

St. Tammany Fire Protection District No. 1

Board of Commissioners

Regular Meeting Minutes October 20, 2015

The meeting was called to order at 6:01 p.m.

The pledge of allegiance and prayer were given.

ROLL CALL: Chairman Crowley and Commissioners McDonald, Brackett, Risley and Hoying were present.

AWARDS & RECOGNITION-

Swear- In

Firefighters Brady Lee, Chris Swanier and Eric Dupuy

APPROVAL OF MINUTES

Commissioner Brackett made a motion to approve the minutes of the September 15, 2015 meeting. Commissioner McDonald seconded the motion. The motion carried unanimously.

OLD BUSINESS –

- a.) **2016 Budget-** Chief Kaufmann presented the 2016 budget and stated that some revisions were made to the budget to reflect more accurate numbers (reductions in health insurance, Workers' Comp., FRS, etc.). Chief Kaufman requested approval to proceed with advertising the budget.
- b.) **Station 18-** Chief Kaufman stated that the contract has been signed. Additionally, a ground-breaking ceremony will be conducted in the near future, before starting construction.

NEW BUSINESS –

1. Chief's Report

- a.) **Back Vacation-** Chief Kaufmann stated that this potential liability was discovered and he recommended authorization in paying the affected employees to avoid an audit finding.
- b.) **Enhanced Audit-** Chief Kaufmann stated that we met with the Legislative Auditor's office and were advised that a second audit would be performed; however, the criteria was unknown at that time (i.e. how much it would cost each taxing agency, and who would be responsible for paying for it). We have since received the criteria, and based on the population, specific to St. Tammany, we have contacted our auditor and got an estimate of the charges to conduct the enhanced audit. We are still unsure of the fee from the State for establishing the criteria.
- c.) **WellAhead Recognition-** Chief Kaufmann stated that the DHH nominated our department as a WellAhead agency. It recognizes our department from a fitness stand point and tobacco free environment.
- d.) **Public Campaign – Citizen's Academy-** Chief Kaufmann stated that Commissioner's Brackett and McDonald completed the Citizen's Academy. Commissioner's Brackett and

McDonald expressed their respect for the job that firefighter's do. Union President Billy Dekemel thanked everyone that was involved in helping make the event a success.

- e.) **Operations Report-** The "Operations" report (September) was distributed which covers Hydrants Inspected, NFIRS Incidents, Dollar Loss/ Dollar Save (by Station location), Average Response Time (by Station) and EMS Call Type and Number of Incidents

Chief of Operations Kuhn stated that during the Act X fire, all of our local units were involved in the scene and there were 12 occupant rescues by our firemen. He stated that the scene went very well, and we had mutual aid come in to protect the district. Chief Kuhn stated that there will be a special recognition for the platoon in the near future.

- f.) **Fire Prevention Report-** Chief of Fire Prevention Duffaut distributed the monthly "Fire Prevention" report (September) which included Inspections, Public Fire Safety & Education Events, Investigations, and Economic Impact.

Chief Duffaut stated that they have been working with the different agencies (ATF, State Fire Marshall and Sheriff's Dept.) on the Act X fire. He also stated that they have been very busy at the Fremaux Town Center (Phase 2). The Grand-Opening was October 15, which he and Chief Kaufmann attended.

- g.) **Training Report** – Chief of Training Billman discussed the "Training" report (September) which included Classes and Certifications.

- h.) **Maintenance Report-** Chief of Operations Kuhn stated that while Maintenance Officer Marc has been out sick, Buck Kleck has worked, on duty, at the maintenance building. He further stated that we are behind on preventive maintenance.

Chief Kuhn stated that L-11 is out of service due to a manufacturer defect with the ball joints (warranty). He further stated that L-14 has pump repair issues and L-16 was involved in an incident and approx. \$25,000 of damage was done to the door.

Chief Kuhn stated that there is a plan to have these extensive PM's caught up.

Chief Kaufmann stated that we should get some relief with the addition of the two new trucks, in 2016.

There was discussion on the cost of outsourcing some of the maintenance vs. the savings to do the same maintenance in-house, as well as the justification on the hiring of another person and/or paying overtime to get the maintenance done.

Chairman Crowley inquired into the status of the Mobile Response. Chief of Administration Worchel stated that it is near completion and he will do a limited roll-out, as well as training.

- i.) **General Comments-** (none)

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

2. **SFFA (Slidell Firefighters Association)** – Union President Billy Dekemel stated that along with the previous discussion on the Citizen's Academy, he wanted to thank Chief Billman and

Captain Abney for their assistance and involvement with the final day. He further stated that they will be recognizing Acadian Ambulance, Solutions, and A-1 Wrecker for their invaluable services at the Citizen's Academy.

Union President Dekemel also stated that the Union will be participating in an upcoming Toys 4 Tots event.

3. PMI Report

a.) **Employee Benefits**- Open Enrollment Completed

b.) **Human Resource**

1) 2015-046: BOC Resolution (Major Medical Deductible Offset)

Commissioner Brackett made a motion to adopt Resolution 2015-046, Relating to the Continuance of the Deductible Offset Fund for District Sponsored Employee Benefits for District No.1. Commissioner McDonald seconded the motion. The motion carried unanimously

2) 2015-047: BOC Resolution (LWCC Renewal- Workers' Compensation) -

Commissioner Risley made a motion to adopt Resolution 2015-047, Relating to the Renewal of the Workers' Compensation Insurance Coverage for District No.1. Commissioner Brackett seconded the motion.

Mr. Waniewski stated that there was a 9.3% renewal reduction (approx. \$ 60,000 savings).

The motion carried unanimously.

3) 2015-048: BOC Resolution (Advertise 2016 Budget)

Commissioner Brackett made a motion to adopt Resolution 2015-048, Relating to the Advertisement of the 2016 Budget for District No. 1. Commissioner McDonald seconded the motion.

Mr. Waniewski stated that consideration should be given to modify and add #2 (move current #2 to #3) to reflect that it to be released for advertisement by "X" date. Attorney Ingram stated that under the new statutory rules, it has to be published on, or before, Dec. 4.

The motion carried unanimously.

4) 2015-049: BOC Resolution (Back Pay Voluntary Leave Buy- Back)

Commissioner Risley made a motion to adopt Resolution 2015- 049, Relating to the Approval to Voluntarily Buy-back Back Pay Leave for District No.1. Commissioner Brackett seconded the motion. The motion carried unanimously.

5) 2015-050: BOC Resolution (Enhanced Audit Requirements)

Commissioner Brackett made a motion to adopt Resolution 2015-050, Relating to the Approval of the 2015 Enhanced Audit for District No.1. Commissioner McDonald seconded the motion.

Mr. Waniewski stated that with this enhanced audit, we will have some policy/handbook modifications to implement three new ethics policies.

The motion carried unanimously.

6) 2015-051 - BOC Resolution (Re number 2015-040 (Station 18))

Commissioner McDonald made a motion to adopt Resolution 2015-051, Relating to Approval to Re Number BOC Resolution 2015-040 for District No.1 Commissioner Brackett seconded the motion. The motion carried unanimously.

- c.) **Payroll** – (none)
- d.) **FRS (Firefighters Retirement System)** – (none)
- e.) **VFIS Special Risk Insurance & LWCC**
 - 1) Workers' Compensation Renewal: 9.3% rate reduction

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

- 4. DiGiovanni & Associates, CPA's LLC-** Commissioner Brackett inquired as to whether anything needs to be done with DiGiovanni & Associates changing their name. Attorney Ingram advised that this was his first time hearing of this, and would look into the matter.

Mr. DiGiovanni stated that his firm will be merging, effective Nov. 1, and one of the stipulations is that he will be able to have the Fire Department; therefore, there will be no changes in service.

Mr. DiGiovanni discussed the financial report.

Chairman Crowley inquired into the unlikely transfer of \$603,126 to offset the budget, which was originally projected. Mr. DiGiovanni stated that each variance equals the \$ 603,126. Furthermore, the Ad Valorem and LWCC revenue are expected to be more than budgeted.

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

5. Attorney's Report-

1.) Discussion of Research and Correspondence Sent to Chairman Crowley and BOC-

Attorney Ingram stated that at the conclusion of the presentation of evidence and discussion amongst the parties and the BOC during Executive Session at the last meeting, he was tasked by the Board to advise the Board of the next course of action to be undertaken, as well as asked to research if there existed any alternative disciplinary actions should they seek a Commissioner's removal.

Chairman Crowley stated that the question was what are their options, not so much the next step. Attorney Ingram stated that he found no authority for disciplining a Commissioner – eg. censor, private reprimand- short of seeking his or her removal.

Mr. Ingram stated that he prepared a short dissertation which was sent to all Commissioners. He stated that the most simple, clear concise course of action in this case is that which is contained in the By-Laws (page 4 of correspondence)-

“Section 4. Causes and procedures for removal: absence from three (3) consecutive regular board meetings; public misconduct or wrongdoing that would cast a serious reflection upon the individual or the board in general, that is contrary to the acceptable standards of good conduct and/or morals; malfeasance or violation of the state code of ethics while performing the duties of a commissioner. In such cases that a member is accused of such misconduct and/or behavior, and by a majority vote of the board, the respective appointing authority shall be petitioned in writing requesting removal action. In all such action for

removal, the board must procedurally comply with the constitutional due process standards, those being legal and just cause, and then, only after a full hearing held for that specific purpose, complying with state law and the constitutional standards of "fair play". The board member at issue must be properly notified in advance of the hearing, and given an opportunity to appear together with witnesses and present his own case against removal".

Attorney Ingram stated that he sent correspondence (e-mails, certified mail, etc.) to Commissioner McDonald making him aware of each hearing.

Chairman Crowley stated that the Executive Session at the last meeting was chosen to be in open forum. Additionally, the BOC was waiting to get the answer, and based on the information that was provided and reviewed, Chairman Crowley inquired as to whether any of the Commissioners had any motions or recommended actions.

Commissioner Hoying presented a proposed Resolution.

Attorney Ingram stated that Executive Session was put on the agenda, and he believes that is the appropriate forum to consider the Resolution.

Commissioner Brackett made a motion to accept the Attorney report. Commissioner McDonald seconded the motion. The motion carried unanimously.

6.) Executive Session- To Consider the Character, Fitness and Competence of a Commissioner

Commissioner McDonald made a motion to go into Executive Session. Commissioner Risley seconded the motion. The motion carried unanimously.

Commissioner McDonald requested that Executive Session be closed. Attorney Ingram stated that he felt that Chief Kaufmann should be permitted to attend since he is the victim.

Executive Session convened at 7:31

The meeting re-convened at 7:53 p.m.

Commissioner Hoying made a motion to the Board to consider a Resolution:

“It is with deepest regret that I move for a vote of no confidence and recommendation to the Slidell Council, the appointing authority, for the removal of Board Member Mr. Fred McDonald. This based on his recent actions performing an unapproved investigation and discussing a confidential personnel matter related to Chief Kaufmann with an outside party. This second incident occurred after he was formally warned on a previous occasion for derogatory statements he made to an outside party regarding Chief Kaufmann. The first occurrence resulted in a notification to the Slidell City Council. Mr. McDonald’s actions have reflected negatively on him and the Board, and show a disregard for the rights afforded to Chief Kaufmann and all Firefighters regarding personnel matters”.

Commissioner Brackett seconded the motion.

The motion carried with Commissioners Brackett, Hoying and Chairman Crowley voting “aye”. Commissioners Risley and McDonald voted “nay”.

Commissioner Brackett made a motion to adjourn. Commissioner Hoying seconded the motion. The motion carried unanimously. The meeting adjourned at 7:56 p.m.