



St. Tammany Fire District 12

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BOARD OF COMMISSIONERS SPECIAL MEETING MINUTES FEBRUARY 2, 2016

CALL TO ORDER:
10:16AM.

INVOCATION:

The meeting opened with an invocation by Vice-Chairman Kimberly, followed by the *Pledge of Allegiance*.

ROLL CALL:

Commissioners in attendance: Chairman Joe Mitternacht, Vice-Chairman Ken Kimberly, Secretary/Treasurer Sonny Schwing, Commissioner Ron Garrity and Commissioner Susan Strain.

A quorum was present.

Administrative Staff also in attendance: Fire Chief Darrell Guilott, Chief of Administration Stephen Krentel, Chief of Operations Mike Haley, Chief of Prevention Kris Hines, Chief of Training Dominick Bourgeois, Accounting Supervisor Sarah Modisett, and District Chief Kevin Adams.

Invited Guest in attendance: Mark Waniewski, PMI Resources.

ADOPTION OF AGENDA:

Chairman Mitternacht asked if there were any revisions to the Agenda. There were none. A motion was made by Secretary/Treasurer Schwing to accept the Agenda as written. Commissioner Strain seconded the motion. There was no public comment. The motion passed unanimously.

OLD BUSINESS:

There was none.

NEW BUSINESS:

Chairman Mitternacht stated that today's Special Meeting was To Consider and Take Action of a Request by a former employee for Benefit Compensation. He gave some historical information by saying that in 2011 he hired Mr. Robert Barnett as an attorney for the District and agreed to pay him a salary. At some point thereafter, former Fire District Administrator Ray Newton (without specific input from the Board of Commissioners) added other benefits (health/dental/life insurance, retirement, vacation, etc.) to Mr. Barnett's compensation package with no written contract in place.

Mr. Barnett's position at Fire District 12 was eliminated at a prior meeting in 2015. Mr. Barnett is now claiming that he should be compensated for other financial considerations including back pay, vacation and retirement. The District Attorney's office (as FD12's legal representative) has been handling the negotiation with Mr. Barnett, and the only documentation he provided to them were some hand-written timesheets that were not approved by anyone at Fire District 12.

The DA's Office advised the District that they had the following options:

- Hire an employment attorney;
- Do nothing;
- Have the Board respond directly to Mr. Barnett's Request for Benefit Compensation.

Chairman Mitternacht asked for the Board's approval to send a response letter to Mr. Barnett.

Chief of Administration Krentel reminded the Board that Fire District 12 has insurance for the defense of any litigation that might arise. If a finding of monies owed to Mr. Barnett came out of litigation, then the District would have to pay it.

Chairman Mitternacht stated that it would have to be determined as to whether or not Mr. Barnett owed the District for benefits that were paid to him without Board approval. Chief of Administration Krentel stated that the Legislative Auditor's office could not believe that there was no written contract in place for Mr. Barnett. The District also paid for his annual professional dues, malpractice insurance, CLE classes, mileage, meals, etc. Chairman Mitternacht stated that he would like the Board to reply directly to Mr. Barnett's request rather than hire specialized legal counsel.

Mr. Waniewski of PMI Resources stated that if Mr. Barnett felt there was a "clerical error" as stated in his claim letter, he should have asked for it to be corrected in a timely manner; i.e., on an annual basis. The Board has no knowledge of any outstanding reimbursements – if any exist, they need to be submitted to the Board for review as soon as possible.

Commissioner Garrity stated that he would like the DA's office to review the Board's letter prior to sending it to Mr. Barnett. It was clarified that Tony LeMòn of the DA's office recused himself from this matter as he has a personal relationship with Mr. Barnett's wife.

Vice-Chairman Kimberly stated that it seemed to him that the District only had a "gentlemen's handshake" agreement with Mr. Barnett. Commissioner Garrity stated that Mr. Barnett should have been classified as a contract employee versus a fulltime employee who received a W2 form. Chief of Administration Krentel stated that it was difficult for staff to respond to Mr. Barnett's claim as he reported to former Fire District Administrator Ray Newton, who is no longer employed at Fire District 12.

Chairman Mitternacht again stated that he would like for the Board to respond directly to Mr. Barnett. A motion was made by Commissioner Garrity for the Board of Commissioners to send a response letter to Mr. Barnett's Request for Benefit Compensation. Secretary/Treasurer Schwing seconded the motion. There was no public comment. The motion passed unanimously.

PUBLIC COMMENTS:

There were none.

ADJOURN:

A motion was made by Commissioner Strain to adjourn the meeting. Secretary/Treasurer Schwing seconded the motion. The motion passed unanimously. Meeting adjourned at 10:48AM.

Minutes transcribed by Rebecca Dougherty

Approved:



Joe Mitternigh, Chairman

18 FEB 2016
Date