30/2015	234.04	0.00	234.04
				Invoice Comment: Copier Maintenance			Check Entry Number: 001
			237132143	11/30/2015	134.57	0.00	134.57
				Invoice Comment: Copier Maintenance			Check Entry Number: 001
				Check 030085 Total:	368.61	0.00	368.61
030086	12/24/2015	KUSSMA	Kussmaul Electronic co., Inc 66123	12/9/2015	333.99	0.00	333.99
				Invoice Comment: R-21 Battery			Check Entry Number: 001
030087	12/24/2015	LEWIS	Lewis, Longman & Walker, P.A. TEL-110126	12/10/2015	541.50	0.00	541.50
				Invoice Comment: R-21 Battery			Check Entry Number: 001

Bank Code: A - BB&T - Operating

Division Number: 00

Check Number	Check Date	Vendor	Invoice Number	Invoice Date	Invoice Amount	Discount Applied	Payment Amount
			TEL-110127	Invoice Comment: General Representaion 12/10/2015	3,500.00	0.00	3,500.00
				Invoice Comment: Legislation			
				Check 030087 Total:	4,041.50	0.00	4,041.50
030088	12/24/2015	MES	MES-Carolinas 00693812_SNV	12/4/2015	8,398.83	0.00	8,398.83
			00694600	Invoice Comment: Bunker Gear 12/8/2015	830.00	0.00	830.00
			00696055_SNV	Invoice Comment: Bunker Gear 12/14/2015	1,747.50	0.00	1,747.50
			00696315_SNV	Invoice Comment: Foam 12/14/2015	1,299.40	0.00	1,299.40
				Invoice Comment: Super Sorbent			
				Check 030088 Total:	12,275.73	0.00	12,275.73
030089	12/24/2015	MUNICIP	Municipal Equipment Company 330496	12/15/2015	214.45	0.00	214.45
				Invoice Comment: Helmet Front			
030090	12/24/2015	NAPLES	Naples Daily News 791305	11/11/2015	229.87	0.00	229.87
				Invoice Comment: Boat Ad			
030091	12/24/2015	OFFDEPO	Office Depot, Inc 800267025001	10/16/2015	11.97	0.00	11.97
				Invoice Comment: Office Supplies			
030092	12/24/2015	PELLAWN	Pelican Lawn and Landscaping 15406	12/11/2015	3,830.00	0.00	3,830.00
				Invoice Comment: Lawn Maintenance			
030093	12/24/2015	PGIT	Preferred Governmental 46053-4	1/1/2016	29,946.65	0.00	29,946.65
				Invoice Comment: Workmen's Comp			
030094	12/24/2015	PLASTIC	Plastic Letters & Signs 110609	12/10/2015	65.50	0.00	65.50
				Invoice Comment: Name Tags			
030095	12/24/2015	PORTSU	Port Supply 4565	12/14/2015	99.96	0.00	99.96
			4566	Invoice Comment: M-22 Supplies 12/14/2015	87.94	0.00	87.94
				Invoice Comment: M-22 Supplies			
				Check 030095 Total:	187.90	0.00	187.90
030096	12/24/2015	RYANPET	Ryan Petroleum 32473	12/16/2015	2,402.65	0.00	2,402.65
			32475	Invoice Comment: St 1 950 gal unlead, 250 gal diesel 12/16/2015	713.99	0.00	713.99
				Invoice Comment: St 4 350gal unleaded			
				Check 030096 Total:	3,116.64	0.00	3,116.64
030097	12/24/2015	SFEV	South Florida Emergency 5980	12/21/2015	156.40	0.00	156.40
				Invoice Comment: Truck Supplies			
030098	12/24/2015	SILENT	Silent Partner Technologies 3043-CDS-FF	11/4/2015	12,495.00	0.00	12,495.00
				Invoice Comment: RFID System			
030099	12/24/2015	STAND2	Standard Insurance Company 01/01/16	1/1/2016	1,907.12	0.00	1,907.12
				Invoice Comment: Vision Insurance			
030100	12/24/2015	STANDAR	Standard Insurance 01/01/16	1/1/2016	17,258.42	0.00	17,258.42
				Invoice Comment: Life Insurance			
030101	12/24/2015	TEN 8	Ten 8 Fire Equipment Inc IN805625	11/13/2015	153.03	0.00	153.03
			IN806496	Invoice Comment: Equipment Repair 12/11/2015	145.24	0.00	145.24
			IN806659	Invoice Comment: Bottle Repair 12/14/2015	1,170.26	0.00	1,170.26
			IN806724	Invoice Comment: Headbands 12/15/2015	84.92	0.00	84.92
				Invoice Comment: E-24 Accident			
				Check 030101 Total:	1,553.45	0.00	1,553.45
030102	12/24/2015	THOMGAS	Thompson Gas 52555	12/9/2015	1,042.18	0.00	1,042.18
			62140	Invoice Comment: Station 5 Propane 12/2/2015	53.47	0.00	53.47
			62207	Invoice Comment: Station 2 Propane 12/7/2015	977.11	0.00	977.11
			62208	Invoice Comment: Station 1 Propane 12/1/2015	836.92	0.00	836.92
				Invoice Comment: Station 4 Propane			
				Check 030102 Total:	2,909.68	0.00	2,909.68
030103	12/24/2015	UPS	UPS 8158V505	12/12/2015	22.89	0.00	22.89
				Invoice Comment: Shipping			
				Division 00 Total:	129,115.09	0.00	129,115.09
				Report Total:	129,115.09	0.00	129,115.09

Bank Code: A - BB&T - Operating

Division Number: 00

Check Number	Check Date	Vendor	Invoice Number	Invoice Date	Invoice Amount	Discount Applied	Payment Amount
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Accounts Payable Invoice Register
 Journal Posting Date: 1/5/2016
 Register Number: AP-000074
 Batch Number: 04144

Bonita Springs Fire Control (002)

Division Number: 00 General Operations

Vendor Number/ Invoice Number	Dates Invoice Due	Discount	Batch Number	Invoice Amount	Discount	Distribution Amount
ARGUS	Argus-Hazco Comment: HazMat Equipment				Separate Check: No	
08012029	12/16/2015 12/26/2015 G/L Account: 522-01-466		04144	1,405.00	0.00	655.00
	G/L Account: 523-01-640			Special Op's Supplies/Repair Comment: Special Ops Machinery and Equipment		750.00
ARGUS	Argus-Hazco Comment: Machinery and Equipment				Separate Check: No	
08012089	12/21/2015 12/31/2015 G/L Account: 523-01-640		04144	6,000.00	0.00	6,000.00
				Machinery and Equipment Comment: HazMat Equipment		
BCBS	Blue Cross Blue Shield of FL Comment: Medical Insurance				Separate Check: No	
72024306	12/19/2015 12/29/2015 G/L Account: 522-01-230		04144	10,477.84	0.00	10,477.84
				Life & Health Insurance Comment: Medical Insurance		
BCBS	Blue Cross Blue Shield of FL Comment: Medical Insurance				Separate Check: No	
72024307	12/19/2015 12/29/2015 G/L Account: 522-01-230		04144	6,084.43	0.00	6,084.43
				Life & Health Insurance Comment: Medical Insurance		
BCBS	Blue Cross Blue Shield of FL Comment: Medical Insurance				Separate Check: No	
72024308	12/19/2015 12/29/2015 G/L Account: 522-01-230		04144	108,998.13	0.00	108,998.13
				Life & Health Insurance Comment: Medical Insurance		
BCBS	Blue Cross Blue Shield of FL Comment: Medical Insurance				Separate Check: No	
72024309	12/19/2015 12/29/2015 G/L Account: 522-01-230		04144	12,076.66	0.00	12,076.66
				Life & Health Insurance Comment: Medical Insurance		
BOULEVA	Boulevard Tire Center Comment: Admin 24 Tires				Separate Check: No	
21-GS98943	12/23/2015 1/2/2016 G/L Account: 522-01-462		04144	509.36	0.00	509.36
				Truck Repair & Maintenance Comment: Admin 24 Tires		
CRS	CRS Technology Comment: Computer Support				Separate Check: No	
265941	12/31/2015 1/10/2016 G/L Account: 522-01-469		04144	3,350.00	0.00	3,350.00
				Computer Support/Maintenance Comment: Computer Support		
EMERGEN	Emergency One Electric, Inc. Comment: Repair Station 4				Separate Check: No	
6713	12/21/2015 12/31/2015 G/L Account: 522-01-461		04144	269.43	0.00	269.43
				Building Repair & Maintenance Comment: Repair Station 4		
EMERGEN	Emergency One Electric, Inc. Comment: Repair Station 2				Separate Check: No	
6718	12/22/2015 1/1/2016 G/L Account: 522-01-461		04144	171.58	0.00	171.58
				Building Repair & Maintenance Comment: Repair Station 2		
EMERGEN	Emergency One Electric, Inc. Comment: Repair Station 3				Separate Check: No	
6719	12/22/2015 1/1/2016 G/L Account: 522-01-461		04144	149.57	0.00	149.57
				Building Repair & Maintenance Comment: Repair Station 3		
EMERGEN	Emergency One Electric, Inc. Comment: Repair Station 5				Separate Check: No	
6728	12/23/2015 1/2/2016 G/L Account: 522-01-461		04144	139.41	0.00	139.41
				Building Repair & Maintenance Comment: Repair Station 5		
FASTENA	Fastenal Comment: Vehicle Supplies				Separate Check: No	
FLFT2141697	12/23/2015 1/2/2016 G/L Account: 522-01-462		04144	194.63	0.00	194.63
				Truck Repair & Maintenance Comment: Vehicle Supplies		

Accounts Payable Invoice Register
 Journal Posting Date: 1/5/2016
 Register Number: AP-000074
 Batch Number: 04144

Bonita Springs Fire Control (002)

Division Number: 00 General Operations

Vendor Number/ Invoice Number	Dates Invoice Due	Discount	Batch Number	Invoice Amount	Discount	Distribution Amount
FFMIA 0135	Florida Fire Marshals and Comment: Renewal 1/4/2016 1/14/2016 G/L Account: 522-01-541		04144	455.00 Books/Publications/Dues Comment: Renewal	0.00	455.00
FPL 12/22/15	Florida Power & Light Co Comment: Station 3 Electric 12/22/2015 1/1/2016 G/L Account: 522-03-431		04144	561.42 Electricity Comment: Station 3 Electric	0.00	561.42
FYR 128397	Fyr-Fyter Inc. Comment: Extinguisher 12/21/2015 12/31/2015 G/L Account: 522-01-521		04144	37.50 Fire and Medical Supplies Comment: Extinguisher	0.00	37.50
GARAGE 34808	Garage Door of Naples Inc. Comment: Station 3 Door Repair 12/21/2015 12/31/2015 G/L Account: 522-01-461		04144	122.00 Building Repair & Maintenance Comment: Station 3 Door Repair	0.00	122.00
GERVASI 12/28/15	Bev Gervasi Comment: Food for Paul's Funeral 12/28/2015 1/7/2016 G/L Account: 522-01-526		04144	165.41 Food Consumables/Supplies Comment: Food for Paul's Funeral	0.00	165.41
HHKUSTO 8456	H&H Kustom Auto Body, Inc Comment: E-24 Accident 12/29/2015 1/8/2016 G/L Account: 522-01-462		04144	589.00 Truck Repair & Maintenance Comment: E-24 Accident	0.00	589.00
KEN 1/1/16	Lee County Property Appraiser Comment: Property Appraiser 1/1/2016 1/11/2016 G/L Account: 522-01-313		04144	17,262.26 Appraisal Fees Comment: Property Appraiser	0.00	17,262.26
LEESAR 304910	LeeSar Cooperative Comment: Medical Supplies 12/29/2015 1/8/2016 G/L Account: 522-01-521		04144	105.97 Fire and Medical Supplies Comment: Medical Supplies	0.00	105.97
LEWIS 108284	Lewis, Longman & Walker, P.A. Comment: General-Land Transfer 10/5/2015 10/15/2015 G/L Account: 522-01-312		04144	171.00 Legal Fees Comment: General-Land Transfer	0.00	171.00
LEWIS 108721	Lewis, Longman & Walker, P.A. Comment: General 11/4/2015 11/14/2015 G/L Account: 522-01-312		04144	456.00 Legal Fees Comment: General	0.00	456.00
MADDEN FIR2302	Eric Madden Comment: Principles of Fire and Emergency Serv. 1/5/2016 1/15/2016 G/L Account: 522-01-404		04144	545.30 Training Books and Supplies Comment: Principles of Fire and Emergency Serv.	0.00	545.30
MES 00700860_SNV	MES-Carolinas Comment: Batteries 12/29/2015 1/8/2016 G/L Account: 522-01-521		04144	517.30 Fire and Medical Supplies Comment: Batteries	0.00	517.30
NLINE 11130	N Line LLC Comment: Uniforms 12/17/2015 12/27/2015 G/L Account: 522-01-522		04144	2,253.16 Uniforms Comment: Uniforms	0.00	2,253.16

Accounts Payable Invoice Register
 Journal Posting Date: 1/5/2016
 Register Number: AP-000074
 Batch Number: 04144

Bonita Springs Fire Control (002)

Division Number: 00 General Operations

Vendor Number/ Invoice Number	Dates		Batch Number	Invoice Amount	Discount	Distribution Amount
	Invoice	Due				
OFFDEPO 812636209001	Office Depot, Inc Comment: Office Supplies		04144	362.14	0.00	362.14
	12/16/2015	12/26/2015				
	G/L Account: 522-01-511			Office Supplies		
	Comment: Office Supplies					
OFFDEPO 812636389001	Office Depot, Inc Comment: Office Supplies		04144	31.85	0.00	31.85
	12/16/2015	12/26/2015				
	G/L Account: 522-01-511			Office Supplies		
	Comment: Office Supplies					
PEDEMST 0251	Pediatric Emergency Standards Comment: Handtevy Annual Support		04144	95.00	0.00	95.00
	12/28/2015	1/7/2016				
	G/L Account: 522-01-469			Computer Support/Maintenance		
	Comment: Handtevy Annual Support					
PGIT 47475	Preferred Governmental Comment: Workman's Comp Insurance		04144	6,035.00	0.00	6,035.00
	12/22/2015	1/1/2016				
	G/L Account: 522-01-240			Workers' Compensation		
	Comment: Workman's Comp Insurance					
POLMAN 411440	Policy Managers Comment: Storage Tank Liability		04144	1,083.00	0.00	1,083.00
	1/4/2016	1/14/2016				
	G/L Account: 522-01-455			Liability Policy		
	Comment: Storage Tank Liability					
PORTSU 5554	Port Supply Comment: M-22		04144	14.98	0.00	14.98
	1/3/2016	1/13/2016				
	G/L Account: 522-01-462			Truck Repair & Maintenance		
	Comment: M-22					
SAFELIT 00764-833222	Safelite Fulfillment, Inc Comment: E-29 Window Repair		04144	266.85	0.00	266.85
	12/21/2015	12/31/2015				
	G/L Account: 522-01-462			Truck Repair & Maintenance		
	Comment: E-29 Window Repair					
SCHOLZ HY 1110	Eric Scholz Comment: History I		04144	567.00	0.00	567.00
	1/4/2016	1/14/2016				
	G/L Account: 522-01-541			Books/Publications/Dues		
	Comment: History I					
TEN 8 IN805713	Ten 8 Fire Equipment Inc Comment: Shop Supplies		04144	371.93	0.00	371.93
	11/18/2015	11/28/2015				
	G/L Account: 522-01-462			Truck Repair & Maintenance		
	Comment: Shop Supplies					
TEN 8 IN806091	Ten 8 Fire Equipment Inc Comment: SC-51		04144	148.58	0.00	148.58
	11/30/2015	12/10/2015				
	G/L Account: 522-01-462			Truck Repair & Maintenance		
	Comment: SC-51					
TEN 8 IN806617	Ten 8 Fire Equipment Inc Comment: Repair		04144	644.79	0.00	644.79
	12/14/2015	12/24/2015				
	G/L Account: 522-01-462			Truck Repair & Maintenance		
	Comment: Repair					
TEN 8 IN806941	Ten 8 Fire Equipment Inc Comment: MSA Bottles		04144	4,657.20	0.00	4,657.20
	12/19/2015	12/29/2015				
	G/L Account: 523-01-640			Machinery and Equipment		
	Comment: MSA Bottles					
TEN 8 IN806942	Ten 8 Fire Equipment Inc Comment: Fire Supplies		04144	236.79	0.00	236.79
	12/19/2015	12/29/2015				
	G/L Account: 522-01-521			Fire and Medical Supplies		
	Comment: Fire Supplies					

Division Number: 00 General Operations

Vendor Number	Invoice Number	Invoice	Dates Due	Discount	Batch Number	Invoice Amount	Discount	Distribution Amount
UPS	UPS							
			Comment: Shipping					Separate Check: No
8518V525			12/26/2015 1/5/2016		04144	32.95	0.00	32.95
			G/L Account: 522-01-512			Freight and Postage		
						Comment: Shipping		
WILLIAM	Ernie Williams							Separate Check: No
			Comment: Human Growth and Development					
DEP2004			12/31/2015 1/10/2016		04144	424.08	0.00	424.08
			G/L Account: 522-01-404			Training Books and Supplies		
						Comment: Human Growth and Development		
Division 00 Total:						<u>188,039.50</u>	<u>0.00</u>	<u>188,039.50</u>
Report Total:						<u>188,039.50</u>	<u>0.00</u>	<u>188,039.50</u>
							<u>0.00</u>	<u>188,039.50</u>
							<u>0.00</u>	<u>188,039.50</u>

Prepaid Amount: 0.00
 Prepaid Amount: 0.00

Accounts Payable Invoice Register - Recap By Division
Journal Posting Date:1/5/2016
Register Number:AP-000074
Batch Number: 04144

Bonita Springs Fire Control (002)

Division Number: 00 General Operations

G/L Account	Description	Debit	Credit
202-01-001	Accounts Payable/General Fund		188,039.50
522-01-230	Life & Health Insurance	137,637.06	
522-01-240	Workers' Compensation	6,035.00	
522-01-312	Legal Fees	627.00	
522-01-313	Appraisal Fees	17,262.26	
522-01-404	Training Books and Supplies	969.38	
522-01-455	Liability Policy	1,083.00	
522-01-461	Building Repair & Maintenance	851.99	
522-01-462	Truck Repair & Maintenance	2,740.12	
522-01-466	Special Op's Supplies/Repair	655.00	
522-01-469	Computer Support/Maintenance	3,445.00	
522-01-511	Office Supplies	393.99	
522-01-512	Freight and Postage	32.95	
522-01-521	Fire and Medical Supplies	897.56	
522-01-522	Uniforms	2,253.16	
522-01-526	Food Consumables/Supplies	165.41	
522-01-541	Books/Publications/Dues	1,022.00	
522-03-431	Electricity	561.42	
523-01-640	Machinery and Equipment	11,407.20	
Division 00 Total:		188,039.50	188,039.50

*****ATTORNEY-CLIENT PRIVILEGE - THIS MATTER IS PROTECTED FROM PUBLIC RECORD DISCLOSURE UNTIL THE CONCLUSION OF THE ABOVE REFERENCED LITIGATION. *****

Chief,

As we discussed, in today's mail I received an order from the Florida Second District Court of Appeal in the above litigation. I am disappointed to report that the Court issued a "*per curiam* denied". A copy of the decision issued by the Second District Court of Appeal on December 11, 2015 is attached.

A *per curiam* ruling is a decision by the appellate court without opinion. This means that the appellate court does not give any opinion or insight on the arguments, facts or issues presented before the appellate court. Often times, the appellate court issues these types of rulings to allow the lower court's ruling to stand. A *per curiam* ruling also operates to cut off the right to present the District's position at an oral argument (hearing) before the appellate court.

These type of *per curiam* decision are very difficult to appeal, in large part, because there is no written court opinion setting forth grounds to challenge the ruling at the next appellate level (the Florida Supreme Court). Consequently, these *per curiam* decisions are generally the conclusion of the case.

The attached decision by the Second District Court of Appeals is not considered a final order until all rehearing motion opportunities are abandoned or resolved. Accordingly, the District does have the right to seek a rehearing from the Second District Court of Appeals within 15 days of the issuance of the Order (which would translate to Dec. 28 due to the intervening holiday and weekend). However, generally, it is very rare that the appellate court rehears/reconsiders *per curiam* decisions. At this point in time, I do not believe there are meaningful grounds for us to pursue in requesting a rehearing from the appellate court.

Assuming that the District does not wish to file a request for a rehearing, on Dec. 28, 2015, the Second District Court of Appeal's decision will become final and the lower court's decision rendered by Circuit Court Judge Duryea (dated March 5, 2015) will stand. I am attaching a copy of that decision as well.

I would ask that you please forward this email and the attached decisions to the entire Fire Commission and express my sincere disappointment regarding this ruling. If you believe that the entire Fire Commission will want to discuss this ruling before (or after) December 28, 2015 with me, please let me know I will make myself available to come down to the District for a Special Meeting.

As always, should you or any of the Fire Commissioners have any questions regarding the ruling by the appellate court, please do not hesitate to contact me.

Sincerely,
-Maggie

Maggie D. Mooney-Portale, Esq.
Persson & Cohen, P.A.
6853 Energy Court
Lakewood Ranch, FL 34240-8523
Office: (941) 306-4730
Direct Dial: (941) 404-4730
Fax: (941) 306-4832
Email: mmooney@swflgovlaw.com

Board Certified by the Florida Bar in City, County & Local Government Law

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NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

BONITA SPRINGS FIRE CONTROL)
& RESCUE DISTRICT, an)
Independent Special Fire Control)
District,)
)
Petitioner,)
)
v.)
)
LEE COUNTY, a political subdivision)
of the State of Florida,)
)
Respondent.)
_____)

Case No. 2D15-2208

Opinion filed December 11, 2015.

Petition for Writ of Certiorari to the
Circuit Court for Lee County; John E.
Duryea, Jr., Judge.

Maggie D. Mooney-Portale of Persson
& Cohen, P.A., Lakewood Ranch, for
Petitioner.

Richard Wesch, County Attorney, and
Ashley D. Fesperman, Assistant County
Attorney of the Lee County Attorney's
Office, Fort Myers, for Respondent.

PER CURIAM.

Denied.

NORTHCUTT, WALLACE, and SLEET, JJ., Concur.

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CIVIL ACTION**

**BONITA SPRINGS FIRE CONTROL AND
RESCUE DISTRICT, an independent
special fire control district,**

Petitioner,

vs.

Case No. 13CA1115

**LEE COUNTY, FLORIDA, a County
of the STATE OF FLORIDA,**

Respondent.

ORDER DISMISSING PETITION FOR WRIT OF CERTIORARI

THIS CAUSE comes before the Court on Petitioner's "Petition for Writ of Certiorari," filed on April 24, 2013. Having reviewed the petition, the response, Petitioner's reply, the case file, and the applicable case law, and upon due consideration, the Court finds as follows:

1. Petitioner Bonita Springs Fire Control and Rescue District (District) is challenging Respondent Lee County's denial of a request for a Certificate of Public Convenience & Necessity (COPCN), which would have permitted the District to provide ambulance transport services within Lee County.

2. The District submitted an application for a COPCN to provide emergency medical transport ambulance services within the southernmost region of Lee County. It planned to provide and staff 3 emergency medical transport ambulances within the District's existing fire stations. Apparently, after three years of discussion and debate, a hearing was held on March 26, 2013, at which the County ultimately denied the application. It is that denial which serves as the basis for this petition. Petitioner contends that the hearing was quasi-judicial in nature, and therefore subject to certiorari review. Respondent argues that the hearing was quasi-legislative and that this Court does not have jurisdiction.

3. The transcript of the March 26, 2013 hearing reflects that the issue of whether the County intended to treat the hearing as a quasi-judicial proceeding was raised by Petitioner within the context of being permitted to cross-examine adverse witnesses and that the County decided that no cross-examination would be permitted. Appendix, Part 4, p. 109. Several witnesses testified on Petitioner's behalf. Bonita Springs Fire District Fire Chief Daigle spoke of the need for granting the certificate. Appendix, Part 4, p. 128-34. Steve Lohan, Chairman of the

Bonita Springs Fire Control and Rescue District, submitted a petition in support of the license signed by 1604 Bonita Springs residents. Appendix, Part 4, p. 135. Deputy Chief Frank Giuliano testified of Bonita Springs patients having to wait long periods for ambulances to come from further north in Lee County while the Bonita Springs firefighters waited with the hurting patients. Appendix, Part 4, p. 138. Deputy Chief DeWitt testified that the District's application did not "contemplate the removal of any existing county personnel or apparatus from [the current] system. . . . [but rather proposed] to add three additional transport units to the comprehensive existing system . . ." and countered other apparent criticisms of the application. Appendix, Part 4, p. 142. Dr. Alex Rodi, the Medical Director of Bonita Springs Fire Investigation and Control District, spoke on the fragmentation concern granting the application might cause. Appendix, Part 4, p. 150-53. Finally, Ben Nelson, Mayor of Bonita Springs, stated that the citizens of Bonita Springs wanted their own ambulance services. Appendix, Part 4, p. 154-55. Counsel for Petitioner again asked for the opportunity to cross-examine "any of your staff's witnesses that make a presentation at this proceeding," which request was again denied. Appendix, Part 4, p. 155.

4. County staff testified as well. Appendix, Part 4, p. 157. Assistant County Attorney Dawn Lehnert stated that Ordinance 08-16 "indicates the Board may approve a [certificate] request as a routine matter, meaning that it could be on a consent to an administrative agenda or it can hold a public hearing. The choice belongs to the Board." Appendix, Part 4, p. 158. She further stated that the "decision is legislative, it is to be made at the discretion of the Board." Appendix, Part 4, p. 53.

5. One of the Commissioners noticed that the hearing was being conducted differently and asked about it. The following discussion took place:

Commissioner Mann: Just help me understand the process we're going through here today. Normally there are time limits. Obviously there are not here today . . . But our rules normally are a five-minute presentation. Just explain to me why we're doing it differently.

Ms. Fraser: Commissioner, this is a public hearing on the COPCN application of Bonita Springs and therefore that's why we are proceeding quite differently than the normal hearing process.

Commissioner Mann: So it only applies to the COPCN process?

Ms. Fraser: Yes.

Commissioner Mann: Our rules are different for this process?

Ms. Fraser: Yes.

Appendix, Part 4, p. 58 163.

6. Scott Tuttle, Interim Deputy Director of Public Safety, testified to how emergency services are delivered in Lee County and how the granting of the certificate would not really make any actual change in response times. Appendix, Part 4, p. 164,167. Andrea Snyder, the Director of the Transfer Center at Lee Memorial Health System, spoke of how the Transfer Center works to ensure that each patient is delivered to the most appropriate health-care facility at the time of transport. Appendix, Part 4, p. 174. She intimated that granting the application could interrupt this process and cause undue confusion and fragmentation. Appendix, Part 4, p. 176. Lastly, Holly Schwartz, from County Administration and Public Safety, testified to that agency's concerns about fragmenting the consolidated emergency 911 transport system. Appendix, Part 4, p. 178. She also spoke of the impact of the anticipated financial cost of granting the license. Appendix, Part 4, p. 180. Public comments were then permitted. Appendix, Part 4, p. 181-200. Another Assistant County Attorney argued at the end of the hearing that Petitioner's application was incomplete. Appendix, Part 4, p. 205-06. The Commissioners thereafter denied the application and the proceedings were concluded. Appendix, Part 4, p. 211.

7. In its Petition for Writ of Certiorari, Petitioner raises three issues: first, that Lee County failed to afford due process in that the County failed to allow the District to cross-examine witnesses, the Commissioners engaged in ex parte communications, and the County failed to hold a fair, open, and impartial hearing; second, that Lee County failed to follow the essential requirements of the law as set forth in Florida Statute §401.25; and third, that Lee County's decision was not based upon competent substantial evidence.

8. Respondent argues that denial of a COPNC is a quasi-legislative action and that this Court, therefore, has no jurisdiction to consider the petition. As support, Respondent cites to County of Volusia v. City of Daytona Beach, 420 So. 2d 606 (Fla. 5th DCA 1982), which determined that the county's denial of a certificate of public convenience and necessity was not a quasi-judicial proceeding and that review by the circuit court was improper. Id. 607, 611.

9. Petitioner argues in its reply that Volusia is not controlling because Lee County has enacted a local ordinance that governs the administration of COPNC licenses, Ordinance of 08-16, and asserts that the ordinance "created the right to a quasi-judicial proceeding and hearing." Reply, p. 6. Petitioner also contends that Volusia is not controlling as it predates Snyder, which will be discussed below, a Florida Supreme Court case that defines quasi-judicial proceedings. Alternately, Petitioner asserts that Lee County Administrative Code Rule AC2-9 creates a right

to challenge the denial of a COPNC through a writ of certiorari.

10. The applicable standard of review by a circuit court of local government action is limited to: (1) whether procedural due process was accorded; (2) whether the essential requirements of law have been observed; and (3) whether the administrative findings and judgment are supported by competent substantial evidence. The Court is not entitled to reweigh the evidence, to reevaluate the credibility of the evidence, or to substitute its judgment for that of the agency. Haines City Cmty. Dev. v. Heggs, 658 So. 2d 523, 530 (Fla. 1995).

11. Before proceeding on the merits of this case, it is necessary to set forth the general case law that governs the circuit's court jurisdiction in reviewing acts of a local administrative authority. Essentially, this is determined by classifying the administrative action as quasi-judicial, quasi-legislative or quasi-executive. Actions that are quasi-legislative or quasi-executive are treated differently by the courts than those that are quasi-judicial. "Traditionally, the review of the actions of [agencies] acting in a quasi-judicial capacity has been by certiorari . . . Where agencies . . . have acted in a quasi-executive or quasi-legislative capacity, the proper method of attack is a suit in circuit court for declaratory or injunctive relief . . ." Bd. of County Comm'rs of Hillsborough County v. Casa Dev. Ltd., II, 332 So. 2d 651, 654 (Fla. 2dDCA 1976). Generally speaking, the primary distinction is made between quasi-judicial types of action and those that are not.

12. "[Z]oning decisions have traditionally been considered legislative in nature. . . . [but] a rezoning action which entails the application of a general rule or policy to specific individuals, interests, or activities is quasi-judicial in nature." The Bd. of County Comm'rs of Brevard County v. Snyder, 627 So. 2d 469, 471 (Fla. 1993). The Snyder Court explained that a "board's legislative action is subject to attack in circuit court. . . . On the other hand, the rulings of a board acting in its quasi-judicial capacity are subject to review by certiorari and will be upheld only if they are supported by substantial competent evidence." Id. at 474 (citing Nance v. Town of Indialantic, 419 So. 2d 1041 (Fla. 1982) and De Groot v. Sheffield, 95 So. 2d 912 (Fla. 1957)). "Generally speaking, legislative action results in the *formulation* of a general rule or policy, whereas judicial action results in the *application* of a general rule or policy." Id. at 474. Case law has held that a proceeding is not quasi-judicial where there "was no sworn testimony, no witnesses, no examination or cross-examination, no transcript, and no order containing findings and conclusions." Connor v. Town of Palm Beach, 398 So. 2d 952, 954 (Fla. 4th DCA 1981) (holding that proceeding was not quasi-judicial in nature despite the fact that the petitioner's

attorney addressed the board at a public meeting on petitioner's issue and introduced a deposition and hospital records. Id. at 952-53.).

13. However, the "quality of due process required in a quasi-judicial hearing is not the same as that to which a party to full judicial hearing is entitled." Jennings v. Dade County, 589 So. 2d 1337, 1340 (Fla. 5th DCA 1991). While basic due process must be observed, it is met where the parties are given notice of the hearing, an opportunity to be heard, the opportunity to present evidence, cross-examine witnesses, and are "informed of all the facts upon which the commission acts." Id. (citing Coral Reef Nurseries, Inc. v. Babcock Co., 410 So. 2d 648, 652 (Fla. 3d DCA 1982)). Factors a court should consider when analyzing whether due process had been accorded include:

1) the private interest that will be affected by the official action; 2) the risk of an erroneous deprivation of such interest through the procedures used; and 3) the probable value, if any, of additional or substitute procedural safeguards. The government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail should also be considered.

Carillon Cmty. Residential, et al. v. Seminole County, et. al., 45 So. 3d 7, 9 (Fla. 5th DCA 2010) 9 (internal cites omitted).

In Coral Reef Nurseries, the court explained that the existence of such safeguards as "due notice, a fair opportunity to be heard in person and through counsel, the right to present evidence, and the right to cross-examine adverse witnesses" makes a "hearing quasi-judicial in character and distinguishes it from one which is purely legislative." Coral Reef Nurseries, 410 So. 2d at 648, 652-53 (abrogation on other grounds recognized in Nordqvist v. Nordqvist, 586 So. 2d 1282, 1283 (Fla. 3d DCA 1991); abrogation not followed by Second District Court of Appeal in Sumner v. Sumner, 707 So. 2d 934, 935 (Fla. 2d DCA 1996)). The court noted that "[w]here zoning hearings are not conducted with these due process guarantees, then the hearing can properly be called legislative . . ." Id. at 655 n.10. Additionally, the Second District Court of Appeal has explained that

Before an administrative proceeding can be quasi-judicial in character, there must be a requirement for a hearing to be held upon notice at which the affected parties are given fair opportunity to be heard in accord with the basic requirements of due process, including the right to present evidence and to cross-examine adverse witnesses, and the judgment of the agency or board should be contingent upon the showing made at the hearing.

Casa Dev. Ltd., II, 332 So. 2d at 654.

14. The courts have repeatedly applied the principles discussed in zoning cases to non-land use cases. For example, in a case reviewing a board's decision to reduce a former

firefighter's pension, the court determined that the board's action was quasi-judicial as it had conducted a hearing, interpreted an ordinance, and applied it to a specific case. Terry v. Bd. of Tr. of the City Pension Fund for Police Officers and Firefighters in the City of Pembroke Pines, 854 So. 2d 273, 274 (Fla. 4th DCA 2003). The court further clarified that "a decision is quasi-judicial when notice is required and the decision is contingent on a showing made at a hearing." Id. at 275 (citing City of Boynton Beach v. V.S.H. Realty, Inc., 443 So. 2d 452, 454 (Fla. 4th DCA 1984)). Likewise, in Taxi USA of Palm Beach, LLC v. City of Boca Raton, Florida, 2014WL5834856 (Fla. 4th DCA Nov. 12, 2014), 39 Fla. L. Weekly D2351, the court examined the denial of a certificate of public convenience and necessity for additional taxis and noted that the underlying action was a quasi-judicial proceeding. Id. at *4. Notably, the court cited case law that specifically addressed zoning issues when it applied that law to the non-zoning case before it. Id. Thus, it appears that no distinction has been made by the courts as to whether the case involves zoning or non-zoning issues. Additionally, it appears that a proceeding is quasi-judicial if there was notice for a public hearing, an opportunity to be heard, and the decision reached by the agency was based on the hearing.

15. Thus, it is clear that a circuit court may review the quasi-judicial actions of an administrative agency. However, assuming for argument's sake that Respondent's contention is correct and that the action was quasi-legislative, a position that this Court is not at this point willing to take, this Court will briefly address Petitioner's alternative argument that it could still seek certiorari relief pursuant to Administrative Code AC-2-9. Provision AC-2-9 states that in "instances where a statutory right of appeal is not prescribed, decisions of the Lee County Hearing Examiner and the Board of County Commissioners may only be challenged by filing a Petition for Writ of Certiorari with the circuit court." LEE COUNTY, FLA., ADMIN. CODE AC-2-9 (1995). It continues on to state examples of appealable decisions, but notes that that the list given is not exclusive. LEE COUNTY, FLA., ADMIN. CODE AC-2-9 (1995). However, case law is clear that circuit courts "cannot review either by way of appeal or certiorari an administrative action taken in a quasi-legislative capacity." Bd. of County Comm'rs of Manatee County v. Circuit Court of Twelfth Judicial Circuit in and For Manatee County, 433 So. 2d 537, 538-39 (Fla. 2d DCA 1983). It would appear, then, that this Court may only consider the instant petition if the Board's action was quasi-judicial.

16. Returning to Petitioner's argument that Volusia may be further distinguished on the basis that Volusia County lacked an ordinance providing for quasi-judicial proceedings, Petitioner maintains that Lee County's enactment of Ordinance 08-16 provided it with the right

to a quasi-judicial hearing. In Volusia, the court explained that the crucial question before it was “whether or not the City was entitled to a quasi-judicial hearing before [the County] on its application for a certificate to operate an emergency medical transportation system.” 420 So. 2d at 609. The court noted that Florida Statute §401 did not provide for noticed hearings, “due process requirements, or appellate review in regard to a county’s consideration on applications for certificates of public convenience and necessity to operate a medical transportation service.” Id. at 610. Moreover, it observed that section 401.25(8) authorized the counties to adopt ordinances “providing reasonable standards” for such certificates, and that no such county ordinance had been brought to its attention. Id. It determined that the

issue before the . . . [County] at its meeting . . . was not whether the City . . . was entitled to a certificate as a matter of right . . . , but rather whether the City’s application would provide the best answers to an effective emergency medical transportation system on a county-wide basis. The council thought not . . . and denied the application. The question involved the wisdom of delegation of a legislative duty, not a judicial determination . . .

Id. at 611.

The court, therefore, determined that the proceeding was quasi-legislative and not quasi-judicial.

17. Florida Statute 401.25(6) provides in pertinent part that the “[g]overning body of each county may adopt ordinances that provide reasonable standards for certificates of public convenience and necessity for . . . ambulance services.” Fla. Stat. §401.25(6) (West 2010). Lee County chose to enact such an ordinance, Ordinance 08-16. An examination of the ordinance reveals that section six details the procedure for obtaining a certificate, section seven sets forth four performance criteria for evaluating the certificate application, section eight states how the manager shall review each application, and section nine lists requirements the Board must find before it may grant a certificate. Specifically, section nine states that the Board “may not grant a certificate unless it finds, after public hearing and based on competent evidence,” that each of the requirements listed thereafter had been met. LEE COUNTY, FLA., ORDINANCE 08-16 §9 (2008). Contrasted with this language, section eleven states that renewal certificates “may be approved routinely by the Board or the Board may hold a hearing on same, upon recommendation by the Manager.” LEE COUNTY, FLA., ORDINANCE 08-16 §11 (2008). Arguably, this difference in language could be read to suggest that the decision to grant an original certificate requires a public hearing, and is therefore quasi-judicial, while renewal of an existing certificate may be a quasi-executive or quasi-legislative action. Thus, there appears to be some support for Petitioner’s argument that the Lee County ordinance is intended to be a quasi-judicial hearing.

18. However, the ordinance only states that the County may not grant a certificate without having held a public hearing and upon competent evidence. It does not say anything about what procedure is required to deny a certificate, and while it would seem that a public hearing would apply equally to a denial of that as well, the ordinance has not been worded to that effect. Thus, it is not clear that the ordinance gives Petitioner a right to a quasi-judicial hearing. As evidenced by Connor, mentioned above, counsel for a petitioner may speak before a board at a public meeting and introduce evidence and the proceeding may still be classified as non-quasi-judicial. 398 So. 2d at 952-53. Additionally, while the record in the instant case reflects that there were witnesses who had been sworn, these witnesses did not appear to have been examined, but rather gave mini-presentations and no cross-examination was permitted. Moreover, while the Board made a decision after receiving presentations from both sides, there was evidence that there had been multiple hearings and meetings on the issue over the span of three years. This is supported by Commissioner Mann's statement near the end of the proceeding that

"I have listened today and I took note of your comments, and I wanted to make absolutely certain that there was no compelling new evidence that would dissuade me from the leanings that I had already gained after, as you pointed out, ten public discussions on this issue. It's not like this is all brand new, and there was a lot of repetition. But I didn't hear that compelling evidence that would make me change the position toward which I was leaning.

Appendix, Part 4, p. 209-10.

There is also evidence that the Board believed its decision to grant or deny the certificate to be a legislative or executive action and had been so informed by the County Attorney. Appendix, Part 4, p. 53.

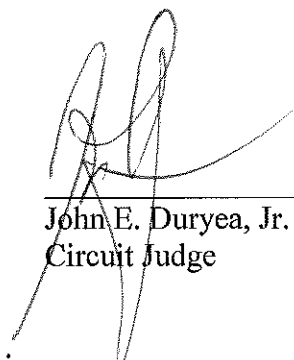
19. This Court is also mindful of a Second District Court of Appeal decision in which the court explained that because the county manager was not bound by the recommendation of the grievance committee, and because the ultimate decision of whether to uphold or reject an employee's termination was within county manager's sole discretion, the county manager's action was quasi-legislative or quasi-executive, and the circuit court did not have jurisdiction to consider the petition for writ of certiorari. Lee County v. Harsh, 44 So. 3d 239, 243 (Fla. 2d DCA 2010). While that case is not directly on point, it does suggest that decisions that are made after a sub-agency's recommendation has been considered should not be classified as quasi-judicial when the recommendation is not binding and the agency has the sole discretion to grant or deny a decision.

20. Having considered all of the above, this Court notes that while witnesses gave mini-presentations, no one was "examined" or "cross-examined," as is common in full and quasi-

judicial proceedings. Likewise, it is not obvious that the Board's decision was made as a direct consequence of the March 26, 2013 hearing; there was evidence in the record that multiple public hearings had been held on the matter and that the decision to grant or deny the certificate could have been made without the March 26, 2013 hearing, which further supports a conclusion that the Board's denial was not quasi-judicial in nature. Therefore, this Court finds that the Board's denial should not be categorized as quasi-judicial and this Court, therefore, does not have jurisdiction to consider the petition for writ of certiorari. Accordingly, it is

ORDERED AND ADJUDGED that the petition for writ of certiorari is DISMISSED.

DONE AND ORDERED in Chambers at Fort Myers, Lee County, Florida, this 8 day of March, 2015.



John E. Duryea, Jr.
Circuit Judge

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the above order has been furnished to: Maggie D. Mooney-Portale, Esq., Persson & Cohen, 6853 Energy Court, Lakewood Ranch, Florida 34240, mmooney@swflgovlaw.com; Ashley D. Roberts, Assistant County Attorney, Lee County, P.O. Box 398, Fort Myers, Florida 33902, aroberts@leegov.com; Court Administration (X), 1700 Monroe Street, Fort Myers, Florida 33901, this 9th day of March, 2015.

By: 

Judicial Assistant

ORIGINAL

Fred Forbes, Fire Commissioner Seat 2
28200 Alfred Moore Court
Bonita Springs, FL 34135

December 23, 2015

Bernie Feliciano

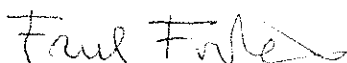
Director of Administration
Lee County Supervisor of Elections Office
2480 Thompson Street
Ft. Myers, FL 33901

Re: Resign to Run Letter

Dear Director of Administration;

I am submitting my resignation as Bonita Springs Fire Commissioner, Seat 2 effective March 25, 2016. My resignation is required since I am a candidate for Bonita Springs City Council, District 6. The Election date for City Council is March 15th, 2016. I am honored to have served as a member of the Bonita Springs Fire Commission. During my tenure as a Fire Commissioner I have tried to always be prepared regarding issues facing our Fire District and to whenever possible make a contribution towards a favorable resolution of all issues coming in front of our fire Commission. I am and will continue to be a supporter and admirer of our second to none Fire District with its critically important role of providing first response to medical emergencies.

Respectfully,



Fred Forbes
Bonita Springs Fire Commissioner

Copies to:

Gov. Scott
Florida Department of State, Division of Elections
Debbie Filipek, Bonita Springs City Clerk
Bonita Spring Fire Commission
Chief Daigle, Fire Chief

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Board Meeting- Snapshot of Dec 2015 PUB ED/PR events

Car Seat Installations- BSFD certified car seat technicians installed approx. **60** car seats for the month.

12/1/15- Holiday in the Park at Riverside Park (large scale community event)

The Bonita Springs Fire District participated in the annual City event providing safety and fun to the attendees. BSFD firefighters assisted children on and off of the slide; this is a crowd favorite and one of the busiest attractions at the event. The District also had a literature table where Holiday safety handouts and fire hats were passed out to the attendees.

12/2/15- Private General Public Heartsaver CPR/AED with First Aid Class at BSFD Station #4 (approx. 15 ppl)

This 5 hour course for employees of Bonita Bay discussed the importance of bystander CPR and how to effectively administer Compressions-Airway-Breath to an adult, child and infant. The course also discussed how to use an Automated External Defibrillator and how to help a choking victim. This course covered basic first aid. Upon completion, the attendees were certified through the American Heart Association for two years.

12/4/15- Santa Drop Off via Fire Engine at the Promenade Bonita Springs

The Bonita Springs firefighters proudly dropped off Santa via fire engine at this community holiday event.

12/4/15- ALS Ice Bucket Challenge and Silent Auction at Pelican Landing (large scale community event)

The Bonita Springs Fire District donated a Firefighter for the Day certificate to the silent auction; all funds raised were to support the ALS foundation. Also, the BSFD Assistant Chief and fire crew participated in pouring the water for the challenge.

12/5/15- Toys for Tots Collection at the Cline Residence in Bonita Bay

BSFD firefighters and the Fire Chief picked up toys for the District's annual Toys for Tots drive.

12/6/15- Toys for Tots Collection from Bonita Springs Concert Band in Riverside Park

BSFD firefighters picked up toys for the District's annual Toys for Tots drive.

12/8/15- Preschool Fire Prevention Month Presentation at RCMA (approx. 20 students/staff)

BSFD firefighters visited this daycare/preschool facility to talk to the students about the importance of fire safety. Firefighters read a fire safety story, children learned how and when to dial 9-1-1, saw a firefighter in gear demonstration, and toured the fire engine.

12/12/15- Bonita Springs Boat Parade at the Fish House (large scale community event)

BSFD firefighters participated in the annual Bonita Springs Boat Parade. The Twin Vee boat was there to ensure safety to all boaters on the water.

12/12/15- Toys for Tots Collection at Hope Lutheran Church

BSFD firefighters picked up toys for the District's annual Toys for Tots drive.

12/14/15 thru 12/17/15 Toys for Tots Distribution to Families

This holiday season the Bonita Springs Fire District distributed toys to nearly 200 families through the Fire District’s Annual Toys for Tots Toy Drive. Nearly 450 children received toys that would have otherwise gone without this holiday. Bonita Springs’ parents shopped for their children in the fire station’s community room which was transformed into Santa’s workshop. The toys were donated by local businesses and residents throughout the city.

12/16/15- Firefighters serve Holiday Lunch to students at Spring Creek Elementary School

As part of the school’s annual tradition, the BSFD firefighters proudly served students their holiday lunch.

Did you receive our Fire Mark Newsletter? [CLICK HERE](#) to access

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 <u>Holiday in the Park at Riverside Park</u>	2 <u>Private Heartsaver CPR/AED with First Aid Class for Bonita Bay at BSFD Station #4</u>	3	4 <u>Santa Drop Off via Fire Engine at The Promenade Bonita Springs</u> <u>ALS Ice Bucket Challenge and Silent Auction at Pelican Landing</u>	5 <u>Toys for Tots Collection at Cline Residence</u>
6 <u>Toys for Tots Collection from Bonita Springs Concert Band in Riverside Park</u>	7 Monthly Commissioner Meetings	8 <u>Preschool Fire Prevention Month Presentation at RCMA</u>	9	10	11	12 <u>Bonita Springs Boat Parade at the Fish House</u> <u>Toys for Tots Collection at Hope Lutheran Church</u>
13	14 <u>Toys for Tots Toy Distribution Days</u>	15	16 <u>Firefighters serve Holiday lunch to students at Spring Creek Elementary</u>	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

December 2015