

Matlacha/Pine Island Fire Control District
Minutes for Regular Commissioners Board Meeting
December 20, 2023

Call to Order: Commissioner Player called the meeting to order at 5:00 p.m.

Invocation: Commissioner DeLacey led everyone in the invocation.

Pledge of Allegiance: Commissioner Player led everyone in the Pledge of Allegiance.

Roll Call: Commissioner Player, Hernandez, Cammick and DeLacey were present. Commissioner Price was excused.

Chief Mickuleit, Assistant Chief Davis, Assistant Chief Allen, Administrative Assistant Miles, and Attorney Sarah Spector were present.

Public: Leo Amos, Jon Hunt, Bill Saunders, Cliff Simer, Virginia Morton

Setting of Agenda: Attorney Sarah Spector asked the Board to add to the agenda under new business, review of the Brant decision. **Commissioner Hernandez moved to approve the agenda as presented. Motion seconded by Commissioner Cammick. Motion passed unanimously.**

Approval of Minutes:

1. November 15, 2023, Regular Meeting Minutes **Commissioner Cammick moved to accept the minutes as presented. Motion seconded by Commissioner DeLacey. Motion passed unanimously.**

Treasurers Report: 11/11/23 – 12/15/23 Presented by Commissioner Cammick. Leo Amos asked about the total legal expenses for the prior FY. Admin Assistant Miles explained that it could be found in the accountant's compilation report which is on the agenda after cash disbursements. **Commissioner Hernandez moved to accept the Treasurers Report as presented. Motion seconded by Commissioner DeLacey. Motion passed unanimously.**

Cash Disbursements: 11/11/23 – 12/15/23 **Commissioner Cammick moved to accept the cash disbursements as presented. Motion seconded by Commissioner Hernandez. Motion passed unanimously.**

Accountants Compilation Report: Administrative Assistant Miles presented the year-end report for September 30, 2023, and the month end report for November 30, 2023. Admin Assistant Miles pointed out the total cost in legal expenses for FY 2023 of \$81K. Jon Hunt had a question about how much of that was related to the litigation with Shawn Brant. Administration explained that the fees for the attorney who represented us for that case were completely covered by insurance. However, the District's general council was involved in certain aspects and those fees are included in the total legal expenses of the year of \$81K. **Commissioner Cammick moved to accept the Accountants Compilation Report. Motion seconded by Commissioner DeLacey. Motion passed unanimously.**

Commissioners' Expenses: None.

Guest Speakers: None.

Public Comment: Both Leo Amos and Jon Hunt would like the opportunity to comment on the new business added to the agenda. Commissioner Player stated that time would be allowed for comment at that time.

Firefighters: none

Union: none

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Old Business:

1. Station 2 update: None.
2. Hurricane Restoration Update: Station 1 and 4 have been completed! Only open item is the railing for the balcony on Station 1.
3. Investment Options: None. Administration will get with the bank after the first of the year.

New Business:

1. Review the Litigation decision: Attorney Sarah Spector explained it has been brought to our attention that according to state statute there should have been a court stenographer at the executive sessions to record the meetings. Additionally, minutes should be produced for the executive sessions and available to the public, following any litigation. Minutes have been produced as of today and will be provided to the Board for approval at the next regular meeting, however, since there is no going back on the recording of the executive sessions, Ms. Spector advised the board to have a discussion of the litigation and what led them to make the decisions that they made, allowing the public to comment and then ratify the decision. Each Board member went over why they made the decision that they did. Commissioner Player noted that the stress and frustration on the employees involved was tremendous. Commissioner DeLacey recalled a friend's battle with a lawsuit where he knew he was in the right but has been appealing decisions for years now and has wasted a significant amount of money in the process. Although we all feel that the district was right to fire him, is it worth all of the money and hardship for everyone to prove that? Commissioner Hernandez noted that he was not a part of the Board when the decision was made to fire Brant, however he has been here for most of the legal process and has reviewed the investigation that led to Brant's termination. The decisions made were not taken lightly and were in the best interests of the taxpayer and employees both.
Public comment: Jon Hunt asked why the board was ratifying something that was added to the agenda last minute and has had no time for the public to even know about it? The Board made a mistake by not having a court reporter at the executive sessions, and now these minutes are just coming out because they were requested by me, and the public has had no time to review any of this information and the Board is just going to finish it without any opportunity for the public to weigh in. He feels that it calls on the board's character to brush over a decision like this. Leo Amos feels that the chief did wrong by firing Mr. Brant in the first place. He managed people for a long time, and you don't just fire someone over one incident. He believes that the Chief needs to be fired for making the poor decision and the board needs to be held accountable for \$750,000 that they cost the taxpayer by settling this case. He believes that the board was misguided in their decisions and should remove their attorney and hire a labor attorney. Jon Hunt revisited the mistake of not having a court reporter present and explained that the mistake was a crime, and the board committed the crime. Ratifying the decision tonight is not going to take away the crime, it only shows the character of the board that they are trying to keep this information from the public. Cliff Simer spoke, both as an employee and resident, to the character of the current board and administration. He has been with the department for many years and has seen a few different boards and chiefs. This administration and board by far are the best that he has

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worked for. Firefighter Saunders also spoke as an employee and resident of the island. He spent most of his career in Polk County and moved down here in the last year. He has also worked for many types of administration and boards and believes that what we have here is a great working relationship. Jon Hunt responded that he was not questioning the crew or administrative staff in any of this, it is the Board that is responsible for these mistakes and should be held accountable. Leo Amos, believes that administration is to blame as well and needs to be held accountable in addition to the board.

Commissioner Player explained that the decisions made both to terminate Mr. Brant and to settle the case were not decisions that were taken lightly and were not decisions made without extensive legal advice. Obviously, a mistake was made by not having the court report present at the executive sessions, however our attorney has given us the opportunity to correct this mistake the best we can. The minutes have been made available to those that requested them and will be reviewed and approved by the board at next month's meeting.

Commissioner Hernandez moved to ratify the decision made at the August 16th special meeting to settle the lawsuit with Mr. Brant. Motion seconded by Commissioner DeLacey. Roll call vote: Hernandez: aye DeLacey: aye Cammick: aye Player: aye.

Chief's Report:

- Chief Mickuleit presented PCB LFS 24-02. This proposed bill will create some significant changes for special districts. One being term limits of 12 years for commissioners. Another being a referendum every 10 years on the ballot to allow the public to dissolve the district. There is also some additional reporting measures that will take place with this bill.
- A bill passed recently requires 4 hours of qualified ethics training by each member of the board annually. Administration is looking into some options for the board members.
- Captain Simer discussed the structure fire last week. The crew did a great job!
- The Christmas Tree lighting was a success!
- The district has participated in holiday events all over the island in the past few weeks and will be participating in a couple more before Christmas.
- Captain Simer discussed a fuel spill in Matlacha this week. He wanted to clarify that the property where the boat was, is not the responsible party. The derelict boat's bilge was full of fuel from the storm, and it was pumping it into the water. The problem is that these boat owners took the insurance money from Ian and just left the boats behind with no one to take responsibility.
- The iPads have been purchased and Assistant Chief Allen has been preparing them for use. They should be on the trucks in the next week.
- The VFW reaches out each year for recommendations for exceptional employees. We have submitted our recommendations, and the awards will be presented soon.
- The county DOT's results are in for the 4-way stop survey. 86% of participants said that they would like to leave it the way it is. Since there is no safety issues with the intersection the county will leave it alone and revisit in the future as needed.
- Audit will begin in March.
- The crews have been working on hydrant maintenance this past month. All of the blue dots are in and each hydrant has been tested. The water company has a company that does

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the bulk of the maintenance, however after Ian we wanted to make sure we had a good understanding of those that worked and those that needed to be repaired.

- The fire alarm system at Station 3 was brought to the Board last meeting. We are struggling to get the fourth quote, but once we do the work will get started on that.
- Firefighter Saunders gave the board a quick update on the group that is researching a ladder truck for the district. They have gone to different departments and looked at a few different brands to determine what features are going to be the best for us. Once they have a list of features, quotes will be obtained by each manufacturer and then brought to the board for a final decision.
- Assistant Chief Davis presented the call report for November.

Public Comment:

Leo Amos asked about the status of Station 2. The Chief explained that we are currently working on going out for RFP for design and then once we have a design we will go out for RFP for construction.

Good of the District:

Jr. Olympics is coming up in January. PIE will be getting a new principal in January. Kiwanis is having their annual 5K in January. Commissioner Hernandez spoke to Chief Mickuleit and reassured him that he has the full support of the board for the decisions made involving the prior Deputy Chief. The other board members agreed.

Adjournment:

Commissioner DeLacey moved to adjourn. Motion seconded by Commissioner Hernandez. Motion passed unanimously.

Meeting adjourned.

Respectfully submitted,

Sarah Miles

District Administrative Assistant

Board Secretary