

**Spring Hill Fire Rescue and Emergency Medical Services District**

**Board of Fire Commissioners**

**Special Business Meeting**

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**May 12, 2010 – 10:45 a.m.**

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**CALL TO ORDER**

Chairperson Brosnan called the meeting to order at 10:45 a.m. on May 12, 2010 at Headquarters, 3445 Bob Hartung Court, Spring Hill, Florida.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Amy Brosnan	Chairperson	Present
John Pasquale	First Vice Chairperson	Present
Robert Giammarco	Second Vice Chair & Sec/Treasurer	Present
Leo Jacobs	Commissioner	Present
Ben Edwards	Commissioner	Present
Michael Rampino	Fire Chief	Present
Andrew Salzman	Attorney	Present

Chairperson Brosnan advised that this meeting was called to discuss a potential reprimand for Commissioner Giammarco. She advised that in order to streamline the process she would allow each Board member an opportunity to speak once and that Commissioner Giammarco would speak last giving him the opportunity to respond to all of the comments and questions. At the end of the discussion, she will entertain a motion. She asked for Board consensus regarding whether or not to take public comment.

Commissioner Pasquale stated no.  
Commissioner Jacobs stated no.  
Commissioner Edwards had no preference.  
Commissioner Giammarco stated yes.

Chairperson Brosnan advised then she would allow public comment after the motion is made. She asked Commissioner Pasquale to begin the discussion. She reminded the public to maintain a respectable business manner and advised that she will have anyone who interrupts removed from the meeting.

Commissioner Pasquale stated that this began in February with a group of emails, which combined contained forty-two questions. These questions take time and effort for staff to answer and that costs money. He felt in an effort to save money that we

should get a way from this. We can have one or two questions but not on frivolous issues. He gave examples of situations that he felt were frivolous and that could have been handled with a telephone call; the automobile accident and the spray-painting issue. We also had an individual (not Commissioner Giammarco) who asked for information that took the Finance Director two days to compile a report, which cost the taxpayers money.

Commissioner Jacobs stated under State Statute 191.005 the Board is authorized by the State to remove or admonish a Commissioner. He is concerned that this Commissioner came in with an advanced agenda from the first meeting he attended. The Chief and Attorney are employed by the Board and are to look into what the Board asks for, not what an individual Commissioner asks for. If we all did this, it would cost a lot of time and money. He reviewed the process for negotiating with the union, creating a budget and for making requests of or requesting information from the Chief. He thinks the Board should pick a member to be the spokesperson for the Board and that it should be the Chairperson.

Commissioner Jacobs reviewed Commissioner Giammarco's actions regarding the contractor for the cabinets at Station #4. Commissioners are entitled to their opinions but not to get involved between the Chief and the person doing the work. It is a violation of the Board's Bylaws to give individual direction to the Chief, we cannot micromanage the Chief.

Commissioner Jacobs read from the minutes of the last meeting where he felt Commissioner Giammarco inferred in a round about way that Chief Rampino was a liar. He also read from the minutes where Commissioner Giammarco had received the complaint about the cabinets. Commissioner Giammarco has never been elected to speak for the Board.

Commissioner Jacobs stated he felt Commissioner Giammarco had prosecuted himself with all these emails because he wants everything public record. He (Commissioner Jacobs) asked Attorney Salzman if it is correct that anytime a Commissioner comes into Chief Rampino's office to talk with him that anything said is also public formation.

Attorney Salzman stated no, if a Board member is talking with the Chief in a verbal conversation, it is not subject to recording and therefore it is not a public record.

Commissioner Jacobs asked Attorney Salzman if a Board Member is allowed to talk with a vendor individually and to receive information from that vendor about business concerning the Board.

Attorney Salzman stated it is legal, but does it violate your Bylaws or a procedure, that is up to the Board to determine.

Commissioner Jacobs continued reading highlights he had made to the minutes of the last meeting and recommended that the Board consider their authority under Statute 191.005, which authorizes them to remove a Commissioner from the Board who has violated the rules or who has violated his role as Commissioner.

Commissioner Edwards read from the Bylaws, Article 10 Rules of Conduct, Section 1 Interference. To give an example of this he read an e-mail, which began on February 3, 2010 from Attorney Salzman to Chief Rampino. That e-mail advised that Attorney Salzman had contacted the Ethics Board regarding Commissioner Edwards' status with the Fire Police. The temporary opinion was that Commissioner Edwards should discontinue with the Fire Police until a formal written opinion was received. Attorney Salzman then advised Chief Rampino to notify Commissioner Edwards of this. That same day Commissioner Edwards responded back to Chief Rampino in an e-mail that he had appointed Lieutenant Frank Byrnes as temporary Captain of the Fire Police. He then read e-mails from Commissioner Giammarco to Chief Rampino questioning the status of Commissioner Edwards repeatedly on March 11<sup>th</sup>, March 26<sup>th</sup>, March 29<sup>th</sup> and April 1<sup>st</sup>. How many times does Commissioner Giammarco have to be told that he (Commissioner Edwards) has stepped down from the Fire Police? Commissioner Giammarco did the same thing with the repair of the Truck from High Point Fire Department. Commissioner Giammarco asked to see the bill and he asked to see the payment made after the Chief had authorized this and the Board had given him that permission. This interferes with fire department operations. He appreciates Commissioner Giammarco asking questions, there is nothing wrong with asking questions, but don't ask them seven times, the answer is going to be the same. The Bylaws state the first offence for this is a public reprimand.

Chairperson Brosnan asked Attorney Salzman if this issue was something that should be handled by the Ethics Board as was suggested by a resident during the regular business meeting?

Attorney Salzman stated we can always request the Commission on Ethics to give an opinion, but whether they do it or whether they do so timely is unknown.

Chairperson Brosnan stated she has spent the last month thinking about this issue, re-reading the e-mails and listening to comments from both sides, including an e-mail from Commissioner Giammarco requesting an apology from every Board Member and giving us a warning. She read a statement she had prepared regarding the powers of the Board, the definition of micromanaging, the e-mails back and forth from Commissioner Giammarco to Chief Rampino and Attorney Salzman. She advised that these e-mails go beyond just questions, that there are repetitive requests for information, they are argumentative, demanding and accuse the Chief and Attorney of a cover-up.

Chairperson Brosnan continued that Commissioner Giammarco has requested the names and contact information of our vendor list. We have administration in place for this, Commissioners need to be neutral and use the bid proposals as their guide. The

situation last month could have been avoided if Commissioner Giammarco had not contacted the vendor during the bidding process. Whether realizing it or not he became the vendor's point of contact.

There are e-mails from Commissioner Giammarco regarding employee discipline and his opinion on that discipline. This puts the taxpayers at risk for a lawsuit. The Commissioner has been counseled over and over by Attorney Salzman but it continues.

She read a quote from the minutes of the December 9, 2010 Commission Meeting where Commissioner Giammarco during Closing Comments stated ... "he will continue to ask questions and yes, to badger the Chief". She said this shows his desire to micromanage the Chief. Badgering interferes with the day-to-day operations. She read the definition of the word badger. This does not create a good working environment, we should be grateful that the Chief has not hired an attorney to protect himself from harassment, which makes Commissioner Giammarco a liability again to the taxpayer.

She referred to the minutes of the January 2010 meeting where Commissioner Giammarco admits he "demanded" the Chief to call Attorney Salzman in reference to the Medical Director. This is a Board of five not a Board of one and by using the word "demand" he usurped the Board and the Chief and directly leapt into micromanaging the District.

She quoted Commissioner Giammarco from the last meeting and said just because he did not specifically use that word "liar" does not mean the concept was not there. The name-calling, insinuations and accusations of a cover up should not be tolerated. The relationship between Chief Rampino and Commissioner Giammarco is now severely damaged.

She hates that this is an issue but it cannot continue. She has allowed herself to be insulted by Commissioner Giammarco with comments he has made saying he is the watchdog of the taxpayers, that she is ridiculous and incompetent. He was offered the position of Chairperson but turned it down. He claims he is looking out for the taxpayer yet he does not attend public events. (she listed the events held that he did not attend). These events are good for the morale of the department and for the people to see their Commissioner out in the public. We are all here based on a commitment made to the taxpayers not a paycheck. We need to take a hard look at each other and get together and work as a team.

She said in reference to a reprimand that Commissioner Giammarco should not be reprimanded for asking pertinent questions, that is his job. He should be reprimanded for interrupting the day-to-day operations based on our Bylaws, Article 10 Rules of Conduct Section 1. The nitpicking, the arguments and demands for small details. She read a list of examples that she felt causes these day-to-day interruptions. She read from the Bylaws regarding the purpose of hiring a Fire Chief and the

responsibilities of the Fire Chief. This Board's responsibility to set policy and the Chief is to follow those policies. Anything else is micromanaging and interrupts the day-to-day operation of the department. This Board needs to do two things; establish a spokesperson and create a ruling that Commissioners cannot call vendors or potential vendors or solicit vendors.

Commissioner Giammarco responded that he feels this entire matter is ridiculous. In response to Commissioner Pasquale's statements, he does not remember ever asking seventeen questions in an e-mail, perhaps that includes the Chief's responses back to us.

Commissioner Giammarco read into the record a written statement which he said he had e-mailed to each of the Board Members and copied to the Attorney and the Chief on April 21, 2010. In his written statement, he quoted remarks made throughout the meeting of April 14, 2010.

In response to the Chairperson stating that he had called the Chief a liar and the statement by the Chief that it was not the first time. Nowhere during that meeting did he ever make a direct or indirect statement calling the Chief a liar. His only reference was that the information provided by the vendor and the information provided by the District did not agree. He had requested that they provide any comments he had made that implied the Chief was a liar and with the absence of any evidence he requested a formal apology on the record confirming that he had not called the Chief a liar.

In regards to his questioning of the almond color of the cabinets, it was stated to him that that was what the Firefighters wanted. When he went to Station 4 with the Chief's permission he was told to follow the bid process. He reminded the Board that we did not bid this project we only obtained quotes. Commissioner Edwards pointed out that the original specifications called for oak cabinets so he would again ask how this changed without our knowledge or approval. Someone from the District gave this vendor approval. If they did not, as he stated several times before, why did we allow the work to continue? And, why was final approval given to the vendor when it was stated that the work was substandard? Procedure and protocol were not followed and that is why we are in this situation. It was also stated during that meeting that he should have brought the matter to the Chief, he did, and he referred to an e-mail he had sent to Chief verifying this. To the accusation that he knew the contractor, that is far from the truth, he has never met him. Later he (Commissioner Giammarco) is accused of a conspiracy, which he resents. He again asked for evidence to back up this accusation and for a formal apology if it cannot be provided.

In reference to sanctioning him, he advised the Board that they should tread lightly because as an elected official it is his duty and right to question things. Since when does questioning things become micromanaging? If other Commissioners find reading his e-mails a burden then perhaps they should consider resigning.

He still has not received a copy of Commissioner Edwards resignation from the Fire Police. When he stepped down from that organization, which should have been done, as standard protocol there should be a record of that action.

It was said that he sent thirty emails regarding the spray painting at Station #3, he asked that these be produced or a formal apology and correction made to the public record. Chief Rampino has never advised him (Commissioner Giammarco) that he is tired of his emails and wants no more. He wants the comments made at the last meeting justified or retracted. He was accused of being threatening in this e-mail but he sees nothing threatening in it.

We are not elected collectively, we are elected singularly and as a single Commissioner he has a right to ask questions. If this Board feels it is nitpicking that is their prerogative. If he had sent thirty e-mails on one incident then he would agree it is excessive but there were only three e-mails. He wants to get that record straight.

He remembers his first meeting with the Board and that when he visited the office that day, prior to the start of the meeting, he was told that four of the Commissioners were in a meeting with the former Fire Chief in the backroom. This continued until he made a complaint about it. Commissioners should not be meeting with the Chief over what is going to go on at the meeting. He clarified that he is not referring to Chief Rampino because he was not Chief at that time.

To the comment advising that only the Board can direct the Chief; he asked Chief Rampino if he (Commissioner Giammarco) had ever during the three years that Chief Rampino has been Acting Chief and Chief ever told him to do something other than what he should do.

Chief Rampino stated this is not the time or place for that type of question. There are a lot of statements being made to get the record straight. Commissioner Giammarco and he had the occasion for the first time since he has been Chief (about a week ago in Chief Rampino's office) to have what he perceived to be a very civil educational type conversation. At that time, he told Commissioner Giammarco that he no problem with him asking questions, that his concern was with the debate that goes on after the original question and answer.

He explained for the record that on the occasions when Commissioner Giammarco felt the issue was not headed in the direction it should go it was because he (Chief Rampino) was merely trying to keep the Board out of a liable position. He explained disciplinary and grievance procedures and the liabilities involved and the reasons for his disagreement in responding to particular questions.

Chief Rampino stated that when he receives an e-mail from a Commissioner it is his personality type to answer it as soon as it comes in even though it is not expected or asked for him to do so and that includes evenings and weekends. There have been occasions where Commissioner Giammarco did not come out and say it but he felt

that it was very strong direction as to how he wanted it to go. Again, he has no problem with Commissioner Giammarco asking questions it is what goes on after the fact and the repetitiveness of it.

Commissioner Giammarco stated he appreciates Chief Rampino explaining that but he has never come in here and told Chief Rampino to put a truck here, to go there, etc?

Chief Rampino stated not operationally, as it pertains to apparatus placement, but administratively he has given some very strong direction in e-mails.

Commissioner Giammarco stated he understands how Chief Rampino feels because they did have a talk about that and it is fine, but he feels he has a right to ask.

Chief Rampino stated you have every right to push in that direction but please understand that professionally he (Chief Rampino) has every right not to comply. He does not mean that in a disrespectful manner, he has told the Board as individuals and he will tell them as a whole, his position is not only to run the day-to-day operations but to keep the Board and the Attorney out of a position where we can become liable and to keep the District out of jeopardy. He hopes that some clarity comes from today's meeting as to what we are going to do, how we are going to do it, and how we are going to operate. He explained how things can be misunderstood and as an example used the firefighters annual salaries compared to their hourly rate because of the number of hours they work per week. He is not hiding anything, he has given his computer password to others and rarely shuts his door and it is all here for everyone to look at.

In regards to Public Record Requests, we need to come to a decision as to exactly how we are going to do it every time; are we going to charge, are we going to charge only for certain things. Some of these requests can become excessive. The last one was well over three hundred pages, fortunately we were able to send it via e-mail. He reminded everyone that he works at the will and pleasure of five Board Members who are elected by the people of this community to run this place responsibly and he believes we are doing that.

Commissioner Giammarco stated for the record that when he first came on the Board he was told nothing by the former Fire Chief, all he got was quick course from Attorney Salzman regarding the Sunshine Law.

Chief Rampino reminded Commissioner Giammarco that at one time he did offer a method to open communications (setting aside the Monday prior to the meeting to allow Board members to meet with him individually) and the response from Commissioner Giammarco was that he had flawed thinking and that it would never happen because it was a Sunshine Law violation. The two of us sitting in a room together talking in no way violates the Sunshine Law.

Commissioner Giammarco stated it was also said that he tells the attorney what to do, he asked Attorney Salzman if he has ever told him what to do?

Attorney Salzman stated no.

Commissioner Giammarco asked regarding the statement that he should not get involved with the public; didn't they elect us? That does not make sense to him.

To the accusation of a conspiracy, he said again that he did not know the contractor who did the cabinets at Station #4.

He reminded everyone that Attorney Salzman had told him that he did not have to attend the Meet and Greet if it made him feel uncomfortable and that he had exercised that right.

In reference to micromanaging the Chief, he feels the Chief has already answered that. He has never come in here to micromanage the Chief, he is a Commissioner and has the right to ask questions.

In response to the e-mail from Attorney Salzman regarding Commissioner Edwards discontinuing his involvement with the Fire Police, he only stepped down as Captain of the Fire Police not out of the Fire Police all together. That is a violation because to discontinue means to stop something. He explained that the back and forth of the emails was to establish if there was a letter of resignation, which he felt should be the procedure.

We all discuss liability issues but then do not follow procedures. This may seem nitpicky to all of you, but it could come back to us. He only wants to make it look like we are doing what we should be doing. It is part of our job; we cannot rely on the Chief to do everything. He gave examples; a Commissioner's letter of resignation submitted without a date, our website listing the names of former Commissioners as current, an agreement or bylaws with the Fire Police.

He feels bad that Chairperson Brosnan thinks that because he is a former police officer and has a weapon's permit that she should be worried or scared. That is far from the truth, he would never come after anybody.

Anyone can come here and vent, the public or the Board. The word debate was used today, perhaps some feel it is debate but he considers it discussion. He feels sometimes the Board makes decisions but they do so with very little discussion.

He explained his questioning of vendor names, how they become vendors, the name of the bank we use, which employees have credit cards, etc. When he first came on board there were approximately thirty-nine credit cards issued, which he felt was ridiculous. He is only trying to establish that we have guidelines in effect.

He wants to work with everyone, but when a complaint is filed against him the way he sees it is that it ruins his reputation and public trust as well as his trust is lost.

He did tell the Chief when we lost our Medical Director in very strong terms that he needed to contact the Attorney in the best interest of the District. Perhaps that was wrong but he did ask Attorney Salzman, after the fact, if doing so was right and he concurred.

He explained why he asks when the Chief is away if he is on vacation or at a seminar. The Chief is a busy man and may be in a meeting. That is why he uses e-mail rather than the phone. The phone takes time which cost money, e-mail can be sent and answered at his leisure. He has never sent Chief an e-mail asking that it be answered immediately.

In reference to using the word "badger" it was used as a joke but evidently we can't do that.

The Board can reprimand him, but there is nothing in the Bylaws saying he should not send e-mails or how he should contact the Chief. The Chief has never told him he is tired of all the e-mails. These are questions he likes to know. He does not like to do things behind closed doors. He likes to do things out in the open. We say everything is out in the open yet they want me to phone the Chief which the attorney has said is privy information. He knows the other Board members call the Chief on the phone that is their prerogative. That never seems to come out, no one says that they have contacted the Chief to look into something. When he sends an e-mail, everyone knows it and he is not afraid to put something into an e-mail.

In regards to the cabinets and saying that someone lied, he has already gone over that with the Chief. His point was that there were mistakes made and as a result, we now have an addendum we are going to follow. We can always improve and that is all he is trying to do. He is not trying to criticize, he is not saying the Chief personally did anything wrong but someone did and we need to correct that.

When he used the words "tread lightly", it is because they are treading on his constitutional rights as an elected and public official and he would not think twice about contacting the Board of Ethics. The Board can do what they want but he does not think he is going to listen to it. He thanked everyone for their time and apologized that they had to sit through all of this.

Chairperson Brosnan asked Attorney Salzman if it would be appropriate for the Board to designate a spokesperson today.

Attorney Salzman stated it is not on your agenda therefore from a procedural standpoint he would say they should wait.

Chairperson Brosnan stated everyone has given their opinion so without further discussion back and forth she will entertain a motion.

**Motion**

**To continue with the public reprimand for Interference with the Daily Operation of the Fire Department Section 1 of Article 10 Rules of Conduct of the Spring Hill Fire Rescue District Bylaws.**

**RESULT: Motion dies due to lack of second  
MOVER: Commissioner Edwards**

Commissioner Jacobs stated what he is concerned about is that we cannot take back the damage that has been done publically. We have been called incompetent (four board members) by this Commissioner. Even though we are elected individually we are still a Board. Questions should be directed to the Chief, he is the administrator. We do not have the right to be intercessory to everyone in the District. When we leave the meeting we are through with our role as Commissioner for the Fire District.

Chairperson Brosnan warned the audience several times to stop interrupting and advised she would clear the room if it continued.

Attorney Salzman stated that Point of Order could only be brought up by a Board Member.

Commissioner Giammarco stated then for Point of Order that this is getting away from what this Special Meeting was called for and to close the meeting.

Chairperson Brosnan asked resident Ken Fagan to leave the meeting as a result of interrupting again after being asked to refrain from comment. She requested that someone call 9-1-1 because of his refusal to leave. She then called for a recess.

Chairperson Brosnan reconvened the meeting advising that after speaking with Attorney Salzman who had met with Mr. Fagan regarding the situation, Mr. Fagan is free to stay for the meeting. She reminded the audience to control themselves and to be respectful of each other.

Chairperson Brosnan asked Commissioner Jacobs if he was going to make a motion and reminded him to stay on task.

Commissioner Jacobs stated he understands but wants it clear that his motion is based on all that was said today, the e-mails, past history and the authority given to the Board by State Statute 191.

**Motion**

**To remove Commissioner Giammarco from the Board**

**RESULT: Motion dies due to lack of second**

**MOVER: Commissioner Jacobs**

Chairperson Brosnan asked if there were any other motions.

Commissioner Pasquale stated he would like to go back and second Commissioner Edwards previous motion.

Chairperson Brosnan stated he would have to make that motion over again.

**Motion**

**To continue with the public reprimand for Interference with the Daily Operation of the Fire Department, Section 1, Article 10 Rules of Conduct of the Spring Hill Fire Rescue District Bylaws.**

**MOVER: Commissioner Pasquale**

**SECONDER: Commissioner Edwards**

Chairperson Brosnan called for public comment not to exceed thirty minutes.

**CITIZENS COMMENTS**

The following citizens commented on the motion: Harry Chamberlain, Sherry Adler and Ken Fagan.

**Motion**

**To continue with the public reprimand for Interference with the Daily Operation of the Fire Department, Section 1, Article 10 Rules of Conduct of the Spring Hill Fire Rescue District Bylaws.**

**RESULT: ADOPTED (3 to 2)**

**MOVER: Commissioner Pasquale**

**SECONDER: Commissioner Edwards**

**AYES: Commissioner Jacobs**

**NAYS: Chairperson Brosnan, Commissioner Giammarco**

Chairperson Brosnan asked if Commissioner Giammarco was allowed to vote on the issue.

Attorney Salzman stated yes, sometimes they are exempted but he does not see an absolute exemption in the Bylaws.

Chairperson Brosnan asked Attorney Salzman the next step; did this need to be put into writing?

Attorney Salzman stated no, there was a motion made and it is part of the minutes for the record.

**ADJOURNMENT**

**Motion**

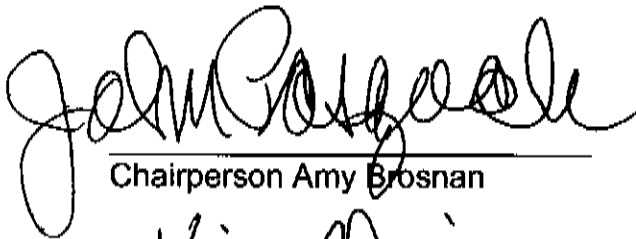
**To adjourn the Special Business Meeting of May 12, 2010 at 12:39 a.m.**

**RESULT: ADOPTED (UNANIMOUS)**

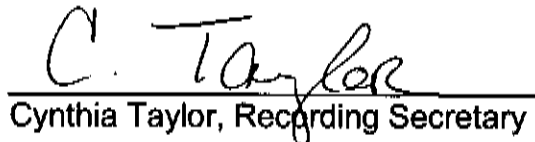
**MOVER:** Commissioner Edwards

**SECONDER:** Commissioner Jacobs

**AYES:** Chairperson Brosnan, Commissioner Giammarco, Commissioner Pasquale

  
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Chairperson Amy Brosnan



  
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Cynthia Taylor, Recording Secretary