

St. Tammany Fire Protection District No. 1

Board of Commissioners

Regular Meeting Minutes March 15, 2016

The meeting was called to order at 6:03 p.m.

The prayer and pledge of allegiance were done.

ROLL CALL: Chairman Crowley and Commissioners Brackett, Hoying, Rich and Gay were present.

AWARDS & RECOGNITION-

Years of Service

- 25 Years of Service- Steve Billman, Eric Abney
- 10 Years of Service- Matthew Dupre, Tony Crocker, Nicholas Landry, David Jenkins, Jr.
- 5 Years of Service- Brad Baughman, Tony Scharenbroch, Kyle Campbell, Devon Kennedy, Josiah Strecker, Jeremy Suber, Michael Wille

Chairman Crowley stated that the By-Laws reflect public discussion limited to three minutes for each point, and must stay on point. He further addressed Mr. McDonald and advised him that he is welcome to record the meeting, however, he must keep his recording device with himself, not on the Commissioner or Administration table.

APPROVAL OF MINUTES

Commissioner Brackett made a motion to approve the minutes of the January 19, 2016 meeting. Commissioner Rich seconded the motion. The motion carried unanimously.

Commissioner Brackett made a motion to approve the minutes of the February 16, 2016 meeting. Commissioner Rich seconded the motion. The motion carried unanimously.

OLD BUSINESS –

- a.) **Financial Disclosures-** Chief of Admin. Worchel reminded the Board of this requirement, due May 15.
- b.) **2016-012: BOC Resolution (Adopt BOC By-Laws)- (PMI Report)**
- c.) **Station 18- Exhaust Update- (Attorney Report)**
- d.) **Station 13/ HQ- Architect Update- (Attorney Report)**

NEW BUSINESS –

1. Discussion- BOC comments regarding recent letters to the editor (Slidell Independent)

Chairman Crowley stated that there were some letters to the editor, and he was concerned with some of the inaccuracies in them and read the following response:

In response to the letter to the editor published on February 25, 2016 in the Slidell Independent, by Mr. Fred McDonald, he states, "First let me address the recent article about me, it is fairly accurate" in that he resigned as one of the City Council's appointees to the St. Tammany Fire Protection

District No.1 Board of Commissioners following a unanimous vote of no confidence by his fellow board members prior to the appointing authority (the City Council) taking action. The article he refers to was titled "Board member ousted" in the Slidell Independent was published February 19, 2016.

In his letter to the editor, Mr. McDonald has misstated several facts to advance his arguments. As a former commissioner of three (3) years, he should well know that Fire District No. 1 only serves parts of Wards 8 and 9. Further, Mr. McDonald stated that the Board voted to take an extra 1 million dollars from these same citizens when he knows this was not true. Fire District No. 1 operates using a 35 mil ad valorem tax (property tax) voted on and renewed by the citizens in 2014 for an additional 10 years.

In regards to Mr. McDonald's comments about the contingency fund, let us first begin with the definition of a contingency fund. It is "a reserve of money set aside to cover possible unforeseen future expenses." Other agencies in our parish budget 15% to 25% which is roughly 3 months of operational costs. This contingency fund recommendation is a financial 'Best Practice'. Recommended as a minimum by the State Legislative Auditors Office. Strong financial policies and stewardship of those funds improves the stability of those agencies and improves overall bond ratings.

Reference to the contingency fund for St. Tammany Fire Protection District No.1 being in place to fund January and February alone is inaccurate. The contingency fund established for St. Tammany Fire Protection District No.1 includes planning for lack of growth in parish assessed property values, emergencies, as well as funding any month(s) where funds due to the district are delayed for whatever the reason may be.

In regards to Mr. McDonald's comments about "...the Chairman would not allow Public Comment on this justification...", public comment in Board meeting must be directly related to the agenda item, to be voted on, that is currently being discussed. This is not an open forum for members of the public, like Mr. McDonald to address any issue they see fit. All public comment must stay on track to the discussion at hand. The Fire District follows Louisiana's Open Meeting Law in every Board of Commissioners meeting and in this case, the Chairman had to re-direct in Mr. McDonald numerous times to get him back on subject of the item at hand.

Mr. McDonald's statements that 90% of the district's revenue is from a fairly stable source is misleading. Although technically correct, he fails to mention that revenues have been for the most part flat since hurricane Katrina. This while costs have increased due to inflation. Currently, the Assessor's Office projects growth to be between 0% (flat) to 1%. This must be addressed and planned for by the administration and board of FD1.

The district has 1 million dollars in restricted disaster funds. These funds are dedicated and restricted, by BOC resolution, for use in natural or manmade disasters above and beyond the normal operating threshold. Hurricane Katrina taught us a valuable lesson. In order to sustain ongoing emergency operations through disasters such as severe weather, flooding and hurricanes, the district must have the funds to meet the increased needs of the public.

Vehicle and facilities fund is currently 6 million dollars for capital improvement, which is committed and restricted by a Board of Commissioners resolution for future projects planned out well into the future. Example: the \$1.4 million is restricted for the current construction of Station 18 on Airport Rd.

Radio project fund-approximately .5 million dollars dedicated for inclusion of FD1 on a new parish wide radio system purchased to replace the current radio system which is past its end of life. Planned well in advance, approved by the BOC and budgeted an annual payment over a 15 year period.

Debt service fund is .4 million dollars created to pay back a 3 million dollar bond certificate from 2014. The use of these monies was for capital improvements. This fund reflects the required annual payment on this loan.

These and other funds established are responsible stewardship of public funds to meet the needs of the voters today and into the future. All funds are approved by BOC resolutions.

The district follows Roberts Rules of Order and BOC Bylaws with regards to voting on resolutions. To require a unanimous vote on all funding issues is unreasonable and gives greater unbalanced power to a single dissenting individual over other board members.

As the only Internationally Accredited Municipal fire department in Louisiana, St. Tammany Fire Protection District No.1 continues to be transparent in all areas with sound financial stewardship of the public funds we are entrusted with. The district is living within its means and complies with Louisiana Legislative Auditor requirements as determined through clean annual audits and the St. Tammany Parish most recent Enhanced Audit. Please be assured that our continued commitment is to operate the Fire District in the most efficient manner possible, while delivering the services necessary to ensure public safety.

Chairman Crowley stated that his intent is to forward the statement to the other Board members, and get their input. He further requested their permission to respond; if nothing else, just to fix the inaccuracies.

Commissioner Hoying suggested that in the second paragraph, after “(property tax)” that “the voter approved parcel fee” be added.

Commissioner Hoying made a motion to suspend the rules to add approval to send the letter to the editor. Commissioner Gay seconded the motion. The motion carried unanimously.

Commissioner Brackett made a motion to accept the letter, with the suggested change, and submit it to the editor of Slidell Independent, in response to Mr. McDonald’s letters. Commissioner Rich seconded the motion.

Commissioner Brackett amended his original motion to reflect a response to the editor, with Board input, to respond to the letters to the editor, by Mr. McDonald, to the Slidell Independent. Commissioner Rich seconded the motion. The motion carried unanimously.

2. Chief’s Report

a.) Public Campaign- Vehicle Extrication Demo- Mar. 26, 4:00 p.m. (at Central Station)

b.) Operations Report- Chief of Operations Kuhn discussed the “Operations” report (February) 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. The 2015 Year-End report was also distributed and discussed.

Chief Kuhn stated that we were requested (Mar.11), by Unifire, to send our boat to assist with the flooding in Folsom. There was an initial rescue of a firefighter that got trapped while assisting to rescue an elderly lady and young kids. In all, over forty rescues were conducted. Chief Kuhn stated that we also assisted FD#5, FD#6 and FD#12, along with the Sheriff’s Department and Wildlife & Fisheries. We also sent two high-water vehicles to Bogalusa.

Chief Kuhn stated that there were several high-water vehicles and boats in the Military Rd. area to assist with evacuations.

Chief Kaufmann stated that we worked closely with Unified Command

- c.) **Maintenance Report-** Chief of Operations Kuhn stated that the springs on E-15 were repaired and a front end alignment was done, L-16 had the door repaired and is back in service and L-11 is out of service due to its brakes.
- d.) **Fire Prevention Report-** Fire Prevention Officer Macaluso discussed the monthly “Fire Prevention” report (February) which included Inspections, Public Fire Safety & Education Events, Investigations, and Economic Impact.

Chief Kaufmann stated that Chief of Fire Prevention Duffaut, Compliance Officer Mike Thiel, and District Chief’s Sanders and Bruno are attending an Accreditation conference.
- e.) **Training Report** – Training Officer Abney discussed the “Training” report (February) which included Classes and Certifications.
- f.) **General Comments** – (none)

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

3. SFFA (Slidell Firefighters Association)

- **Gumbo Cook-Off-** The Union won 2nd place
- **Pat Murphy Golf Tournament-** The Annual MDA Tournament scheduled for March 18 has been postponed until April 29

4. PMI Report

- a.) **Employee Benefits-** Retiree Alternative Coverage vs. COBRA
- b.) **Human Resource**
 - 1) 2016-012: BOC Resolution (Adopt BOC By-Laws)

Commissioner Hoying made a motion to adopt Resolution 2016-012, Relating to the Adoption of the Revised Commission By-Laws for District #1. Commissioner Brackett seconded the motion.

Mr. McDonald stated that while he liked most of the changes, he had a concern with the change “between regular monthly meetings, the Fire Chief is to report to the Chairman or in his absence, the Vice-Chairman. The Chairman or in his absence the Vice-Chairman serves as the Board’s representative to act as the Fire Chief’s supervisor should informal performance/disciplinary discussions be required.”

Mr. McDonald stated that it was made clear that no one Board of Commissioner was the immediate supervisor of the Chief.

Mr. Mc Donald further referenced the open meeting law, (R.S. 42:12) “Public policy for open meetings; liberal construction

- A. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy. Toward this end, the provisions of this Chapter shall be construed liberally.”

(R.S. 42:14) "Meetings of public bodies to be open to the public

A. Every meeting of any public body shall be open to the public unless closed pursuant to R.S. 42:16, 17, or 18."

Mr. McDonald stated that special meetings are authorized, and his concern is why all of the power is given to the Chairman, or Vice Chairman, to act as the Fire Chief's immediate supervisor, should informal performance or disciplinary discussion be required. He further stated that a special meeting should just be held.

Chairman Crowley asked Mr. McDonald, who sat on the Board for three years, who the conduit was for the Board. Mr. McDonald advised that it was the Chairman. Chairman Crowley stated that this change is clarification (in writing) that the Chairman will act as the informal supervisor in between meetings, as the Board's representation. This is the result of a previous Board member acting on his own, and potentially putting the Board at risk.

Commissioner Hoying stated that it is his understanding that the proposed change to the By-Laws meets Louisiana law. He further stated that the Chairman is appointed by Board, and thus is a logical conduit to handle day to day affairs, outside of meetings, related to the supervision of the Chief. If the Board does not feel the Chairman is properly representing the Board, he can be removed by majority vote. Having an agreed to methodology for channeling questions or concerns among Board members also informal discussions, or inquiries, in accordance with the By-Laws, personnel rules, and the Firefighter's Bill of Rights. This is intended to prevent an individual member from going out of their own, and providing direction inconsistent with the wishes of the Board. It also seeks to prevent any individual Board member from taking independent action that may result in violation of the By-Laws, personnel rules, or rights under the Firefighter's Bill of Rights.

Chairman Crowley stated that he doesn't think the intent of the By-Laws is intending for the Chairman to ever have a meeting, in place of a Board; only a conduit of getting information to/from, and act on behalf of the Board, or get information to/from the Administration to provide to the Board.

Mr. McDonald stated that his inquiry into reconciling this was explained.

Chief Kaufmann stated that he concurs with this process and it appears to be compliant with the Firefighter Bill of Rights.

Commissioner Rich stated that nothing is stated that gives the Chairman any authority to make decisions, it we feels it is a logistical efficiency.

Chairman confirmed that there is no intent for any one person to have any more authority than anyone else.

Chief Kaufmann stated that "informal" and "inquiry" are important because if there is any question about the Fire Chief's performance or actions, a conversation can happen with an immediate supervisor; without any violations of the Firefighter's Bill of Rights.

The motion carried unanimously.

- 2) 2016-018: BOC Resolution (Agreement to Raze, Blighted house (s)/ Structure (s))

Commissioner Brackett made a motion to adopt Resolution 2016-018, Relating to the Approval to Raze and/ Burn Blighted Structure (s) for District No.1. Commissioner Rich seconded the motion.

Attorney Ingram stated that Chief Duffaut approached him about a blighted structure in Fire Dist. #1, owned by the Bayou Liberty Civic Association, which we would like to use as a training exercise. This would be a training exercise that we would assist the Parish in razing/ demolishing blighted properties in Fire Dist. #1, as well as any other district that may request us, under a mutual aid agreement. The homeowner would be responsible in paying the cost of an abstract to ensure that we have all of the owners involved in the property, as well as anyone that may have a security interest (i.e. mortgage, judgement). Attorney Ingram stated that anyone that had an interest in the property would agree to allow it to be demolished, and would hold the Fire Dist. harmless and agree to indemnify and relieve the department of any liability, in the event of a lawsuit. The homeowner would be responsible for the removal of any extra debris or rubble.

The motion carried.

- 3) 2016-019: BOC Resolution (Station 18 Exhaust System Bid)- Chief Kaufmann recommended tabling the Resolution

Commissioner Brackett made a motion to table Resolution 2016-019, Relating to Accept the Station 18 Exhaust System bid for Dist. No.1. Commissioner Rich seconded the motion. The motion carried unanimously.

- 4) Fire Chief Evaluation- Mr. Waniewski stated that information is still being collected. Once received, a composite rating will be done. Vice Chairman Brackett will assist with the results.
- 5) Recommendation to Civil Service Board (OSE) - Mr. Waniewski presented a letter that was drafted, on behalf of the Appointing Authority, Chief Kaufmann, to the local Civil Service Board, regarding questions that arose around the deadline to meeting the Standards and Qualifications being 12/31/15. There were members eligible to sit for the exam; however, they had not satisfied all of the requirements.

Mr. Waniewski stated that four questions arose, for clarification, and the State Examiner's Office stated that the local Civil Service Board should decide on this, as it is the appointing authority's responsibility to give the direction to the Civil Service Board.

Mr. Waniewski stated the letter stated that anyone that is confirmed, or in their working test period will remain confirmed after 12/31/15. Any member in a current upgrade position would work out that upgrade position; however, if the qualifications have not been met as of 12/31/15, they would have eighteen months, from January 1, 2016-June 30, 2017 to meet the qualifications and remain eligible for probational appointment. Any member that is eligible, that has not met the qualifications, and can upgrade in a provisional appointment (<30 days), would remain eligible for the eighteen months, thru 6/30/2017.

Chief Kaufmann clarified that today you can give an exam and have a 48 month eligibility period; therefore, the 18 month period was a compromise. He further stated that it was discussed, in detail with all three shifts, on what his recommendations were going to be.

- c.) **Payroll** – (none)
- d.) **FRS (Firefighters Retirement System)** –
 - 1) 25.25% Employer Contribution Rate (07/01/2016) – Approved
 - 2) FRS Notice of Employer Contributions Increasing (Pending- 07/01/2017)
- e.) **VFIS Special Risk Insurance & LWCC** – VFIS Renewal Submitted- 05/06/2016
Renewal Date)

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

5. Duplantier Hrapman Hogan & Maher, LLP-

Mr. DiGiovanni discussed the financial report.

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

6. Attorney's Report

- a.) **Agreement to Raze, Demolish, and/or Burn House/Structure-** (Approved above)
- b.) **Request for Qualifications- Architect Update-** Attorney Ingram stated that we will be receiving/opening RFQ's for Architects on March 22. In the event that excessive proposals are received, Attorney Ingram recommended that a committee be formed to review the proposals and be narrowed down to a Board approved number of proposals.
- c.) **Public Bids- Exhaust Update-** (Tabled above)

7. EXECUTIVE SESSION:

After brief discussion on the climate survey, and Chairman Crowley requested assistance, from the other Board members, in preparing a response. Additionally, Charmain Crowley asked that the employees be made aware that this is being worked on.

Chief Kaufmann stated that he would like to waive his rights, of 24 hours notification, and go into Executive Session to discuss the survey.

Chief of Operations Kuhn stated that there will be cadaver lab training at LSU on April 13. He further stated that we are the only fire department in the state that does this type of training.

Commissioner Hoying made a motion to suspend the rules to add discussion of the climate survey under Executive Session. Commissioner Gay seconded the motion. The motion carried unanimously (voice vote).

Commissioner Hoying made a motion to add the discussion of the survey under Executive Session. Commissioner Brackett seconded the motion. The motion carried unanimously.

Commissioner Brackett made a motion to suspend the rules to move "Board Comments (Item 8)" up on the agenda. Commissioner Rich seconded the motion. The motion carried unanimously (voice vote).

Commissioner Hoying made a motion to move "Board Comments (Item 8)" forward on the agenda. Commissioner Brackett seconded the motion. The motion carried.

Chairman Crowley confirmed that Chief Kaufmann waived his rights of the 24 hour notification. Chief Kaufmann requested that Mark Waniewski, Troy Ingram, and Chief's Worchel and Kuhn be present in Executive Session.

- 8.) **Board comments-** Chairman Crowley stated that we have a lot of things coming up, and he'll probably be sending emails out asking for assistance with some things.

Commissioner Brackett made a motion to go into Executive Session. Commissioner Hoying seconded the motion.

- a.) Bric Todd Bybee v. LQ Management, et al.
Docket No. 2012-10219, Division "F"
22nd Judicial District Court, Parish of St. Tammany
- b.) Shontell Williams v. St. Tammany Fire Protection District No.1
EEOC Charge No: 461-2015-01159
- c.) To discuss character, fitness and competence, in the climate survey, of Chief Kaufmann

The motion carried unanimously.

Executive Session convened at 8:09 P.M.

The meeting reconvened at 9:20 p.m.

There was no action taken in Executive Session.

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

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

The meeting adjourned at 9:22 p.m.