

**Cedar Hammock Fire Control District**  
**Minutes of the Public Hearing – 2019/2020 Budget Amendment and Regular**  
**Meeting of the**  
**Board of Fire Commissioners**  
**August 20, 2020**

The regular meeting and public hearing were conducted via Zoom Communications Media Technology.

The regular meeting was called to order by Chairman Getman at 6:00 p.m. The following commissioners were present: Diane M. Bennett, Daniel N. Brunner, Richard G. Findlay, Ronald D. Getman, and John H. Stevens.

Chairman Getman confirmed a quorum present for the meeting. The meeting was properly advertised.

**CONSENT AGENDA**

Chairman Getman asked if there was any discussion of the minutes. There was no discussion.

**ACTION: Commissioner Bennett moved to approve the consent agenda. Vice Chairman Brunner seconded the motion. The motion passed unanimously.**

**SPECIAL BUSINESS**

There was no special business.

**PUBLIC COMMENTS**

There were no public comments.

**OLD BUSINESS**

**State of Emergency – Resolution 2020-01**

Chief Hoyle reviewed Resolution 2020-01 with the Board. There was some discussion about having subsequent meetings in person. Counsel Mooney advised the Board that the public would need to be accommodated for social distancing. The Board agreed to continue the state of emergency under Resolution 2020-01 and continue with virtual meetings.

Commissioner Stevens asked Counselor Mooney if she was attending the meeting in an official capacity. She said that she was asked by Chief Hoyle and confirmed by Chairman Getman. Commissioner Stevens said that he thought attendance by counsel was through a majority vote of the Board. Chairman Getman assured that Counsel was present for Commissioner Stevens' benefit.

## **Proposed Budget 2020/2021 Draft 4**

Chief Hoyle reviewed the proposed budget for the 2020/2021 fiscal year. Commissioner Stevens inquired about the Ad Valorem and Non-Ad Valorem increase in rates. Chief Hoyle confirmed the Ad Valorem would remain the same at 1.3 mils, and the Non-Ad Valorem would increase by the Personal Income Growth of 5.46%. Counselor Mooney confirmed that the District determined the average annual growth rate in Florida personal income over the previous five years using the data provided by the BEA as outlined in Resolution 2014-04.

Chief Hoyle reminded the Board of upcoming public hearings as follows: September 10, 2020, to vote on the Final Non-Ad Valorem; Tentative Ad Valorem; and Tentative Budget and September 24, 2020, to vote on the Final Ad Valorem and the Final Budget. The final Ad Valorem Resolution will need to pass with four out of five votes in favor of. Chairman Getman indicated he will not be present for the September 24, 2020, meeting, therefore, the vote will need to be unanimous to maintain 1.3 mils.

Chief Hoyle said he has been in negotiations with the Union discussing a bonus for personnel. He suggested waiting until after the upcoming Public Hearings to determine an amount. Chairman Getman concurred that after the final Ad Valorem is voted upon to make an informed recommendation to the Union.

## **Training Tower Update**

Chief Hoyle said the Training Tower Committee met and gave its last input to the architect. After a slight delay, the architect will be submitting final plans to the Manatee County Building Department. An RFP will be drawn up and advertised by Deputy Chief Bradshaw with guidelines from the architect.

## **IT Services Proposals from RFP**

Deputy Chief Bradshaw provided commissioners with complete proposal packets from all three companies that responded to the RFP. He also provided the Short List Committee's grade sheets and a summary of costs. All three companies were represented at the meeting and were provided two minutes to summarize their proposal, to answer questions, and to provide additional information to the Board. The companies represented were as follows: Dan Madigan of Four Winds Network Services; Kelly Green from AVIT; and Aaron Ray from Milner Technologies. The Board of Commissioners discussed the proposals.

**ACTION: Commissioner Stevens moved to accept the proposal submitted by Milner Technologies to provide Information Technology Management Services to the District. Commissioner Bennett seconded the motion. The motion passed unanimously.**

## NEW BUSINESS

### AED Recall

Deputy Chief Falcone reviewed the memo and requested approval from the Board to remove recalled AEDs from the asset list and return to manufacturer.

**ACTION: Commissioner Bennett moved to return recalled AEDs to manufacturer and remove from asset list. Commissioner Findlay seconded the motion. The motion passed unanimously.**

### Audit Engagement

Chief Hoyle reviewed the engagement letter from Christopher, Smith, Leonard, Bristow & Stanell, P.A.

**ACTION: Commissioner Bennett moved to retain Christopher, Smith, Leonard, Bristow & Stanell, P.A. as the District's Auditor for the 2019/2020 fiscal year and to allow Chief Hoyle to execute documents. Commissioner Findlay seconded the motion. The motion passed unanimously.**

Chairman Getman recessed the Regular Meeting of the Board at 6:43 pm.

## PUBLIC HEARING – 2019/2020 BUDGET AMENDMENT

Chairman Getman called to order the Public Hearing for the 2019/2020 Budget Amendment to order and requested Public Notice of the public hearing. A copy of the advertisement and affidavit are included in the minutes.

Chief Hoyle presented Resolution 2020-03 2019/2020 Budget Amendment, *A Resolution of the Cedar Hammock Fire Control District of Manatee County, Florida, Amending the Fiscal Year 2019-2020 Budget; Providing for an Effective Date*. The resolution recognizes an increase in revenue and expenditures from \$12,057,651 to \$12,276,881 and determined by review of the 2018-2019 fiscal year-end audit.

Chairman Getman opened the Public Hearing for the 2019/2020 Budget Amendment for comments.

There were no public comments.

Chairman Getman closed the Public Hearing for the 2019/2020 Budget Amendment for comments.

**ACTION: Vice Chairman Brunner moved to adopt Resolution 2020-03 2019/2020 Budget Amendment. Commissioner Bennett seconded the motion. The motion passed unanimously.**

Chairman Getman adjourned the Public Hearing for the 2019/2020 Budget Amendment.

The regular meeting resumed at 6:47 pm.

## **CHIEF'S REPORT**

Chief Hoyle reviewed the Chief's Report and the Departmental Reports.

## **COMMISSIONER COMMENTS**

Commissioner Stevens asked to address emails being monitored by administration. He said that nowhere on the website does it state that public records requests be directed to commissioners. He said that he does not answer to administration but to the public. He said that he had asked that his emails not be monitored and found out that his emails are still being monitored.

Counselor Mooney said that Florida's Public Records laws are broad and that any form of communication regardless of media including text messages and emails (on personal or business devices) are considered public record. There is no expectation of personal privacy of commissioner's emails. Florida's Public Record laws trump privacy laws. She referred to the Board of Commissioners' meeting minutes from the January 2017 meeting in which the Board decided that their emails should be forwarded to the District's Record Custodian due to the incidents of SPAM looking like records requests and law suits. The Board decided at that time to have their emails forwarded to the Records Custodian. All commissioners agreed. At this time, there has been no action to undo this Board directive. Commissioner Stevens did not recall this directive, and asked if he was present at the meeting. Counselor Mooney said that the minutes of January 19, 2017, reflected that Commissioner Stevens was present at this meeting. Commissioner Stevens said that he did not think administration should monitor his emails and it should be up to the individual commissioner.

Commissioner Findlay said that he was not aware of his emails being monitored until recently. He said that he contacted other Fire Departments in Manatee County and not one of them monitored their commissioners' emails. He asked if only Commissioners' emails were being monitored. Counselor Mooney confirmed that other governmental entities monitor emails for public record requests and this is a decision for each local government body to make. She specifically mentioned that Longboat Key distributes elected official emails to the entire board and the Town's Administrative Staff. Chairman Getman confirmed, when he was on the Manatee County Commission, County Commissioners' emails were forwarded to all Commissioners and County Administration so they were all aware of the same information. This practice is to protect the District from lawsuits and liability. The public can submit a request to any employee of the District and it is the public's right of access of information.

Commissioner Findlay asked what administration was checking in the email. Deputy Chief Bradshaw said the majority of the email is transient and contains SPAM reports, FASD correspondence, Webinar information, Fire Law Blog, etc. He said he checks that emails received are not public records request and then forwards to an inbox marked for the commissioner. He confirmed if he deleted a copy of the email, the original incoming email

should still be in the commissioner's inbox. He also confirmed that he could not see and does not monitor emails sent by Commissioners using their District email account.

Commissioner Stevens said that he sent an email out to "Everyone" and received a bounce back message that indicated Deputy Chief Bradshaw was out of the office. He could not find that email in his inbox. Deputy Chief Bradshaw read a Google article that Outlook did not save the bounce back/out of office messages.

Chief Hoyle asked Commissioner Stevens what was the email in regard to. Commissioner Stevens said that it was in regard to his upcoming election. Chief Hoyle asked if Commissioner Stevens had sent this email to everyone from his department email or his home email. Commissioner Stevens said from his department email.

Commissioner Findlay asked if we got an email from an outside resident with a complaint against an employee would Deputy Chief Bradshaw want to read this. Chairman Getman emphasized that the Commissioners do not get involved with employee matters and that email should be forwarded to Chief Hoyle.

Commissioner Findlay inquired how to handle if we got an email with a complaint against the Chief. Counselor Mooney said that complaint should be forwarded to her as she works for the District and not the Fire Chief. She said she would contact the Chairman or call a special meeting. She specified that all employee matters should be forwarded to the Fire Chief.

Commissioner Findlay asked how Deputy Chief Bradshaw would handle a complaint against the Chief. Deputy Chief Bradshaw said he was aware of the proper procedure because he had to investigate a Chief at a prior department in the past. He said he would forward the email to legal counsel. He said that he had not seen any emails of this nature in four years. Deputy Chief Bradshaw said that he believed Commissioner Findlay and Commissioner Stevens would also act appropriately if they received an email of that nature.

Chief Hoyle and Deputy Chief Bradshaw both expressed deference to the Board's preference on the forwarding of email. They both expressed that administration was only following a Board directive.

Counselor Mooney said that the Board would need to formally repeal its original decision (from January 2017) to forward incoming Commission emails to the Records Custodian.

**ACTION: Commissioner Stevens moved to request individual commissioners make determination if they would like their emails to be monitored. The motion died for lack of second.**

Commissioners thanked the Short List Committee for their efforts.

Commissioner Brunner asked Commissioner Stevens why he continued to try to undermine administration. He said that he personally represented the District and not other entities.

### **NEXT MEETING DATE**

The next meeting of the Board of Fire Commissioners will be held virtually on September 10, 2020, and will include three virtual public hearings to decide the final Non-Ad Valorem, the Tentative Millage, and the Tentative Budget.

### **ADJOURNMENT**

**ACTION: Commissioner Bennett moved to adjourn the meeting at 7:32 p.m.  
Commissioner Findlay seconded the motion. The motion passed unanimously.**

Respectfully submitted:

**APPROVED 09/10/2020**

Chairman Ron Getman