

MINUTES
BROOKLYN FIRE & EMS DISTRICT BOARD MEETING
5/04/2016

Meeting was called to order at 6:30 pm by President Mark O'Brien. Members present were Kim Gruebling, Pat Hawkey, John Marx, and Jim Lunde. Also present were Dan Dean, Sarah Grapentine, Dave Dorn, Phil Van Kampen, Kim Kraabel and Joanne Van Norman,

Motion: Hawkey/Gruebling to table approval of 4/20/16 meeting minutes until requested changes can be made regarding motions to adjourn and reason for motions. Motion carried.

John Marx discussed emails from attorney regarding possible violation of open meeting laws during April 20, 2016 meeting. Chief Bowers had asked about the bid process for the new tender and Hawkey stated that it couldn't be discussed because it wasn't on the agenda. After the meeting, she then contacted the District's attorney for clarification. Marx reported that at the August 26, 2015 meeting there was a motion/second/approved "for Chief Bowers to look for a new tender with the target price of \$230,000.00". He felt that the Chief was only asking for clarification on the bid process. Hawkey disagrees that the Chief has prior approval to send out bids.

Motion: O'Brien/Marx to table to the next meeting the item regarding "Policy/Approval to allow the Fire chief to send out bids without prior commission approval". Motion carried with Hawkey voting Nay.

Motion: Marx/Lunde to approve page 1 of BFEPD Agreement as revised by Joanne Van Norman 5/3/16 with red areas accepted and old # 4 & 5 deleted. Motion carried with Hawkey opposed.

Motion: Marx/Gruebling to approve page 2 of BFEPD Agreement as revised by Joanne Van Norman 5/3/16 with red areas accepted. Motion carried with Hawkey opposed.

Motion: Marx/Lunde to approve page 3 of BFEPD Agreement as revised by Joanne Van Norman 5/3/16 with red areas accepted. Motion carried with Hawkey opposed.

Motion: Marx/Lunde to approve page 4 of BFEPD Agreement as revised by Joanne Van Norman 5/3/16 with the following changes:

Commissioners: The District shall be operated by the Commission. The Commission shall consist of five (5) members (herein referred to as "Commissioners"), with one (1) being appointed by each Town that is party to this agreement and one (1) by the Village of Brooklyn. Each Commissioner shall have one (1) vote on all matters pertaining to the District.

Term of Office: Each Commissioner shall serve at the pleasure of the municipality that appointed him/her. Each Commissioner shall remain in office until his/her successor is appointed and is sworn in. Each successor Commissioner shall hold office in the same manner.

Vacancies: Any vacancy on the Commission shall be filled by appointment by the Municipality that appointed the person to the vacant position. The Municipality shall notify the Secretary/Treasurer of the name of the person to fill the vacancy.

Substitute Commissioners: In the event that the appointed Commissioner is unable to attend a meeting, the Municipality he/she represents may appoint a temporary Commissioner for that meeting. The Municipality must notify the Secretary/Treasurer of the name of the person to fill that position. If that replacement is for the President of the Commission, the replacement shall serve merely as a Commissioner and shall not exercise the duties and powers of the President. In such a circumstance, the Vice-President shall act as President.

Officers: The officers of the Commission shall be a President, Vice-President and a Secretary/Treasurer. The President and Vice-President shall be elected by a majority of all the members of the Commission at the Commission's annual meeting held in September.

The Commission shall appoint a Secretary/Treasurer and may appoint an Assistant Secretary/Treasurer who need not be a member of the Commission. The Secretary/Treasurer and Assistant Secretary/Treasurer shall not have voting powers if he/she is not a Commissioner.

Motion carried with Hawkey opposed.

Motion: Marx/Gruebling to approve page 5 of BFEPD Agreement as revised by Joanne Van Norman 5/3/16 with the following changes:

Each officer shall serve for a term of one (1) year beginning on January 1 of the next calendar year and ending on December 31 of that year.

The duties of the officers shall be as follows:

President – The President shall: preside at all meetings of the Commission; insure that all the actions of the Commission are effectuated; execute all documents authorized by the Commission; and do all the things as directed from time to time by the Commission.

Vice-President – The Vice-President shall: discharge the duties of the President in the event of his/her absence or disability; and perform such additional duties as may arise from time to time as prescribed by the Commission or the President.

Secretary/Treasurer – The Secretary/Treasurer shall: keep a complete record of all transactions and proceedings conducted by the Commission; act as custodian of monies received by the District; sign with the President all checks written for The District; provide all notices required by this Agreement, the Commission and state law; be custodian of all records of the District; prepare and file all reports required by this Agreement or otherwise required by law; prepare and file the annual report required by WI. Statute 181.1622; provide a report of the financial position of the District at each regular meeting of the Commission and at such other time as may be requested by the Commission or its President and perform all other duties incident to the office of Secretary/Treasurer. The Secretary/Treasurer shall execute and file a surety bond from a surety company licensed to do business in Wisconsin in such amount as fixed by the Commission and the Commission shall pay the premium therefore.

Assistant Secretary/Treasurer – The Assistant Secretary/Treasurer shall: perform in conjunction with or in the absence of the Secretary/Treasurer; all of the assigned duties as specified in the Secretary/Treasurer position.

Motion carried with Hawkey opposed.

Motion: Marx/Lunde to approve page 6 of BFEPD Agreement as revised by Joanne Van Norman 5/3/16 with the following changes:

Meetings:

The Commission may meet monthly, the third Wednesday of each month (except in September).

The Commission shall meet annually on the second Wednesday in September to elect officers, prepare the budget for the next fiscal year, and conduct any other necessary business. The Commission may meet at other times during the year at the call of the President or by a motion at any prior board meeting. Such meetings shall be held at the place where apparatus of The District is housed and shall be open to the public. The purpose of the meetings shall be to conduct any and all business related to management of the District. The date, time and agenda for the meeting shall be emailed to the Town/Village Clerk of each municipality.

At the call of the President or any two Commissioners, the Secretary/Treasurer shall call a special meeting at such reasonable times and places as the President may direct, provided such meeting shall be held no later than fifteen (15) days after the date of the notice. The Secretary/Treasurer shall provide notice to each member of the Commission and the Town/Village Clerk of each municipality by mailing or emailing such notice at least five (5) days prior to any such special meeting, unless it is an emergency meeting. The Secretary/Treasurer shall post notice of all meetings of the Commission as may be required by law, which is currently embodied in Sections 19.81-19.85 of the Wisconsin Statutes. Notices of special meetings shall contain a statement as to the purpose of such special meeting and no other business may properly come before such special meeting. Emergency meetings may be called provided that 2 hours' notice is given. Actual presence by a Commissioner or a written waiver of notice by a Commissioner of any such special meeting shall serve as a waiver of the requirement of such five (5) day notice to any such Commissioner so attending or providing written waiver of such notice. The Secretary/Treasurer shall prepare and provide to each Commissioner at the same time the aforementioned notice of the meeting is provided to the Commissioners.

A majority of the Commission shall constitute a quorum for all purposes except as otherwise provided in this Agreement.

Powers of the Commission: The Commission, doing business as and in the name of the District, shall have all of the powers of the Municipalities necessary or useful to providing fire protection and EMS services, and is authorized to do all acts necessary to exercise such powers to fulfill the proposes of this Agreement, including borrowing money by issuing revenue bonds pursuant to Section 66.0621, Wisconsin Statues and other forms of indebtedness as permitted by law and shall have title to, and possession, care, control and management of, the affairs and all of the property of the District, including all vehicles, equipment building and real estate, pursuant to the terms and conditions of this Agreement.

The full repayment of said indebtedness is hereby guaranteed jointly and severally by the municipalities, each of which agrees to levy a tax sufficient for this purpose, if necessary.

Motion carried with Hawkey opposed.

Motion: Marx/Lunde to approve page 7 of BFEPD Agreement as revised by Joanne Van Norman 5/3/16 with the following changes:

The Commission shall have the exclusive power to transact business as and in the name of the District and this power shall include, but not be limited to, the power to: (a) own property; (b) sign contracts; (c) hire and discharge District employees and retain consultants; (d) borrow money, including the issuance of bonds and other forms of indebtedness as permitted by law; (e) maintain bank accounts; (f) establish reasonable user charges for provision of services pursuant to this Agreement; (g) adopt rules and regulations for the overall management and control of the District and the conduct of Commission meetings; enter into intergovernmental cooperative agreements for the furnishing and obtaining of fire and EMS services.

The Commission shall have the power to authorize the President and Secretary/Treasurer or Assistant Secretary/Treasurer to execute all documents, which may be necessary or desirable to carry out the business of The District.

The Commission shall have the authority to conduct background checks on any District personnel or future personnel, as it deems necessary.

The Commissioners shall consult with and consider the advice of the Fire Chief and the EMS Director regarding matters pertaining to their respective departments.

Administrative Structure: The District will be internally organized for administrative purposes as two departments: the Fire Department and the Emergency Medical Services Department hereinafter referred to as Fire Department and EMS, respectively. To the extent described in this Agreement, the two departments will be maintained separately, but will at all times and in all ways be under the supervision and control of the Commission.

The District shall employ the persons necessary to provide fire protection and emergency services, which groups of employees shall be referred to as the Fire Department and EMS Service, respectively.

The District shall appoint from those employees a Fire Chief, Assistant Fire Chief, EMS Director and Assistant EMS Director pursuant to the following procedure.

Appointment of Fire Chief, Assistant Fire Chief, EMS Director and Assistant EMS Director: In December, the Fire Department employees shall, by majority vote, recommend to the Commission the person that the Commission should appoint as Fire Chief. Appointment by the Commission requires a majority vote of the Commission. Should the Commission not appoint the recommended candidate, the process shall be repeated with vote to determine a new

recommendation to be held within ten (10) business days from the rejection. The candidate that has been appointed by the Commission shall be sworn in by the President within ten (10) working days after notification of approval. The Fire Chief shall serve for a term of two years beginning January 1 of the next calendar year and ending at midnight December 31 of the following year, unless he/she is removed earlier with or without cause by the majority vote of the Commission or unless he/she cannot

Motion carried with Hawkey opposed.

Motion: Marx/Gruebling to approve page 8 of BFEPD Agreement and first line of page 9 as revised by Joanne Van Norman 5/3/16 with the following changes:

complete their term of office. Such a removal process shall only occur at a special meeting held by the Commission for that sole purpose. In the event the Commission removes the Fire Chief or he/she cannot complete their term of office, a vote by members of the Fire Department to recommend a replacement for the Fire Chief, subject to Commission appointed, as provided for earlier in this paragraph, shall be held within ten (10) days of the date removal, resignation, or death of the Fire Chief. The Assistant Fire Chief shall serve and assume the duties of the Fire Chief until the person recommended by a majority vote of the Fire Department personnel is appointed by the Commission and is sworn in. The person removed by the Commission shall not be eligible to serve as Fire Chief or Assistant Fire Chief. The term for each shall renew in opposite years.

The same appointment /term process shall be followed for the Assistant Fire Chief, the EMS Director and the Assistant EMS Director, except that EMS personnel will vote to recommend the EMS Director and Assistant EMS Director to the Commission.

Duties of the Fire Chief: Subject to the Commission's direction, the Fire Chief shall supervise and direct the day-to-day operations of the Fire Department personnel.

Duties of the Assistant Fire Chief: Subject to the Commission's direction, the Assistant Fire Chief shall assist the Fire Chief in the discharge of his or her duties.

Duties of the EMS Director: Subject to the Commissioner's direction, the EMS Director shall supervise and direct the day-to-day operations of EMS personnel, including ambulance billing and collection.

Duties of the Assistant EMS Director: Subject to the Commissioner's direction, the Assistant EMS Director shall assist the EMS Director in the discharge of his or her duties.

ARTICLE V – FISCAL AND BUDGET

Fiscal Matters: Annually, by the last Wednesday of August, the Fire Chief and EMS Director shall submit to the Secretary/Treasurer a proposed budget for the District for the next fiscal year. The Sec/Treasurer will take Fire and EMS budgets and incorporate all necessary items to present budget and revenues to the Commission.

All proposed capital expenditures shall be identified separately in the budget. The Commission shall review the proposed budget and prepare and approve a budget for the District for the next fiscal year, which budget shall be in conformity with Section 65.90 Wisconsin Statute. The Commission shall have final authority to determine such budget.

By the Third Wednesday in September, the Secretary/Treasurer shall notify the Municipalities, in writing, of their respective share of the District's budget for the following year.

Each Municipality shall pay to the District its proportionate share of the District's annual budget in four installments to satisfy the following schedule of payment:

25% of the budget shall be paid by January 15 of each year; plus

25% of the budget shall be paid by April 15 of each year; plus

25% of the budget shall be paid by July 15 of each year; plus

25% of the budget shall be paid by October 15 of each year. (Top of page 9)

Motion carried with Hawkey opposed.

Gruebling suggested stopping with this page and continue with remainder of agreement at the next meeting.

Next meeting will be on May 11, 2016 6:30 pm

Motion: Gruebling/Hawkey to adjourn at 8:40 pm. Motion carried.