

**Minutes of the Virtual Public Hearings:
Adoption of the First Reading of the 5-Year Plan for Fiscal Years 2020/2021
thru 2024/2025 – Ordinance 2020-09
Adoption of the First Reading of the Fire Prevention Code –
Ordinance 2020-10
And
Minutes of the Virtual Regular Meeting of the
Board of Fire Commissioners
Cedar Hammock Fire Control District
October 15, 2020**

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. District Counsel Maggie Mooney was also present.

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

ADDITIONS TO THE AGENDA

Chairman Getman asked if there were any additions to the agenda. Counselor Mooney requested that she be able to address a couple of matters as “Attorney Comments” at the end of the meeting before Commissioner Comments.

Chief Hoyle requested an addition to Old Business to address IT.

CONSENT AGENDA

Chairman Getman asked if there was any discussion of the minutes. Commissioner Findlay asked some questions in regard to the purchase of bunker gear. Deputy Chief Falcone informed that the District works on a 5-year cycle to replace worn gear with viable sets as spares whenever an employee needs a second set. Deputy Chief Falcone also confirmed the purchase of 6 sets of wildland gear. Chief Hoyle said that we received a TIPS award for safety in the amount of \$5,000 from Preferred Governmental Insurance Trust for the purchase of new gear.

ACTION: Commissioner Bennett moved to approve the Consent Agenda. Vice Chairman Brunner seconded the motion. The motion passed unanimously.

SPECIAL BUSINESS

Chief Hoyle announced the Years of Service Awards to Lieutenant Roehl and Firefighter Childress for their 15 years of service and the promotion of Firefighter Glass to Second Class.

Chief Hoyle will present plaques to Commissioners Bennett and Brunner for their dedicated service to the District. Commissioner Bennett has served the District for 10 years from April 2010 through November 2020. Commissioner Brunner has served the District for 20 years from November 2000 through November 2020.

Deputy Chief Bradshaw announced that we have secured the Seafood Shack for our annual Appreciation Dinner to be held Saturday, December 5, 2020, from 6:30 pm to 11:30 pm.

The Regular Meeting of the Cedar Hammock Fire Control District was recessed at 6:08 p.m. so the public hearings could be convened.

PUBLIC HEARING / FIRST READING 5-YEAR PLAN FOR FISCAL YEARS 2020/2021 THRU 2024/2025

Chairman Getman called the Virtual Public Hearing to order and requested verification of the Public Notice of the virtual public hearing. A copy of the advertisement and affidavit will be included in the permanent record of the minutes.

Chief Hoyle presented The First Reading of Ordinance 2020-09, the 5-Year Plan for Fiscal Years 2020/2021 thru 2024/2025, “An Ordinance of the Cedar Hammock Fire Control District of Manatee County Florida, Adopting a 5-Year Plan for Fiscal Years 2020/2021 – 2024/2025, Repealing all Ordinances in Conflict, Providing for Severability, and Providing for an Effective Date.”

Deputy Chief Falcone presented the highlights of the plan to the board including the updates from the previous presentation made at the May 21, 2020, Board of Commissioners Meeting.

Chairman Getman opened the Virtual Public Hearing for the First Reading of Ordinance 2020-09, the 5-Year Plan for Fiscal Years 2020/2021 thru 2024/2025 for comments.

There were no public comments.

Chairman Getman closed the virtual public hearing for comments.

ACTION: Commissioner Findlay moved to adopt the First Reading of Ordinance 2020-09, the 5-Year Plan for Fiscal Years 2020/2021 thru 2024/2025 as presented. Commissioner Bennett seconded the motion. The motion passed unanimously.

Chairman Getman adjourned the virtual public hearing for the First Reading of Ordinance 2020-09, the 5-Year Plan for Fiscal Years 2020/2021 thru 2024/2025.

PUBLIC HEARING / First Reading of the Cedar Hammock Fire Control District Fire Prevention Code

Chairman Getman called the Virtual Public Hearing to order and requested verification of the Public Notice of the virtual public hearing. A copy of the advertisement and affidavit will be included in the permanent record of the minutes.

Chief Hoyle presented Ordinance 2020-10, the First Reading of the Cedar Hammock Fire Control District Fire Prevention Code, “An Ordinance of the Cedar Hammock Fire Control District of Manatee County, Florida, Adopting the Cedar Hammock Fire Control District Fire Prevention Code as Rules and Regulations of Said District, Repealing All Ordinances in Conflict, Providing for Severability, and Providing for an Effective Date.”

Fire Marshal Center gave a summary of updates to the currently adopted code that are included in the version presented.

Chairman Getman opened the Virtual Public Hearing for the First Reading of the Cedar Hammock Fire Control District Fire Prevention Code for comments.

There were no public comments.

Chairman Getman closed the virtual public hearing for comments.

ACTION: Commissioner Bennett moved to adopt the First Reading of Ordinance 2020-10, the Cedar Hammock Fire Control District Fire Prevention Code as presented. Vice Chairman Brunner seconded the motion. The motion passed unanimously.

Chairman Getman adjourned the Virtual Public Hearing for the First Reading of the Cedar Hammock Fire Control District Fire Prevention Code.

Chairman Getman resumed the Virtual Regular Monthly Meeting at 6:16 pm.

PUBLIC COMMENTS

There were no public comments.

OLD BUSINESS

IT Services – Chief Hoyle confirmed the Board had approved the hiring of Milner Technologies, Inc. for the District’s IT Services on August 20, 2020. As part of Milner’s proposal, they recommended the purchase of new computer equipment. The equipment purchase will not exceed \$65,000 and will not require a bid process. Chief Hoyle asked for a motion that would allow him to purchase the computer equipment not to exceed \$65,000 and to execute documents of said purchase. He stated he would bring the purchase back to the board for ratification. Staff is in the process of obtaining quotes.

ACTION: Commissioner Bennett moved to allow Chief Hoyle to purchase recommended computer equipment if under the threshold of \$65,000 and to execute documents for said purchase. Commissioner Findlay seconded the motion. The motion passed unanimously.

NEW BUSINESS

2019/2020 Audit Schedule – Deputy Chief Bradshaw stated the planning stage of the 2019/2020 Audit has been completed. The final auditing of the financial records will take place the week of February 8, 2021. We are on track with providing census information on the Health Insurance Subsidy. We are hopeful to present the final financial report to the Board by April 2021.

CHIEF’S REPORT

Chief Hoyle reviewed the departmental reports.

ATTORNEY'S COMMENTS

Counselor Mooney asked to address three items to the Board; two of which are in regard to Resolution 2019-01. Resolution 2019-01 allows the protected party (Board, employee, officer, etc.) the availability of legal counsel to be paid by the District if working within the scope of their duty, not in bad faith, and without malicious purpose or disregard.

The first item refers to Fire Chief Jeffrey Hoyle in regard to a Florida Election Complaint. The Fire Chief had sought indemnification under Resolution 2019-01 and his request was approved by the District's Fire Commission. No election violation was found and the complaint was dismissed. A copy of the Order of No Probable Cause is included in the agenda packet.

The second item is in regard to a recent ethics complaint against Commissioner John Stevens. Whereas Commissioner Stevens requested indemnification under Resolution 2019-01 in a timely manner, he seeks to change his selected counsel. At the September 10, 2020, Board meeting, Commissioner Stevens requested to be represented by attorney Patricia Petruff. The Board of Fire Commissioners approved this representation but there was no agreement presented at that time. Commissioner Stevens has requested to be represented by local government attorney Rob Robinson instead. A copy of the signed agreement of attorney engagement is included in these minutes. Commissioner Stevens will abstain from the vote.

ACTION: Commissioner Findlay moved to approve Commissioner Stevens request for defense by Attorney Rob Robinson and indemnification by the District pursuant to Resolution 2019-01. Chairman Getman seconded the motion. The motion passed unanimously (4-0). Commissioner Stevens abstained from the vote.

The third item is a complaint made by Fire Chief Jeffrey Hoyle against one or more members of the Board of Fire Commissioners. There are certain protocols that must be followed when dealing with written allegations made by an employee in a complaint. Counselor Mooney recommended that the allegations in the complaint be investigated. She stated that she does not believe it is in the District's best interest to be represented by herself or Labor Counselor Nik Joshi but that this should be an independent investigation. She has reached out to other recommended counsel with government and labor expertise. She is recommending the Board engage the legal services of Bryant Miller Olive (BMO) to investigate these allegations. She estimates the investigation to take approximately 60 days. She provided an Agreement for Legal Services outlining the Scope of Engagement by BMO along with professional summaries for Attorneys Alan S. Zimmet and David C. Miller to be included in these minutes. At this time, the complaint is confidential under Florida law and she is limited in what she can say and reveal. A written report and the Complaint will be public record when complete. Chairman Getman confirmed BMO is independent of the District, located outside of the Manatee/Sarasota region, and presumed to be objective. Counselor Mooney confirmed BMO has no relationship with any of the parties involved in the Complaint.

ACTION: Vice Chairman Brunner moved to retain the firm of Bryant Miller Olive to provide legal services to the Cedar Hammock Fire Control District. Commissioner Bennett seconded the motion. The motion passed unanimously.

COMMISSIONER'S COMMENTS

Vice Chairman Brunner made a motion to hold the November 19, meeting in person at Station 3, which can better accommodate social distancing. Counselor Mooney confirmed Florida State Governor DeSantis signed Executive Order 20-246, which extends virtual meetings until November 1, 2020; this order will not be extended. She said that some governments are electing to hold hybrid public meetings where a quorum of the Board is in person and others virtual. She said to take into consideration the safety of the Commissioners and the public. Discussion ensued.

ACTION: Vice Chairman Brunner moved to hold the November 19, 2020 Board of Fire Commissioners meeting to be held in person at Station 3. Commissioner Bennett seconded the motion. The motion passed unanimously.

Staff was directed to provide proper notice of change of venue.

Commissioner Bennet and Vice Chairman Brunner expressed gratitude in working for the District. Chairman Getman thanked them for their great commitment.

Commissioner Findlay referred to Union DVP Paul Reda and how he spoke at the last meeting of the Board. He said he thinks the DVP should not be held to the two minute time limits for comments if somewhere in the agenda. Chairman Getman informed Commissioner Findlay that the discussion in which DVP Reda spoke was in reference to Union Negotiations and was not appropriate to be discussed with the Board of Commissioners. Commissioner Findlay asked if the DVP had something to say, why would he be constrained to two minutes? Chairman Getman confirmed that there has been no request by the DVP to be placed on the agenda.

NEXT MEETING DATE

The next meeting of the Board of Fire Commissioners will be held November 19, 2020 and will have two public hearings for the second readings of the 5-Year Plan and the Fire Prevention Code. The meeting will be held at 6:00 pm at the Cedar Hammock Fire Control District Station 3 located at 6601 53rd Avenue West, Bradenton, FL 34203.

ADJOURNMENT

ACTION: Commissioner Bennett moved to adjourn the meeting at 6:50 p.m. Vice Chairman Brunner seconded the motion. The motion passed unanimously.

Respectfully submitted:

APPROVED 11/19/2020

Chairman Ronald D. Getman