

St. Tammany Fire Protection District No. 1

Board of Commissioners

Regular Meeting Minutes December 27, 2012

The meeting was called to order at 6:20 p.m.

The pledge of allegiance and prayer were given.

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

APPROVAL OF MINUTES-

Commissioner Brackett made a motion to approve the minutes of the November 17, 2012 meeting. Commissioner Rich seconded the motion. The motion carried.

OLD BUSINESS-

a.) Adopt 2013 Operating Budget

Commissioner Brackett made a motion to adopt the 2013 Operating Budget (Resolution 2012-043). Commissioner Rich seconded the motion. The motion carried.

NEW BUSINESS -

A) Chief's Report

1. **Selection of Board Chairman-** Chief Hess stated that with the expiration of Commissioner Rich's term, as well as the resignation sent by Chairman Kline, the Board is in a position to select a new Chairman.

Chairman Kline stated that he received resumes from Commissioner Rich, as well as Mr. John Smith, whereby they expressed an interest in serving as Chairman.

Chairman Kline stated that he has worked with Commissioner Rich, for the past 10 years, and feels he would be good for the job. Mr. John Smith stated that Commissioner Rich has done a great job, and if he was selected to serve as Chairman, he would withdraw his resume.

Mr. Fred McDonald stated that the By-Laws state that the Chairman must be selected by the other four Board members; therefore, it could not be voted on due to not having all four members present.

Attorney Troy Ingram stated that he disagreed. He further stated that this matter was on the agenda and that a quorum was present; therefore, he recommended moving forward with this selection due to having issues that may arise in early January.

Chief Hess stated that RS 40:1496 states that the chairman will be appointed by the other four members; however, it can be interpreted that the selection must be unanimous among the four board members. He further suggested that if the Board decided to go forward with a selection, it can be submitted for an opinion from the Attorney General.

Commissioner Brackett stated that if Mr. Smith removes himself, there is only one applicant.

Mr. McDonald reiterated that the only two people that could vote on this would be Commissioners Rich and Brackett, and if Commissioner Rich is considered for this position, there becomes an ethical issue. Mr. McDonald inquired into whether Commissioner Rich could vote for himself. It was stated that he could vote for himself.

Commissioner Rich stated that he would like to serve as Chairman, and would like to be appointed in accordance with the accepted protocol. He further stated that in the absence of further guidance, he would like to rely on the guidance of the Attorney; however, he does not want to jeopardize the proceedings or potential appointment, by overstepping bounds.

Commissioner Brackett stated that one of the applicants has stepped down, leaving only one applicant, and doesn't see why it can't move forward.

Attorney Troy Ingram stated that if this does not go forward, it places the acts of the Board in jeopardy.

Commissioner Brackett made a motion to appoint Commissioner Rich as Chairman of the Board. Chairman Kline seconded the motion.

Mr. McDonald inquired into who could make nominations for this position. Attorney Ingram stated that anyone could. Mr. McDonald nominated Shannon Davis. There was no second on the nomination.

The motion carried (Resolution 2012-045).

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

B) PMI Report-

1. Employee Benefits

- a.) 2013 Section 125 Cafeteria Plan Enrollment (Flex Spending)**
- b.) Ancillary Benefit Review- NTA Life (Non payroll Deduction)**

2. Human Resource

- a.) 2012-036: BOC Resolution (Incentive Pay(s))-** Mr. Waniewski stated that one employee has EMT-I Incentive and he inquired as to whether the Board wanted to increase it from the current \$150.00/mth. It was decided to leave it at the current rate.

Commissioner Rich made a motion to approve Resolution 201-036, Relating to the Increase in Incentive Pay Compensation effective 2013 for District No.1. Commissioner Brackett seconded the motion.

Chief Kaufmann stated that the employee that currently has the EMT-I Incentive has requested that this be considered, as it was not discussed in the budget workshops. He further stated that this Incentive will be recognized until 2016; at which point the employee must obtain Paramedic, or be placed as EMT-B.

Commissioner Brackett stated that the budget had already been approved. Mr. Waniewski stated that this will not have a material impact, and the budget can be revised at a later date.

Commissioner Brackett made a motion to approve Resolution 2012-036, with the amended increase of EMT-I Incentive (\$200.00/mth.). Commissioner Rich seconded the motion. The motion carried.

b.) 2012-037: BOC Resolution (100% District Contribution to EE Major Medical Insurance)

Commissioner Brackett made a motion to approve Resolution 2012-037, Relating to the District's Contribution to Major Medical Insurance effective 2013 for District No.1. Commissioner Rich seconded the motion. The motion carried.

c.) 2012-038: BOC Resolution (Transfer 2013 Budget Surplus to Rolling Stock/Facilities Restricted Fund)

Commissioner Rich made a motion to adopt Resolution 2012-038, Relating to the Transfer of 2013 Budget Surplus to Restricted Funds. Commissioner Brackett seconded the motion. The motion carried.

d.) 2012-039: BOC Resolution (Replacement of Hose Truck (Station 14) not to exceed \$105,000)

Commissioner Brackett made a motion to approve Resolution 2012-039, Relating to the Approval of a Replacement Apparatus (Hose Truck) for District No.1. Commissioner Rich seconded the motion. The motion carried.

e.) 2012-040: BOC Resolution (Discussion of Employment Termination Actions by BOC)

Commissioner Brackett made a motion to approve Resolution 2012-040, Relating to the Board Actions Subject to Approval of Termination of Employment for District No.1. Commissioner Rich seconded the motion.

Ms. Aimee Reed inquired into the matters that were discussed at the financial meeting. Chairman Kline stated that it was a review of procedures; or lack thereof.

The motion carried.

f.) 2012-041: BOC Resolution (2013 Section 125 Cafeteria Plan)

Commissioner Rich made a motion to adopt Resolution 2012-041, Relating to the Approval of the 2013 Section 125 Cafeteria Plan for District No.1. Commissioner Brackett seconded the motion. The motion carried.

g.) 2012-042: BOC Resolution (EE Deductible Offset- Major Medical Only)

Commissioner Rich made a motion to approve Resolution 2012-042, Relating to the Continuance of Expense Offset Fund for District Sponsored Employee Benefits. Commissioner Brackett seconded the motion. The motion carried.

h.) 2012-043: BOC Resolution (2013 Budget Approval) – (approved above)

Mr. Waniewski presented Resolution 2012-044, which is not on the published agenda.

Mr. Waniewski stated that there is a recommendation, by the Fire Chief, for an active termination. Mr. Waniewski stated that in reviewing records, and going back to March 15, 2011, there are two Resolutions (2011-008 and 2011-009) that took the delegation of the appointing authority, for acts of termination only, from the Fire Chief and delegated it to the Board.

Mr. Waniewski stated that in the March 15, 2011 minutes, a Resolution was presented, and approved, to hold these Resolutions in abeyance until a formal protocol was adopted. Mr. Waniewski further stated that we have a 60 day window that is getting ready to expire, and no formal protocol has been adopted.

Mr. Waniewski stated that in order for the Board to be recognized as the appointing authority for the final act of terminating, this item would have to be placed on the agenda and voted on.

Attorney Troy Ingram stated that this would require a 2/3 vote (4 votes).

Chairman Kline made a motion to place Resolution 2012-044 on the Agenda. Commissioner Brackett seconded the motion.

The vote failed due to not having the required 4 votes.

Mr. Joffrion stated that the Civil Service Board has acknowledged the Resolutions referenced (2011-008 & 2011-009).

3. Payroll

- a.) 2013 FRS Contribution Rate: 28.25% ER & 10% EE/ 30.25% ER & 8% EE base on poverty line testing- effective July 1st, 2013**
- b.) 2013 Budget Forecast: 28%- Blended Average 26% - 26.125%= \$10,000 increase in contribution funding**

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-

- a.) VFIS Total Payments – Steele Rd.: \$673,853 + \$56,885= \$ 730,738**
- b.) VFIS Depreciation Valuation (Temp Housing, Transportation, Set-up & Pole Barn)- Station 14 (\$46,430)**
- c.) VFIS Annual Audit/ Survey- 01/08/2012**

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-

Chief Kaufmann discussed the financial report.

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

D) Attorney's Report- Attorney Troy Ingram stated that there was to be discussion of a disciplinary action, but in light of the fact that the protocols were not adopted, it is rendered to the Fire Chief

Commissioner Rich made a motion to accept the Attorney's Report. Commissioner Brackett seconded the motion.

Chief Kaufmann clarified that the Chief can take the actions, and the employee has appeal rights to the Civil Service Board.

Attorney Louis Robein inquired into references in the pre-disciplinary and post termination notices. Chairman Kline stated that they were under the assumption that authority rested with the Board. He further stated that after researching the matter, this was held in abeyance until a protocol was adopted; which was not done.

The motion carried.

Chairman Kline stated that he has been associated with the department since 1995, and it has always been an honor. He further stated that it has been a lot of fun and a gratifying experience to serve as Chairman.

Chairman Kline stated that he wanted to pass along to the Board that in April, more than 80% of the residents in this fire district voted for 35 mills and that it is up to the Board to provide the very best fire protection possible, within those parameters. He stated that he hopes the new Board does that responsibly. He further stated that he feels the Administration has been responsible in reacting to economic situations; in spite of the fact that at times they were told to reduce the budget.

Chairman Kline stated that at times, he feels the Board has gone beyond its responsibilities and taken on tasks that it shouldn't (i.e. hiring and firing).

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

The meeting adjourned at 7:14 p.m.