

**To:** General Membership

**From:** Secretary

**Subject:** Minutes of the North Okaloosa Fire District Board of Fire Commissioners Monthly Meeting.

**Date:** September 21, 2017

**Members Present:** Craig Shaw, Chairman, Commissioner Group IV  
Todd McGirr, Commissioner, Group I  
Dan Bowers, Jr., Secretary/Treasurer Commissioner, Group II  
Willie G. Terrell, Vice Chair, Commissioner, Group III  
Eugene Wright, Commissioner, Group V At Large

**Advisors Present:** Jonathan Holloway Legal Council  
Brian Howe Deputy Fire Chief  
Annette Rayburn, Administrator

**Advisors Absent:** Edward Cutler Fire Chief

The Meeting was called to order by Chairman Shaw at 5:00 p.m.

**Prayer and Pledge of Allegiance:** The Pledge of Allegiance and Prayer were given.

**Approval of Agenda:** Commissioner McGirr asked for item C under old business be removed for it is completed. Commissioner Wright asked to add new business discussion on whether Chief Cutler is the right person to for the job. A motion was made to approve the agenda with the changes by Commissioner McGirr, Commissioner Wright seconded the motion. Vote 5/0.

**Approval of Minutes of August 17, 2017:** Motion to approve the minutes Commissioner McGirr, Commissioner Bowers seconded the motion. Vote 5/0.

**Old Business:**

- a. **Lockheed and L3Comm Update**-Commissioner Shaw informed the board that we show the contract companies are behind on payment, but he feels that there will be no problem receiving payment.
- b. **Vehicle Markings** – Deputy Chief Howe let the board know that the markings have been ordered and should be in this week. The cost was \$329.00 for 3 vehicles.
- c. **Budget** - Commissioner Bowers handed out his proposals for the budget and reviewed the changes, such as the salaries and wages, which will include a new position as discussed in last month's meeting and additional funds for raises. Life, Health and Dental Insurance will be reduced and if we need to make adjustments later on we can. Most of the other Budget items are based on this year's spending. Motion to approve the budget by Commissioner Bowers, 2<sup>nd</sup> Commissioner Wright. Vote 5/0.

**Public Input- Dan Bowers Sr.** made the comment that we are the only Fire District who did not ask for an increase per the NW Florida Daily News, and he appreciates that.

**Jean Howe** brought up that in last month's meeting it was brought up that the Fire Fighters had not received the bonus checks that you had approved in July. So, after that meeting the checks were cut and she asked why the Deputy Chief and the Fire Chief did not receive a check, are they not Fire Fighters? Chairman Shaw directed the question to Commissioner Bowers who had made the original motion. Commissioner Bowers said that the Chief for sure is not a Fire Fighter he works for the board. The Firemen work for the Chief. Commissioner Bowers said that there was some confusion on whether the Deputy Chief was a Fire Fighter, and he believes now that he is a Fire Fighter and would be entitled. My original motion was for \$30,000.00. Jean Howe responded that the motion was for 15 full time Fire Fighters. Commissioner Bowers said that was the minutes not the tape, did you listen to the tape? Well that doesn't matter, this was something I was going to bring up in my Commissioner Comments. Based on what I think was deception (pause) intentional deception on the Chiefs part. It was never my intention, afterword's I asked the Chief and the Deputy Chief if they were included and they both told me they were in the 15. But what I found out that there were 15 Fire Fighters other than them. It is my intention to ask the board this month to approve a \$2,000.00 for the Deputy Chief who is a Fireman not a Chief. Jean Howe stated that the minutes show 15 full-time Fire Fighters. Commissioner Bowers stated that afterwards he amended his motion to say part-time equivalent. Jean Howe said that she looked up the Job Description for a Fire Chief and it says that he is a Fire Fighter. Commissioner Bowers responded not in our Charter. We have never treated our Fire Chief as a Fire Fighter, that discussion has been brought up before. But the Deputy Chief is a Fire Fighter. Commissioner Shaw said that this is the reason he was confused last month. Commissioner Bowers made a motion to pay Deputy Chief Howe the \$2,000.00 bonus. 2<sup>nd</sup> Commissioner Wright. Vote 4/1. Nay Commissioner McGirr.

#### **Advisory Reports:**

**Attorney's Report** – Commissioner McGirr brought up that he wanted the board to be aware that when they e-mail the attorney we are charged; phone calls and meetings are all additional charges. Commissioner Wright said that he was aware, Commissioner Bowers said he was aware. Chairman Shaw let the board know that if they do contact the attorney make sure that they have everything together, to complete it in a timely manner.

#### **Secretary report** –None

**Chief's Report** – Deputy Chief Howe briefed Chief Cutlers report as follows- personnel which now lists 15 paid firefighters, 2 part-time firefighters, 6 relief firefighters, 2 certified volunteers and 6 support personnel. 202 calls for the month of August. Critical needs additional Fire Fighters. Test runs to Lockheed (7 minutes) and L3Comm (7 ½ minutes) from the Crestview downtown station have been completed. Chief Howe said that the Hiring Committee had met and evaluated the applicants and recommended that Lucas Kisela fill the vacant 911 position and Chief Cutler agreed. The Hiring Committee will meet again to evaluate and recommend a rill for the now vacant ARFF position (created by the Lucas Kisela hiring to 911). Deputy Chief Howe requested that the board approve the purchase of 10 SCBA bottles due to the fact that 50 bottles need to be retired in 2022. Commissioner Bowers made the motion to purchase the 10 bottles, 2<sup>nd</sup> Commissioner McGirr. Vote 5/0. Chairman Shaw said that he would like to have discussion on the new rescue truck and asked Commissioner Wright if he had an update and Commissioner Wright said that he did not due to Chief Cutler not responding to his e-mails. Deputy Chief Howe said that they had brought the truck up for Commissioner Wright to look at. Commissioner Wright responded why didn't you let me know it was here. I found out when I came in today from Annette that it was here. Commissioner Wright said that he is tired of being ignored. Commissioner Terrell said that he would like to wait until next month to make a decision on the rescue. Chairman Shaw asked Commissioner Wright and he said that he is ready to

fire the Fire Chief that is what I want to do. Chairman Shaw said specifically about the truck. Commissioner Wright said that he had spoken with Deep South and that they need more information, and he said that this will be a good time to do the wiring on the box. Commissioner Bowers asked if he had any idea on the price. Commissioner Wright said that they had not gotten that far they did not know what all work will be involved. Commissioner Terrell said that he thought that they were working on the truck with the box. Deputy Chief Howe said that they are not working on the truck. Deputy Chief Howe said that Ford dealer said that the box would fit on the chassis, he thought the Chief had already ordered the new LED lights for the box, the CAFS system is already here and we are working on getting that mounted. Commissioner Wright said what kind of we want a bid so it can be turnkey does the management of this fire department not understand. I can't tell you how high my blood pressure is right now. On a Thursday night that we only meet once a month that the Fire Chief cannot be here, he is out playing hockey. I'm beside myself, there are two of me here. Deputy Chief Howe said are we not allowed to take vacations? I take vacations, I missed a meeting not long ago. I just think Ed wants to save us money. Commissioner Wright said you want to talk about this? Deputy Chief Howe said I know your position on this. Commissioner Wright starting listing multiple jobs that have been sitting in the bay for years. Commissioner Wright said that he thinks it is too early to make a decision on the purchase of the truck. He then stated that he thinks we are getting the run around, that the Chief is hell bent on working on the truck. Deputy Chief Howe said that he is just trying to get the box fixed up. Fire Fighter Dennis McMaster said that he had proposed the new truck last year in his budget proposal when he was acting Deputy Chief. Commissioner McGirr stated that he sees that there is a difference in the way the Chief deals with things and the way that Commissioner Wright would like the Chief to deals with things. Mr. Wright may have some good ideas, but is he running the program or is the Chief running the program. Chairman Shaw said that we had tasked Commissioner Wright with getting a quote. Commissioner McGirr said to Commissioner Wright it seems like you want to manage things. Commissioner Wright recited an e-mail from the 18<sup>th</sup> of Aug. that he had sent to the Chief. That was sent on August 24<sup>th</sup> and have not received a response as of tonight. I am not trying to manage I am only trying to do what the board asked me to do. Commissioner McGirr said that he now understands that he is not getting the information he needed. Commissioner Wright said that this is not uncommon with Mr. Cutler. Commissioner McGirr said that he has seen the CAFS. Commissioner Wright said that the Chief could have taken 5 minutes in front of his computer and answered the questions. But he does not give me the time of day and the will of this board is not important to him. Commissioner Terrell said that he checked with Annette and Fuller insurance and the vehicle with the box was moved from station 81 with no insurance on it. Deputy Chief Howe said that Chief Cutler towed it down here. Commissioner Wright said he is not against buying this truck, but he wants it to be fully operational. With the history of projects, we have out there I do not want to purchase at this time. Commissioner Terrell agreed. Chairman Shaw asked Commissioner Wright if Deep South had given him a price on a new truck with box. Commissioner Wright said that they did and the price was \$120,000.00ish. Commissioner Wright said that now he knows the truck is here he can get Deep South the information that they need. Commissioner McGirr said to Commissioner Wright to get this right you do not want the guys to touch the truck. Commissioner Wright said that is right, I want to purchase the chassis and the box and CAF system will disappear from the bay and come back fully functional. Commissioner Bowers made a motion to accept the Chief's report, 2<sup>nd</sup> Commissioner McGirr. Vote 5/0.

**Treasurer's Report-** Commissioner Bowers went over the monthly reports previous month Combined, 911 and ARFF. Also included are the fiscal year's budget so that everyone can see what we have to operate with the month of September. Commissioner McGirr made a motion for a bonus, to go to Annette Rayburn, 2<sup>nd</sup> Commissioner Wright. Chairman Shaw said to keep in mind that a bonus is a one-time payment and not a raise, she works for the board and answers to us. Commissioner Wright had questions for Chairman Shaw answered the best we can. Motion passes 3/2 with Commissioners Bowers and Terrell voting nay. Chairman Shaw said that he thought the board had approved a raise with the budget Commissioner Bowers said that he did say that the budget included a raise. Commissioner Terrell said that he did not want to approve a raise he thinks that we should give bonuses. Chairman Shaw asked the Commissioners if they knew that they voted for a 3% raise Commissioner McGirr was the only one who said yes.

Recess 6:25

Resume 6:31

Chairman Shaw said that he is bringing the budget back to the table to set a percentage amount for the increase. Commissioner Bowers said that 3% is included in his figures. Commissioner Wright asked when the increase will take effect. The board said that it will take effect October 1<sup>st</sup>, 2017 and this also includes the one other management position. Commissioner McGirr made the motion to accept the budget with the 3% increase and management position, 2<sup>nd</sup> Commissioner Bowers. Commissioner Wright said that his intentions coming into this meeting is to remove the Chief. With that said the board needs to consider that a replacement for the Chief will possibly cost more. Commissioner Bowers said that the budget can be adjusted. Vote 4/1 with Commissioner Terrell voting nay.

### New Business:

- a. **Fire Chief Discussion** -Commissioner Wright said that he had no idea that the Fire Chief would not be here so he is a quandary as to proceed, for I think it is unfair to make a motion when a man is not here. Well I'm going to make the motion and let the chips fall where they may, if I have to do it a second time I will. I've lost confidence in Chief Cutler's ability to Command and manage the fire department. For that reason, I motion to terminate him as Fire Chief Cutler and remove him any and all paid and volunteer associated with North Okaloosa Fire District effective immediately with a majority vote. It is my hope that I have a second so we can discuss this. Commissioner Terrell 2<sup>nd</sup> the motion. I've not gone into this lightly my thoughts have been full of the action for months, I do not waiver in my decision to make this motion or my belief, the best push forward for North Okaloosa Fire District is without Chief Cutler. I really have no desire to discuss Ad nauseum in the past, present faults or misdeeds that has already been done and we are familiar. My intent tonight was just to validate what you already know is true and to let you know that it is okay for us to replace Chief Cutler. Some of you may be thinking this is bad timing, and truly I wrote this a while ago and it is bad timing because he is not even here today. But here's the deal most times the important things in life the timing really does suck. We just have to make the decision and move on. Some of us may be thinking better the man and the problems we know than one we don't. This is simply the fear of the unknown. This board has done many fearless things, let's not stop now. If we let this fear guide us we will always have what we already have and quite frankly that's just not good enough for this District we can do better. I know that several of you in the past have voiced your opinions in the past that Chief Cutler may sue us. In fact, in a public meeting in the past he declared that he would sue us if we fired him. He may sue us but we will win. In US district Court of Appeals William Amador vs. Ton of Palm Beach states that the Fire Chief serves the town manager. Whether Chief Cutler likes it or not, he is an at will employee and he serves at the pleasure and will of this board. I know that there is some concern about the amount of work and time necessary to replace the Chief. Well I've done a lot of work on that and found a company that does that for a living. They do three things that we can use right now. They can find and help us find, select and hire a Chief, if need be they can help us find an interim Chief, and they can also create a desperately needed master plan for us. In reference to their ability of hiring a Chief, I shouldn't say hiring. I mean the selection process that falls on a portion of their business Fields Consulting, they have public service exams set the standard for finding the best candidates. Yes, there is an expense, but we can afford it. I think this is something we should do. I do have some documents for you to look through. Chairman Shaw that this subject has come up before and about interrogation, you may not interrogate the Chief, no matter how the vote goes you cannot question him. Commissioner Terrell brought passed out sheets on pay of the employees. He stated that he had spent a lot of time up here this past week with Annette and she has been very helpful. I have found out that some of the Fire Fighters were being paid pro-pay for national red card and they should not have been. I found that the pro-pays have not been certified by the Fire Chief in quite a few years. I received an e-mail from Annette, it read. Mr. Terrell, I have updated the spreadsheet moving 1 person to 911 and vacant position on ARFF. Also, Chief Cutler went over the pro-pays and some changes have been made, we no longer have anyone eligible for the red card. If you take out the sheet I passed out and the one in your folder. I went through the folders and found that the certifications were not checked annually a lot of recertification's were not in the files. So, people are getting paid, even management for certifications that are not in their files. Chairman Shaw said that this seems to be an oversight, all we can do is correct it and move forward. Commissioner Terrell thought that this should be treated as fraud. Attorney Holloway said the best thing is to make the correction and move forward, for it would be hard to

prove fraud. Commissioner Wright stated that it is definitely a management issue. Commissioner Wright reviewed the information that he brought ESCI the company he is requesting we use for hiring a new Chief. I don't want you all to think that I am making this motion because Ed failed to respond to my e-mail this one time, I have a list. I don't necessarily need to go over this right this minute, there is a history of Chief Cutler failing to do the will of this fire commission as group or individual. Frankly whatever comes out of our mouth seems like it is not important to him, he has demonstrated this over and over again. I have pretty much reached my limit. Commissioner Wright said that he would like to take any questions pertaining to ESCI the company for hiring, process and charges. Commissioner Bowers said you are just presenting them as an option? Commissioner Wright said yes one I think that they can do it better than we can. Commissioner McGirr asked how much does it cost. Commissioner Wright it all depends on what you want. Commissioner McGirr said ballpark estimate? Commissioner Wright said \$15,000.00 to \$25,000.00. That's for looking for a Fire Chief or an interim Chief. Timeline they have given us to find a Chief is about 4 months. The Chiefs position will probably be a lot more pay 70 to 80k. Like I said I did not go into this lightly I've talked to a lot of people. Chairman Shaw everyone here has some vested hours in the department, we are a rural fire department, we will never have the things that big departments have. I spend as much time as I can up here with management and Annette. I am not interested in a transition, I can work with the Chief, I do not have a problem with the Chief.

I understand some of you have a problem with the Chief, I engage with him regularly. He is open to any discussion that I want to have with him. It might not have started that way when I first came on this board, but we have come a long way. I do not know how long the Chief plans on sticking around here, he has never shared that with me. Do I feel like we can move forward with him, I do. The subject Mr. Terrell brought up about moving the truck with no insurance on it, I probably would have done the same thing. Would I possibly overlook small things in my employee files, I probably do it regularly. If we find issues like this, my answer is to make corrections and move on. If we want to have somebody go back and review the records I'm sure that this can be done. It is probably oversight, and hasn't been done, but you know what, just because a copy of an EMT updated cert is not in the file it does not mean that they do not have it. Commissioner Wright asked what do you foresee having to do with hiring a new Chief? Chairman Shaw responded, we hire lawyers to do Lawyering, nothing happens without input, nothing is going to come about without more input. The oversight that we will have to do is find the funds to pay for it. You know at one time or another someone here at the department has had dissatisfaction with the Chief, but I've always been able to resolve the issues and we shook hands and move forward. I feel that this is the best solution. That is the way I like to resolve issues, but that is just me and I am just 1 vote. I guess I'm not patting myself on the back or bragging about myself because I spend time up here. I spend a lot of time working through details with Annette, the Chief and Brian. We hash out issues, we make discussions, they share information freely with me and I with them. I feel the time that I spend here with them helps bring the results that I am looking for. If I was not getting the results I would not sit here and lie about it. So, would I be concerned about trading one issue for the unknown? Yes, I am. Commissioner Terrell said that it concerned him about fire fighters filing law suits one after another I feel that it is a management problem and apparently, we have some problems amongst some fire fighters. Chairman Shaw said I think that this is an unrelated issue, a management issue. Let me refresh your history. There were meetings where everybody came to, there were two different times. There were meetings where people came who were disgusted with the Chief early in my tender here, and there were meetings when everyone came in droves to support the Chief. Another time there was uprising of issues from among the ranks and the public where there was disgust with the Chief. Maybe there were issues not being resolved in the workplace and it created a lot of animosity. I am not an employee here or a manager, I am just a Commissioner. I would like to see things calm down like lawsuits and things like that. I am not saying that people should not file lawsuits, I am just saying that it is disruptive. We are living through it and working thru it the best we can. Sometimes things like that happen like a domino effect, because emotions get high and emotions get involved, then it rolls and goes in waves. There are a lot of things like that and it doesn't have to end in lawsuits. I am a manager that typically works with what I've got, because I don't think that there is always something better out there. I am seriously thinking that I will not want to be sitting at this table next month if we make this decision tonight. I do not want to be here with the TV cameras, the crying of the public that comes in here. I would find this transition would be more disruptive than it would be helpful. Weighing out what the options would be pro's and the con's, the cons would be much higher. It is because this issue has come before this board 4 or 5 times. It's not because I haven't thought this through, I thought it though now going on about 8 years. Commissioner Wright said so in your tender it has come up 4 or 5 times, that seems to be a lot. How long have you been here? Chairman Shaw responded that this is his second term, along time close to 8 years.

Commissioner Wright said that I was a paid fire fighter for 6 years in Minnesota and there was never discussion about firing the Chief. Commissioner McGirr said that for what it is worth he's spent a long time and I remember when I came on I urged Craig to start spending more time up here and I think it worked. You guys might want to do the same. Commissioner Wright said, I think that's a little misguided. I think it's great I applaud you that have done that, but I haven't. Chairman Shaw said that he is not discounting that Mr. Wright is having problems with that. Commissioner Wright, this is a long-standing issue, but pardon the pun, where there is smoke there is fire. This conversation should not come up 5 times in your term and it came up before you were even here. Chairman Shaw it comes from odd places and it didn't always come up with a vote. I don't find that dissatisfaction with management to be odd for it come up so many times with a 24-hour operation. When I find I'm bumping heads with somebody I try to find a way to resolve it. I feel that this is the nature of a fire department and this will not change with this action. I am not interest in overseeing that transition, I feel I am going to be sick. Any more discussion? Call for the vote to terminate Chief Cutler. Vote 3/2 with Commissioners Shaw and McGirr voting nay. Chairman Shaw reminded the board to not discuss this outside of the Public meeting.

Commissioner Wright asked if he should reach out to ESCI to start the bowl rolling. Commissioner Bowers said that he makes a motion that we reach out to them. Commissioner Wright asked if we should do something before the next meeting. Attorney Holloway said that we would have to hold a workshop and that nothing could be voted on until the next meeting. Chairman Shaw said that he was still waiting on a 2<sup>nd</sup>. Commissioner Bowers withdrew his motion. Dennis McMaster(Public) asked the board its apparent that you think there is nobody qualified to fill those rolls. Commissioner Wright said no that's not my intention. Mr. McMaster said from what I have heard is to hire a company and pay them 25 thousand dollars and to which I think your numbers are a little skewed. To hire a Chief for 70k a rural department with no retirement. Commissioner Bowers said that he believes that when hiring this company to search for a chief this will be open for anyone to apply. Commissioner Bowers made a motion to have Commissioner Wright head up the action to engage this company with a up to \$5,000.00 to get them to come to the next meeting to get the process started. Commissioner Wright 2<sup>nd</sup> the motion. Chairman Shaw reminded Commissioner Wright that he still has the quote to get for the new truck and retrofit. Commissioner Wright responded nothing is easy. Vote 3/2 with Commissioners Shaw and McGirr voting nay.

Deputy Chief Howe asked the board which one of you is going to be our mechanic? You just fired our master mechanic with his tools and his knowledge. Commissioner Wright said what about the guys we pay for? Howe responded we don't have the certifications to sign it off, we cannot do anything but wiring and minor repairs. Commissioner Wright responded oh no. Deputy Chief Howe said So now your budget went shit out the door. It now is going to cost of tens of thousands of dollars to have things shipped out to be repaired, you might as well start funding new trucks because we are not going to be able to repair the ones we have. Commissioner Wright asked if we need to clarify Deputy Chief Howes position now? Attorney Holloway states that our policy states that he is the acting Chief upon the unavailability of the Chief. (Someone from the public spoke and it was not picked up by the microphone.) Chairman Shaw thanked them for their comments and he said he agreed and that is why his vote reflected that. I believe that Deputy Chief Howe is fully qualified to take over the Chief, due to the time he has spent with him in the past. Commissioner Wright said that he would like to entertain a motion to compensate Brian's pay due to the increase in responsibility he will be taking on. Chairman Shaw said that's what I say, entertain a motion, you just make a motion. Do you want this chair? Commissioner McGirr said yes, he does. Commissioner Wright said I've already had it. Dennis McMaster(public) said as a taxpayer he does not approve of the board spending money for a company to assist on the hiring of the new Chief. Due to the fact the figure thrown out there of 25 grand is funds that the department could use. Chairman Shaw said that we are not leaving until this is discussed. Why did we attach a dollar amount to the hiring company before we even speak to them? Chairman Shaw advised Deputy Chief Howe and Administrator Annette Rayburn to not give any statements to the press in regards to what has happened tonight. He said that the board will give a statement which will be our only comment on the matter. Chairman Shaw said that Annette has a new contact sheet for the board and asked Commissioner Wright if had additional information. All the rest please review your information. Chairman Shaw asked If there is anything else that the board needs to go over. Commissioner Bowers asked if Brian Howe if he would be interested in serving the board as acting Chief and when doing so he is paid exactly what Chief Cutler was being paid. 2<sup>nd</sup> Commissioner Wright. Vote 5/0.

#### **Commissioner Comments:**

**Set Agenda for next meeting October 17, 2017**

The Meeting was adjourned at 8:05 pm.

---

Craig Shaw

Chairman

