

Spring Hill Fire Rescue and Emergency Medical Services District

Board of Fire Commissioners

Regular Business Meeting

August 11, 2010 – 9:00 a.m.

CALL TO ORDER

Chairperson Brosnan called the meeting to order at 9:00 a.m. on August 11, 2010 at Headquarters, 3445 Bob Hartung Court, Spring Hill, Florida.

Attendee Name	Title	Status
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

INVOCATION: Pastor Jack Martin gave the invocation.

PLEDGE OF ALLEGIANCE: Chairperson Brosnan led the Pledge of Allegiance.

APPROVAL OF AGENDA

Commissioner Giammarco asked to add the following to the Agenda; To Unfinished Business; Discussion on the Executive/Shade Meeting he was not informed of on July 29, 2010 and Budget vs Actual. Under the minutes; Face Book Document not added to the record.

Commissioner Jacobs asked to add to Unfinished Business; discussion on the Unexcused Absences of the June meeting and a clarification regarding the business meetings.

Chief Rampino added to the Chief's Report; Mr. Green and under Unfinished Business; a Draft Agreement with Hernando County Public Broadcasting.

Motion

To accept the Agenda with the additions.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Jacobs

SECONDER: Commissioner Giammarco

AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Edwards,

CITIZENS COMMENTS

Chairperson Brosnan read Board Policy for conducting meetings and reminded everyone that if they did not proceed in a calm and civil manner that they would be asked to leave or if necessary escorted from the meeting room.

The following citizens commented on various topics/issues during this portion of the meeting: Sherry Adler, Anne Kraus Keenan, Harry Chamberlain, Ken Fagan, David Green, Anthony Palmieri, and Vincent Segreto.

BOARD/STAFF RESPONSES

Chief Rampino responded to the comments; regarding the public record request, he did respond to the requestor but then she asked for more detail. We are working on the budget, we have just finished the audit, when Finance has the time to put this together she will. It is not a small amount of work; employees pay records for a calendar year is a lot and there is a lot that must be redacted because Firefighters are in a protected class. It is much more cost effective if the citizens could just come in and see the information rather than requiring that we produce it. He did let the requestor know that they are working on her request.

Commissioner Giammarco responded to the comments made and gave his personal opinions on the following issues; comments that may have been made by the Chairperson and the Board's right to say what they want to say, about requests for public records, the union's concessions and foresight to the district's financial problems, ad valorem taxes, the proposed millage rate and past budget history.

Commissioner Jacobs gave his personal opinion and responded to comments regarding public record requests, ethics and problems running the meetings, harassment and negative comments made meeting after meeting, the independence of the department, the wishes of the majority of the residents, the insurance rating of the fire department and the affect it has on homeowners insurance, NFPA requirements and the responsibility and importance of the department to comply, safety and his experience with burn units and the process for contract negotiations.

Commissioner Edwards responded to the comment regarding the request for e-mails; he advised that both he and the Chief have supplied the e-mails in question to the requestor.

Chairperson Brosnan asked Attorney Salzman if he would mediate to ensure that the issue of these e-mails is resolved today.

Attorney Salzman stated he would do his best.

Commissioner Pasquale asked Chief Rampino if he answers the e-mails from the citizen's who make public record requests and if he copies all of his responses to the Board. He finds that most of the answers the Chief gives are recorded as public record, so each Board Member has these e-mails. He has all of these e-mails from January 1, 2010 to date if anyone would like to see them.

Chief Rampino stated he answers and copies the Board most but not all, he would have to go back and look at his computer but he believes he did copy the Board this request. He believes the e-mails in question are those that were held up during that meeting where the Board felt Commissioner Giammarco was sending too much e-mail and Commissioner Edwards had picked up a couple of pieces of paper and said "I've been getting a lot of e-mail". He (Chief Rampino) has given the e-mails to requestor and Commissioner Edwards' stance is that those e-mails were contained in the public record request he (Chief Rampino) has already provided.

Attorney Salzman stated that is his understanding of the issue. There is nothing that says public records have to be given, the public record requirement is that you make the records available for review. If they were given then they were given, he does not know what claim can be made saying that "I never received those public records" if the records existed.

Consensus

The Board agreed to allow Attorney Salzman to handle the issue.

Chairperson Brosnan advised that she is sure that Chief Rampino is working on the public record request regarding salaries and that he will speak with the requestor today about her concerns and the status of her request.

CONSENT AGENDA

1. Correspondence of Note
2. Approval of Disbursements for the month of July 2010

Motion

To accept the Consent Agenda

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Jacobs

SECONDER: Commissioner Pasquale

AYES: Chairperson Brosnan, Commissioner Giammarco, Commissioner Edwards

APPROVAL OF MINUTES

July 14, 2010 - Regular Business Meeting

Commissioner Giammarco stated at that meeting a resident gave Attorney Salzman a Face book page asking that it be added to the record. We discussed this before and he wanted to make sure that this is the best way to retrieve it?

Chief Rampino stated it was requested that it be added to the minutes, the Board did approve that it be added. He apologized for it not being there and advised that it was given to the secretary to be included and he would find out why it was not. It was an oversight.

Motion

To accept the minutes of the Regular Business Meeting of July 14, 2010 with the addition of the Face book page printout from Mr. Fagan.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Edwards

AYES: Chairperson Brosnan, Commissioner Jacobs, Commissioner Pasquale

Commissioner Jacobs asked if he could bring up under the Approval of the Minutes the discussion of unexcused absences at that meeting. It has to be changed because we were excused beforehand. We cannot pass the minutes with the unexcused absences in there. He advised that he has never had an unexcused absence and he will not allow that to stand in the record.

Attorney Salzman stated the minutes are the minutes and that was the action that was taken by the Board. If you want a subsequent action by the Board to change that then that would occur in some other minutes. You can have a subsequent vote but the minutes reflect what happened at that meeting on that date.

Commissioner Jacobs asked how you change an action taken that was not proper or that was wrong?

Attorney Salzman stated you can take a subsequent vote to change that action. He reminded Commissioner Jacobs that he had added that to the Agenda for discussion under Unfinished Business for today's meeting.

REPORT OF COUNSEL:

Attorney Salzman explained that the millage cap is 2.5. That is what the District's Enacting Legislative Ordinance says and he does not know where the misinformation comes from regarding this.

Chairperson Brosnan stated the newspapers are running stories saying if the vote is "NO" that the County will take us back over.

Attorney Salzman clarified that issue; enacting legislation creates the District's existence this legislation requires a referendum for you to levy ad valorem tax. In the time period gap between the election occurring the County agreed to continue to levy taxes on your behalf. This is a voluntary act by the County they do not have to continue to allow for ad valorem taxation, they are doing that during this gap period that was discussed in that legislation. Once the vote occurs there is still a time period that we have with the county that will carry on that ad valorem taxation but that is not something that continues on forever. You are an independent fire district and you have to have a vote of the residents of Spring Hill to determine whether or not you are going to levy ad valorem taxation. Perhaps some of the confusion comes from a section under the statute that says the statute overrides any special act, but that is true only if there is a conflict. There are also Attorney General opinions and the Constitution that state you can not levy ad valorem taxation as an independent fire district without a vote of the people. Until you have a positive vote you will never have the ability to levy ad valorem taxation. If the vote is not positive based on the time period and the agreement with the County you will be able to have a second vote. If that does not occur you have the ability for other fees that can be assessed so that you will still exist and continue on. The county can't take you over without an act of the legislature, he does not know where people get that from, the legislature created you and the legislature can get rid of you, nobody else. The agreement with the County that allows them to do ad valorem taxation on your behalf expires on September 30, 2011. Is it conceivable that the County would continue to do that, he does not know why they would we could maybe draft something that would allow that but he has never heard of that before. This is a stopgap ability to continue to run the department until the election occurs. In response to a question from Chairperson Brosnan he advised that the State could not collect taxes for the District, there is no ad valorem taxing authority that can occur for you independent of some agreement with the County. There are procedures that will have to be put in place and a process that would have to occur to require you to collect taxes/fees. If we get the ability from the vote to collect ad valorem taxes we would still use the County Tax Assessor and Collector. You can enter into agreements with them that is the normal process.

Chief Rampino explained the three separate processes and the three entities involved; the Property Appraiser (we pay a percentage based on valuation), the County levys the tax, and the Tax Collector who collects it and distributes it to us and we pay the tax collector's percentage. We will never collect the tax, we will levy the tax, collecting that tax is done by the tax collector. You will have the authority to levy the millage up to the cap set by that act up to 2.50 mills. Anything above that would have to go back to the people of Spring Hill to vote to give you the power to do that. You have to have a vote to go above that cap but you do not need a vote to go below that.

Attorney Salzman stated that is true of anyone anytime they are doing ad valorem taxation to go over the existing cap that is authorized by vote or the legislative act you would have to have a separate referendum to go above that up to the limits allowed by Statute.

Attorney Salzman stated we need to bring an amendment to the Board's Bylaws because they are contrary to Statute 191 under Elections and we need to clarify that issue. Your elections are done by a majority but your current language does not meet the language of the Statute. He has notified the Supervisor of Elections to what the requirements are. He would recommend that they add a section that says we will follow Florida Statute 191 for Election Purposes so that you do not have to amend it every time there is a change. He will get this to the Board by next week for their review.

REPORT OF CHIEF:

Chief Rampino asked if the Board had any questions on the Report he submitted to them?

Chairperson Brosnan asked under Member Status; if the District had paid for any of the schooling for the FF/Paramedic that was resigning?

Chief Rampino stated anything that was owed to us would have been taken from his final paycheck but he does not think there was anything that he owed the District.

Chief Rampino stated the only addition he had to his report was regarding the Requisition for Proposal for Technical Proposals for Fire Station #2 are to be received by sealed envelope by 2:00 p.m. today. Tomorrow the evaluation process will begin and the evaluators will be himself, Fire Inspector Sudol and David Green, a member of the Community. In early September, once it is narrowed down to three to four firms they will come back to the Board with Cost Proposals at which time the Board will decided based on staff recommendation which company to go with. After that we go into formal negotiations with the chosen firm for the Gross Maximum Price (GMP).

Chief Rampino said the Board has given staff the approval to move forward with the project but they still have the ultimate authority and can at any given time the Board can decide to stop the process.

Chief Rampino answered questions from the Board and reviewed the details of the process; that bids must be sealed, what those bids must contain, the steps that must be taken and when, the purpose for the negotiation of the Gross Maximum Price and the requirement for change orders, the possibility of a geological survey after the old building is demolished for which the District would bear the cost if they feel it is necessary. Chief Rampino advised that the demolition of the old building will cost less than \$25,000 and requires only three bids, which he has already obtained and all three have come in far under that amount.

Commissioner Giammarco asked if the entire Board rather than a committee could review the bids? He asked if after the opening of the bids if the Chief could let the Board know how many proposals were received.

Chief Rampino stated because eventually you will have to decide who you are going to use having the full Board review the bids could taint the process of a fair and equitable bid process.

Attorney Salzman stated it would make the process longer, you would have to hold a special meeting to open the bids and that is normally done at a staff level. He said once the bids are open it becomes public at that point.

Consensus

The Board agreed to have Chief Rampino report as to how many firms submit Requests for Proposals.

UNFINISHED BUSINESS

Adding other Chaplains to Department Chaplaincy Program

Chairperson Brosnan stated we have been requested to send out letters to local Clergy to see if they are interested in joining our Chaplaincy program. The Board should decide if we want to send letters or put a notice on our website, etc. What is the Board's opinion?

Commissioner Pasquale stated he contacted various clergy from the area; two Deacons from different Churches and a Rabbi are willing to have their names placed on the Chaplain's list.

Chairperson Brosnan asked if there was in fact a Chaplain's list.

Chief Rampino responded yes, Pastor Martin has a list of Clergy that he uses if someone who wants to speak to someone from another faith. His (Chief Rampino) opinion is that the Department needs to have one Department Chaplain as he said before he does not have the time to be liaison for a group of Chaplains.

Commissioner Giammarco stated he would like clarification on the role of Chaplain; is this provided for assistance to the employees or is it for the District? He feels this should be distinguished.

Chief Rampino stated Chaplain Martin is the District's Chaplain and he provides a degree of what we call Employee Assistance.

Attorney Salzman stated the employees do talk with him and he serves at the meetings and other ceremonial aspects. It is an overall basis of service.

Chief Rampino stated he has not received correspondence from any other Chaplain who desires to be the District's Chaplain, which would encompass the ability of the employees to go to that Chaplain. There are however several members of the Clergy who would like to have their name or a link for people to be able to contact them. After the Attorney General's informal opinion, we are charged with deciding how we are going to address the actual website. Attorney Salzman and the Chaplain met prior to this meeting and the conclusion was that we would provide a link to Pastor Jack's own homepage with a disclaimer.

The Board discussed at length how they could provide a list of names to the public other than that of Pastor Martin; whether or not they should contact all area Clergy to see if they are interested in being placed on that list; how the list would be posted on the website; if there should be a back up for Pastor Jack in his absence;

Motion

To add Pastor Martin's list of additional Clergy to the Website.

MOVER: Commissioner Pasquale

SECONDER: Commissioner Giammarco (for discussion)

Commissioner Jacobs suggested that an additional motion be made later making Pastor Martin the lead Chaplain for the Department and that he (Pastor Martin) maintain the list of Clergy of all faiths.

Attorney Salzman stated that is contrary to the Attorney General Opinion; there is nothing wrong with Pastor Martin being the main Chaplain but there needs to be a list of other available Chaplains. That is what at the Attorney General said to do. The motion as stated meets these requirements.

Chairperson Brosnan polled the Board asking if they would like to hear from Pastor Martin as suggested by Attorney Salzman. They agreed.

Pastor Jack Martin advised that he built this list which consists of all the Churches in Spring Hill. It is his standard procedure when he goes to a home to ask if the person would like him to call one of them. There is a procedure that was established when Michael Morgan was the Fire Chief and it was passed by the Fire Board. It is very clear what the responsibilities are for the Chaplain. He will e-mail the list he has to the Commissioners. He said that the decision to add other Chaplains should be up to the Firefighters, they are the ones who must trust the person they are talking to and they have not been included in this.

Attorney Salzman stated the Attorney General Opinion discusses in essence if there are other individuals who are willing to serve in any capacity. There is nothing wrong with the wording of the motion but the problem is what do you do? Do you put up a link that says all other denominations click here and then we list the "yellow pages"? He does not think that is the intent. If there is anyone else interested we will give a list of those contacts. You have acknowledged Pastor Martin as Department Chaplain, if you wish to contact any other people who can help you we can have a small list of those or you can have a link that lists everybody. It seems unfair to expect other to denominations to volunteer and be contacted and that does a disservice to the person who is contacting them if they are not going to give them what they need, then we are creating a bigger problem. He feels we either need to do some kind of notification to allow others to apply and be added if they have interest or do individual contacts, we have to do something to give the people an opportunity.

Chairperson Brosnan asked if she could suggest that Pastor Martin be designated as Lead Chaplain, he can have meetings or whatever as long as he reports to the Board. Then we place a post on the website advising if you are interested in being a Chaplain for the Department send your resume in and we will give them to Pastor Jack. This way it is on the website, it cost nothing and the problem is solved. Then we can build a list of Chaplains that want to be contacted rather than the yellow pages of Churches on our site.

The Board discussed further this list of Clergy, the length of the list, if it should be limited to those interested and then limiting the number of Chaplains that would be part of the program,

Attorney Salzman stated that Chairperson Brosnan's suggestion sounds very good. It meets the requirements, it shows only those who have an interest in putting in the time. That was the whole issue of the Attorney General, to include others who had an interest in helping out the District. If there is no one then you don't have to add anyone if there are others you add them. You also want to have an appropriate Chaplaincy Program so that they know how to minister what the individual who contacts them needs.

The Board discussed withdrawing or amending the motion on the floor.

Commissioner Giammarco felt Pastor Martin should be given direction to contact those on his list and to come back to the Board next month with what he has established. In the meantime, we can have something on the website to contact him if interested. He feels there should be a backup Chaplain should something happen to Pastor Martin.

Attorney Salzman stated the motion can be withdrawn, we have direction and understand what is to be done.

Consensus

The Board agreed to withdraw the motion. Direction was given and is understood by Attorney Salzman, Chief Rampino and Pastor Martin.

Motion

To add Pastor Martin's list of additional Clergy to the Website.

RESULT: Withdrawn

MOVER: Commissioner Pasquale

SECONDER: Commissioner Giammarco (for discussion)

Citizens Comments

The following citizens commented on the issue; Sherry Adler, Scott Edmisten, Harry Chamberlain, David Green, Anthony Palmieri, Ken Fagan, Paul Brosnan.

Revisions to Standard Operating Procedures (Second Notification)

Chairperson Brosnan reminded everyone that this is the second notification and the Board must now vote on the issue.

Chief Rampino advised that the typographical errors that were identified at the last meeting have been corrected.

Motion

To accept the Revisions to Standard Operating Procedures as presented by the Chief.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Jacobs

SECONDER: Commissioner Edwards

AYES: Chairperson Brosnan. Commissioner Pasquale, Commissioner Giammarco

Chairperson Brosnan called for public comment prior to the vote but there was none.

Medical Director

Chief Rampino advised that he has presented the Board with two documents; the first from himself to the Board recommending Dr. Michael LoGuidice to become our permanent Medical Director for the Fire District as well as a Memorandum from Michael Nickerson, Director and Fire Chief of Hernando County Fire Rescue asking the same of the Board of County Commissioners.

Motion

To accept the Chief's recommendation of Dr. Michael LoGuidice for the position of Medical Director

MOVER: Commissioner Edwards

SECONDER: Commissioner Jacobs

Commissioner Giammarco asked the purpose of this, hadn't they already put him into that position?

Chief Rampino stated no, that was an interim position, this will allow him (Chief Rampino) to enter into negotiations with Dr. Michael LoGuidice who has suggested that he would do this for the same price, at that time he will come back to the Board with a contract.

Chairperson Brosnan called for public comment but there was none.

Motion

To accept the Chief's recommendation of Dr. Michael LoGuidice for the position of Medical Director

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Edwards

SECONDER: Commissioner Jacobs

AYES: Chairperson Brosnan. Commissioner Pasquale, Commissioner Giammarco

2010-2011 Proposed Budget

Chief Rampino stated that he, finance and accounts payable have been working on the budget and trying to reduce the total dollar amount. There are some items that will be addressed today under New Business that will directly reflect the direction they can go in with the budget. There are no number changes to present to the Board at this time.

July 29, 2010 Meeting Procedure (Added Commissioner Giammarco 8/11/10)

Commissioner Giammarco stated this was an Executive Meeting so he will not discuss anything that happened at that meeting. On July 23, 2010 he had received an e-mail that suggested the date of Thursday, July 29, 2010 for the meeting and he had responded back that he had scheduled commitments. He did not hear anything back after that but the rest of the Board must have contacted the Chief by phone because he did not see any e-mails. He would like to know why the procedure went like that because Chief usually contacts the Board via e-mail.

Chief Rampino stated he believes that he did respond back to Commissioner Giammarco with another e-mail. Commissioner Giammarco had replied that he could not make it and three other Board Members responded by phone that they could make it.

Commissioner Giammarco stated he was not given the opportunity to change his plans. He had been told by a member of the public that he did not care, that he did not want to come and that he did not show any interest and that is far from the truth. He wanted it clarified that he did not get notified and that the last e-mail he received from the Chief was at five o'clock advising that it was not a "shade meeting" it was an "executive meeting". He asked Attorney Salzman if these meetings are recorded and if not, should they be?

Attorney Salzman stated no, the reason why is this is the only exception to the Sunshine Law. Anything you would say is discussed as strategy and at the next collective bargaining session they would know what you are going to discuss for the future. The actual action for the contract is voted on at a public meeting and we take comment but your strategy is separate and private.

Commissioner Giammarco asked if in the future the Chair or the Chief would make sure that everyone is notified by some type of correspondence that there is going to be a meeting on a set date. He would have changed his plans if he knew there was definitely a meeting.

Chief Rampino stated if you are asking for a courtesy e-mail that says three can make it but you can't he will do it.

Budget vs Actual (added Commissioner Giammarco 8/11/2010)

Commissioner Giammarco stated he had asked last year (February or March) if this report could be placed on the website and he recollects that the Board had agreed to that. He feels the public has a right to know how we spend our money and where it is going.

Motion

To put the Budget vs Actual Report with the Agenda for the Public to view on the website.

MOVER: Commissioner Giammarco

SECONDER: Commissioner Edwards (for discussion)

Chief Rampino stated he can make that a part of the meeting packet. He does have a few residents who ask for that report each month and he gives it to them. There is nothing to hide but the public needs to know that it changes daily. You should not get hung up if you see we are at 101 percent of a line item, adjustments are made throughout the year which is standard for what we do.

Commissioner Jacobs explained that once the budget is approved it becomes public and citizens can ask to review it. This has to be a Board decision.

Citizens Comments

The following citizens commented on the issue; David Green.

Motion

To put the Budget vs Actual Report with the Agenda for the Public to view on the website.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Edwards (for discussion)

AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Jacobs

Unexcused Absences (added Commissioner Jacobs 8/11/2010)

Commissioner Jacobs stated that at the June meeting he had advised the Board that he would be on vacation for three to five weeks and that he would not be at the July meeting. Commissioner Pasquale advised at that same meeting that he would also not be able to make the meeting because he would be on vacation. How can that be considered an unexcused absence? Had they not informed the Board and not shown up then that would be an unexcused absence. There is nothing in the rules that says we can't take a vacation. This is unacceptable to him.

Commissioner Pasquale stated that he did inform Chairperson Brosnan in January that he would not be here in July. The bylaws allow for out of town travel over fifty miles away from the location of the meeting. Both he and Commissioner Jacobs were out of state and according to the Bylaws allowed to be absent. The Board voted us unexcused and he feels that motion should be rescinded.

Attorney Salzman stated according to the Bylaws everything they said is correct, however it has to be voted on by the Board and the Board voted not to allow it to be excused.

Chairperson Brosnan stated she plans her vacations and business conferences around these meetings, this is a commitment to her. She is entitled to her personal opinion. Her absences from the June meeting was because she was at a conference on Fire Board Business.

Attorney Salzman stated the Bylaws also stated that Commissioners missing three unexcused "consecutive" meetings will be removed. You missed last meeting but you are here for this meeting, he understands their position but there is no effect. It is for three meetings in a row.

Commissioner Giammarco asked if the Executive Meeting would count towards that.

Attorney Salzman stated no.

Commissioner Giammarco stated he had made that motion, everyone knows that come June and July we have to begin working on our budget, it is a critical time for us and right now, we are in a crisis and he stands by his vote. It is important that we all be here. It is what we signed up for.

Commissioner Pasquale asked why in the world then if this is such a critical time for the Board did they cancel the Budget Workshop scheduled for July 23, 2010 in which he had purchased airline tickets in order to return and attend that meeting? He was notified on July 22, 2010 that that meeting was cancelled; he lost the money that he had paid for that return trip.

Commissioner Jacobs reminded the Board that they are to go by the Bylaws and it does not say that they cannot take a vacation.

Chairperson Brosnan stated that she also voted in favor of the motion because she schedules her vacations around the meetings. If she misses a meeting because of a vacation she will be fine if it is voted unexcused because it was her choice to do so.

Attorney Salzman read the Bylaws "Commissioners shall attend all Regular Meetings unless excused, such absences shall be excused by vote or consensus of the Board." The Board voted not to excuse it that is within the Bylaws. The reason why they did it or whether you agree or disagree, this is what the Bylaws require. You are correct the reasons that you gave are acceptable reasons but they chose not to accept those reasons. The only way that vote can be rescinded according to Robert's Rules is if the majority (the two who made the

motion) make a motion and a second to rehear the issue. Again, this is a nonissue unless you have three "consecutive" unexcused absences. He would recommend they move on, everyone's position is on the record.

Recess

Chief Rampino asked Chairperson Brosnan for a short recess.

Chairperson Brosnan called a Recess at 11:02 a.m. and reconvened the meeting at 11:07 a.m.

Point of Clarification on Business Meetings (added Commissioner Jacobs 8/11/10)

Commissioner Jacobs stated he in reading the meetings it would appear that we have two Boards. The Board gives direction. There are lot of "I wants" in the minutes and he did not think we were and "I" Board. We wasted a lot of time today and have kept the Chief here too long. He asked Attorney Salzman the purpose of the Board.

Attorney Salzman stated the purpose of the Board is a majority deciding how they want to do their business.

Chairperson Brosnan asked Attorney Salzman doesn't she garner a majority and consensus? And, she is doing the right thing as Chair.

Attorney Salzman stated yes, she garners a majority every time and yes as far as he can see she is doing the right thing as Chair. You could not act without a majority, but does that mean that a majority of you does what each one of you wants to do, probably not, but it is still a majority vote, that's how we work.

Hernando County Public Broadcasting

Chief Rampino stated he has presented the Board with a draft agreement between the Fire District and Hernando County Public Broadcasting as we discussed at the July meeting. In short, we will take care of their apparatus that we donated to them and in lieu of that, they will provide us with the recording and broadcasting of our meetings.

Commissioner Giammarco asked if Attorney Salzman had the opportunity to look at this. There are two different dollar amounts that were discussed, he feels there should be a cap stipulated within the contract and that the amount should be what they would have charged for the service without this agreement.

Attorney Salzman stated yes he had reviewed the contract.

Chief Rampino asked for Board direction and a dollar amount to use for the cap.

Consensus

The Board agreed to place a cap of \$3,100.00 within the contract.

NEW BUSINESS

CPAT Testing

Chief Rampino explained that the CPAT (Candidates Physical Ability Test) is currently used by the department when they test for the position of Firefighter. The CPAT was developed by the International Association of Fire Chiefs' as well as the International Association of Firefighters'. St. Petersburg Vocational Technical Institute has developed a program in which they do that testing for you. To become a part of this consortium we must take a Portability Test, which will cost \$2,500.00 and \$150.00 annually afterwards. Once this is in place firefighter candidates would go to the school in St. Petersburg and pay the school to take that test which would include the Physical Ability Test along with a General Aptitude Test, Mechanical Ability Test and such. We will still conduct the oral interview and background checks but it relieves us of the liability and overtime costs that are involved with setting up the tests at Station #2. All responsibility and liability will be upon the School. When we are ready to create an eligibility list for the position of Firefighter, we will notify the school and the school will send an e-mail to all who have taken the test advising them that they can put in an application for our agency. The school will then forward those applications to us along with their scores. Everytime we give this test in-house it costs about the same. He named some of the many local agencies participating with this program.

Commissioner Giammarco asked when the letter from the Training Division was received? He asked about the comment in that letter stating that the cost to purchase the needed equipment to do the test in-house would be approximately \$60,000.00. Is the overtime cost quoted for doing this in-house (\$1,240.00) for just one day of testing? He asked what the Portability Test consist of? When the program will start and where the money will come from in the budget? Will we save any money on our insurance being relieved of this liability? And, isn't this what we have Training Officers for?

Chief Rampino explained that there are certain certified pieces of equipment that must be purchased to give the test, when we give the test next door we mock that equipment. With this agreement it includes that equipment and the school has the official license and types of equipment. He advised that the overtime cost provided was for just one day and that in the past because of the number of candidates they have had to hold the test for two days. He explained that the Portability Test is a study of thirty-three percent of the department in which they take time to truck and how much our equipment weighs to be sure that our

equipment meets the criteria that is standard throughout the United States. He is certain that we will comply. He plans to start the study (Portability Test) in October 2010. If the Board approves this he will look into the budget to see where they can pull the money, he could take it from the overtime line because that is where it would come from if done in-house. While the liability for testing will fall on the school but it will probably not save us any money on our insurance costs. The overtime costs for in-house was not for the Training Officers they work a forty-hour week and were here on the testing days, they cannot however administer the test themselves because there are seven or eight testing stations that require spotting of ladders, replacing tools for the next candidate, readjusting hose, etc. He explained in detail the test and what has to be done for each candidate.

Commissioner Jacobs stated this will also relieve the department of any charge of discrimination. Relieving the department of liability saves the taxpayers money and feels this is wise decision.

Motion

To accept Staff recommendation and approve the CPAT Testing with St. Petersburg Vocational Technical for the \$2,500.00 testing fee and \$150.00 annual fee.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Edwards

SECONDER: Commissioner Jacobs

AYES: Chairperson Brosnan, Commissioner Pasquale, Commissioner Giammarco

Chairperson Brosnan opened for public comment prior to the vote but there was none.

Public Records Acknowledgement

Chief Rampino explained that it is an acknowledgement letter that provides a cost estimate of what a request might generate. He had talked with Attorney Salzman in the past and by law we can collect these fees. Unfortunately, we have done some public record works for people in the past where they never showed up to pick it up and we incurred the cost of staff, printing, computer time and such. To try to elevate that and he feels it is a good process to make people aware of what it entails and to make it more official.

Attorney Salzman stated the basis behind the public record law is to allow people to review public records. The initial provision of that is to make public records available during normal office hours for review. You don't have to pay for that because you are reviewing them, if you want copies of those records the law provides for payment. What is happening is requests are being made specifically for copies of records. If the request is to review the records there is no cost

unless there is extensive time to get those records. There is nothing wrong with asking to be paid for the copies in advance. We cannot require anyone to fill out a written request just to look at the records, they can come in and do it orally, that is not a requirement under the law. If they want a copy put into a certain format there could be a cost for that. The problem is that we have a few public record requests (you have seen the e-mails) where we had the records they just don't want to pay the cost to pick them up. So you are incurring time and cost that are not being paid for.

Commissioner Giammarco asked what is the law specifically to time, is there a set time?

Attorney Salzman stated the law states as interpreted by Attorney General Opinion is that you should provide records in a reasonable time period. If you are asking for something that requires a lot of time then it is not reasonable that you have it immediately, for example the minutes, if they are done they should be made available, if they are not done you can't force someone to do the minutes immediately. We could provide a copy of the tape if that is what they want. You can't give a specific time or number of days. He has seen that done, the State Attorney's Office does it all the time; if no one challenges it they can do it.

Commissioner Giammarco asked if the first fifteen minutes given for free could be increased to a half an hour and if the specific list of charges could be eliminated and replaced with a flat rate. He does not want it to look like we are trying to inhibit the public from asking for records. He asked if we have the record available, can the requestor come in and review the records then ask for copies of the specific pages they want.

Attorney Salzman stated absolutely and that was the intent when State Statute 119 was drafted, what you just said is how it was supposed to work. Unfortunately, because of technology people do not make those requests anymore. They make a specific request in a particular format or requirements that we may not necessarily have in place. Certain things have to be redacted; certain time has to be spent in doing the documents. The biggest concern for people to understand is that if they do request something that there could be cost related to that and that they will have to incur those costs. Having a list is important so they know what they are looking at. The minimum time limit would be an internal decision, the statute does not give a specific time, it is not defined, it is case by case and a very vague area of the law.

Chief Rampino explained that unfortunately ninety percent of the public record requests come to us in the wrong format. They come in the form of a question by law I do not have to comply to those but I have. They are supposed to identify the state statute specific to what they are looking for and identify what they are looking for. He explained that he once had a request for payroll documents that was in excess of 1,700 pages of information. We are charged for the copies we

make, we have to pay for toner and paper and the time for someone to make those copies.

Chairperson Brosnan asked if the list of charges on the form is the simplest way they can make it? Are these prices set by Statute? Will this letter be mailed to the person making a records request? Doesn't the County and the Sheriff also charge for records?

Attorney Salzman stated the Statute gives a specific charge for copies, for all else it says the cost should be reasonable based on the amount of time and format . He does not know of any other agency that does not charge for records. You have to be able to recoup the cost for this. Remember, the public record law is just that, it is for records, it is not for questions, the law does not say that you have to answer questions.

Chief Rampino stated that he will make the form available on line but it could also be mailed to the requestor. This is in no way to deter someone from making a records request it is only to identify the cost that we incur to produce that record.

Commissioner Pasquale felt the Board would be remiss if they did not adopt the charges for records as presented by the Chief in Attachment E. It sounds reasonable to him.

Motion

To accept and put into effect the Public Records Acknowledgement Letter effective August 12, 2010 as presented in Attachment E

MOVER: Commissioner Pasquale

SECONDER: Commissioner Jacobs

Commissioner Giammarco asked again about having one just one specific price.

Attorney Salzman stated no, because the statute allows to charge based upon the individual needed to prepare the records request such as the Internet Technology Technician, the Finance Director or a Clerk; you can reasonably charge their hourly rate for that request, you want to make the charge appropriate.

Chief Rampino stated for clarification, this will not apply to the requests that have already been made. It will be effective tomorrow morning at 8:00 a.m. He will have the document posted on our website.

Citizens Comments

The following citizens commented on the issue; Sherry Adler, David Green, Harry Chamberlain, Ken Fagan, and Anne Kraus Keenan.

Chief Rampino explained the documents that are currently on our website for public review, such as the agenda packet, the minutes of Board Meetings, etc. He reviewed again the reason for implementing this procedure and how certain records are kept, by whom and the steps that may be required to make them available.

Motion

To accept and put into effect the Public Records Acknowledgement Letter effective August 12, 2010 as presented in Attachment E.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Jacobs

AYES: Chairperson Brosnan, Commissioner Giammarco, Commissioner Edwards

Contract Ratification

Chief Rampino presented the Board with the proposed Union Contract as agreed upon by Administration and the Union Local, which now requires Board approval. This represents a little over \$300,000 in concessions on behalf of the Union in an attempt to help the District balance their budget as well as maintain some of the jobs that were in jeopardy. He reviewed the agreed changes to the current document; to extend the Contract to from 2010 to 2013 as it relates to language items, items such as Pay Raises and Insurance Benefits are opened yearly. They have agreed to a zero percent across the board raise, a freeze to the step increase plan, three holidays without pay, concessions to the amount of insurance the District is liable for employee and dependents. We are changing the Driver Engineer Incentive capping amount employees who will receive that incentive and identifying those who will operate the apparatus and to test for that position in 2013 as a promoted position. We added to the contract previous Memos of Understanding for Tuition Reimbursement and Testing of the positions of Captain and District Chiefs. We are changing our insurance carrier to Humana which came in at a twenty three percent decrease from current cost, so not only did they make concessions to what we paid toward their insurance but also to the types of coverage provided. There is also a provision for opting out of the group plan with proof of other insurance at twenty cents on the dollar. We added a mess plan for tax purposes for those firefighters who pay into a food fund, this causes no liability or responsibility to the District. Hourly rates and hours worked are listed and reflects no across the board raises.

Motion

To ratify the Contract

MOVER: Commissioner Jacobs

SECONDER: Commissioner Pasquale

Commissioner Giammarco stated he is concerned with the Contract being extended to 2013. In 2012 this all reverts back what will happen in the future, where will the money come from then. He asked if this could be tabled to the next meeting to allow the Board to digest the information.

Chief Rampino stated that pay raises and insurance are opened for negotiation each year if agreed to do so by both parties. The only thing that is reverting back at the end of 2010 are the three holidays and the step increase plan. Tabling the issue to the next meeting would postpone open enrollment for insurance and changing carriers is not easy, all employees have to fill out enrollment forms, etc.

Attorney Salzman stated the worse case scenario is if you want to open for negotiations and they don't and we can't financially follow through with some of these provisions. You can always lay off personnel, that is part of management rights and with that condition parties agree to open it up. On the flipside you are locking yourself in on items that don't have to increase.

Chairperson Brosnan called for a consensus to vote now or table the issue.

Consensus

The Board agreed to vote on the contract now.

Citizens Comments

The following citizens commented on the issue; Scott Edmisten, David Green, Ken Fagan.

Motion

To ratify the Contract.

RESULT: ADOPTED (4 to 1)

MOVER: Commissioner Jacobs

SECONDER: Commissioner Pasquale

AYES: Chairperson Brosnan, Commissioner Edwards

NAYS: Commissioner Giammarco

CLOSING COMMENTS

Commissioner Edwards thanked everyone for attending. He apologized for the length of the meetings. He felt that Board Members should do their homework and be prepared to make decisions.

Commissioner Giammarco thanked everyone for attending and for their comments and suggestions. He wishes the Board had more time to review

documents prior to the meetings. He always tries to work with the Board and work towards the future.

Commissioner Pasquale thanked everyone for attending. He commended the Union for keeping salaries the same for two years in a row and for giving up the three holidays.

Commissioner Jacobs extended his thanks to the Union. This shows the citizens that we are looking out for their best interest. The more we can make our department meet NFPA standards the lower our rating will fall which will reduce insurance cost to the citizens. This is one of the best departments he has ever worked with. He spoke highly of Chaplain Jack Martin and the entire Department. He thanked everyone for attending and for sharing their feelings.

Chairperson Brosnan reminded everyone that the next meeting is September 8, 2010 the time has been changed to 4:00 p.m. and the Budget Hearing will be held following at 5:01 p.m.

Chief Rampino advised that they may have to call a Special Meeting on September 3, 2010 if we receive viable bids for the Station #2 project.

ADJOURNMENT

Motion

To adjourn the regular business meeting of August 11, 2010 at 12:03 p.m.

RESULT: ADOPTED (UNANIMOUS)

MOVER: Commissioner Jacobs

SECONDER: Commissioner Pasquale

AYES: Chairperson Brosnan, Commissioner Giammarco, Commissioner Edwards



Amy Brosnan, Chairperson



Cynthia Taylor, Recording Secretary