

**WEST MANATEE FIRE AND RESCUE DISTRICT
BOARD OF COMMISSIONERS**

POLICIES AND PROCEDURES

AMENDED AND ADOPTED

January 15, 2019

SECTION I: NAME

The name of this organization is the West Manatee Fire and Rescue District.

SECTION II: AUTHORITY

1. Constituting Authority:

The Constituting Authority for the District is Chapter 2000-401, 2001-334, 2007-282, 2016-255 House Bill 963, Laws of Florida, May 30th, 2000, and as amended from time to time, and hereinafter referred to as the "Act."

2. Operating Authority:

The Board of Commissioners is the governing Board of the WEST MANATEE FIRE AND RESCUE DISTRICT. The Board has the power to supervise, control, regulate and manage the Fire Department that provides service to the District 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 make contracts, borrow money, levy assessments and ad valorem taxes, and collect same, build necessary facilities, acquire firefighting equipment, hire a Fire Chief and other such personnel as are required; to inspect property, or provide administrative support. The Board shall adopt a Fire Code and adopt ordinances for the District and such rules and regulations as it deems necessary to transact its business and carry out the provisions of the Act.

SECTION III: LOCATION

Headquarters for the Commission shall be in the offices of the administrative headquarters of the West Manatee Fire and Rescue District.

SECTION IV: ELECTIONS

The Board of Commissioners shall be comprised of five individuals who have been elected by registered voters from the WEST MANATEE FIRE AND RESCUE DISTRICT.

1. **Seats:** The office of each Commissioner is distinguished from each other seat by a numeral: 1, 2, 3, 4 and 5. The terms of the current members of the board are confirmed. Beginning in 2016, seats 1 and 5 shall be elected to 4-year terms. Beginning in 2018, seats 2, 3, and 4 shall be elected to 4-year terms.

2. **Term of Office:** Each Commissioner shall hold office until his/her successor is elected and qualifies, unless he/she ceases to be qualified, resigns or is removed from office.

3. **Elections:** Each commissioner shall be elected to serve for a term of 4 years by a majority vote of the electors voting to fill such office. Voting for Commissioners shall be district-wide and nonpartisan. Elections for Commissioners shall be held at the same time as scheduled elections for the office of State Representative. Any Commissioner may succeed himself. Each Commissioner, whenever elected, shall assume his/her office within 10 days following his/her election. Any expense of holding elections for Commissioner Seats at the elections shall be paid for out of the funds of the District if required by proper authority.

4. **Residency Requirement:** All Commissioners must reside within the boundaries of the District as defined in the Act. If any Commissioner 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 he/she shall be disqualified from further service. Commissioners may not be current, active employees of the WEST MANATEE FIRE AND RESCUE DISTRICT nor an active member of the union local representing said employees.

5. **Filling of Vacancies:** Vacancies on the Board shall be filled by appointment by the remaining members of the Board. All such vacancies shall be filled as expeditiously as possible, but no later than sixty (60) days from the receipt of the vacating commissioner's notice of resignation or other causes.

(A) Filling of vacancies shall be conducted in accordance with the following procedures:

- (1) The Board shall solicit applications to fill a Commissioner's position for a period not to exceed 30 days.
- (2) The selection to fill the vacancy shall be made from the list of applicants, although, the majority of the Board of Commissioners at their sole discretion may extend the time period for applications or request a new group of applicants be solicited prior to the selection of the applicant to fill the vacancy.
- (3) Upon receipt of all applications, each Board Member shall rank the applicants in order of preference with the top applicant receiving the numerical value of one (1) and the next highest applicant receiving the numerical value of two (2) and the ranking process continuing through the remaining number of applicants.
- (4) At a scheduled meeting, the rankings shall be provided by the Board of Commissioners to the Board Secretary who will tally each Board Members ranking and apply the numerical value to each candidate.
- (5) The candidate receiving the lowest total numerical value shall be selected upon motion, second and approval by a majority of the Board of Commissioners.
- (6) The selected candidate shall fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term in accordance with the election office criteria.

SECTION V: PURPOSE

The purpose of this organization is to provide residents of the WEST MANATEE FIRE AND RESCUE DISTRICT with the highest quality and most cost effective fire prevention, fire suppression and emergency medical service possible in a manner commensurate with Fair Labor practices and as set forth in the Enabling Act and to manage the assets of the District in the best interest of the residents of West Manatee Fire and Rescue District.

SECTION VI: COMMISSIONERS

The Board of Commissioners shall have the overall responsibility and authority for the operation of the District, and for ensuring that its purpose as set forth in the Act are properly carried out. The Board shall know the needs of the organization and shall work with the Fire Chief in fulfilling them as required. The Board shall exercise all the powers and duties set forth in Chapters 189 and 191, Florida Statutes, as they may be amended from time to time.

The Board may adopt such rules and regulations for the conduct of its meetings as it may deem proper. The Board shall employ a Fire Chief who is directly responsible to the Board and who has responsibility for and authority over all departments' personnel, property and activities of the District.

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

2. **Bonding:** Each Commissioner, before he/she enters upon his/her duties as Commissioner, shall execute with a qualified corporate surety, a good and sufficient bond in the sum of \$5,000. All premiums for such surety on all such bond shall be paid from the funds of the District.

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.

4. **Performance of Duties:** Each Board member shall discharge his/her duties with the care 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.

5. **Disclosure of Financial Interests:** Each District Board member (public official) and the Fire Chief, shall file a Statement of Financial Interests no later than July 1 of each year as required by Section 112.3145, F.S.

SECTION VII: OFFICERS

At the December regular meeting, the Commission shall elect a Chairman, Vice-Chairman, Secretary and Treasurer, all of whom shall serve for a period of one year or until replaced. The positions of Secretary and Treasurer may be held by one Board member.

The **Chairman:** Shall preside at all meetings of the Commission and shall serve as coordinator of the Commission's general activities. He/she has the authority to call special and emergency meetings and is authorized by the Board to sign all documents approved by the Board. The Chairman presides at all other functions and speaks for the Board when so authorized. He/she has the authority to appoint committees as required, and shall fulfill any other assignments the Board deems necessary.

The **Vice-Chairman:** Shall preside at all meetings in place of the Chairman and perform such other of his/her duties that may arise in the Chairman's absence.

The **Secretary/Treasurer:** Shall perform such duties as are herein specifically set forth, in addition to such other duties as are customarily incident to the office, or as may be assigned by the Board.

- (A) Conduct all correspondence not otherwise specifically delegated.
- (B) Be current on the District's financial status and work closely with the Chief or his/her designee in the preparation of the annual budget.
- (C) Perform such other duties as are customarily incident to the office of Treasurer or may be assigned by the Board.

SECTION VIII: MEETINGS

1. **Regular Monthly Meetings:** of the Board shall be held on such day and time of each month as voted upon annually by the Board at the December meeting.

2. **Special Meetings:** of the Board may be held at any time agreeable to the Board to resolve issues that must be resolved prior to the next regular meeting, provided that reasonable notice is given of such meetings. Minutes will be kept of Special Meetings and all actions taken will have the same force and effect as those of regular meetings.

3. **Emergency Meetings:** may be called to consider matters of such urgency that they must be resolved before a Regular Monthly Meeting may be called. The agenda for such meetings must be restricted solely to the item or items considered to be of an emergency nature.

4. **Recesses and Reconvened Meetings:** Any meeting of the District recessed and reconvened shall not require additional notice if the time, date and reconvened meeting is known and publicly announced at the meeting where the motion to recess and reconvene is made.

5. **Open Meeting Policy:** Meetings of the Board shall be held in accordance with the provision of the

Florida Open Government Laws (Sunshine Law Section 286.011 and Chapter 119, "Public Records Law") and accordingly, are open to the public. Correspondence between and among the Board shall be carried out in accordance with the provision of the Florida Open Government Laws (Sunshine Law Section 286.011 and Chapter 119, "Public Records Law").

6. **Notification:** A schedule of the Board's Regular Monthly Meeting shall be published annually in a local publication of general circulation and the department's website. The schedule shall include the date, time and location of each regularly scheduled meeting. Notice of Special Meetings will be advertised at least 7 days in advance in a local publication of general circulation pursuant to Section 189.015(1) FS. Emergency Meetings will be posted with as much advance notice as time allows.

7. **Place of Meetings:** All meetings of the Board shall be held in a place that is available to the public. Meetings shall be held in a space provided for meetings at Administration Headquarters, but at the direction of the Board, may be held in any other suitable location provided that all Board members and the public are properly notified.

8. **Quorum:** A majority of the Commission members shall constitute a quorum for the purpose of transacting business at any duly called Regular, Special or Emergency Meeting. In the event a quorum cannot be established then the meeting can be held for informational purposes only.

9. **Voting:** All Commission members must vote on each issue unless a conflict of interest exists under Florida state laws. All voting shall be done by voice, a show of hands, or by signed ballot.

10. **Minutes:** All meetings of the Board of Commissioners shall be recorded as defined in §286.011(1). All motions and resolutions adopted shall be prepared in written or typed form and presented to the Board at the next regularly scheduled meeting for their review and acceptance. Minutes of Official Meetings are permanent records. Retention of recordings has a 2-year anniversary after adoption of the Official Minutes or certification of transcript.

11. **Board Meetings: Preparations and Procedures:** The Chairperson in consultation with the Fire Chief or designee shall prepare the agenda; the Board may place items on the agenda by consensus direction.

(A) Items for inclusion on the Board agenda shall be prepared according to specifications provided by the Fire Chief.

(B) The agenda shall be finalized no later than one-week preceding regular Board meetings, at which time the agenda and accompanying documentation shall be posted on the District website and provided to the Commissioners and to the recording secretary to the Board.

(C) Every effort shall be made to include all relevant information in the published agenda packet. If, however, it becomes necessary to provide supplementary information related to an agenda item after the agenda has been published, this information shall be made available to the Board and the public as soon as practicable, but no later than three days prior to regular Board Meeting. A copy shall be provided to the recording secretary to the Board at the meeting prior to the item being heard. Supplemental information shall be defined as support or discussion materials that will be considered as an agenda item.

12. **Public Access to Meetings:** Persons desiring to address the Board must first fill out a comment card and turn it in to the Board Chair. District employees providing information on business items as part of their official duties are not required to complete a comment card. Upon recognition and introduction by the Chair, the person may speak. Comments made during a public hearing must be under oath or affirmation and limited to agenda items or topic of the public hearing. In compliance with Section 286.0114, Florida Statutes, to ensure that everyone has a fair opportunity to participate, the following policies are in effect:

(a) After being recognized, the person shall:

- step up to the speaker's rostrum and state his/her name;
- limit comments to three minutes (unless modified by consensus of the Board);
- address all remarks to the Board as a body, and not a member thereof;
- make comments and present documents to the Board;
- make comments concise and to the point;
- submit into the record by providing to the Secretary any data or evidence for the Board to consider;
- No person may speak more than once on the same subject at the same meeting unless granted permission by the Board.

(b) At the Chair's discretion, a person who has not previously submitted a comment card may be permitted to speak, but will be required to fill out a comment card and turn it in to the Chair immediately after speaking.

(c) A person may not complete a comment card and then allocate their time to another speaker, such that a single speaker is allotted more time than the designated three minute limit per speaker.

(d) No person other than a member of the Board and the person having the floor may be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the Chair. No question may be asked except through the Chair.

(e) The Chair, subject to concurrence of the majority of the Board, is authorized to modify speaker time limits and otherwise control presentations to avoid repetition.

(f) In accordance with the American Disabilities Act, persons with disabilities needing special accommodations should contact our office at 941-761-1555 within a reasonable time prior to the meeting.

13. Procedure for Running Meetings: Unless stated otherwise herein, all meetings, hearings or workshops of the Board shall be guided by the procedures set forth in the most current editions of Robert's Rules of Order for making motions, debate, voting and any other procedures which may provide guidance to the Board in running its meeting. Notwithstanding the foregoing, the Board may depart from the formal rules provided for in Robert's when the Board is meeting in workshop or an informal basis if it appears that such departure will facilitate the Board's discussions and deliberations.

14. Order of Business: The conduct of business shall be based upon the agenda created and scheduled for the specific meeting being held. All meeting agendas shall include opportunities for public comment (Open to the Public) and Board comments (Other Business). For regular meetings, the order of business shall be as follows; provided, however, that the Chair, absent objection, may rearrange, reschedule or continue items to a future date to more expeditiously conduct the business before the Board:

1. Pledge of Allegiance
2. Moment of Silence
3. Administration of Oath
4. Roll Call
5. Awards, Presentations and Recognitions.
6. Changes to the Agenda
7. Public Comment - Three-minute time limit per person
8. Consent Agenda - Unless pulled for discussion, all matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion
9. Communications
10. Carried from Consent Agenda

11. Old Business – Include specific listing of all matters that have carried over from previous Board meeting with a brief summary of each
12. New Business – Include specific listing of all matters with a brief summary of each
13. Chiefs Reports-
14. Other Reports – Include specific listing of all matters with brief summary of each; this section may be used for items which do not affect the interests of public generally
15. Commissioners Comments
16. Announcement of next meeting
17. Adjournment

15. **Emails:** All electronic communication by Commissioners acting in their capacity as Commissioners shall be forwarded to Administration at admin@wmfr.org.

SECTION IX: COMMITTEES

Committees may be appointed by the Chairman from time to time to do research and report on special projects or problems. Up to two Commissioners may serve on a committee, and those committee meetings must be advertised and open to the public according to the Sunshine law.

SECTION X: RULES OF CONDUCT

1. **Interference:** No individual Commissioner, officer 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 an area of the daily operation in which the Board deems is not fit and proper.

2. **Labor Negotiations:** All labor negotiations shall be conducted through established procedures as from time to time may be amended and no individual Commissioner or officer shall negotiate with any employee of the District or his representative unless directed by the Board.

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 actions and decisions. Requests by Board members for administrative services and information shall be made through the Fire Chief or his designee, except that the Fire District office manager may be used by Commissioners or officers for administrative support, provided that the operations of the Fire District are not adversely affected.

4. **Complaints:** All complaints of any nature made by a Commissioner against an employee of the District shall be made to the Chief in a timely manner. The Chief shall investigate said complaint and present said complaint in writing to the Board for action.

5. **Actions:** Commissioners and officers shall not represent their personal positions as those of the entire Board, and may not make binding agreements with any individual or organization, unless authorized by the Board to do so. Commissioners may represent their personal positions with any individual or organization provided that such said individuals or organizations are made aware of said representation.

6. **Meeting Attendance:**

(A) Commissioners shall attend all regular meetings unless excused. Commissioners shall notify the Fire Chief, with copy to the Chairman, by email or telephone, as soon as possible, if they are unable to attend a regular meeting and the reason for their absence.

(B) Attendance at all regular meetings shall be in person only. The determination of an excused absence shall be made at the next regular meeting by a majority vote of the remaining Commissioners. Any Commissioner who is absent from three (3) consecutive regular meetings shall be removed from office by the Board, pursuant to Florida Statute Chapter

191.005(5). Special and emergency meetings, by their nature do not always permit advance notice. Commissioners shall make prudent effort to attend special or emergency meetings.

(C) Commissioners may attend special or emergency meetings by telephone or video link, however, if a vote is required or called, said Commissioner may not participate in such vote if such attendance is by telephone. Voting by video link shall be permitted. The discretion of the Chairman under SECTION VII shall be exercised with consideration to the ability of commissioners to attend special or emergency meetings. Annual budget hearings are an integral part of the budget approval process. Commissioners shall make a prudent effort to attend annual budget hearings. All Commissioners shall be granted one (1) excused absence for a budget hearing per calendar year. All applicable provisions of the determination of an excused absence for regular meetings shall apply to annual budget hearings.

7. Rules of Order and Debate: Parliamentary rules as outlined in Robert's Rules of Order, as revised, are applicable unless expressly changed herein or waived by the Board.

- (A) Every Board member desiring to speak shall address the Chair and, upon recognition by the Chair, shall be confined to the question under debate.
- (B) The maker of a motion shall be entitled to the floor first for debate.
- (C) A member once recognized should not be interrupted when speaking.
- (D) Should the Chair determine that the speaker should be called to order, the member shall then cease speaking until the question of order is determined by the Chair. If it is determined that the speaker is in order, said member will be at liberty to proceed.

8. Conflict of Interest: Board members must abstain from voting on any contract, action or decision that may be presented to the Board from a Commissioner's family member or business associate for consideration. No Board member shall personally benefit from any action or decision made by the Board of Commissioners. Any opportunity, benefit or advantage shall accrue only to the District and not to any individual Commissioner. The individual commissioner shall complete a form 8B Memorandum of Voting Conflict.

SECTION XI: ETHICS

The District recognizes the right to protect the public trust against abuse. It is essential that the Board members (public officials) and its employees maintain the trust of the public. The District also recognizes the need for adherence to the Code of Ethics for Public Officers and Employees set forth in Part III, Chapter 112, F.S. prohibiting conflict between public duty and private interests. The purpose of the Code is to ensure that public officials conduct themselves independently and impartially, not using their office or positions for unauthorized private (personal) gain.

SECTION XII: FIRE CHIEF

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

1. Procedure of Appointment of Fire Chief

Applicability

This procedure shall apply to the selection of a candidate to fill the position of Fire Chief. Any candidate pursuing the position shall follow Florida Statute 633.35. The District shall maintain a current job description for the position of Fire Chief. The Fire Chief appointed by the Board pursuant to this policy shall meet the minimum entrance requirements set forth in said job description.

- a. Within one year of the time when it is known that the position of Fire Chief shall become vacant, the Board, may initiate the selection process. Within six months of the time the position of Fire Chief is to become vacated, the Board, shall initiate the selection process if it has not already done so. In the event that less than six months' notice is provided to the Board that the position of Fire Chief shall become vacant, the selection process shall begin forthwith after receipt by the Board of such notice.
- b. The Board shall seek internal candidates that meet the requirements of Fire Chief and are recommended by the screening committee. In the event that no suitable internal candidates meet the criteria, the Board may seek external candidates.
- c. The Board shall initiate the selection process by giving notice of establishing a screening committee to review resumes for the position of Fire Chief. The Board shall appoint one District Board member to select the screening committee, which will consist of one Fire Chief from the Manatee County Fire Chiefs Association, a Battalion Chief of the District and is not a candidate for the position of Fire Chief and the appointed Board member.
- d. Not more than thirty days following the formation of the screening committee, the persons chosen shall meet to organize and plan a process for solicitation and review of candidates. The screening committee shall conduct its work in an expeditious manner; administrative staff of the District shall aid the committee in the conduct of its work.
- e. The screening committee shall review all resumes received and not more than 30 days following the date, the committee shall interview qualified candidates and submit to the Board the names of not more than three candidates whom it believes to be suited to perform the duties of Fire Chief.
- f. Within 60 days following the date that the list of nominees is submitted to it, the Board shall:
 1. Interview candidates referred to it by the screening committee, and
 2. Determine if it will select one of the candidates to serve as Fire Chief, and
 3. Reserve the right to have candidates make a short oral presentation to the Board, and
 4. Choose a nominee to be appointed as Fire Chief; and
 5. If the Board decides not to appoint any of the nominees as Fire Chief, it shall direct the screening committee to reopen the search process.
- g. Upon the appointment of the Fire Chief, the screening committee shall be discharged.

Appointment

The Fire Chief shall be appointed solely on the basis of his or her technical, tactical, professional, managerial and executive qualifications and shall be especially fitted by experience, training and education to perform the duties of the position.

The Board Chairman shall meet with the appointee or his representative and negotiate the terms and conditions of employment.

SECTION XIII: STAFF

The Board shall provide for a staff which include the following:

1. **Office Personnel:** Shall be hired and supervised by the Fire Chief and abide by the policies and procedures of the District, including SECTION X, Section 3.
2. **Legal Counsel:** Shall be retained to ensure the District's compliance with all applicable state laws, authenticate documents as required and attend such meetings as the Board may see fit.
3. **Accounting Firm:** Shall be retained to audit the District's funds on an annual basis.

SECTION XIV: REPORTS

The Board Treasurer shall ascertain that all required reports on the District's finances and activities are filed with all authorized agencies as required.

SECTION XV: FISCAL YEAR

The WEST MANATEE FIRE AND RESCUE DISTRICT's fiscal year shall run from October 1 through September 30.

SECTION XVI: AMENDMENTS

These policies and procedures may be amended by a majority vote of the Board at any regular or special meeting thereof, provided there is no conflict with existing pertinent law.

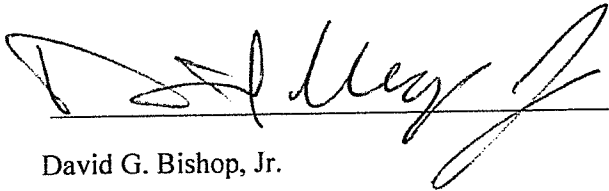
SECTION XVII: DURATION

The WEST MANATEE FIRE AND RESCUE DISTRICT and its Board of Commissioners shall remain in operation until replaced by legislative process.


SECTION XX: EFFECTIVE DATE

These policies and procedures shall become effective upon adoption, by a super majority vote, of a resolution by the Board of Commissioners.

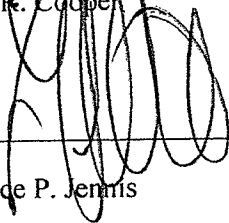
Amended and Adopted the 15th of January, 2019 at a regular meeting.



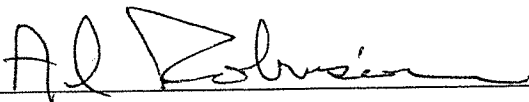
David G. Bishop, Jr.




Randal R. Cooper



Lawrence P. Jennis



Al Robinson



George Harris

