

**JOINT WORKSHOP  
FORT MYERS BEACH TOWN COUNCIL AND  
FORT MYERS BEACH FIRE CONTROL DISTRICT  
MAY 1, 1997**

Nations Bank, Council Chambers  
2523 Estero Boulevard  
FORT MYERS BEACH, FLORIDA

**I CALL TO ORDER**

Anita T. Cereceda, Mayor, opened the meeting on Thursday, May 1, 1997, at 7:00 P.M.

Present from the Town of Fort Myers Beach: Anita T. Cereceda, Mayor; Ted FitzSimons, Vice Mayor; Council Members Rusty Isler, Ray Murphy, and Garr Reynolds; Marsha Segal-George, Town Manager; John Gucciardo, Deputy Town Manager; and Richard Roosa, Town Attorney.

Present from the Fort Myers Beach Fire Control District: Jack Markham, Chairman; Commissioners Betty Simpson, Betty Goodacre, and Jack Heyman; Doug Desmond, Acting Fire Chief; and Bill Shenko, Attorney. Absent from the meeting: Commissioner Sally Smith.

**II PLEDGE OF ALLEGIANCE**

All assembled recited the Pledge of Allegiance to the flag.

**III WELCOME AND OPENING COMMENTS**

Mayor Cereceda welcomed the fire district commissioners.

Mr. Markham said that the commissioners were pleased to be here to discuss items of mutual interest and to gain a better understanding of their mutual goals.

Mrs. Simpson noted there was no place on the agenda for public input. There was no objection to adding public comment at the end of the meeting.

**IV DISCUSSION OF POSSIBLE COUNTY CONSOLIDATION OF INDEPENDENT FIRE DISTRICTS**

Mr. Shenko read the special meeting notice that was published in the newspaper, which stated the purpose of the meeting. He gave a history of the issues with Lee County over fire service. On February 27, Andy Coy sent a letter to all fire commissioners and some city councils, which stated that the public is concerned over the quality and cost of emergency service. The BOCC asked them to in a cooperative review by a third party to see if a higher level of service at the same or lower cost to the taxpayer could be achieved. On March 6, the fire commissioners of Lee County came out with a position statement that agreed that a review would be appropriate. On April 8 the Fort Myers Beach Fire Control District responded to Mr. Coy's letter by saying that the district was created by a referendum to provide the best possible service to its residents at the most affordable cost, that it has provided advanced life support ambulance service much longer than Lee County, and that Lee County has not provided fire and ambulance service in this area for decades. It said that they maintain an ISO rating of 4, and that they are not aware of any public outcry about the quality or cost of the service. The letter also stated that the district has a five-year comprehensive plan of its goals and objectives, and will not allow the district to suffer in order to benefit a county consolidated organization. Mr. Shenko also noted that Mr. Stilwell has been quoted in the newspapers as saying that the county spends \$54.2 million for fire protection plus another \$20 million for EMS which he said is ludicrous since there aren't that many fires in the county anymore. He said that the county would be better off with a volunteer department that would go out and secure the house and then pay you for your house after it burned down. He said fire, police and EMS like to run up call to justify their existence.

There was a meeting in early April of all Lee County fire chiefs (including the municipalities) where they talked about hiring a dispassionate third party. After that meeting, the local labor union representatives from several fire departments wrote Mr. Stilwell recommending that Jack Snook be hired to review fire service and recommend consolidation. Mr. Stilwell appointed a committee to decide how to set up the study, and they discussed hiring a consultant to decide how to hire the consultant.

There is a uniform special districts legislation now on the Senate floor which, if it passes, will make all legislation for special districts uniform within Lee County, which would make consolidation easier. Statewide, some counties have consolidated and taken over all fire districts including the municipalities, while others have decided to get out of the fire business and turned all fire service over to the municipalities. Charlotte County has consolidated without the municipalities, but Sarasota County consolidated including the cities. In Orlando, the county pushed for consolidation, the voters of the county voted it down in referendum, but it was done by legislative fiat the next year and they merged anyway. Lee County could decide to go from 17 independent districts to a smaller number of area independent districts, or they could consolidate into one dependent district under Lee County. They could choose to include the cities or not. The FMB Fire Commissioners have voted unanimously to do whatever necessary to keep the FMB district independent. Some districts, including Iona-McGregor, have decided to hire their own consultant so they will be ready to counteract the studies that are expected out of the county.

Mr. Roosa talked to the county attorney's office, and they have done no research on consolidation yet, so he thinks the plan is only in the management arena at this time.

Mr. Heyman fears that the worst-case scenario is in terms of ambulance service. There are 15-18 ambulances in the county, two of which are owned by FMB. If they are spread out countywide by population, we would get 4/5 of one ambulance, and there would be no guarantee we would even have one on the beach. He is also concerned about the Insurance Service Office (ISO) rating which is a numerical scale based on manpower, water, etc. The ISO rating affects commercial insurance and if it is above 5, it would affect homeowners too and insurance would go up. This district has a rating of 4. He feels that our problems are different on the beach than other areas whose biggest problem may be grass fires.

Ms. Goodacre said it is imperative to get word out to the whole district that they can take this district away even without a referendum. Mr. Markham asked about the economic impact of consolidation. Mr. Shenko said that taxes could go down, but control would disappear, and service could also go down.

Mayor Cereceda asked if this is a financial or political move on the part of the county. Mr. Shenko felt that the county has had a mess with EMT service for years and he thinks they would love to dump it on someone else. Marsha Segal-George said she thinks it is a financial decision on the part of the county. She thinks they want to set up a separate taxing line item, so that it would free up \$10 million in their budget for other things.

Mr. Roosa said that politically the county commissioners respect the opinion of the fire control districts because they are closer to the voters than they are. If the fire commissioners support the study, it weakens our position. He feels that our commissioners should get together with the other 16 districts and make sure their position is understood before it goes to the BOCC.

Mr. Isler asked how Lee compares with other counties in the number of fire districts. Mr. Shenko said Collier has 3 or 4 districts and Palm Beach has 6 or 7. He believes Lee may be the highest or one of the highest, but that some of the districts in Lee (Bayshore, N. Ft. Myers, Alva) are already looking at consolidation. Mr. Isler asked if our district has considered merging with one of their neighbors and was told they have not discussed it, but they do have interlocal agreements for help. Mr. Shenko said that Iona-McGregor does not provide advanced life support, so the levels of service differ. He thinks Bonita is trying to remain independent. Sanibel's millage is very low and he is sure they don't want to go with Lee County.

Mr. Heyman is afraid that consolidation would mean the loss of the fire marshal's office and its attendant educational system and inspections. The fire district also provides protection for fireworks on July 4<sup>th</sup>, and he mentioned that the Town Council needs to pass a fireworks ordinance. He also mentioned that when tents are put up for festivals and special events, the Town should require an inspection.

## **V DISCUSSION OF PROCEDURE FOR CONSOLIDATION OF DISTRICT WITH TOWN**

Mr. Roosa said that the merger of the district and Town could be accomplished by vote of the Town Council and the fire commissioners. The fire district millage would become part of the Town's general revenue, but it would be earmarked for the fire department. This would be a defense mechanism, but if the county can persuade the state legislature that they should pass a special act, the fire districts could be taken away from even the municipalities. The Town needs 3 mil of local taxes to qualify for revenue sharing. If the county takes over the fire district, one possibility is that the Town would levy the millage, probably through an MSTU, and then contract with the County, so that we could still qualify for our 3 mils. He thinks the County would work with us on that because it wouldn't hurt them any. So he does not see a threat in the loss of revenue that can't be worked out. The greatest threat would be in level of service.

Marsha Segal-George said that the issue of merging the district with the Town is very complicated and it is too early to say how it could be put together. The Town cannot have a fire department that extends past municipal boundaries, so they could only serve the rest of the fire district by contract. But they may not be able to maintain facilities outside of the Town borders.

Mr. Shenko said that if the county doesn't do an MSTU but puts it in general revenue, the Town could not use it for their 3 mil. He does not think the county would want to let us levy the tax so we could get our revenue sharing, because if we don't get the revenue sharing, they do. They would be taking money out of their own pocket. He also said that if the Town and district decide to consolidate, he thinks it would have to go to the state legislature (although they would probably grant it if both the Council and Commission voted for it.) When asked if this could be done after we found out whether the county was going to consolidate, he replied that it might be too late then.

Ms. Simpson said that not only would the district be losing vehicles, they would also be losing their men. It is good to know who is coming to rescue you. Our personnel know our area.

Mr. FitzSimons asked if there is nothing they can do to insulate themselves, and Mr. Shenko replied that that is correct. But politically there is a lot they can do.

Mayor Cereceda said perhaps the municipalities should discuss banding together to oppose consolidation that would include taking districts from the municipalities.

Marsha Segal-George said that because we are now a charter county, the request for consolidation may have a different effect with the legislature. It might now be considered compulsory if the county asks for it. Mr. Roosa agreed. He said that becoming a charter county changed the commissioners from "road commissioners" to becoming a full service "municipality". A charter county could even take over the municipalities (but Lee would have to change their charter first.)

Mr. Murphy asked the fire commissioners if they have considered consolidation with the Town. Mr. Heyman replied that they have not but there has been a suggestion of transfer of equipment. The Town would own the equipment, and the fire district would lease it back. When the county comes to raid the fire district, the cupboard would be bare. (Mr. Markham clarified that that has not been discussed by the commission.)

Mayor Cereceda asked the council members and commissioners what direction they want to take. Do they want to make a united effort, and if so, should it be toward consolidation of the Town and fire district, or should it be against county consolidation? Mr. Reynolds felt that we may not be able to stop the consolidation, but our goal should be to keep a strong fire department and rescue unit on the beach. It looks like that might mean consolidation within our own boundaries, but we would need to study how that would affect San Carlos Island first. Mr. Heyman felt that we can stop consolidation politically. People must sound the alarm that they won't be happy with a lower level of service. This area has about 5% of the real estate value, so we would become the cash supply for the county. Mr. Markham felt that both sides should continue to do fact-finding, so the town and commission can start informing people about what the impact would be. They need to develop an information campaign. Ms. Simpson said the purpose of the meeting was to have an open discussion of mutual concerns and that has been accomplished. Mr. FitzSimons said the sentiment of both groups seems to be that no one wants to tolerate a diminishment of service, and that includes the whole fire district, not just the Town. Ms. Goodacre said that if the Town takes over the fire district, San Carlos will get thrown in with the rest of the county, even though they have paid for the equipment and service all these years. It scares her to think of how long she might have to wait to get an answer to her call for emergency help at her home on San Carlos Island. Mr. Murphy suggested talking with Sanibel and Bonita to see if we can get a unification of ideas with other districts. Mr. Shenko suggested that we need to research Cape Coral because they are the voting block for the County; they elect the commissioners. If they need the fire district for their 3 mil, they will fight tooth and nail. If they don't, they may not care. Marsha Segal-George said she has heard informally that all the municipalities are opposed to it, and it would be easier for the County Commissioners to exclude the cities if they are uniformly opposed. Mr. Isler said it is clear that our town would be opposed, but for others it might mean an improvement in service or taxation. We should check with all the other cities.

## **VI DISCUSSION OF NEED FOR FUTURE MEETINGS/DIRECTION TO STAFF**

It was agreed that there was no need to schedule another meetings until more information has been gathered. It was left up to the respective staffs to decide if or when another meeting should be arranged.

## **VII PUBLIC COMMENT**

Andy Priem felt that it was important to find out who our potential sources of support are. We should also find out what the position of the union locals is. The County Commissioners had a lot of opposition to the Bowditch land swap from people all over the county besides people from the beach. But this issue is different because he suspects many people in the county would want consolidation, so we need to find out what support we have. He also thought we should research the legislature and find out what the committees look at and what criteria they use to decide these things. He thought we should check with Sarasota to see what basis their county got it through, what was the opposition, and why did they fail. He also thought the fire district should consider consolidation on less than a county-wide basis. We have things in common with Bonita and Sanibel. Maybe we need to sell them on some of our special competencies so they would be better candidates for a merger.

## **VIII ADJOURNMENT**

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,

Peggy Salfen  
Recording Secretary