

St. Tammany Fire Protection District No. 1

Board of Commissioners

Regular Meeting

Minutes

July 17, 2012

The public hearing was held, at 5:30 p.m., regarding establishment of the millage-

Thomas Thompson (Eden Isles Subdivision) - Mr. Thompson asked Chief Hess if he remembers addressing the Eden Isles Homeowners before the millage vote. Chief Hess stated that he did remember. Mr. Thompson asked if Chief Hess remembered the promises that he made. Chief Hess stated that he makes no promises to anyone, only statements. Mr. Thompson stated that Chief Hess said the millage was going to be for the full amount, but that he had no intentions of asking for an increase. Chief Hess stated that we are not looking for an increase.

Mr. Thompson stated that newspapers articles have come out and it appeared that Chief Hess was going to ask for an increase, thus appearing deceptive. Chief Hess maintained that he was not going to be asking for an increase

Mr. Thompson inquired as to why we are giving our fire equipment away to other parishes (Fort Pike). Chief Hess stated that the fire truck that was declared surplus was able to be renovated, by Fort Pike, using their funds. Chief Hess further stated that we learned that in the area of Rigolet's Estates, insurance underwriters have reclassified the rating of the homes to a 10, due to the fire station being more than 7 miles from the homes.

Chief Hess stated that he felt it prudent to provide Fort Pike a fire truck so that they can now respond to this area, thus allowing the rating to be reclassified to a 4.

Mr. Thompson also inquired about the newspaper article regarding the relocation of Station 16. Chief Hess stated that at some point, he would like to relocate it to the other side of the interstate. Mr. Thompson stated that he felt this was strange that it was not mentioned at the homeowners meeting. Chief Hess stated that he did not know, until meeting with PIAL, that Station 16 may be relocated.

(After no further comments, the public hearing was closed)

The meeting was called to order at 5:36 p.m.

The pledge of allegiance and prayer were given.

Roll Call: Chairman Kline and Commissioners Rich, Risley and Brackett were present.
Commissioner Kingston was absent.

APPROVAL OF MINUTES-

Commissioner Rich made a motion to approve the minutes of the June 19, 2012 meeting. Commissioner Brackett seconded the motion. The motion carried.

OLD BUSINESS-

- A) **EAP Contract- Revised Renewal-** Chairman Kline stated that he signed the contract, which was tabled pending Attorney approval, and the recommended changes were made.

Commissioner Risley made a motion to approve the EAP contract, as revised. Commissioner Brackett seconded the motion. The motion carried.

- B) **Station 14 Project-** Chief Hess stated that Chief Kaufmann and Captain Gross reviewed the bids that were received. Chief Kaufmann stated that the lowest bidder, at best value, was Barry S. Breaux & Assoc. for

\$49,182. He stated that he and Attorney Troy Ingram reviewed the contract and had a couple of changes. He requested the Board's approval, pending agreement (from both parties) on the proposed changes. These changes are of no monetary value, only verbiage.

Commissioner Brackett made a motion to un-table the Station 14 project. Commissioner Risley seconded the motion. The motion carried.

Commissioner Rich made a motion to accept the lowest bidder (Barry S. Breaux & Assoc.) subject to Attorney approval. Commissioner Brackett seconded the motion.

Commissioner Brackett inquired as to whether the criteria were based solely on this being the lowest bid. Chief Hess stated that it was also the best quality. Chief Kaufmann stated that his contract was very detailed and met all the specs.

The motion carried.

Mr. Fred McDonald thanked Chairman Kline for recognizing him. In wanting to discuss the June meeting, Mr. McDonald addressed Chairman Kline stating that he made an interesting analogy likening the Fire District Board of Directors to the Board of Directors of a major company, and that the Board shouldn't bother with the day to day operations of the Fire Dist. In continuing the analogy, he asked if the tax paying citizens of the fire district would then be shareholders/investors. He stated that he has never heard of a shareholders meeting where a shareholder was heckled; rather they are treated as kid gloves because they are investors of the company. He further stated that in the corporate world, the shareholders determine the amount of money they are investing in this fire district. Mr. McDonald stated that if we treat this as a company, he (Mr. McDonald) controls how much money he gives us. This cannot be done, because the Board dictates how much money he is going to give; so it cannot be said that we are like a corporation; we are a government entity.

Mr. McDonald stated that the Fire District Board should weigh in on all policies and budget issues; thus the reason for being appointed to the Board; to represent the taxpayers.

Mr. McDonald stated that in the public hearing regarding Fire Prevention, while he was speaking, he was the only individual that was heckled, shouted down, and called a liar. He further stated that the Chairman never controlled the crowd, but that Commissioner Risley and Chief Hess said something to the crowd. Mr. McDonald stated that it is Chairman's primary job to control the meetings. He stated that as Chairperson of the Board, he (Bud Kline) represents the entire citizens of the fire district, not just the ones that agree with him or the fire department itself. He further stated that when he let this to happen to him, he (Mr. McDonald) wonders who he (Bud Kline) represents.

Chairman Kline thanked Mr. McDonald for his comments.

NEW BUSINESS -

A) Chief's Report-

- a.) Adopt the millage rate (s) -** Chief Hess stated that that he previously suggested that we not roll forward, but keep the millage at 30. Since then, Assessor core has shown us that the adjusted rate would be 29.7 (approximately \$147,000 impact). Chief Hess stated that he has no problem with this, as it has a non-material impact. He further stated that during the next four years, we are obligated, by current state law, to roll forward to protect the maximum millage; thus making up some of the incremental amount due to the adjustment.

Chief Hess stated that as we prepare for the upcoming financial workshop in August, the premise on which the first draft is predicated will be on the 29.7 rate.

Attorney Troy Ingram stated, in an effort to be clear, that the way the law is currently written, we will be required to roll up twice, in ten years. Chief Hess clarified that this requirement will be within the ten year period of the millage life.

Commissioner Risley made a motion to table the adoption of the millage rate until after the budget workshop. Commissioner Brackett seconded the motion.

(The budget workshop was scheduled for August 4th, however, due to some Commissioner unavailability, a new date will be decided on)

Commissioner Rich asked if any there will be any “surprises” at the budget workshop, with the budget being predicated on 29.7 mills. Chief Hess said “no” and stated that he does not intend to fund the “February” fund (14 month funding), due to the Assessor getting the bulk of the money to us early.

Commissioner Risley inquired about any new positions in the budget. Chief Hess stated that he will be requesting an Operations Chief.

The motion carried.

b.) Years of Service Recognitions- (none)

c.) 2011 Audit- Chief Hess stated that the final audit, for a business of our size and complexity, was good. He further stated that we did have one clerical finding, regarding an oversight, from 1992.

Mr. DiGiovanni stated that in an audit, there are two types of weaknesses- material and significant; with significant being much lesser. The significant finding was the result of a parcel of land that was purchased, on Brownsitch. This land was not placed on the fixed asset schedule. This was discovered when the property was sold, in 2002. At that point, the “Brownsitch Property” was removed from the fixed asset listing; although it was not the same property, due to the original one not even being on the listing.

Commissioner Risley made a motion to approve the 2011 Audit. Commissioner Brackett seconded the motion. The motion carried.

d.) 2012 Proposed Budget Revisions- Chief Hess presented the Commissioners with a 2012 budget revision with supplementary information; with no need for requesting additional money. He further stated that line items that were running low were adjusted, based on the anticipation of not spending all of the allocated money from other line items.

Commissioner Brackett made a motion to approve the 2012 budget revisions. Commissioner Rich seconded the motion. The motion carried.

Commissioner Rich made a motion to accept the Chief's report. Commissioner Brackett seconded the motion. The motion carried.

B) PMI Report-

1. Employee Benefits - Mr. .Waniewski stated that we are currently running at a 68.47 loss history ratio; which should have a significant impact on the upcoming renewal.

Mr. Waniewski stated that as a result of “Obama Care” being put into law, the employer’s contribution will now have to be reflected on the W-2’s, as a non- taxable fringe benefit.

2. Human Resource

- a.) **2011-008: BOC Resolution (Referred to Civil Service (OSE))**
- b.) **2011-009: BOC Resolution (Referred to Civil Service (OSE))**
- c.) **2012-013: BOC Resolution (EAP Renewal) – tabled**
- d.) **2012-014: BOC Resolution (Rescind BOC Resolution 2011-037)**

Commissioner Risley made a motion to adopt Resolution 2012-014, Relating to the rescinding of BOC Resolution 2011-037. Commissioner Rich seconded the motion.

Mr. Fred McDonald stated, with regards to the Board's actions at the June meeting on this Resolution, that he reviewed our Charter, By-Laws and Robert's Rules of Order and found that a non-voting member could not make or second a motion. Additionally, the only time a Chairperson can second a motion is if the Chairperson steps out of the chair and relinquishes control of the meeting. Mr. McDonald stated that Chairman Kline has said that he has said he is a non-voting member, which Chief Hess confirmed. Mr. McDonald stated that unless the Fire District Attorney could prove otherwise, he called for Resolution 2011-037 to be null and void.

Attorney Troy Ingram stated that the rules apply to large and small boards, and this is a small board. He further stated that every member of the board votes, including the Chairman.

Mr. McDonald stated that he did not hear the Chairman vote on all issues tonight, only a budget issue. Mr. McDonald further stated that Resolution 2011-037 was rescinded and a Resolution cannot be rescinded if it has already taken effect. Mr. McDonald contended that the moment that a Fire Prevention Officer retired, that was the idea for the attrition, and once the Officer retired, the Resolution took effect.

Attorney Troy Ingram stated that no Fire Prevention Officer had retired as of that date. Mr. McDonald stated that two Fire Prevention Officers had retired. Chief Hess stated that while there may have been a prior retirement (after the last Board meeting), we continued to fill the position

Mr. McDonald stated that according to Robert's Rules of Order, number 35, an Resolution can be rescinded by a simple majority, if the rescind motion is advertised prior to the meeting. If no notice is given, it requires a super majority vote to pass. Mr. McDonald suggested that the Board have an Executive Session and decide a course of action; since it was not passed by a super majority.

Attorney Troy Ingram stated that there were not sufficient grounds for going into Executive session.

Mr. McDonald stated that if it continued, someone could come back and say that the Board violated the rules and the charter, and it could cause trouble.

Chief Hess, in an attempt to add clarification, stated that this is based on a premise that we are operating by Robert's Rules of Order. He further stated that we do not have to have motions and seconds, and we go way beyond (for a governing body) what is required by a small board.

Commissioner Risley asked if our By-Laws state that we conduct our policy based on Robert's Rules of Order. Attorney Troy Ingram confirmed that it does.

Attorney Troy Ingram requested that Mr. McDonald communicate his concerns in writing, and Mr. Ingram will research them.

Commissioner Risley stated that she would like to withdraw her motion until Attorney Ingram can clarify this issue 100%.

Chairman Kline called for the vote. The motion carried, with Commissioner Risley voting "nay".

- e.) 2012-015: BOC Resolution (Station 14 Renovations)- tabled
- f.) 2012-016: BOC Resolution (Rescind BOC Resolution 2011-013)

Commissioner Bracket made a motion to accept Resolution 2012-016, Relating to the rescinding of Resolution 2011-013. Commissioner Rich seconded the motion. The motion carried.

- g.) 2012-017: BOC Resolution (“Date of Discovery/ Date of Certification” Recognition for Incentive Pay

Commissioner Rich made a motion to approve Resolution 2012-017, Relating to recognition of certification (s) for compensation events. Commissioner Brackett seconded the motion.

Mr. Richard Reardon inquired as to how this will play into effect with the Fire Prevention Officers that are not Fire Prevention Officers but are going to be certified. He asked if they will receive Captain’s pay. Chie Hess stated that they are required, by law, to be paid Captain’s pay, if they are already in the job classification.

The motion carried.

- 3. Payroll
 - a.) District ER Contribution Inc (Major Medical Only)- 7/1/2012
 - b.) FRS ER Contribution Inc: 23.25% to 24% (07/01/2012) Adjusted to 26% (Poverty status), as applicable
- 4. FRS (Firefighters Retirement System)
 - a.) FRS Back Pay Audit- Pay off balance (Outstanding)
 - b.) FRS 2006- Outstanding Audit Acknowledgement (Filed as not in agreement with FRS determination)
- 5. VFIS Special Risk Insurance & LWCC- Mr. Waniewski stated that effective in 2013, NCCI, who promulgates our experience modifier, is changing how they recognize losses.

Commissioner Rich made a motion to accept the PMI report. Commissioner Brackett seconded the motion. The motion carried.

C) DiGiovanni & Associates, CPA’s, L.L.C-

Mr. DiGiovanni discussed the financial report.

Commissioner Risley made a motion to accept the financial report. Commissioner Brackett seconded the motion. The motion carried.

- D) Attorney’s Report-** Attorney Troy Ingram stated that we are making progress with CVS and they will be meeting with the architect next week to review the first set of plans.

Commissioner Brackett made a motion to accept the Attorney’s report. Commissioner Rich seconded the motion. The motion carried.

Commissioner Risley inquired about changing the time of the Board meetings to 6:00. It was agreed upon that the time be changed.

Commissioner Risley made a motion to change the time of the monthly meetings to 6:00 p.m., from 5:30 p.m. Chairman Kline seconded the motion. The motion carried.

Commissioner Risley stated, for the record, that in the Resolution that she made the motion on, her “nay” vote was based on the process itself, not the content.

Commissioner Risley stated, to Chairman Kline, that she would like to see the concerns of the citizens addressed when they stand up to speak.

Commissioner Risley made a motion to adjourn. Commissioner Brackett seconded the motion. The motion carried.

The meeting adjourned at 6:30 p.m.