MINUTES

OF

BOARD OF COMMISSIONERS SPECIAL MEETING

Present for September 23, 2020

The meeting was called to order by Commissioner Muench at 9:00 AM. Commissioner Muench called for those necessary to the meeting to acknowledge their presence.

The following were in attendance via a conference call. Call number was as follows – 605-313-5086 with the access code of 798758#. Those who stated that they were in attendance were Commissioner Muench, Commissioner Mc Curry, Commissioner Cochrane – Attorney Jim Linn for Lewis Longman and Walker – Assistant Chief Bill Briscoe – District Administrator Mary Hickey – Chief Matt Scott – Training Officer Tim Barrett – Captain Chris Jackson – Bill Smith for the Fort Myers NewsPress and several others, who did not announce themselves.

Commissioner Muench, then read the “Script for The Remotely Conducted Special Meeting”. See attached.

Commissioner Muench, then asked if there had been any public comments submitted, prior to this meeting. District Administrator Mary Hickey replied, “there had been none submitted”. Commissioner Muench, stated that, “since there were no public commits submitted, we would proceed with the meeting”.

Commissioner Muench stated that, “the purpose of this Special Meeting is to consider a personnel matter.” “Mr. Jim Linn from Lewis, Longman and Walker, will brief the Board on this matter”. Commissioner Muench then asked if Jim was available. Jim Linn, stated that, “yes he was”. Mr. Linn, then introduced himself to the Board, stating that “he was an attorney Lewis, Longman and Walker, your legal counsel”. Mr. Linn then went on to say, “ In the last week or so the District became aware of information regarding the issuance of a CPR card by a District employee to a person not employed by the District, who had not completed the required CPR training in order to get the card. Two (2) District employees may have participated in or been aware of this activity. At this point we really don’t have much information beyond this. But if true, this information could form the basis for disciplinary action against two (2) District employees, Chief Scott and Division Chief Barrett. In order to obtain the facts, concern this matter, preserve the due process rights of the two (2) employees and maintain on going District operations, I recommend that the Board take two (2) actions. One (1) direct my firm to conduct a thorough investigation and present a complete report with the facts and recommendations to the Board at its next meeting. Two (2), place the two (2) employees Chief Scott and Division Chief Barrett on Administrative Leave, with pay pending the outcome of the investigation and action by the Board”.

Commissioner Muench then said, “Mary we have in front of us motions in that effect. Mary please read the first motion”.

Commissioner McCurry then stated, “I have a question before we do that, Richard McCurry for the record.”

Commissioner Muench then said, “Oh sure Richard, I was going to have our comments from the Commission.”

Commissioner McCurry then said, “Well I have a question pertaining to the reading of this motion. Counsel Linn, has stated that the Commissioner’s might make a motion to put on Administrative Leave the two (2) staff members, my question is, as a Commissioner it is my understanding we are responsible for the Chief are we also making a recommendation for the Division Chief or is this just for Chief Scott, that’s my question, legally”.

Jim Linn responded with, “ordinarily the Board would take action with regard to the Fire Chief, and subordinate employees, that action would be taking by the Chief. Under these circumstances however, it’s my recommendation that the Board take action and place both employees on Administrative Leave.

Commissioner McCurry then said, “thank you”.

Mary Hickey than read motion number one (1). See attached. Mary Hickey than called for a secondto the motion.

Commissioner Cochrane stated that, “I would like some discussion on this please. Is there any way we can take prior to at the meeting or prior before to the next meeting I would like to have this investigation expedited, not dragged out”?

Commissioner Muench stated, “to my understanding Bruce it is not going to be dragged out, we are going to hear, there is going to be an investigation and we are going to bring it up in our meeting in October”.

Commissioner Cochrane then replied, “Right, but I would like to have it done as quickly as possible rather than the day before our meeting in October, is what I’m saying”.

Jim Linn then replied, “Well we would certainly want to do that as well, and we would want to get that investigation completed and to the Board as quickly as we can. We are not going to wait until the day before your meeting. But as you have to know these investigations sometimes some are very cut and dry you know and take a few days and some take longer, based on how quickly we can gather statements and evidence”.

Commissioner Cochrane relied, “That’s fine Jim and I mean I’m hoping you begin this like today and are we given any updates on this as Commissioners, or do I just sit and wait until the next Commission meeting to have kind of a clue about what’s is going on”?

Jim Linn then replied, “Well as I said we will certainly start today and we will try to wrap it up as quickly as we can, but while the investigation is going on, you’re probably not going to get any updates. You will get a complete report at the end of the process”.

Commissioner Cochrane then replied, “OK, just trying to figure out the timetable and what information we will be given, if any prior to our next meeting, thank you”.

Commissioner Muench then replied, “I understand that Bruce”.

Jim Linn then replied. “Mr. Chairman, I’m sorry, this is Jim. I think you are going to need, for the record you are going to need somebody to actually make this motion, a Board member to make the motion and you are going to need a second.

Commissioner Muench then replied, “Right exactly, that’s is what I was just going to do”. I’m going to approve this motion; do we have a second”?

Commissioner Cochrane then replied, “Commissioner Cochrane will second”.

Commissioner Muench than asked. “Any discussion on the motion”?

Commissioner Muench than stated, “Mary call the roll, please”.

Mary Hickey then called the roll as follows:

Commissioner Muench – he then replied “Aye”

Commissioner McCurry – he then replied “Aye”

Commissioner Cochrane – he then replied “Aye”

Mary Hickey then stated, “The Roll Call reads all three (3) in favor”.

Commissioner Muench then said, “Say it again Mary, I missed that”.

Mary Hickey then replied, “The Roll Call reads, all three (3) were in favor of motion”.

Commissioner Muench then stated, “That is correct”. Mary, read the 2nd motion please”.

Mary Hickey than read the motion number two (2). See attached. Mary Hickey than called for a secondto the motion.

Commissioner Muench then asked, “So Commissioners, do you want to say anything about this one”?

Commissioner McCurry than asked, “Whose putting that motion forward, is that the Chairman”?

Commissioner Muench then replied, “Yes”.

Commissioner McCurry then stated, “I’ll second the motion, Richard McCurry for the record”.

Mary Hickey then asked, “Any discussion”?

Commissioner Muench then replied, “I beg your pardon”.

Mary Hickey then replied, “Call for discussion”.

Commissioner Muench then stated, “Yes, call for discussion”.

Commissioner Cochrane the stated, “This is Commissioner Cochrane again, I still have the same concern, I’d like it to be done as quick as possible. I would really prefer not to wait until the next regular meeting, but if that’s what we have to do, that’s what we have to do”.

Commissioner Muench then replied, “If there is a chance that we can, we will, but let’s proceed down this road and see what they come up with”.

Commissioner Cochrane then replied, “OK”.

Commissioner Muench then stated, “Mary call Roll Call please”.

Mary Hickey then called the roll as follows:

Commissioner Muench – he then replied “Aye”

Commissioner McCurry – he then replied “Aye”

Commissioner Cochrane – he then replied “Aye”

Mary Hickey then stated, “The Roll Call has been completed with all three (3) in favor of the motion”.

Commissioner than asked, “Is there any other public comment”? “If none, this meeting will be adjourned at 9:12 am”.

Commissioner Cochrane then stated, “Thank you Jim”.

Commissioner Muench then stated, “Alright, Jim thank you”.

Jim Linn then stated, “Have a good day”.

Commissioner Muench replied, “Alright. Thanks Mary”.

Mary Hickey replied, “Yes sir”.

Commissioner Muench then stated, “Alright. Goodbye everybody, I’ll be back next week.

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COMMISSIONER MUENCH COMMISSIONER COCHRANE

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COMMISSIONER MC CURRY