

Spring Hill Fire Rescue and Emergency Medical Services District
Board of Fire Commissioners
Regular Business Meeting Minutes

December 8, 2010 – 9:00 AM

CALL TO ORDER

Chairperson Giammarco called the meeting to order at 9:00 AM on December 8, 2010 at SHFRD Headquarters, 3445 Bob Hartung Court, Spring Hill, Florida.

Attendee Name	Title	Status
Robert Giammarco	Chairperson	Present
Sherry Adler	First Vice Chairperson	Present
Ken Fagan	Secretary/Treasurer	Present
Amy Brosnan	Commissioner	Present
John Pasquale	Commissioner	Present
Michael Rampino	Fire Chief	Present
Andrew Salzman	Attorney	Present

INVOCATION: Pastor Jack Martin.

PLEDGE OF ALLEGIANCE: Chairperson Giammarco.

SPECIAL RECOGNITION: Captain James Billotte and the crew of Station 4, Shift "B" presented a certificate to Mr. Carlos Gonzalez for performing CPR on a drowned child prior to Station 4's arrival onscene, thereby assisting in saving the child's life.

Chief Rampino advised the Board that the crew would be recognized at the District's awards ceremony on Monday, December 20.

Chairperson Giammarco called for a 5-minute break to address technical/recording issues.

Chairperson Giammarco reconvened the meeting.

APPROVAL OF AGENDA

Commissioner Pasquale asked to place his unexcused absence from the November 22, 2010 BoFC Regular Meeting. The matter was placed under "Unfinished Business."

Commissioner Fagan asked to place an email on the agenda regarding the Engine 1 accident. The matter was placed under "New Business."

Motion

To approve the agenda with the two added topics

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Adler

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

CITIZENS' COMMENTS

Chairperson Giammarco opened the floor to the citizens.

The following citizens spoke during this portion of the meeting: Joan Lynch handed out an email written by Anne Kraus-Keenan expressing the prohibitive costs of building Station 5. Ms. Lynch also asked Attorney Salzman if the SHFRD Board and Chief Rampino are not given Police powers by Florida statutes, is there a cause of action that can be brought against the Board and Chief Rampino for authorizing Police powers to a volunteer Fire Police group. Michael Gennusa thanked the Firefighters for a successful tree lighting ceremony and called for the Board members to attend in the future. Mr. Gennusa also stated that the 2600 homes in Spring Hill which currently do not pay property taxes are probably not at poverty level and should be liable to pay taxes. Mr. Gennusa concluded that Commissioner Pasquale's absence on November 22, 2010 should be excused and asked that audience members be more respectful of citizens speaking at the podium. Anne Kraus-Keenan commended the Board for beginning to make necessary changes. Ms. Kraus-Keenan requested vehicle non-emergency usage be further restricted. She also stated that the temporary usage of a mobile home/office in zone 5 should not necessarily serve as a precursor to the building of a new Station 5. Ty Lynch asked that the need for a new Station 5 be addressed by a professional organization before being pursued. Mary Babino began by addressing the value of quick response. Ms. Babino stated that she feels there should be Board members with more experience in firefighting and that the Board erred in disbanding the Fire Police. She implored the Board to make decisions for the right reasons. Tracy Benson suggested that the Board consider hiring a PR person. Ms. Benson supported the use of District vehicles for grocery shopping in order to reduce response time. Ms. Benson then stated her support of the Fire Police and agreed that they should be screened and properly trained. Ms. Benson also called for all Board members to submit to background checks and stated that in her opinion no one with a criminal record should be allowed to serve on the Board. Jack Martin requested that the Board reinstate the Fire Police. Mr. Martin called for the Board to readdress Commissioner Pasquale's unexcused absence from the November 22, 2010 meeting. Mr. Martin then stated that the SHFRD firefighter whose reputation had been discussed in the 11/22/10 meeting is actually a good employee and asked that the Board be more sympathetic when addressing employee issues. Mr. Martin supported Chief Rampino and asked the Board to empower him to function as the Chief. Mr. Martin concluded by stating that residents of other zones should not be hasty to dismiss the need for a SHFRD presence in zone 5. Vincent Segreto referred to the new Board as a "regime that is going to use Gestapo-like tactics to demoralize and dispirit this fire department."

Chairperson Giammarco closed citizen comments.

Board/Staff Responses

Chief Rampino: Started by stating that some of the costs of using the modular home in zone 5 were misstated by the citizens. Staffing and vehicles already exist to serve the zone, which is statistically the busiest in the District. There are some site improvements to be made but they are not extensive.

Commissioner Pasquale: Thanked the citizens for their concern regarding his unexcused absence on November 22, 2010.

CONSENT AGENDA

1. Correspondence of Note
2. Approval of Disbursements for the month of November 2010
2. Budget vs. Actual – November 2010

Motion

To accept the Consent Agenda.

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Adler

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

APPROVAL OF MINUTES

For the Regular Business Meeting of November 22, 2010.

Chairperson Giammarco asked to have the word "grudge" changed to "vendetta" on page 3 of the November 22, 2010 minutes.

Motion

To accept the minutes of the Regular Business Meeting of November 22, 2010 with Chairperson Giammarco's change.

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Adler

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

REPORT OF COUNSEL

Legality of Finance Director Reporting Directly to the Board

Attorney Salzman advised that article 13, section three of the by-laws states that the Finance Director works under the supervision of the Fire Chief. The by-laws would need to be changed or a policy adopted directing the Finance Director to follow whatever changes would be entailed.

Commissioner Brosnan stated that having Finance Director McClanahan at meetings would be acceptable but having her serve 5 bosses would possibly disrupt the workflow.

Chairperson Giammarco responded that the Finance Director already has the Board as her five bosses and that it was always his belief that the she should work directly with and for the Board. Chairperson Giammarco shared the opinion that there should be by-law and policy changes establishing a direct relationship.

Commissioner Pasquale stated that he believes the system is working as established.

Commissioner Fagan stated that there is an open door policy and that information currently flows freely. Commissioner Fagan then cautioned the administration to give Board members information as requested in order to preclude restructuring and policy changes.

Chairperson Giammarco reminded the new Board that it was decided in the September 2010 meeting that the Board should operate according to FS 191 so there are multiple changes that need to be made to the by-laws. Chairperson Giammarco stated that he sees a division where the Finance Director should be responsible for Finance issues and the Chief should be responsible for Operations.

Attorney Salzman advised that he would formulate a policy whereby the Chief will still supervise the Finance Director and ensure that day-to-day needs and Board requests are met. It may also be wise to have some language giving the Finance Director the ability to go directly to the Board if there is something she is being directed to do that is improper. Attorney Salzman advised the Board that he thinks it should take 2 to 3 hours to draft the new policy.

Legality of BoFC Overseeing Personnel Day-to-Day Operations

Attorney Salzman advised the Board that taking control of personnel would have to be in conjunction with FS 191 and would require a by-law change. From an informational standpoint, receiving updates from the Chief is common practice. Attorney Salzman advised against the Board getting involved in personnel because there are day-to-day problems that the Board should not become involved with. Attorney Salzman clarified that in his opinion the Board should be involved in general policy making and the Chief should carry out the policies that are adopted.

Annual Financial Audit Invoice

Attorney Salzman advised that he does not believe that it is a breach of the contract to not pay any overages, so it is the Board's decision if it chooses to honor the additional invoice.

Chairperson Giammarco requested that Chief Rampino email the new members of the Board the original agreement between SHFRD and the auditors.

BoFC/Local 2794 Relations

Attorney Salzman stated that previous Boards have allowed the Union to speak regarding Union-related issues. From a legal standpoint, it is the Board's decision to grant additional time outside of that provided to every citizen. There are provisions under the collective bargaining agreement that allow the Union greater rights when certain actions are taken but that doesn't entitle them to greater rights to speak in BoFC meetings.

Commissioner Fagan stated that it is clear that Captain Edmisten, the Local 2794 President, caused disruptive behavior during the November 22, 2010 meeting in responding to a motion regarding personnel matters, and that he went beyond the scope of the topic and lectured the Board regarding its interaction with the Chief and the District. Commissioner Fagan asserted that the Union has no standing on the issue of the Fire Police so his demands were well outside of any contractual requirements. Commissioner Fagan also advised that President Edmisten told a member of the audience to "shut up" as he was leaving the podium. Because of the threats and actions made toward the BoFC by the Union President, Commissioner Fagan suggested:

1. Attorney Salzman review the conduct of the Union President
2. A place be set on the agenda where the President can speak on Union issues

Commissioner Pasquale agreed that what Commissioner Fagan said was factual, but gave the opinion that President Edmisten was speaking out of concern that the Board was going to attempt to tell the Chief how to perform firefighting operations. Commissioner Pasquale also opined that President Edmisten was concerned with the safety of the Firefighters and citizens when he spoke in reference to the Fire Police.

Attorney Salzman stated that offering the Union a monthly opportunity to speak would help resolve many issues. Attorney Salzman then stated the he did not think it was appropriate for him to review Captain Edmisten's actions. Attorney Salzman further stated that in the future anyone showing disrespect to the Board should be asked to leave the meeting. Chairperson Giammarco asked Attorney Salzman to clarify whether the Union has always had the opportunity to address their issues in meetings to which Attorney Salzman replied that formalizing a preset place for the Union to speak monthly should eliminate future heated impromptu discussions.

Grievance 2010-06

IAFF Local 2794 President Scott Edmisten spoke on behalf of SHFRD Captain Alex Lopez regarding Captain Lopez not being promoted into the vacant District Chief slot. President Edmisten asserted that Captain Lopez meets all criteria for promotion and not doing so would be contradictory to District past practice. President Edmisten then stated that the resolution to the grievance would be to promote Captain Lopez to the position of District Chief effective immediately.

Captain Alex Lopez expressed that there were derogatory statements made about him in the November 22, 2010 meeting that he felt were unwarranted and that he would answer any questions the Board may have regarding his 17-year tenure with the District.

Attorney Salzman advised the Board that this was the time for the Commissioners to address the grievant and/or his representative.

Commissioner Fagan thanked Captain Lopez for his years of service. Commissioner Fagan then asked if the District was bound by statute or policy to promote in the order of the biannual promotions lists. Commissioner Fagan clarified with President Edmisten that minimum staffing for Fire & EMS operations is 24 persons. Commissioner Fagan asked for clarification as to whether any changes to past practice would automatically warrant reopening Union negotiations.

Chairperson Giammarco stated that under Article 15, Section 1 of the Union contract management has the right to freeze jobs or promotions.

Attorney Salzman advised that "past practice" has essentially been perceived by arbitrators to be part of the collective bargaining agreement so going against past practice would require making a policy contrary to that past practice. Attorney Salzman stated that in his opinion the District's past practice is the grievant's strongest argument. Attorney Salzman then requested that the Board should entertain a motion to either uphold the grievance or overturn the action and promote Captain Lopez.

Chairperson Giammarco called for a 5-minute break in order for the Finance Director to determine the financial impact of promoting someone to District Chief versus allowing Captains to work as Acting District Chiefs.

Chairperson Giammarco reconvened the meeting.

Finance Director Terri McClanahan advised that Captain Lopez's salary plus benefits currently totals \$99,143. If Captain Lopez is promoted his salary plus benefits would total \$103,367, whereas if he continues to work as an Acting District Chief his loaded salary would total \$105,058.

Motion

To promote Captain Lopez to the rank of District Chief

RESULT: PASSED (4 to 1)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Brosnan

AYES: Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

NAYS: Chairperson Giammarco

Grievance 2010-07

IAFF Local 2794 President Scott Edmisten clarified that this grievance was not initiated on behalf of the Fire Police but it is actually in reference to the safety of the citizens and firefighters of Spring Hill. President Edmisten stated that he approached the podium during the November 22, 2010 meeting in order to seek clarification from the Board as to whether or not they had actually disbanded the Fire Police, which would have presented a safety hazard to the District. President Edmisten pointed out that a principal reason that Spring Hill can operate safely with three firefighters per engine rather than four, is the Fire Police presence

at the scene which negates the need for a firefighter to direct traffic. President Edmisten referenced a recent accident response, worked without the benefit of the Fire Police, during which the medical helicopter pilot was unable to land due to traffic concerns. President Edmisten stated that the Board has procedures in place which should be utilized before making changes to policies which will affect safety. President Edmisten invited the new Board members to join the SHFRD Safety Committee in order to remain abreast of operational safety policies and procedures. President Edmisten advised the Board that the resolution to the Grievance would be to reinstate the Fire Police and "to have no further unilateral changes by the Board of Fire Commissioners to policy, procedure, operations, safety or the contract without going through proper channels."

Commissioner Adler stated that the intent of the Board was to have the Fire Police come under the Chief's direction, to have some rules and regulations, and to have the Fire Police live within the District. Commissioner Adler asked if there was a reason that we have the Fire Police when Hernando County has established a Fire Corp. Commissioner Adler asked Attorney Salzman how many of the other districts he represents have Fire Police to which Attorney Salzman replies that SHFRD was the only one.

Commissioner Brosnan agreed with Union President Edmisten that the Board hastily reacted concerning its Fire Police motion at the November 22, 2010 meeting.

Commissioner Fagan expressed that the Fire Police motion actually stated that the Chief would take immediate command of the Fire Police, that the District would not recognize the private organization, that the members would complete new applications, and finally that membership would be restricted to Spring Hill residents. Commissioner Fagan pointed out that the actions taken after the motion were determined by the Chief, as had been requested by the Union.

Union President Edmisten clarified that the grievance strictly deals with the safety implications of suspending or disbanding the Fire Police, and the process of making future safety-related decisions.

Commissioner Pasquale asked Attorney Salzman if removing the Fire Police would expose the District to additional liability to which Attorney Salzman replied that it should not.

Commissioner Adler reiterated that the Board did not disband the Fire Police, but actually put them under the Chief's direction. Commissioner Adler also stated that the Board wanted the Fire Police to have FDLE criminal background checks.

Chairperson Giammarco stated that his intent is to have a formal, written agreement between the District and the Fire Police, officially placing the Fire Police under the SHFRD umbrella.

Attorney Salzman clarified that the Sheriff's Office is responsible for directing traffic. Attorney Salzman also stated that he doubts this issue would ever get to arbitration because the Board is addressing the reformation of the Fire Police or some other entity that serves its purpose.

Attorney Salzman confirmed for Commissioner Adler that anyone who voted in the majority on the Fire Police motion at the November 22, 2010 meeting can present a new motion that will affect that motion. Attorney Salzman then clarified for Commissioner Brosnan that the

crux of the grievance is whether the Board agrees that the action that the Board and Chief took violated the collective bargaining agreement concerning safety.

Motion

To deny grievance 2010-07

RESULT: PASSED (3 to 2)

MOVER: Commissioner Fagan

SECONDER: Commissioner Adler

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Fagan

NAYS: Commissioner Brosnan, Commissioner Pasquale

REPORT OF CHIEF

Chairperson Giammarco asked if any Commissioners had comments regarding the Chief's report. There were none. Chairperson Giammarco advised the Board that in the future, if there are no comments, the Board will accept the report without any further exception. If the Chief has any actionable issues they will be moved to New Business.

Chairperson Giammarco asked that the Fire Police issue be placed under New Business for next month.

Chief Rampino asked for clarification from the Board as to whether he was allowed to perform all actions contained within his report if no dissention is voiced by the Commissioners. Attorney Salzman advised that by accepting the Chief's report any actions contained within it are considered approved by the Board. Chief Rampino requested that the Fire Police issue be addressed at the current meeting in order to resolve the pending safety issue. Chief Rampino reported that both the Fire Police and Hernando Fire Corps are prepared to join forces if required.

MEMBER STATUS

Captain Romine is being activated for military service so Chief Rampino would like to move up the top candidate for promotion to Captain to serve as an Interim Captain, and hire a part-time Firefighter/EMT on an as-needed basis to compensate for the staffing shortage on the shift. Chief Rampino asked the Board to give him the ability to use part-time employees on an as-needed basis at his discretion in order to save money on overtime, and benefits to full-time employees.

Motion

To allow Chief Rampino to hire a part-time Firefighter/EMT with scheduling flexibility per Chief Rampino

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Fagan

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

FIRE POLICE REORGANIZATION

Attorney Salzman stated that if the District provides any type of apparatus to the proposed Fire Police/Fire Corps organization we should use some type of Memorandum of Understanding, or if not, we should consider this to be a version of a mutual aid situation. The MOU allows the District to retain control whereas mutual aid does not.

Chairperson Giammarco stated that he was not in favor of combining the volunteer organizations and that in his opinion the intent of the Fire Police motion made on November 22, 2010 was to maintain the Fire Police as a separate SHFRD group.

Commissioner Brosnan asked Chief Rampino if a combined organization would respond only to Spring Hill, or would then be responsible to the entire county. Chief Rampino responded that if combined, the Fire Police would become the Fire Corps Scene Safety Division which would be separated into the West, East, and Central sectors with the Fire Police serving the West sector. The District could benefit from the administrative and Firefighter rehabilitation functions currently offered by the Fire Corps. Chief Rampino feels that an MOU could be structured which would resolve any of the Board's issues with the combined organization.

Commissioner Fagan advised that the intent of the motion was to maintain total control of the Fire Police without having to work through an intermediary.

Attorney Salzman advised that an MOU will allow SHFRD to maintain control. Attorney Salzman voiced a concern that under FS 191 the District may have issues contracting with an independent organization that is not backed by a municipality or county. Attorney Salzman advised that the combined organization could create a shared liability situation with the County and may put the District in a better overall position.

The Board instructed Attorney Salzman and Chief Rampino to further investigate the implications of a Fire Police/Fire Corps merger and present a report and Memorandum of Understanding for review.

Chairperson Giammarco called for a 5-minute break.

Chairperson Giammarco reconvened the meeting.

Commissioner Pasquale asked if the Board has the ability to immediately reactivate the Fire Police, and if doing so would create additional liability for the District. Attorney Salzman replied that a simple majority vote would allow the Fire Police to resume operations and that there should not be an increased liability.

Commissioner Adler asked if the previous Fire Police motion from the November 22, 2010 meeting was still in effect to which Attorney Salzman replied that it was basically on hold pending he and Chief Rampino presenting an acceptable resolution to the Board.

Commissioner Fagan stated that he had no problem with the current Fire Police members immediately returning to service with the understanding that they work under the Chief's direction. Chief Rampino replied that he felt the Fire Police members would be agreeable to those terms while the new policy is being formed. Chief Rampino clarified that the member

living outside of Spring Hill would not be allowed to remain in the Fire Police organization. Attorney Salzman stated that the prior incarnation of the Fire Police no longer exists so any members returning to service would do so under the stipulations of the November 22, 2010 motion.

FIREFIGHTER OVERTIME ANALYSIS

Chief Rampino reported that the daily shift staffing was already cut from 31 to 29 persons for FY 2010-2011. There must be 24 people working so there are only five persons allowed to have leave days off per shift. Going below the 24 working members per shift limit is against the Union contract so overtime will have to be paid if the retiring positions are not filled. There is one position opening due to a December 2010 retirement and another opening upon a retirement in July 2011.

Chairperson Giammarco asked if we could use part-time employees to work the vacant shifts on a long-term basis to which Attorney Salzman replied that he would have to research whether that could be done legally and whether a part-time person working in a full-time capacity would fall under the collective bargaining agreement.

Commissioner Fagan asked Chief Rampino if developing a pool of part-timers would be possible to which Chief Rampino responded in the affirmative. Chief Rampino added that part-time Firefighter/EMTs would suffice for short-term usage, but Firefighter/Paramedics would be preferable for the long-term. Chief Rampino advised the Board that there would be charges attached to carrying part-timers such as bunker gear, physical exams and background checks.

The Board called for a cost analysis of using multiple part-time employees.

UNFINISHED BUSINESS

MODULAR HOME RELOCATION/ELDRIDGE ROAD LAND LEASE

Commissioner Adler suggested that the SHFRD Safety and Inspections Division use the modular home as office space in its current location.

Chief Rampino stated that Assistant Chief Davies has received a single bid to move the modular home. Commissioner Fagan asked if this issue needed to be table because of the lack of bids. Attorney Salzman advised that the single bid could be divulged because of the time frame already allowed for other bidders to respond. The bid on record is approximately \$23,000.

Commissioner Brosnan asked if we would need to add a traffic light or new personnel. It was concluded that neither would be necessary.

Commissioner Fagan requested that the exact dimensions of the property be marked off.

Commissioner Adler asked if the District would forfeit any improvements made to the Eldridge Road location if the proposed year-to-year lease is not renewed. Chief Rampino

replied in the affirmative and again asked the Board to give a comprehensive set of questions and clear direction to expedite moving forward.

Chief Rampino advised that we could vacate the Kass Circle location and relocate at least two of the Inspectors to the modular if it is moved to the Eldridge Road location. Chief Rampino clarified for Chairperson Giammarco that the 8-hour Rescue unit would work out of the modular station and that Engine 2 could potentially move there as well because SHFRD Engines are staffed with Firefighter/Paramedics. Chairperson Giammarco asked Chief Rampino to break out the zone 5 monthly emergency and rescue calls. Chief Rampino reported there were 358 calls to zone five in November.

The Board directed Chief Rampino to get more confirmed costs. Chief Rampino confirmed that the cost to move the modular is \$23,100, the lease is \$200 per month, and staffing is in place, so the only outstanding cost is the septic tank. The Board directed Chief Rampino to get estimates for structures to protect the vehicles from the elements.

Commissioner Fagan stated that there are enough of the costs known to make the decision to move the modular. Commissioner Fagan also stated that he felt there would certainly be some type of use the District could make of the space that would justify the original \$23,000 expenditure.

Chairperson Giammarco called for a 5-minute break for the Video Technician.

Chairperson Giammarco reconvened the meeting.

Chief Rampino advised the Board that the District will canvas the Eldridge Road neighborhood for their reaction to the modular station before moving in. Chief Rampino stated that he would try to place the Inspectors in the modular as well.

Chairperson Giammarco called for citizen comments.

The following citizens spoke during this portion of the meeting: George Biro stated his support for moving the modular because all of the previous challenges seem to have been met.

Chairperson Giammarco closed citizen comments.

Motion

To move the modular from Station 3 to the 9500 Eldridge Road location

RESULT: PASSED (3 to 2)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Brosnan

AYES: Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

NAYS: Chairperson Giammarco, Commissioner Adler

NEW EMAIL SERVER PROBLEMS

Chief Rampino advised the Board that the current issues were due to the host's technical problems. District IT person, David Greer, has attempted to contact each Commissioner to walk them through problems and processes.

Commissioner Adler expressed that IT malfunctions are hindering the dissemination of information to the Board. Chief Rampino confirmed that the new web server functions better than the former system. Chief Rampino agreed with Commissioner Pasquale that the District should consider contracting a new web host. Commissioner Fagan advised that he already has information regarding a local web host, Complete Technology Solutions, which he has used for the past twenty years.

Chairperson Giammarco expressed his displeasure with the new email server and with the changes in the software. Chairperson Giammarco asked if we can change web hosts to which Chief Rampino replied in the affirmative.

SHFRD IT person, Ed Guillen, confirmed that the District creates and maintains its own web site so changing web hosts will not create a problem.

Commissioner Brosnan suggested that any motion to change web hosts not include a new host's name until the SHFRD IT Department confirms it can fulfill the District's needs.

The Board gave consensus for Chief Rampino to oversee research for a new web host.

DRIVER/ENGINEER JOB DESCRIPTION

Chief Rampino presented the Driver/Engineer job description for the third time.

Motion

To accept the Driver/Engineer job description as written

RESULT: PASSED (4 to 1)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Pasquale

AYES: Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

NAYS: Chairperson Giammarco

TRAINING/COMPLIANCE CHIEF JOB DESCRIPTION

Commissioner Fagan stated that in his opinion the description represents a change from a Union position to a management position with a six to eight thousand dollar per year difference in pay. There is also an increase in responsibilities that may not be allowable if the position remains under collective bargaining.

Chief Rampino stated that the new position would include EMS compliance, which the current Training Officer position does not. HCFR currently uses two positions to fulfill these needs.

Commissioner Brosnan confirmed that the position is non-union so would not be eligible for overtime pay.

Chief Rampino stated that there are qualified members of the District who may apply, but if no one does, we will have to seek outside applicants.

Commissioner Fagan stated that he has difficulty supporting the motion with another personnel-related motion pending.

Motion

To accept the Training/Compliance Chief job description as stated

RESULT: FAILED (2 to 3)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Pasquale

AYES: Commissioner Brosnan, Commissioner Pasquale

NAYS: Chairperson Giammarco, Commissioner Adler, Commissioner Fagan

HIRING/PERSONNEL PRACTICES

Commissioner Fagan requested that the Board immediately address Chairperson Giammarco's Hiring/Personnel Practices motion from the November 22, 2010 meeting, as its outcome may affect other issues on the agenda.

Chairperson Giammarco passed the gavel to Vice-Chairperson Adler.

Commissioner Brosnan expressed that the motion will effectively make the Fire Chief's position insignificant as it eliminates most of his power to run the District.

Commissioner Pasquale stated that the Board should not remove the authority of the Fire Chief to control the operations of the personnel and District.

Commissioner Fagan stated that he has full confidence in the Fire Chief, but FS 191 gives the Board the authority to extend its oversight powers as it sees fit.

Acting Chairperson Adler opened the floor for citizen comments. Kathy Brosnan stated that this motion goes against the by-laws because it micro-manages the Chief and rips away his authority. George Biro stated that it is his opinion that the Board should manage the budget, not oversee the operation. Mr. Biro also stated that the Board should fire the Chief if it is not satisfied with his job performance, but it should not strip away the powers of the office. Ben Edwards stated that the Fire Chief already reports to the Board which should suffice their requirement for oversight.

Acting Chairperson Adler closed citizen comments.

Commissioner Brosnan asked if the BoFC by-laws would have to be changed, to which Attorney Salzman responded that the motion has to conform to the by-laws and FS 191. To the extent that any of this motion is contrary to them, those things would take precedence. Where there is no conflict they are read together. If FS 191 or the by-laws are contrary to any aspect of the motion, they take precedence unless you amend the by-laws.

Commissioner Fagan asked the Board if anyone saw anything contrary to the motion. Commissioner Brosnan stated that according to the by-laws, everything in the motion takes away from the Chief's job description. Commissioner Brosnan also stated that the motion violates the "Rules of Conduct." Attorney Salzman expressed concern with whether the

motion coincides with Article 12 of the by-laws, which defines the Chief's responsibilities and relationship to the Board. Attorney Salzman advised that FS 191.1008.2 appears to be in synch with the motion in that the Chief will have to receive the approval of the Board for any personnel matter. Attorney Salzman further stated that approval need not be received in a formal meeting but can be gained via email with a request for contact from Board members who disagree with the proposed action. Attorney Salzman reiterated that FS 191 and the standing by-laws would still take precedence over the motion.

Motion

To have the BoFC temporarily suspend all personnel action to include but not limited to hiring, raises, transferring of positions, filling of vacant positions, realignment or abolishment of positions and creation of new positions until such time as the BoFC can reopen Union negotiations and determine the financial impact of personnel actions recommended. I further move that any and all future personnel actions to include promotions, hiring, transfers, terminations, workers compensation leave, family medical leave (for information only), creation of new positions or realignment or reduction of personnel be approved by the Board of Fire Commissioners prior to any action being taken

RESULT: PASSED (3 to 2)

MOVER: Commissioner Giammarco

SECONDER: Commissioner Fagan

AYES: Acting Chairperson Adler, Commissioner Fagan, Commissioner Giammarco

NAYS: Commissioner Brosnan, Commissioner Pasquale

Acting Chairperson Adler passed the gavel back to Chairperson Giammarco.

Chief Rampino requested clarification of the motion as it appeared to stipulate that he must receive Board approval for all personnel actions, including the changing of an employee from one shift to another.

Chairperson Giammarco called for a 5-minute break.

Chairperson Giammarco reconvened the meeting.

In order to provide clarification, Commissioner Adler offered an amended version of the Hiring/Personnel Practices motion.

Attorney Salzman will provide the Board a memorandum with a summary of the points of the motion and their conformity with FS 191 and the by-laws.

Motion

To have the BoFC temporarily suspend all personnel action to include but not limited to hiring, raises, filling of vacant positions, realignment or abolishment of positions and creation of new positions until such time as the BoFC can reopen Union negotiations and determine the financial impact of personnel actions recommended. I further move that any and all future personnel actions to include promotions, hiring, terminations, creation of new positions be approved by the Board of Fire Commissioners prior to any action being taken

RESULT: PASSED (3 to 2)

MOVER: Commissioner Adler

SECONDER: Commissioner Fagan

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Fagan

NAYS: Commissioner Brosnan, Commissioner Pasquale

HYDRANT TECH

Chairperson Giammarco spoke earlier with Chief Rampino so this issue was removed from the agenda.

STATION 2 RENOVATION

Commissioner Fagan advised that Station 2 needs a roof as soon as possible. Commissioner Adler agreed that Station 2 is "deplorable" and immediately needs a roof and a paint job. Commissioner Brosnan advised that she felt it would be more fiscally responsible to build the new station for \$1.3 million than to do it in three years for \$5 million. Commissioner Pasquale stated that he worked in stations that were over 100 years old so he knows the building can be repaired. Chairperson Giammarco pointed out that moving Engine 2 to the zone 5 modular will help reduce the overcrowding. Chairperson Giammarco also agreed with Commissioner Brosnan that construction prices are favorable now but it is a project that should have been done many years ago when the District had the funds.

Chief Rampino advised that we have a bid to replace all three of the Station 2 roofs for under \$15,000. There will also be other changes that need to be made such as garage doors and bathrooms. There was \$80,000 budgeted for Station 2 construction this year which could be applied to refurbishments. Chief Rampino estimated the cost would be approximately \$30,000 for the roof, bathrooms and drywall. Chief Rampino explained that many repairs to the current Station 2 were not made in expectation of a new station being constructed. Assistant Chief Davies has already collected bids which would help expedite refurbishments.

Chairperson Giammarco asked Chief Rampino to get bids for renovating Station 2 as the District did for Station 3. Chief Rampino explained that the Alexander Group has a state construction management contract for projects up to \$2 million that the District can use to estimate costs. Chief Rampino explained that the Alexander Group would contract with SHFRD to obtain bids and manage the construction if additions are to be made to the current Station 2.

Commissioner Adler asked if the previous bidders for the Station 2 build project would be able to grieve or sue if the District hired the Alexander Group to manage the Station 2 renovation. Attorney Salzman answered in the negative because the Alexander Group has a continuing contract with a government agency in the state of Florida which allows us to piggyback on that particular contract, and we are using them for a different purpose than was previously bid.

Chairperson Giammarco opened the floor for citizen comments. Ben Edwards advised that the State requires certain building features be brought up to code when a particular level of upgrades is made. Michael Gennusa suggested the Board reconsider building the new Station 2 rather than refurbishing the current station.

Motion

To allow the Chief to replace the roof, and consult the Alexander Group to see what suggestions they have and the corresponding costs

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Pasquale

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

ORGANIZATION CHART

Submitted to the Board by Chief Rampino. No action required.

BoFC HANDBOOK

This topic was tabled until the January 12, 2011 meeting.

COMMISSIONER PASQUALE'S UNEXCUSED ABSENCE FROM THE NOVEMBER 22, 2010 MEETING

Commissioner Pasquale read a prepared statement explaining his absence, which he presented for the official record.

Commissioner Adler stated that she did not excuse Commissioner Pasquale's absence because she feels that Commissioners should always be available to the District.

Commissioner Brosnan asked Attorney Salzman if the by-laws need to be changed regarding the "50-mile rule" if Commissioner Pasquale's absence remains unexcused. Attorney Salzman replied that under Article 10, Section 6 of the BoFC by-laws, the date of the meeting was legally changed by a majority of the Commissioners. Section 6 lists out-of-town travel beyond 50 miles as an acceptable reason for missing a meeting but it is ultimately up to the Board to decide whether an absence is excused. Attorney Salzman advised that if Commissioner Pasquale were ever to face discipline for having three unexcused absences, he would not feel confident in the Board's legal position regarding this instance. Attorney Salzman reminded the Board of the difficulty in finding a November date that would work for the majority of the sitting and incoming Commissioners.

Commissioner Fagan expressed that his vote to not excuse Commissioner Pasquale's absence was also based upon Commissioner Pasquale's history of missing meetings.

Chairperson Giammarco commented regarding the chain of emails and sequence of events which determined the final November 22, 2010 meeting date. Chairperson Giammarco stated that he did not know that Commissioner Pasquale would not be able to attend the meeting because the emails were never responded to by Commissioner Pasquale. Commissioner Pasquale stated that he had not received any of the emails and had only gotten information via conversations. Chairperson Giammarco alluded to Commissioner Pasquale's history of absences and asserted that each Commissioner must make adjustments to their personal schedule to accommodate for the needs of the District.

Commissioner Fagan stated that he does feel compassion for Commissioner Pasquale's reason for missing the November 22, 2010 meeting and that he believes Commissioner Pasquale now understands the Board's position regarding attendance, so as a member of the majority who voted against excusing Commissioner Pasquale's November 22 absence, he would like to move to reverse that decision.

Motion

To change Commissioner Pasquale's absence from the November 22, 2010 meeting to "excused"

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Fagan

SECONDER: Commissioner Brosnan

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

NEW BUSINESS

BoFC BY-LAWS

Attorney Salzman advised that he is reviewing the by-laws to confirm that they conform to FS 191 and the Board's enacting legislation. Any changes to the by-laws would be dependent upon the results of the review. The changes would have to be passed by at least a 4 to 1 vote. Attorney Salzman has also drafted a resolution aimed at clearing up the elections section. Any by-laws questions or issues should be emailed to Attorney Salzman for the January 12, 2011 meeting.

SPENDING

Chairperson Giammarco stated that he would like to stop all discretionary spending short of emergencies.

Commissioner Adler asked if the Chief has a spending limit to which Chief Rampino replied that he must seek Board approval before spending above \$1000 for items that are not budgeted. Chairperson Giammarco stated that he felt the Chief should consult the Board before making budgeted purchases as well. Commissioner Brosnan asked that the Board make clear what constitutes discretionary spending so that staff can comply. Chairperson Giammarco gave an example of school requests, seminars, and organization memberships. Commissioner Fagan further clarified by stating that the District should curtail spending on things that we "want" versus things that we "need."

Commissioner Fagan asked why the Board could not see the non-emergency invoices before they are paid, as opposed to receiving the statement of expenditures after the money is spent. Chief Rampino advised that the greater percentage of the check detail covers day-to-day items. Attorney Salzman suggested that the Chief bring before the Board the District's list of non-recurring expenses in order to simplify the request. Chief Rampino asked if that included education, to which Attorney Salzman replied that education is part of the CBA and is necessary for the Firefighters to obtain and retain their licenses, as opposed to seminars

and organization memberships which are optional. Commissioner Brosnan suggested that each Board member bring to the January 12, 2010 meeting any items that are considered discretionary spending. Commissioner Fagan attempted to clarify by saying that Chief Rampino should advise all employees to discontinue any previously reimbursable spending until the expenditure is approved by the Board. Commissioner Fagan confirmed with Attorney Salzman that the new Board has the right to readdress the FY 2010 – 2011 budget that was approved by the previous Board. Per Chairperson Giammarco's request, Chief Rampino will give each Commissioner a copy of the FY 2010 – 2011 budget with line items so they can understand SHFRD's financial direction, or formulate questions and address concerns about individual items. Chief Rampino will also present the Board a list of his questions and concerns with a new "discretionary spending" policy. The spending policy will be readdressed at the January 12, 2010 meeting.

Motion

From this date forward, all non-recurring costs that are not contractually obligated be brought before the Board prior to being paid

RESULT: WITHDRAWN ()

MOVER: Commissioner Fagan

SECONDER: Commissioner Adler

AYES:

NAYS:

USE OF MECHANIC'S VEHICLE

Commissioner Fagan stated that he does not feel that any District vehicle should be allowed to leave the District and county for non-emergency purposes. Commissioner Brosnan responded that allowing the Mechanic to take a vehicle home represents a cost saving over placing him on on-call status. Chief Rampino referred to the cost analysis he presented to the Board showing that providing a take-home vehicle is more cost effective than paying \$.50 per hour on-call pay, totaling approximately \$3328 per year. Chief Rampino confirmed for Commissioner Fagan that Hernando County Fleet Maintenance will not repair SHFRD vehicles, and that the Mechanic's vehicle is the only SHFRD vehicle used for commuting which leaves Hernando County.

Attorney Salzman confirmed for Commissioner Brosnan that the liability is basically equal for a take-home vehicle and on-call status. Commissioner Fagan clarified for Commissioner Adler that disallowing the take-home vehicle is a policy change as opposed to a response to any malfeasance by the Mechanic. Commissioner Brosnan asked Finance Director McClanahan to confirm that placing the Mechanic on-call would cost the District \$3328, to which Finance Director McClanahan responded that salary plus benefits would actually total approximately \$5,000. Chief Rampino stated that staff would review the budget to locate potential cuts to absorb the unexpected expenditure if implemented.

Chairperson Giammarco opened the floor to citizen comments. Ben Edwards stated that it does not make economic sense to increase a salary by almost \$5000 as opposed to paying roughly \$600 to fuel the take-home vehicle.

Chairperson Giammarco called for a cost analysis showing the number of times the Mechanic has been called out in the past two years.

Motion

To cease allowing the Mechanic's vehicle from leaving the District for other than emergency situations

RESULT: TABLED ()

MOVER: Commissioner Fagan

SECONDER: Commissioner Adler (for discussion)

AYES:

NAYS:

Chairperson Giammarco called for a 5-minute break.

Chairperson Giammarco reconvened the meeting.

DISTRICT SOP REGARDING ANNUAL BACKGROUND CHECKS

Commissioner Adler stated that she would like to implement annual background checks in order to protect the District from the liability of retaining employees who have been convicted of terminable offenses. Attorney Salzman and Chief Rampino confirmed that the employees are already obligated to notify the Fire Chief of legal actions, violations or notices to appear under penalty of termination. Chief Rampino advised that the District can get local background checks for free but state and federal level checks will cost \$24 each. Chief Rampino stated that there is almost no chance that a District employee can be arrested within the state without the arresting agency contacting SHFRD as a professional courtesy. Chief Rampino advised that the current District policy allows the administration to take each issue on a case-by-case basis.

Commissioner Adler decided to discontinue pursuing this issue but will email her list of concerns with the District's criminal records check protocol.

INTERNAL BILLING/BILLING SERVICE

Commissioner Fagan stated that the information he received from Chief Rampino and SHFRD Senior Billing Specialist Helen Gennusa, as well as his own investigation, led him to conclude that the District's billing should continue to be done internally. Chief Rampino added that outsourcing would cost at least an additional \$100,000. Commissioner Fagan advised that the collection rate in the larger cities is in the 60% to 70% range. Sr. Billing Specialist Gennusa stated that SHFRD currently collects 95.8% of what is legally collectible.

STATION 1 ACCIDENT

Commissioner Fagan advised the Board of an email the District received by Sergeant Major DeSouza regarding the destruction of his and his mother's property by an SHFRD vehicle, and the denial of negligence claimed by SHFRD's insurance company. Commissioner Fagan suggested that the District pay Mr. DeSouza the \$1,000 he is requesting.

Attorney Salzman advised against speaking further until the insurance company gives a definitive response. Chief Rampino added that he had forwarded Mr. DeSouza's email to the insurance company and that they were passing it up their chain-of-command. Attorney

Salzman stated that the insurance company cautioned the District to stop further proceedings until they make their final determination.

Commissioner Brosnan and Commissioner Adler both called for the discussion to end before creating a problem between the District and the insurance company.

Chairperson Giammarco tabled the discussion until a definite answer is received from the insurance company.

HIRING A FIREFIGHTER

Chief Rampino asked for clarification as to whether he was allowed to fill the vacancy created by District Chief Challis's retirement in December 2010.

Motion

To allow Chief Rampino to hire the replacement for District Chief Challis

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Brosnan

SECONDER: Commissioner Pasquale

AYES: Chairperson Giammarco, Commissioner Adler, Commissioner Brosnan, Commissioner Fagan, Commissioner Pasquale

CLOSING COMMENTS

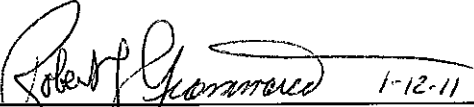
Commissioner Pasquale thanked everyone who attended the Veterans' Service at the VFW in November. He also advised everyone that on Friday, December 10, 2010 at 8:00 AM a piece of the cornerstone that was supposed to have been placed at the World Trade Center would be delivered and placed at the VFW.

Commissioners Brosnan and Fagan thanked everyone for coming out and wished everyone happy holidays.

Commissioner Adler thanked everyone for coming and requested indulgence from the District as the new Board members become acclimated to their roles.

Chairperson Giammarco again thanked Mr. Gonzalez for assisting in saving the drowning child, and wished everyone happy holidays.

Chairperson Giammarco adjourned the regular business meeting of December 8, 2010 at 5:45 PM.


Robert J. Giammarco, Chairperson


Wilbert Stewart, Recording Secretary