

ENGLEWOOD AREA FIRE CONTROL DISTRICT

Board of Fire Commissioners By-Laws

The Board of Fire Commissioners shall be guided in its conduct of the District's business and purposes by the Florida Statutes that created the District and by the highest standards of ethics.

ARTICLE I - NAME

The name of this organization is the Englewood Area Fire Control District and will be referred to as the District in these By-Laws.

ARTICLE II – AUTHORITY

Section 1: Constituting Authority: The Constituting Authority for the District is HB 1183 that passed the Florida Legislation on June 14, 1983.

Section 2: Operating Authority: The Board of Fire Commissioners is the governing board for the District. The Board has the power to supervise, control, and to promulgate and enforce all necessary and desirable rules and regulations. The Board is authorized to undertake any action required to accomplish this directive including without limitation, to develop and execute contracts, build necessary facilities, acquire firefighting equipment, hire a Fire Chief and other such personnel as required; to levy special assessments, issue bonds, levy impact fees, to inspect property, provide administrative support, establish, maintain and operate fire protection and first response medical services. The Board shall adopt a Fire Code and adopt ordinances / resolutions for the District and such rules and regulations as it deems necessary to transact its business and carry out the provisions of the District's authority.

ARTICLE III – LOCATION

Headquarters for the Board of Fire Commissioners shall be located in the offices of the Administrative Headquarters of the Englewood Area Fire Control District, located at 516 Paul Morris Drive, Englewood, Florida.

ARTICLE IV – MEETINGS OF COMMISSIONERS

Section 1: The Board of Fire Commissioners shall meet all requirements of the applicable Florida Statutes regarding public meetings.

Section 2: Regular Monthly Meetings – Regular monthly meetings of the Board shall be held each month at 0900 hours, except that said date may change by agreement of a majority of Commissioners. Regular meeting dates / times will be posted on the District's Web-site.

Section 3: Special Meetings – Special meetings may be held at the call of the Chair or Fire Chief. Special meetings might be scheduled to resolve issues that must be resolved prior to the next scheduled regular meeting, provided that adequate notice is given of such meeting.

Section 4: Board Workshops – Board Workshops are opened meetings that the public can attend, however these meetings are between the Board and the Fire Chief and are without public input or comment unless advertised otherwise.

Section 5: Executive Sessions – these sessions are meetings that are closed to the public and pertain to negotiation strategies of contracts or cases of litigation.

Section 6: Notice – Notice of meetings will be made in accordance with the requirements of the applicable Florida Statutes. The schedule of meetings shall include the date, time, and location of each meeting and shall be posted on the District's Web-site and advertised in a local publication of general circulation.

Section 7: Quorum – The quorum shall consist of a majority of the Board of Fire Commissioners present at a meeting.

Section 8: Delegation of Power – For any reason deemed sufficient by the Board of Fire Commissioners, the Board may delegate any power or duty of any officer or Commissioner to any other officer or Commissioner, but no officer or Commissioner shall execute, acknowledge or verify any instrument in more than one capacity.

Section 9: Voting – All Board members present at a meeting must vote on each issue unless a conflict of interest exists under Florida State Laws. All voting shall be done by voice.

Section 10: Minutes – All meetings of the Board shall be recorded on audio tape; decision motions and resolutions adopted shall be prepared in written form and presented to the Board for their review and acceptance. Audio tapes will be kept on file for a period of five (5) years, after this date they will be erased or destroyed in accordance to Florida Public Records Retention Laws.

Section 11: Public Input – Citizens wishing to provide comment at a Board meeting will need to fill out a speaker card and will be limited to three (3) minutes of speaking time. Speakers and members of the public will be held to the Civility Code of the District. Violations of the Civility Code could result in removal of the speaker by law enforcement.

Section 12: Procedures – All meetings shall be conducted in accordance with the latest edition of Roberts Rules of Order.

ARTICLE V – PURPOSE

The purpose of this organization is to provide residents of the Englewood Area Fire Control District with high quality, cost effective fire prevention, fire suppression and first response medical services possible in a manner commensurate with the Fair Labor practices as set forth in Florida Statute Chapter 191 and to manage the assets of the District in the best interest of the residents of Englewood.

ARTICLE VI – COMMISSIONERS

The Board of Fire Commissioners shall have the overall responsibility and authority for the operating of the District, and for ensuring that its purpose as set forth in Florida Statute 191 is properly carried out. The Board shall employ a Fire Chief who is directly responsible to the Board, and who has responsibility for and authority over all the departmental personnel, property, and activities of the District.

Section 1: Oath of Office: All Commissioners shall be required to take an Oath of Office prior to assuming their duties on the Board.

Section 2: Bonding: Each Commissioner, before he/she enters upon his duties as Commissioner, shall execute with a qualified corporate surety, a good and sufficient bond in the sum of \$5,000.00. All premiums for such surety on all such bonds shall be paid from the funds of the District.

Section 3: Duty of Loyalty: Board members have an obligation to act only on what is believed to be in the best interest of the District. Board members shall abide by decisions made by the Board. Board members must disclose any conflicts of interest to ensure that the Board's results are fair and accomplished in good faith.

Section 4: Performance of Duties: Each Board member shall discharge his/her duties with the care of a prudent person, in a similar position, would exercise in similar circumstances. Board members shall manage District funds wisely and in accordance with the purposes of the District.

ARTICLE VII – OFFICERS

At the January regular meeting, the Board shall elect a Chairperson, Vice-Chairperson, all of whom shall serve for a period of one (1) year or until replaced. The Board shall elect a Secretary / Treasurer; this position can be of combined duties of both Secretary and Treasurer and shall serve for a period of one (1) year.

Section 1: Chairperson or Chair: This position shall preside at all meetings of the Board, and shall serve as coordinator of the Boards general activities. This position has the authority to call special and emergency meetings and is authorized by the Board to sign all documents, resolutions, contracts, and Interlocal Agreements approved by the Board. The Chair shall be the liaison with the Fire Chief and keep other members of the Board advised of items of general concern. The Chair presides at all functions and speaks for the Board when so authorized and shall fulfill any other assignments the Board deems necessary.

Section 2: Vice-Chairperson: This position shall preside at all meetings in place of the Chairperson and perform such other of his/her duties that may arise in the Chair's absence.

Section 3: Secretary/Treasurer: This position shall work with the Fire Chief in the preparation of the Fiscal Year's Budget and Annual Assessment Rates for presentation for the other Board members. This position shall review and present the monthly Financial Report to the other Board members. This position will work with the Fire Chief to ensure that all District Financial Reports are made public and placed on the District's Web-site. Minutes to the Board meeting shall be recorded, typed and processed by the District's staff and presented to this position for Board review and approval and eventually posted on the District's Web-site.

ARTICLE VIII - RULES OF CONDUCT

Section 1: Interference – No individual Board member or the Board as a whole shall interfere with the daily operation of the Fire District, except that the Board as a whole may bring to the attention of the Fire Chief areas of concern for investigation and/or remediation.

Section 2: Labor Negotiations – All labor negotiations shall be conducted through established procedures and no individual Board member shall negotiate with any employee of the District or his/her representative. The Fire Chief is the designated negotiator for the District along with his staff. Executive sessions will be held with the Board to develop strategies and goals. Executive sessions are closed to the public and are not to be recorded by anyone. Strategies and goals established by the Board for Labor Negotiations during an Executive Session is confidential and are protected under Florida Law. Any Board member providing this information to the public jeopardizes the negotiation process which could result in litigation to the District and to the individual Board member.

Section 3: Administration – All orders for personnel will only be issued on the authority of the Fire Chief who is solely responsible to the Commission for his/her actions and decisions. Requests by Board members for administrative services and information shall be made through the Fire Chief of his designee.

Section 4: Actions – Board members shall not present their private positions as positions of the entire Board and may not make binding agreements with any individual or organization unless authorized by the Board to do so. Board members represent the citizens of the District as a whole and not just one group of citizens. Board members cannot withhold information from the other Board members or Fire Chief that pertains to the District and its operation and will present this information at a Board meeting.

Section 5: Meeting attendance – Board members shall attend all regular meetings unless excused. Such absences shall be excused by vote or consensus of the Board. Acceptable reasons for missing a meeting include, but are not limited to: personal injury or illness; illness of the Board members household or immediate family; out of town travel (vacation) as defined as more than 50 miles away from the location of the meeting; business commitments that preclude the Board member from attending the meeting. Board members missing three (3) unexcused consecutive meetings will be removed from office by the Board.

Section 6: Conflicts of Interest – Board members must abstain from voting on any contract, action or decision that may be presented to the Board from a Board's family member or business associate for consideration. No Board member shall personally benefit from any action or decision made by the Board of Fire Commissioners. An opportunity, benefit or advantage shall accrue only to the District and not any individual Board member.

Section 7: Violations – Any Board member violating any of the Rules of Conduct, Public Records Disclosure, and Code of Ethics for Public Officials, and other violations for Florida Statutes shall be subject to the Board, who shall take appropriate action that could range from Public Reprimand to removal from position as a Board member.

Section 8: The Board shall have the power to remove a member of the Commissioner for nonfeasance, misfeasance, malfeasance or change of residence from the District.

Section 9: The procedure of removal shall first be in writing. A certified return receipt letter shall be sent to the Board member that will identify the charges and will identify a date and time that this will be discussed at a properly noticed Board Meeting. At the Board meeting, a discussion will occur as to the charges and will be brought to a vote. Majority of the vote will result in removal.

ARTICLE IX – COMPENSATION

Board members shall be compensated in accordance to Florida Statute 191.005(5) (4).

ARTICLE X – FIRE CHIEF

The Board shall hire a Fire Chief to serve as the Administrative head of the District. As such, the Fire Chief reports to the Board as a body and is responsible for all personnel, property, and the operation of the Department. The Fire Chief shall conduct his/her administration in accordance with a specific set of Rules and Regulations approved by the Board and within the policy framework established by the Board. He shall keep the Board advised of all non-routine matters that may arise, and maintain close liaison with its members. He shall prepare the preliminary annual budget for the approval of the Board, and provide such counsel and assistance as it may require from time to time.

ARTICLE XI – LEGAL COUNSEL

Legal Counsel shall be retained to ensure the Districts compliance with all applicable State Laws, authenticate documents as required, provide legal counsel to the Board upon request, represent the District and the Board in civil actions as appropriate, and attend regular Commission meetings and other meetings as the Board or Fire Chief may see fit.

ARTICLE XII – ELECTIONS

Elections of the Board members shall be in accordance to Florida Statute 191.005.

The Board of Fire Commissioners shall be comprised of five (5) individuals who have been elected by registered voters of the Englewood Area Fire Control District voting districts.

Term of office for a Board member is four (4) years. Each Board member shall hold office until his/her successor is elected and qualified, unless he/she ceases to be qualified, resigns, or is removed from office.

All newly elected Commissioners are required to attend a District Orientation Program that will be provided by the Fire Chief and Legal Counsel.

All Board members must reside within the boundaries of the District. If any Board member ceases to reside within the District, his/her office shall be declared vacant as of the date he/she ceases to reside in the District and shall be disqualified from further service. Reside means lives, it does not mean owner of property but resides outside the boundaries of the District.

ARTICLE XIII – VACANCIES ON THE BOARD

Section 1: A vacancy on the Board occurs when a Board member tenders his/her written resignation to the Board of Fire Commissioners or there is a death of a

Board member, and the Board, either at a regular meeting or special meeting to be held immediately following receipt of the resignation or death, declares the position vacant.

Vacancies created by resignation, death or removal of a Board member shall be filled in accordance to the steps outlined below. The newly appointed Board member shall fill the balance of the term that was vacated.

Section 2: The necessary procedures to declare a Board member's position vacant may be initiated by the Board of Fire Commissioners:

- a. In the event that a Board member no longer resides or maintains his/her primary physical residence in the District.
- b. For any reason that a State or County Officer may be removed.
- c. For violations to Article VIII of these By-Laws.

Section 3: In the event that section 1 or 2 (a or b or c occurs), the Board of Fire Commissioners shall authorize or execute any such document(s) as may be necessary to declare the position vacant.

Section 4: In the event that there is a vacant position on the Board, the following steps shall be taken:

- a. Advertise open position for two (2) weeks in local newspaper and on the District's Web-site.
 1. State qualification for the new Commissioner as listed in 82-381, Laws of Florida, as amended.
 2. Provide a sample of job description for the position of Commissioner.
 3. Request a written application and resume.
- b. All applicants must submit an application and resume and the reason for applying for the position of Fire Commissioner.
- c. Schedule an applicant interview at a regular or special Board meeting. All applicants must attend the interview. If an applicant is unable to attend the scheduled interview, the Board of Fire Commissioners, at their discretion, may schedule an alternate interview date.
- d. Immediately after the conclusion of all interviews, an election by ballot of the Board of Commissioners will be held.
- e. Immediately after the vote, the Board of Fire Commissioners will make a resolution appointing the majority winner to fill the open position of Commissioner.
- f. All necessary forms will be executed and filed with the appropriate government departments and officials.
- g. The newly appointed Commissioner will be required to attend a District Orientation Program that will be provided by the Fire Chief and Legal Counsel.

ARTICLE XIV – FISCAL YEAR & AUDIT

The fiscal year shall be from October 1st through September 30th. The Board shall retain an Accounting Firm to audit the District’s funds on an annual basis.

ARTICLE XV – REPORTS

The Board shall ensure that all required reports and forms are completed on the District’s finances and assessment rates and that these reports and forms are filed with appropriate agencies on an annual basis. The Board shall ensure that all Fiscal Reports (Budgets – Proposed / Adopted), Assessment Rates, Audits, and other financial records are placed on the District’s web-site as required by Florida Law.

ARTICLE XVI – AMENDMENTS

Notice of any proposed amendment to the By-Laws shall be given at a regular meeting of the Board and shall be voted upon at a later regular meeting.

ARTICLE XVII – DURATION

The Englewood Area Fire Control District and its Board of Fire Commissioners shall remain in operation until replaced by the legislative process.

ARTICLE XVIII – EFFECTIVE DATE

These By-Laws shall become effective upon adoption by the Board of Fire Commissioners.

Dee Hawkins, Chair
Fire Commissioner

Ron Davison
Vice Chair
Fire Commissioner

Charlie Bray
Secretary/Treasurer
Fire Commissioner

Jeff Kern
Fire Commissioner

Robert Bacon
Fire Commissioner

Date

Lori Wellbaum Emery, Esq.