

St. Tammany Fire Protection District No. 1

Board of Commissioners

Regular Meeting Minutes January 15, 2013

The meeting was called to order at 6:00 p.m.

The pledge of allegiance and prayer were given.

Roll Call: Chairman Kline and Commissioners Risley, Kingston, Brackett and McDonald were present.

APPROVAL OF MINUTES-

Commissioner Brackett made a motion to approve the minutes of the December 27, 2012 meeting. Commissioner Kingston seconded the motion. The motion carried unanimously.

Attorney Troy Ingram requested a motion to suspend the rules to accept the amended agenda.

Commissioner McDonald made a motion to suspend the rules and adopt the amended agenda. Commissioner Risley seconded the motion. The motion carried unanimously.

OLD BUSINESS-

- A) **Selection of Chairman-** Attorney Troy Ingram stated that there was a flaw in the selection process conducted on December 27, 2012. He further stated that another vote will have to take place. Attorney Ingram suggested that Resolution 2012-045 be suspended.

Commissioner Brackett made a motion, based on legal counsel guidance, to rescind Resolution 2012-045, Relating to the Selection of Mike Rich as Chairman. Chairman Kline seconded the motion. The motion carried unanimously.

Commissioner McDonald made a motion to remove the discussion of Board Chairman Mike Rich from Executive Session. Commissioner Brackett seconded the motion. The motion carried.

Commissioner Risley stated that while she was not at the last meeting, she was disappointed at the Chairman appointment process and recommended that resumes be requested, therefore; wanting to table the discussion at this meeting.

Commissioner McDonald agreed with Commissioner Risley, stating that we should post on our website that we are accepting resumes and establish a time frame for them to be turned in at Headquarters. It was determined that resumes would be due on January 25, no later than 4:30 p.m. There will be a Special Meeting on January 30, at 6:00 p.m., to select the Chairman.

Commissioner McDonald made a motion that the Board accepts resumes, through Headquarters (Cheryl Gross), until January 2012 at 4:30 p.m. with a Special Meeting being held on January 30, 2012 at 6:00 p.m. to elect a new Chairman. Commissioner Risley seconded the motion. (Resolution 2013-006) The motion carried.

(Resolution 2013-006)

NEW BUSINESS -

A) Chief's Report- Chief Hess stated that at the February meeting, we will have an awards ceremony. Additionally, Chief Hess stated that Representative Paul Hollis contacted him and advised that he would like to present an award to the employees responsible for saving the two fire victims.

1. **Employee Handbook-** Chief Hess stated that the handbooks are being handed out tonite, for its annual review and approval at the February meeting. Chief Hess stated that the administration has made some changes; however, the biggest change is regarding the seniority tie breaker issue that will be discussed at this meeting.
2. **Radio Proposal by St. Tammany Parish Sheriff's Office-** Chief Hess stated that there have been past discussions and we have been faring money away for the change of radios in the future. Chief Hess stated that they met with the Sheriff's Office regarding this, and they have provided a proposal. Additionally, Chief Hess stated that we are ahead of the game to be P25 compliant.

Chief Kaufmann stated that the Sheriff's Office is requesting a Letter of Intent from the ten participating agencies, with no payments being made in 2013. Chief Kaufmann further stated that the Proposal was provided for review. Additionally, the cost per agency is determined by the number of users in each agency.

Commissioner Brackett stated that he would like to see how this ties in with the State (i.e. State Police, National Guard, etc.). Chief Kaufmann stated that he would set up a meeting and Commissioner Brackett and Mr. DiGiovanni could attend to address their concerns.

Chief Hess stated that VFIS has performed their annual audit which resulted in no findings.

Commissioner Risley made a motion to accept the Chief's Report. Commissioner Kingston seconded the motion. The motion carried.

B) PMI Report-

1. **Employee Benefits**
2. **Human Resource**
 - a.) **2013-001: BOC Resolution (Rescind 2011-008 & 2011-009)**

Commissioner Kingston made a motion to adopt Resolution 2013-001, Relating to the Rescinding of BOC Resolution 2011-008 & 2011-009. Commissioner Brackett seconded the motion.

Commissioner McDonald stated that he requested that this be placed on the agenda and recommended a new Resolution turning the termination and demotion authority back over to the Fire Chief. He further stated that he feels it is incumbent upon the Commissioners to hold the Fire Chief accountable for his actions, but only when it comes to his evaluation period.

The motion carried, with Commissioner Risley in opposition.

- b.) **2013-002: BOC Resolution (BOC Review Acts of Termination & Demotion)-** Mr. Waniewski reiterated the Firefighter Bill of Rights time frames involved with this Resolution.

Commissioner McDonald made a motion to adopt Resolution 2013-002, Relating to the BOC's Review of Disciplinary Actions. Commissioner Brackett seconded the motion.

Commissioner McDonald stated that it was brought to his attention that if the Commissioners offer a non-binding opinion to the Chief, the firefighter may use that (to the Civil Service Board) and the Commissioners could be called to a hearing. He inquired, to Attorney Troy Ingram, as to whether there was a better way of doing this. Attorney Troy Ingram stated that it would be his recommendation that the Chief report, to the Board, any acts of termination that he has taken, and that it not be subject to a non-binding decision by the Board of Commissioners.

Commissioner McDonald removed his motion.

Commissioner Risley made a motion to table Resolution 2013-002. Commissioner McDonald seconded the motion. The motion carried.

c.) 2013-003: BOC Resolution (Ratify Medical Director Contract 2012-2013)

Commissioner Risley made a motion to adopt Resolution 2013-003, Relating to the Ratifying of the Medical Director's Contract for District No.1. Commissioner Brackett seconded the motion.

Commissioner McDonald inquired as to why this is just being done, with the contract almost being over. Chief Kaufmann stated that there were no changes from the previous year and it was an oversight that it was not presented at the Board Meeting.

The motion carried.

- d.) 2013-004: BOC Resolution (Medical Director Contract 2013-2014)-** vote of confidence to be discussed in Executive Session
- e.) 2013-005: BOC Resolution (Identical Seniority Tie- Breaker) -** Mr. Waniewski stated that this Resolution was created based on OSE Guidelines.

Commissioner Kingston made a motion to table Resolution 2013-005, Relating to the Selection Criteria for Identical Seniority "Seniority Tiebreaker". Commissioner Risley seconded the motion.

Commissioner Brackett inquired into how many people this was going to affect, stating that people plan their promotions, and this would blow their plans out of the water.

Chief Hess stated that this would take effect immediately, for any identical "class" seniority.

Commissioner Brackett suggested a 90 or 180 day implementation phase so that it doesn't affect the people that have been planning for a promotion.

The motion carried.

f.) Employee Handbook Revisions- Releases for review

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**

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 Depreciation Valuation (Temp Housing, Transportation, Set-up & Pole Barn)- Station 14 (\$46,430)**
- b.) **VFIS Annual Compliance Review – No findings (01/08/13)**
- c.) **VFIS Renewal Questionnaire**

Commissioner Kingston made a motion to accept the PMI report. Commissioner McDonald seconded the motion. The motion carried.

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

Mr. DiGiovanni discussed the 2012 “Budget” vs. “Actual” financial report.

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

D) Attorney's Report-

- a.) **Scope of Board of Commissioners Responsibility**
- b.) **Scope of Administration Responsibility**

Attorney Ingram stated that some of the above subject matter ties in with the subject matter of Executive Session; thus suggesting that it be tabled.

- c.) **Executive Session-** Discuss Professional Competency of Third Party Entities
 - Mark Waniewski- Personnel Management Inc. (PMI)
 - Joe DiGiovanni- DiGiovanni & Associates, CPAs LLC
 - Troy Ingram, Attorney
 - Dr. Fredro Knight- Medical Director

- d.) **Executive Session-** Discuss threatened litigation by Van Joffrion

Attorney Ingram stated that in order to go in to Executive Session, it would require a 2/3 vote, as well as the specificity as the reason for Executive Session. Mr. Ingram further stated that with regards to the threatened litigation, litigation strategies will be discussed as well as matters protected by Attorney/Client privilege.

Commissioner Risley made a motion to suspend the rules to discuss both pending litigations (from the November meeting).

The motion died due to lack of a second.

Commissioner Kingston made a motion to go into Executive Session. Commissioner McDonald seconded the motion.

Attorney Ingram stated that a roll call much be done with a 2/3 vote.

Kingston Aye
Risley Aye
Kline Nay
Brackett Aye

01/15/13

McDonald *Aye*

Executive Session convened at 7:00 p.m.

The meeting re-convened at 8:26 p.m.

Commissioner Kingston made a motion to come out of Executive Session. Commissioner Risley seconded the motion. The motion carried.

Commissioner McDonald made a motion to do a vote of confidence on the third party entities. Commissioner Brackett seconded the motion. The motion carried.

*PMI- vote of confident vote passed with all ayes
DiGiovanni & Associates- vote of confidence passed with all ayes
Attorney Troy Ingram- vote of confidence passed with 4 ayes, 1 nay (Commissioner McDonald)
Dr. Fredro Knight- vote of confidence passed with all ayes*

Commissioner Kingston made a motion to approve Resolution 2013-004, Relating to the Renewal of the Medical Director's Contract for District No. 1. Commissioner Risley seconded the motion. The motion carried.

Chairman Kline stated that with regards to Resolution 2013-005, a correction, to #4, 4, was made to reflect 0-20 pts. (vs. 0-10 pts.) for "Education".

Commissioner Kingston made a motion to un-table Resolution 2013-005, Relating to the Selection Criteria for Identical Seniority "Seniority Tiebreaker". Chairman Kline seconded the motion. The motion carried.

Commissioner Kline made a motion to adopt Resolution 2013-005, Relating to the Selection Criteria for Identical Seniority "Seniority Tiebreaker". Commissioner Kingston seconded the motion.

Fire Prevention Officer Joffrion stated that he has asked the Board to consider leaving this issue tabled; as the Board had not yet responded to his request. He additionally inquired into the effective date of the Resolution. Chairman Kline stated "now".

Chairman Kline commented, stating that this has not been an easy decision and the overall decision was made in the best interest of the department.

Chairman Kline called for the vote.

Commissioner Kingston *Aye*
Commissioner Risley *Aye*
Chairman Kline *Aye*
Commissioner Brackett *Nay*
Commissioner McDonald *Aye*

The motion carried.

Commissioner Kingston made a motion to adjourn. Chairman Kline seconded the motion. The motion carried.

The meeting adjourned at 8:35 p.m.