

## Upper Captiva Fire & Rescue District

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Serving the Community with Pride

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### BOARD OF COMMISSIONERS SPECIAL MEETING 18 October 2023

**COMMISSIONERS & STAFF PRESENT:** Duncan Rosen, Van Hammond, Bill Fry (Zoom), Mike Filipczak, Bill Byrnes, and Chief Jesse Cottrell

**ISLANDERS/GUESTS PRESENT:**

- Room: Melanie Everett (Attorney Cole, Scott & Kissane P.A.) and Kristy Cole (Court Reporter)
- Zoom: Maggie Mooney (Attorney ) and Ron Campbell (Cole, Scott & Kissane P.A.)

1) **CALL TO ORDER:** Chairman Rosen called the meeting to order at 10:00AM. Attorney Mooney opened the meeting and explained the purpose of the Executive Session, to discuss the pending lawsuits by Jason Martin and Brian Dubrasky. Byrnes moved, seconded by Filipczak, to move into Executive Session, **approved 5-0** at 10:03AM

2) **PUBLIC MEETING SUSPENDED:**

Chairman Rosen read from a prepared script that stated:

“The subject of the meeting shall be confined to the topics allowed by Florida Statutes. It is anticipated that the session will last approximately 1-2 hour. Those who will attend the session in person or through electronic means include the following:

The District’s Fire Commissioners:

Duncan Rosen  
Van Hammond  
William Fry  
William Byrnes and  
Michael Filipczak

The District’s legal counsel:

Maggie D. Mooney,  
Melanie H. Everett,

Ron M. Campbell; and

The District's Fire Chief Jesse Cottrell.

A certified court reporter will also be in attendance during the entire Attorney-Client Session. A transcript of the meeting will be made and will become available as a public record upon conclusion of the pending litigation. At the conclusion of the Attorney-Client Session, this special meeting will be reconvened in an open, public session. If formal Fire Commission action is needed relative to either of the pending lawsuits, such action will be taken at the re-opened, public portion of the special meeting.

It is **10:05AM** and we will recess for 2 minutes and reconvene at **10:10AM** to allow members of the public and staff to exit from the room and exit the public meeting zoom log-in before we move into the Attorney-Client Session. For those individuals participating in the Attorney-Client Session proceedings via zoom, we have circulated a separate zoom log in for the Attorney-Client portion of the Session. After the Attorney-Client Session is completed, the public portion of the Board meeting will be reconvened and reopened with the original public meeting zoom log-in."

3) **EXECUTIVE SESSION** (No Public Attendance): A verbatim transcript was created and will be a public record after each lawsuit is completed.

4) **PUBLIC MEETING RESTART**: Chairman Rosen stated "We are reconvening and I am reopening the special meeting in the District's Fire Station at **11:32AM**." There were no Board decisions to announce to the public.

5) **MEETING ADJOURNED**: **Move** by **Byrnes**, **seconded** by Filipczak; meeting adjourned at **11:34AM**, approved 5-0.

Respectfully submitted,

Secretary