

RESOLUTION NO. 2009- 004

**A RESOLUTION OF THE KEY LARGO FIRE RESCUE
AND EMERGENCY MEDICAL SERVICES DISTRICT,
FLORIDA, REQUESTING GOVERNOR CHARLIE CRIST
SUSPEND COMMISSIONER MICHAEL CAVAGNARO
PENDING THE OUTCOME OF THE FELONY CRIMINAL
CHARGE FILED AGAINST THE COMMISSIONER.**

WHEREAS, Key Largo Fire Rescue and Emergency Medical Services District (hereinafter, "District") Commissioner Michael Cavagnaro was arrested on August 25, 2009, for allegedly removing the contents of a lobster trap without the owner's consent, a felony,

Whereas, Article 4, Section 7 of the Florida Constitution permits the Governor of the State of Florida to suspend from office any state officer who commits a felony,

Whereas, Section 3, Part 4 of House Bill 1291 (2005), the District's enabling legislation, provides the District Board with the power to appoint a qualified elector of the district to act as commissioner until the vacancy is filled by election,

Whereas, all citizens of the United States of America are considered innocent until proven guilty in a court of law;

Whereas, the potential distraction that may be created as a result of the alleged felony charge requires the District Board to request the suspension of Commissioner Michael Cavagnaro without pay pending the outcome of his criminal trial,

Whereas, Commissioner Michael Cavagnaro has agreed to the suspension for these same reasons, thereby creating no controversy,

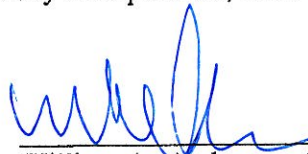
Whereas, should Commissioner Michael Cavagnaro be found innocent of the felony charge, he shall immediately be reinstated to the position of District Commissioner and shall be entitled to full back pay;

NOW THEREFORE, BE IT RESOLVED BY THE KEY LARGO FIRE RESCUE AND EMERGENCY MEDICAL SERVICES DISTRICT, FLORIDA, AS FOLLOWS:

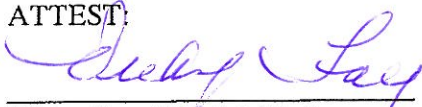
Section 1. Incorporating all clauses so stated above, conditioned upon Commissioner Cavagnaro being formally charged with a felony, the Key Largo Fire Rescue and Emergency Medical Services District hereby requests the Governor of the State of Florida, Charlie Crist, to suspend Commissioner Michael Cavagnaro pending the outcome of his felony charge. The Key Largo Fire Rescue and Emergency Medical Services District Board shall appoint a replacement commissioner until the vacancy is filled by election.

Section 2. Effective Date. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this ^{14th} 2nd day of September, 2009 at 11:00 P.M.



William A. Andersen, Chairman

ATTEST:


Vicky Fay, District Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF KEY LARGO FIRE RESCUE AND
EMERGENCY MEDICAL SERVICES DISTRICT ONLY:



DISTRICT ATTORNEY

Motion to adopt by C. Mark Wheaton, Seconded by C. Tom Tharp

FINAL VOTE AT ADOPTION

Chairman William A. Andersen	<u>4</u>
Secretary/Treasurer Marilyn Beyer	<u>4</u>
Commissioner Michael Cavagnaro	<u>Absent</u>
Commissioner Tom Tharp	<u>4</u>
Commissioner Mark Wheaton	<u>4</u>