

Minutes of the Public Hearings:
Adoption of the Second Reading of the 5-Year Plan for Fiscal Years
2020/2021 thru 2024/2025 – Ordinance 2020-09
Adoption of the Second 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
November 19, 2020

The regular meeting was called to order by Chairman Getman at 6:00 p.m. The following commissioners were present in person: Ronald D. Getman, Marnie E. Matarese, Samuel A. Reasoner, and John H. Stevens. District Counsel Maggie Mooney was also present. Commissioner Richard G. Findlay was present virtually.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Pavkovich gave the invocation followed by the Pledge of Allegiance.

CONSENT AGENDA

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

ACTION: Commissioner Reasoner moved to approve the consent Agenda. Commissioner Stevens seconded the motion. The motion passed unanimously.

SPECIAL BUSINESS

Administration Support Manager McCaughan administered the Oath of Office to newly elected Commissioners Marnie E. Matarese and Samuel A. Reasoner, and re-elected Commissioner John H. Stevens.

RECESS REGULAR MEETING

The regular meeting of the Cedar Hammock Fire Control District was recessed at 6:06 p.m. so the public hearings could be convened.

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

Chairman Getman called the 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 Second 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 thru 2024/2025, Repealing all Ordinances in Conflict, Providing for Severability, and Providing for an Effective Date.”

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

There were no public comments.

Chairman Getman closed the Public Hearing for comments.

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

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

PUBLIC HEARING / SECOND READING OF THE CEDAR HAMMOCK FIRE CONTROL DISTRICT FIRE PREVENTION CODE

Chairman Getman called the 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 Second Reading of Ordinance 2020-10, 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.”

Chairman Getman opened the Public Hearing for the Second Reading of Ordinance 2020-10, the Cedar Hammock Fire Control District Fire Prevention Code for public comments.

There were no public comments.

Chairman Getman closed the Public Hearing for comments.

ACTION: Commissioner Stevens moved to adopt Ordinance 2020-10, the Cedar Hammock Fire Control District Fire Prevention Code as presented. Commissioner Findlay seconded the motion. The motion passed unanimously.

Chairman Getman adjourned the public hearing for the Second Reading of Ordinance 2020-10, the Cedar Hammock Fire Control District Fire Prevention Code.

Chairman Getman resumed the Regular Meeting at 6:10 p.m.

PUBLIC COMMENTS

There were no public comments.

OLD BUSINESS

Health Insurance

Chief Hoyle informed that the Board gave permission to execute documents for renewal of the employee health plan if within budget. Boyd Insurance was able to broker an agreement with United Healthcare for a 6% increase with a 25% premium holiday for the first month's premium for an overall increase of 3.92% The renewal for the 2021 calendar year is within budget with continuity of coverage and same plan benefits.

IT Services Update

Deputy Chief Bradshaw reviewed the exhibit outlining 3 quotes. Our current vendor, Milner Technologies provided the lowest cost estimate. He requested Board action to ratify the equipment purchase of \$46,158.

ACTION: Commissioner Findlay moved to accept the bid provided by Milner Technologies in the amount of \$46,158 for computer hardware equipment. Commissioner Stevens seconded the motion. The motion passed unanimously.

Appreciation Dinner

Deputy Chief Bradshaw confirmed the Appreciation Dinner will be held at the Seafood Shack on December 5, 2020, at 6:30 p.m. The venue has made arrangements for social distancing.

NEW BUSINESS

USPS Issues

Deputy Chief Bradshaw stated that we have been having issues with United States Postal Service deliveries. The District has been receiving mail in a reduced capacity over the last three months with delivery of mail on average of 1-2 days per week. There have been missing invoices, which have resulted in some late payments. There has been mail returned to sender marked NIXIE-Attempted Not Known when addressed correctly to the District. We have filed a total of four complaints with the last

complaint to the Postal Inspector General. To address vendor invoices, we will create an email account named *accounts payable* for vendors to send invoices. He will keep the Board apprised of the situation.

Regional Radio Grant

Deputy Chief Falcone addressed the board. We have an opportunity to participate in a regional grant from the Federal Government for Motorola radios. Motorola is offering a significant discount to help incentivize the switch to their radios. The release of the grant is expected mid December 2020. Discussion ensued.

Station 2 Shop Lease

Chief Hoyle provided the background establishing the lease with Ten-8 Fire Equipment. Ten-8 has given notice to terminate the lease of the property located at 908 36th Avenue West, Bradenton, Florida effective January 23, 2021. Staff does not recommend hiring a full-time mechanic. We have had no issues with maintenance and repair from their main facility. The District owns considerable equipment in the Station 2 Shop. Ten-8 has offered to purchase some of the equipment. Staff will evaluate and determine what is obsolete and of no use to the District. Commissioner Stevens suggested opening a fitness room in the shop building. Discussion ensued.

Fire Code Appeals Board Nomination Ratification

Fire Marshal Center presented Resolution 2020-11, “A Resolution of the Cedar Hammock Fire Control District of Manatee County, Florida; Ratifying the Appointment of Membership of the Fire Prevention Code Board of Appeals by the Manatee County Fire Chiefs’ Association; Providing for an Effective Date.”

ACTION: Commissioner Reasoner moved to adopt Resolution 2020-11, Ratification of Appointment of Membership of the Fire Prevention Code Board of Appeals. Commissioner Findlay seconded the motion. The motion passed unanimously.

Election of 2021 Board Officers

Chief Hoyle called for a vote of officers for the Board of Fire Commissioners of the Cedar Hammock Fire Control District for the 2021 calendar year.

Commissioner Stevens nominated himself as chairman. Commissioner Reasoner nominated current chairman Getman.

The vote of all board members established Chairman Getman as the 2021 chairman of the Board of Fire Commissioners for the 2021 calendar year.

Commissioner Findlay nominated Commissioner Stevens as Vice Chairman. Commissioner Reasoner nominated Commissioner Findlay.

The vote of all board members established Commissioner Stevens as Vice Chairman of the Board of Fire Commissioners for the 2021 calendar year.

Commissioner Findlay nominated himself as Secretary/Treasurer. Commissioner Reasoner nominated himself.

The vote of all board members established Commissioner Reasoner as Secretary/Treasurer of the Board of Fire Commissioners for the 2021 calendar year.

Representatives and alternates were decided for the Manatee County Fire Commissioners Association and the Council of Governments. Commissioner Matarese was selected to serve as the District's representative and Commissioner Findlay was selected to serve as the alternate for the Manatee County Fire Commissioners Association. Commissioner Stevens was selected to serve as the District's representative and Commissioner Reasoner as the alternate for the Council of Governments.

Other District representatives for the Registered Agent, Legal Counsels, Auditor, District Physician and Service Providers were reviewed and approved by the Board.

Chairman Getman confirmed the slate of officers and appointments for the 2021 calendar year.

ACTION: Commissioner Stevens moved to accept the following Officers for the Cedar Hammock Fire Control District Board of Fire Commissioners and Appointments for the 2021 Calendar Year: Ronald D. Getman, Chairman; John H. Stevens, Vice Chairman; Samuel A. Reasoner, Secretary/Treasurer; Richard G. Findlay, Commissioner; Marnie E. Matarese, Commissioner; Marnie E. Matarese as Manatee County Fire Commissioners' Association Representative; Richard G. Findlay as Manatee County Fire Commissioners' Association Alternate; John H. Stevens as Council of Governments Representative; Samuel A. Reasoner as Council of Governments Alternate; Fire Chief Jeffrey S. Hoyle as Registered Agent, Fire Chief Jeffrey S. Hoyle as Records Custodian; Counselor Maggie Mooney of Persson, Cohen & Mooney, P.A. as Attorney-General/Legal; Counselor Nikhil N. Joshi of Hultman & Joshi, P.A. as Attorney-Employment/Personnel; Randy Dillingham of Christopher, Smith, Leonard, P.A. as Auditor; Dr. Cori Repp as Physician; Concentra Urgent Care as Medical Facility; and All For Life as Medical Testing Service Provider. Commissioner Reasoner seconded the motion. The motion passed unanimously.

Indemnification

Counselor Mooney informed that Commissioner Findlay requested indemnification from the District by the Board of Fire Commissioners pursuant to Resolution 2019-01. Commissioner Findlay submitted his request for indemnification within the 14-day requirement of receiving an ethics complaint and his choice of legal representation by Attorney Robert Robinson at a government rate of \$225/hr. Due to conflict, Commissioner Findlay will abstain from voting and will be required to fill out a Conflict of Interest form.

ACTION: Commissioner Stevens moved to provide indemnification by the District pursuant to Resolution 2019-01 for Commissioner Findlay to be represented by Attorney Robert

Robinson for defense of ethics complaint. Chairman Getman seconded the motion. The motion passed unanimously (4-0). Commissioner Findlay abstained.

Counselor Mooney said that the Board had authorized an investigation by a third party regarding a complaint by a staff member. The investigation is still pending. The Chairman, Mr. Getman, is the designee authorized to speak with counsel. Commissioner Stevens questioned why only the Chairman was able to confer with counsel. Counselor Mooney confirmed that the Chairman received the initial complaint and the statutory exemption making the information privileged and confidential until the conclusion of the investigation. Commissioner Stevens questioned the lawfulness of the information being confidential. Counselor Mooney stated the investigation while ongoing is confidential not because of Sunshine Law, but the Whistleblower Act, specifically Florida Statutes 112.3188.

December Meeting

ACTION: Commissioner Findlay moved to cancel the regular meeting of the Board of Fire Commissioners scheduled for December 17, 2020. Commissioner Matarese seconded the motion. The motion passed unanimously.

CHIEF'S REPORT

Chief Hoyle reviewed the departmental reports.

COMMISSIONERS' COMMENTS

Commissioner Stevens thanked the employee by name that filed the ethics complaint against him and reviewed the Public Report and Order Dismissing Complaint by the State of Florida Commission On Ethics as contained in the Board package. Commissioner Stevens stated the Order of Dismissal contradicted advice he had received from District Counsel in regard to his communication with District employees.

Commissioner Stevens said that he had spoken with Chief Hoyle and requested first aid continuing education, a first aid kit, and AED to be provided to him by the District. Counselor Mooney strongly cautioned Commissioner Stevens in acting beyond the scope of his Commissioner duties and the potential for liability to the District if a commissioner was performing the role as a first responder. She warned about going down this path and informed that the District's insurance provider may/may not defend Commissioners when acting as a first responder. Commissioner Stevens and Commissioner Findlay argued that an individual would be covered under the Good Samaritan Act. Commissioner Matarese asked Commissioner Stevens if he wanted the District to pay for the AED. She said that she was not comfortable acting as first responder under the umbrella as a Commissioner. She said that she was there to represent the tax payer. Commissioner Reasoner agreed and said that it was not in our job description. Discussion ensued. Chairman Getman stated that he thought it would be appropriate for CPR Certification but not be provided an AED.

Commissioner Stevens asked to receive an itemized invoice from Counselor Mooney.

Commissioner Stevens asked Chief Hoyle the status of union negotiations. Chief Hoyle informed that negotiations would continue on December 9, 2020, and he felt both parties were close to conclusion. Commissioner Stevens asked about the timing. Chief Hoyle responded that there was no hold up. Chief Hoyle stated that it is a negotiation, there are two parties involved, and he has no control over the other party. To lay the blame at his feet for the completion of an agreement is not correct. Commissioner Stevens said that there has to be some issues and he requested the Board to help guide through negotiations. Chief Hoyle said this would be cause for a Shade meeting. Commissioner Stevens asked Counselor Mooney if the board could talk to union representatives about negotiations. Counselor Mooney suggested that Commissioner Stevens contact labor counsel for guidance; the Collective Bargaining Counselor of record is Nikil Joshi. Chief Hoyle said that Florida Statute 447 gives him the authorization to negotiate with the Union and it would be totally inappropriate for members of the Board to talk to union representatives while in the process of negotiations. The Chief stated that we consult with labor attorney, Nikil Joshi for his expertise; and that it is the Chief's responsibility to make sure the District has proper legal representation. Chief Hoyle said he is hopeful to bring forward the agreement at the January meeting. Commissioner Stevens asked to consider a Shade meeting if negotiations were not concluded by January and have the union attend the shade meeting so the Board could negotiate with the union. Hoyle stated he was the designated negotiator for the District and Phil Vets for the Union. Chief Hoyle confirmed that he had offered on multiple occasions to hold a Shade meeting for the Board. He said that he would make himself available to the Board if a Shade meeting were needed. Chairman Getman said that we would consider a Shade meeting if there was something that needed resolution. Commissioner Stevens asked if the negotiations were at an impasse. Chief Hoyle stated that the negotiations were not at an impasse. Commissioner Stevens said that the Board could talk to union representatives. Counselor Mooney informed Commissioner Stevens that he had been counseled numerous times on Florida Statutes 112 in public meetings to not operate outside the role of his duties. She reminded him of the prior training and cautioned going outside of the role as a Commissioner. She offered Commissioner Stevens additional training. Commissioner Stevens stated that Commissioners can't make promises, but that they can listen. Chairman Getman asked Commissioner Stevens why he wished to get involved in the negotiations whereby Commissioner Stevens replied that he wanted to know. Chairman Getman suggested meeting with Chief Hoyle. Chief Hoyle provides a time for all commissioners individually to meet with him and the Deputy Chiefs prior to the board meetings. Commissioner Stevens said that he wanted to meet with Chief Hoyle all alone. Chief Hoyle said that he had met with Commissioner Stevens one on one, whereby Commissioner Stevens berated him. Chief Hoyle said that he was counseled not to meet with Commissioner Stevens alone anymore. Commissioner Reasoner said that since the negotiations are not at an impasse the Chief should be allowed to do his job. Commissioner Reasoner asked Commissioner Stevens if he felt the Unions' DVP was doing a good job. He suggested that the Board trust and allow the Chief and the Union DVP to do their respective jobs. Commissioner Stevens said that it was part of the Board's job to evaluate the Chief. Chairman Getman cautioned that the Board should not put itself in the position of replacing the union representative. Discussion ensued.

Commissioner Findlay said that he sympathized with Commissioner Stevens. He often visits at the stations and he has not had anyone express any problems to him. He said that personnel appreciate when commissioners visit and it shows we care. He said he loves to hear all the things going right at the District.

NEXT MEETING DATE

The next regular meeting is scheduled for January 21, 2021.

ADJOURNMENT

ACTION: Commissioner Findlay moved to adjourn the meeting at 7:31 p.m. Commissioner Reasoner seconded the motion. The motion passed unanimously.

Respectfully submitted:

APPROVED JANUARY 21, 2021

Chairman Ronald D. Getman