

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

March 9, 2011 – 9:00 AM

CALL TO ORDER (DISC 1 – 00:00:01)

Chairperson Giammarco called the meeting to order at 9:00 AM on March 9, 2011 at SHFRD Headquarters, 3445 Bob Hartung Court, Spring Hill, Florida.

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

INVOCATION: Chaplain Jack Martin

PLEDGE OF ALLEGIANCE: Commissioner Fagan, Commissioner Pasquale

SPECIAL RECOGNITION (00:01:42) Commissioner Brosnan presented awards to former Commissioners Ben Edwards and Leo Jacobs in recognition of, and appreciation for their service to the District. Commissioner Fagan also recognized Mr. Jacobs as a Vietnam-era Fighter Pilot.

FIDELAS GROUP PRESENTATION (00:07:49)

Chairperson Giammarco called for the Fidelas Group's representatives to approach the podium to give their external billing presentation. Commissioners Pasquale and Brosnan pointed out that the majority of the Board had decided against hearing a presentation. Attorney Salzman confirmed that the majority's decision should stand. Commissioner Brosnan confirmed that Chief Rampino had called the Fidelas Group to advise them their presentation was not required. Chief Rampino stated that the Fidelas Group decided to attend the meeting after being advised it was not necessary. Chairperson Giammarco had requested the presentation so the Board would have more information to decide the future of the District's medical billing procedure. Commissioners Adler, Brosnan and Pasquale did not want to have a presentation done at the 03/09/2011 meeting. Commissioners Fagan and Giammarco wanted to have the presentation. Chairperson Giammarco advised the Fidelas Group that they would not give a presentation at the meeting. The Fidelas Group

representatives advised that they did not come to give a presentation and were only there to answer any questions that arose from the Board's discussion.

Commissioner Adler addressed a newspaper article that stated she had conferred with another Commissioner regarding the Fidelas issue. Commissioner Adler read a series of emails from multiple senders in reference to Fidelas, and informed the Board that she had consulted an attorney regarding potentially libelous and slanderous statements made by Commissioner Fagan. The Board consented to allow Commissioner Adler to read a prepared statement in which she divulged that she had received death threats and promises of retribution if she continued to vote as she currently does.

Commissioner Fagan addressed Commissioner Adler's remarks. Commissioner Fagan asked that a chain of emails between Commissioner Adler and Commissioner Brosnan from 3/2/11 and 3/3/11 discussing the way they were going to vote be entered into the record. Commissioner Fagan read the referenced emails. Commissioner Adler clarified that the emails were sent to the entire Board and Chief Rampino.

Motion

To allow Commissioner Adler to rebut Commissioner Fagan's accusation that two Commissioners had talked together regarding the Fidelas issue.

RESULT: NOT VOTED (Commissioner Adler was allowed to read her statement via consensus)

MOVER: Commissioner Adler

SECONDER: Commissioner Brosnan

AYES:

NAYS:

APPROVAL OF AGENDA (00:25:05)

Commissioner Pasquale requested to add the Fire Police, and the Liaison under "Unfinished Business." Commissioner Brosnan asked to add Polling and Consensus under "Report of Chief."

Motion

To accept the Agenda.

RESULT: PASSED (4 to 1)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Brosnan

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

NAYS: Commissioner Adler

Commissioner Fagan reiterated that Attorney Salzman had cautioned the Board regarding email content.

Chairperson Giammarco stated that he was appalled by the morning's proceedings and apologized to the citizens.

CITIZENS' COMMENTS (00:45:38)

Attorney Salzman asked that the Board adopt a policy that does not allow for direct attacks on individual Commissioners by citizens. The Board consented to adopt the policy.

Chairperson Giammarco opened the floor to the citizens.

The following citizens spoke during this portion of the meeting: Mr. Michael Gennusa requested an extra minute to speak. Mr. Gennusa opined that Fidelas changed its name from Diversified Billing in 2010 because of a class action lawsuit filed against them for balance billing. Mr. Gennusa referred to an email sent from Commissioner Fagan to the Board, Attorney Salzman, and Chief Rampino on March 3, 2011 in which Commissioner Fagan accused Mr. Gennusa and his wife, SHFRD employee Helen Gennusa of nepotism. Mr. Gennusa demanded an apology from Commissioner Fagan. Mr. Gennusa concluded by stating that he had unsuccessfully made multiple requests of Commissioner Fagan to receive the list of companies he had consulted when gathering information regarding the District using an external billing agency. Ms. Anne Kraus-Keenan stated that the Board should address the method of taxation that will be implemented after the current agreement with Hernando County Government expires on September 30, 2011. Mr. Leo Jacobs called for the Board to shorten the length of meetings in order to reduce costs, and on the citizens to support the Commissioners and members of SHFRD. Ms. Tracey Benson addressed the condescending tone of emails sent to the Chief from citizens and Commissioners. Ms. Benson requested copies of all documents currently on the dais. Mr. Ian Norris read the statement given by Commissioner Adler during her 2010 candidacy. Ms. Maryrose Babino questioned citizens' motives when insulting the Firefighters during citizens' comments. Ms. Babino read a prepared statement supporting the fire service. Mr. Brian Keenan asserted his right to criticize the District.

Chairperson Giammarco closed citizen comments.

Board/Staff Responses (01:17:41)

Commissioner Brosnan asked Attorney Salzman to address Ms. Kraus-Keenan's questions.

Commissioner Adler thanked Mr. Gennusa for his information regarding Fidelas and for his volunteer service to the District. Commissioner Adler agreed that no Firefighters should be demeaned by the citizens.

Commissioner Fagan stated that he had forwarded Mr. Gennusa's email requests to Chief Rampino and defended the nepotism statement he had made. Commissioner Fagan also agreed that the Board needed to focus on the business of running the District in order to ensure its future.

Commissioner Pasquale stated that there appeared to be a double standard as to how many of his letters the newspapers will publish as opposed to those of other citizens.

Commissioner Pasquale read a prepared statement asking everyone to remain calm as the District goes through its current struggles.

Chairperson Giammarco stated that he does not use his personal email address for District business. Chairperson Giammarco clarified that the sheet of paper someone gave him at a previous meeting concerned Robert's Rules of Order, and that when he whispered to someone at a prior meeting it regarded that person leading the Pledge of Allegiance.

Chief Rampino responded to Ms. Keenan that he had already addressed a flat-rate tax during the November Regular Business Meeting.

Chairperson Giammarco called for a 5-minute recess.

Chairperson Giammarco reconvened the meeting.

CONSENT AGENDA (01:31:31)

1. Correspondence of Note
2. Approval of Disbursements for the month of February 2011
2. Budget vs. Actual – February 2011

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

NAYS:

APPROVAL OF MINUTES (01:32:00)

For the Special Business Meeting of February 2, 2011 and the Regular Business Meeting of February 9, 2011.

Commissioner Adler stated that page 8 of the minutes of February 9 should reflect that she showed proof that Commissioner Fagan called Chief Rampino to meet him at Station 2 and that he had released the top part of her return "De Plan" email to the Chief. Commissioner Adler then stated that she had also given Chairperson Giammarco a copy of the email that Chairperson Giammarco faxed to Chief Rampino's father-in-law.

Commissioner Fagan called for both emails to be added to the minutes, verbatim.

Chief Rampino asked for Board clarification as to whether all documents should be included in the electronic packet sent to the Board. Attorney Salzman advised that each Board can

determine the amount of detail included in the minutes. Chief Rampino confirmed that copies of documents are included in the physical file with the video discs. Commissioner Adler requested fairness be shown in the written records. The Board gave consensus to continue recording the minutes per current protocol.

Motion

To accept the minutes of February 2, 2011 and February 9, 2011

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Adler

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

REPORT OF COUNSEL (01:41:35)

TAXATION (01:41:41)

Attorney Salzman advised that there are three alternatives to resolve the District's taxation issues. The first is to have the County tax under an MSTU. The second is to hold an election that would call for two questions under a referendum. The first question is whether the District would be allowed to levy up to 2.5 mils for ad valorem taxes, and the second would be for non-ad valorem taxation purposes. The third alternative is to involve the Governor, which is the least possible to succeed.

Attorney Salzman stated that he, Chief Rampino, Attorney Terry Lewis, County Attorney Jon Jouben, and Attorney Hogan from the Clerk's office met to discuss the County entering into a taxation agreement with the District. The County is allowed to create an MSTU and to enter into an agreement with SHFRD at the County's discretion.

Attorney Salzman stated if none of the three alternatives comes to fruition, the County has the ability to provide taxation services under provisions it could set. The dissolution of the District would require a legislative act, but if the District has no taxing ability or agreement for funds, it would essentially be dissolved, anyway.

Attorney Salzman advised that there had also been conversations with the County Clerk, and if all questions of legality cannot be answered, the District would bring a declaratory judgment action before a judge who would make a final determination.

Attorney Salzman recommended that all three alternatives be pursued concurrently. The District should request a County Commission agenda item at which time Chief Rampino, Attorney Terry Lewis, Attorney Salzman, and a member of the SHFRD Board would address the District's taxation issue. The District should also contact the Supervisor of Elections to setup a special election if necessary. Attorney Salzman advised that the Governor's office should be alerted to potential problems. Attorney Salzman asked the Board for permission to draft a notice to the Governor that should be signed by the Chairperson and forwarded.

Attorney Salzman confirmed for Commissioner Adler that a non-ad valorem tax would take a year to establish because of procedure. Attorney Salzman also confirmed for Commissioner Adler that there could be a combination of ad valorem and non-ad valorem taxes as she had suggested.

Attorney Salzman confirmed for Commissioner Fagan that a notice to the Governor could carry expenses including hiring a lobbyist, but it would still be less expensive than having a special election. Going before the HCBCC would be the least expensive of the taxation alternatives. Attorney Salzman confirmed that if the HCBCC denies the District's request, the special election would be the next step. If the election results are not favorable, and the Governor does not intervene, the County would take over. Attorney Salzman advised that the District would request that the County extend the taxation agreement for one year, during which an election would be held to determine if ad valorem and/or non-ad valorem taxation will be allowed by the Spring Hill residents. If both referendums are defeated, the BoFC would have to approach the HCBCC to determine Spring Hill's future.

Commissioner Adler read an article regarding the potential double taxation for fire services in Brooksville.

Attorney Salzman advised that the District would ask the County to provide taxation services through the 2012 general election in order to save money and simplify the process.

Attorney Salzman confirmed for Chairperson Giammarco that any internal assessment issues should wait until after the non-ad valorem vote. Attorney Salzman explained that a primary reason for getting on the HCBCC agenda is the opportunity to address all questions in a public forum. Chairperson Giammarco stated that he felt a special election would be costly and insulting to taxpayers. Attorney Salzman stated that the District would create the questions for the referendums and that disseminating honest information would be key to achieving positive results. Attorney Salzman suggested wording the non-ad valorem question in accordance with Commissioner Adler's statement that current taxpayers would not exceed the established 2.5 mils. The County would have no input in determining the verbiage of the referendums.

Commissioner Brosnan stated that all five BoFC Commissioners should attend the HCBCC meeting.

Commissioner Pasquale suggested putting paid ads in the newspapers in order to avoid depending upon the media to accurately disseminate the District's message.

Chief Rampino stated that he had spoken with the majority of the County Commissioners who had indicated their only questions or reservations regarded the legality of providing the District's taxation services, and that County Attorney Jon Jouben acknowledged that the County could levy an MSTU and contract with the District through 2012. Chief Rampino reiterated that he had already provided the Board with a plan to implement a flat rate fire tax and an ad valorem tax for EMS. Chairperson Giammarco asked if the money to fund the tax alternative plans would come from the reserves. Commissioner Pasquale responded that the Board has to attempt to resolve the taxation issue so the source of the funding will have to be decided as expenditures arise.

Motion

To give permission for the Board, Chief Rampino, Terry Lewis and Attorney Salzman to set an agenda item for the County Commission to present before them; To give the Administration and Attorney Salzman permission to contact the Supervisor of Elections to determine the timing and begin drafting the referendum questions; To allow the Administration and Terry Lewis to draft a letter to the Governor which will be signed by the entire Board

RESULT: PASSED (4 to 1)

MOVER: Commissioner Adler

SECONDER: Commissioner Fagan

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

NAYS: Chairperson Giammarco

THE DIFFERENCE BETWEEN POLLING AND CONSENSUS (02:27:22)

Attorney Salzman read an Attorney General's opinion that stated that polling is not normally allowed, though in certain circumstances an individual who is vested with a task that requires making contact with individual Commissioners. Voting and decisions should be made in a public forum "in the sunshine." Attorney Salzman reiterated that Commissioners should be wary of email conversations. Attorney Salzman requested that the Board adopt a policy for determining when issues should be added to the meeting agendas.

Commissioner Brosnan opined that Commissioners should be allowed to add any item to the agenda but special cases, such as presentations, should be decided by consensus.

Chief Rampino requested that all agenda items be made via written communication.

Motion

To have all agenda item requests made via email to the Chief with special requests decided by a consensus of the Board, and all denied requests presented for Board review by the Chief at the following meeting during the Chief's Report

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Adler

SECONDER: Commissioner Brosnan

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

NAYS:

CITIZENS' RIGHTS TO SPEAK AT BOARD MEETINGS (02:51:43)

Attorney Salzman read from the 1983 Florida Supreme Court Wood v. Marston decision in which the Court held that the "Sunshine Law" only gives the public the right to be spectators, not participants. Attorney Salzman advised that the Board can terminate public comments at any point.

Motion

To break for lunch

RESULT: DIED (for lack of second)

MOVER: Commissioner Adler

SECONDER:

AYES:

NAYS:

Chairperson Giammarco called for a recess.

Chairperson Giammarco reconvened the meeting.

REPORT OF CHIEF (DISC 2 – 00:00:14)

Chief Rampino reminded the Board that negotiations with IAFF Local 2794 were to begin at 2:00 PM.

MEMBER STATUS (00:00:48)

Captain James Billotte has accepted the position of Interim Training/EMS Compliance Chief and will begin work on Monday, March 14, 2011. Training Officer Ken Discepolo will retire on March 31, 2011.

The Board had no questions on member status.

ADMIN BUILDING SINK HOLE STATUS (00:01:35)

Staff is collecting bids for remediation.

MODULAR RELOCATION (00:01:50)

Chief Rampino advised documents have been forwarded to Planning and Zoning. Staff is currently seeking a more concise plot plan for the grounds. Chief Rampino will contact GIS Mapping for assistance.

Chairperson Giammarco requested that the three quotes be forwarded to the Board.

Commissioner Fagan volunteered to assist Staff with the plot plan.

OFFICE VOLUNTEERS (00:03:01)

Chief Rampino stated that he had contacted Career Central and the high schools in search of volunteer office workers but has had no reply

NEW OFFICE EMPLOYEE (00:03:17)

Judith Davidson, a former County employee, has joined the staff as the Accounting Clerk.

VEHICLE MAINTENANCE SOFTWARE (00:04:34)

The IT Department has located software that will track items and inventory for multiple departments and divisions without using SHFRD server space. They are investigating further and will update Chief Rampino.

MISSING EQUIPMENT (00:05:18)

The piece of equipment has been found.

UNFINISHED BUSINESS (00:06:16)

ATTORNEY GENERAL OPINION OF THE BOFC BY-LAWS (00:06:16)

Attorney Salzman advised that the Attorney General's Office has stated that the by-laws are inferior to any state law, therefore state laws will take precedence. It will take a super majority to amend the by-laws. Attorney Salzman confirmed for Commissioner Adler that the by-laws call for a 2nd Vice-Chairperson and that the creation of the Liaison position is in accordance with the by-laws.

Motion

To appoint Commissioner Pasquale as 2nd-Vice-Chairperson

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Adler

SECONDER: Commissioner Brosnan

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

Motion

To abolish the Liaison position because it is not in the by-laws

RESULT: NOT VOTED (Commissioner Fagan resigned from the Liaison position)

MOVER: Commissioner Adler

SECONDER: Commissioner Brosnan

Chairperson Giammarco removed External Billing and the Fidelas Group's presentation from the agenda per Commissioner Fagan's request.

LETTER TO LOCAL CLERGY (00:10:49)

Commissioner Fagan advised the letter was based on the Lakeland model.

Commissioner Pasquale asked Attorney Salzman to explain the ramifications of having additional Chaplains. Attorney Salzman stated that the Board should decide what works best for the District. Attorney Salzman advised that if the Board opens the Chaplaincy program it

should consider extending invitations to all. Attorney Salzman also advised that Chaplains should use generic references to God.

Commissioner Pasquale stated that he had spoken with a Rabbi and a Priest who were agreeable to joining the Chaplain corps.

Commissioner Brosnan suggested limiting Chaplain membership to Spring Hill clergy.

Attorney Salzman advised that religious lawsuits that have been won dealt with the use of specific types of deities as opposed to using the generic "God."

Commissioner Fagan stated that his goal was to open the Chaplaincy to all and that there was no problem with restricting membership to Spring Hill clergy.

Chairperson Giammarco stated that Reverend Jack Martin would remain a Chaplain and that any new Chaplains would be additions, not replacements. Chairperson Giammarco also stated that persons giving the invocation would not necessarily be Chaplains.

Reverend Jack Martin agreed with extending the invitation to other local clergy and explained the function of the Chaplain.

Motion

To accept the Chaplaincy letter with changes to make the invitation open to Spring Hill clergy only.

RESULT: PASSED (UNANIMOUS)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Adler

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

FIRE POLICE (00:35:35)

Chief Rampino confirmed for Commissioner Pasquale that SHFRD is speaking with Hernando County regarding the disposition of the Fire Police.

Commissioner Adler advised that she had spoken with the Sheriff who will respond to her via email with a decision as to whether the Fire Police will become part of HCSO.

Chief Rampino confirmed for Commissioner Brosnan that Hernando County Fire Corps declined to make the Fire Police part of their organization. Chief Rampino also confirmed that he had no prior problem with the Fire Police member Frank Byrne.

Commissioner Fagan asked if the Fire Police had parked cars at the Swamp Fest event on March 5 and 6, 2011. Chief Rampino stated that he was notified via an email from a citizen that they had been there. Chief Rampino advised Commissioner Fagan that he would ask former Assistant Chief Davies if permission was given for the Fire Police to work the event.

Chief Rampino stated that he would inform the Board of the results of his inquiry via email.

Motion

To grandfather in former Fire Police member Frank Byrne prior to a takeover by the County

RESULT: PASSED (3 to 2)

MOVER: Commissioner Pasquale

SECONDER: Commissioner Brosnan

AYES: Commissioner Adler, Commissioner Brosnan, Commissioner Pasquale

NAYS: Chairperson Giammarco, Commissioner Fagan

NEW BUSINESS (00:46:36)

PROPERTY APPRAISER INFORMATION REQUESTS (00:46:36)

Chief Rampino clarified for the Board that citizens had been making public records requests from the Property Appraiser's office and advising staff there that they were doing so under the direction of Board members. The Property Appraiser's office asked that SHFRD make the requests to avoid the backlog created by multiple citizen requests.

Commissioners Brosnan and Giammarco stated that individual citizens have the right to make requests of the Property Appraiser's office and providing the information is a part of that staff's duties, not SHFRD's.

Chief Rampino asked Attorney Salzman for guidance regarding the legalities of responding to public records requests. Attorney Salzman replied that citizens have the ability to come in and view a public record. Documents do not have to be specially created if the information is not available in the requested format. Attorney Salzman clarified that anyone can come in to request a public record. Attorney Salzman confirmed for Commissioner Adler that the HQ office is the custodian of public records so requests should be made there. Attorney Salzman warned that Commissioners using their private email addresses for official business might subject their personal addresses to requests.

PARKING LOT REPAVING (00:59:51)

Chief Rampino is obtaining bids to have the HQ/Station 2 parking lot resurfaced. The original bids were inconsistent so staff will attempt to standardize the bidding parameters.

SHFRD/LOCAL 2794 NEGOTIATIONS (01:00:20)

Chief Rampino again reminded the Board that Union negotiations would begin at 2:00 PM.

Chairperson Giammarco suggested appointing Commissioner Adler as Board representative.

Attorney Salzman stated that there has not been a Board member present in the past, but the meetings are open to all so any Commissioner can attend.

Chief Rampino clarified that all collective bargaining decisions are made at public meetings. Chief Rampino stated that the meetings are recorded and that he can email the file to Commissioners if needed.

Motion

To have Chief Rampino and Attorney Salzman attend the negotiations with any Commissioners who wish to attend as well

RESULT: DIED (for lack of second)

MOVER: Commissioner Adler

SECONDER:

AYES:

NAYS:

CLOSING COMMENTS (01:08:49)

Commissioner Pasquale stated that he is happy with the meeting.

Commissioner Brosnan thanked everyone for coming and called for everyone to use greater decorum in the future.

Commissioner Adler called for an end to the pettiness in the meetings.

Commissioner Fagan asked that the Board officially remove him as liaison with the County. Commissioner Fagan read an email sent to him and Chairperson Giammarco by Commissioner Adler. Commissioner Fagan asked that Commissioner Adler restrict emails she sends to him to official business and requested she "just shut up."

Commissioner Adler vehemently objected to Commissioner Fagan's statement and asked Attorney Salzman to speak on proper conduct.

Attorney Salzman reminded the Board that there is a civility aspect to their positions and asked everyone to be respectful of each other.

Chairperson Giammarco stated that this was among the most disgraceful meeting he had been a part of. Chairperson Giammarco asked the Commissioners to consider replacing him as Chairperson if they do not feel he can control the meetings. Chairperson Giammarco apologized for the conduct of the Commissioners.

Chairperson Giammarco adjourned the regular business meeting of March 9, 2011 at 1:30 PM.


Robert J. Giammarco, Chairperson


Wilbert Stewart, Recording Secretary