

Southern Stone County Fire Protection District
Regular Session
July 21, 2011

Call to Order: Jennifer Henderson called this Regular Session for the Board of Directors for Southern Stone County Fire Protection District to order at 7:05 P.M. in the board room of district headquarters, located at 10965 E. State Highway 76, Branson West, Missouri

Attendance: Jennifer Henderson, Jerry Hageman, John Battistoni, Tim Bonner, John Clark, Keith Wolven, Terry Plumb, James Frazer, Jim Brockett, Andrew Jenanian, Robert Brown, Paul Nordin.

Minutes: A motion was made to table the minutes.

Motion(Minutes): Motion by Tim Bonner to table the approval of the minutes. Second by John Battistoni. Vote: Unanimous.

Treasurers Report: Bills approved.

Motion(Bills): Motion by John Battistoni to approve the bills be paid excluding 31604 and 31707. Second by John Clark.

Discussion: The suggestion was made to John to rephrase his motion as one of the checks has a time frame and could have a negative impact if not paid in a timely fashion. John Battistoni retracted his motion and placed a new motion before the Board.

Motion by John Battistoni to approve the bills holding off on check 31707 until it is further checked and corrected if need be. Second by John Clark for discussion.

Discussion: Tim Bonner indicated there were 4 checks he would not be able to vote on. Checks 31666, 31685, 31718, and 31725 and asked that they be voted on separately.

Vote was unanimous.

Motion by John Battistoni to approve the bills for payment Checks 31666, 31685, 31718, and 31725. Second by John Clark. Vote: four ayes, Tim Bonner abstained. Motion passed.

Floor Comments: Joe White, Station 11 extended his appreciation to Keith Wolven for all he's done in stepping up to the plate as chief and filling in. He also commended the Board for making the right decision on a Fire Chief.

FF Banquet:

John Battistoni reviewed the past discussion regarding a facility for the banquet, eliminating, due to capacity issues, Best Western, Kimberling Inn, Garden Terrace, and Steve's Treehouse. The others remaining are First Baptist Church, Kimberling City, Silver Dollar City, which is marginal, as they don't really cater to large groups, Chateau on the Lake, Ozark Room, and Morningside Church. Based on a count of 240, costs would be Chateau, \$9,048.00, First Baptist Church, \$4,658.00, Ozark Room, \$4,848.00, and Morningside Church \$2,148.00. John encouraged the board to make a decision so the Auxiliary can formulate plans. Jennifer feels this is an operational issue and that the groundwork put together so far be forwarded to the incoming Chief, thus allowing him to make the recommendation based on what he feels is the most suitable.

Honor Guard:

Paul Nordin, in review, told about the many opportunities for the Honor Guard and their functions. In response to questions forwarded to the CPA, Jared Duckett of Coffman and Coffman out of Springfield sent a letter of opinion which was read:

“ #1 Can the District directly solicit funds though it is a sales tax based fire district?

Response: Yes, there is no law stating that a fire district cannot solicit funds even though it is a sales tax based fire district. The District can solicit and accept donations.

#2 Can the District directly pay for expenses of the Honor Guard out of the sales tax budget?

Response: No, the District is to use sales tax dollars for the purpose for which the District was formed. Since the District's purpose is to provide fire suppression, protection, and prevention, expenses paid to the Honor Guard would not be for this specific purpose.

#3 Can the District directly solicit funds for the sole purpose of funding the Honor Guard, if it is clearly stated the funds are to be used for the Honor Guard?

Response: I would not recommend this. If someone is to give a donation to the District they normally expect the funds to be used by the District for their stated purpose and not the Honor Guard; even though it is clearly stated during the solicitation. I would not recommend paying any expenses of the Honor Guard out of the District.

#4 Can the Auxiliary directly solicit funds for the sole purpose of funding the Honor Guard if it is clearly stated the funds are to be used for the Honor Guard?

Response: Yes the Auxiliary can solicit funds and pay for the Honor Guard as there is no law stating that the Fire District Auxiliary is prevented from doing this.

After conducting research and reviewing the results of the conversation with Ms. Christensen (Auditor Manager of the Missouri State Auditor's Office) I have consulted enough information to provide an opinion to your questions. As there is no law that states the Fire District Auxiliary cannot directly solicit funds for the purpose of funding the Honor Guard, it is my opinion that it is appropriate to pay for all Honor Guard expenses directly out of the Auxiliary. It is also our opinion that it is not appropriate to pay for any expenses of the Honor Guard out of the District, as according to Ms. Christian, it is a violation of the Missouri Constitution to fund the Honor Guard directly from the annual sales tax budget of the District."

Jared Duckett indicated his sources for his research was examining Missouri State Statutes and other authoritative guidance, which did not provide appropriate guidance; therefore he contacted the Audit Manager of the Missouri State Auditor's Office.

Dave Abner made some comments that were inaudible regarding maybe a second opinion might be in order. Jennifer indicated that the letter from the CPA would be forwarded to our attorney for a final review. The board encouraged Paul Nordin not to give up and to exhaust all the leads he can uncover and inform the Board of any information immediately of any such leads.

Mutual Aid Agreement:

This is an agreement between SSCFPD and Collage of the Ozarks to provide assistance when requested. This agreement needs to be in the form of an ordinance. Chief Wolven will have Mary prepare this for the next regular session.

Quarterly Budget:

A copy of the Budget was provided as an update. Chief Wolven will be studying the line items to make sure he didn't assign an incorrect account number before he comes before the Board for his recommendations. He presented a 2011 projection of income, which shows we are ahead of our projection at this time. Chief Wolven will be working with Chief Gyger to bring him up to date.

Board Comments:

Jennifer Henderson extended a hardy "welcome back" to Will Gregory, who has returned form a tour of duty.

Chief Gyger will begin as the new fire chief on Monday (7/25/2011).

The artwork for the coins has been approved; a new dye has to be cast then it's a matter time to run the coins.

Everyone who attended the banquet should have their jacket by now.

Chief's Report:

Status update:

1. The annual 4th of July festivities were held July 2nd in Kimberling City. The District provided its usual support.
2. The District received a letter from Governor Nixon, thanking us for the assistance given after the tornado in Joplin.

Donated Time Form: Tim Bonner stated that due to the Federal Disaster that has been declared for Missouri, Joplin does get 75% reimbursement for the expenses for the cleanup, for mutual aide coming in, etc. There are fire districts who voted not to charge for the time an effort. Tim Bonner indicated there is a form that can be filled out and Tim will get the form to us, indicating that we donated our time. With the grant, which is 10% \ 90% they could have in kind services that can go toward that 10% matching grant that Joplin has to do.

Upcoming Events:

- a. The normal audit from the Department of Conservation will be conducted soon. This verifies the use and operation of equipment received from the various federal programs.
- b. This time of year is when we normally go out for bid on propane service. Requesting permission to do so. Granted

Membership:

Eric Hansen- Station 10

Motion(New):

Motion by Tim Bonner to accept Eric Hansen as a new member. Second by Jerry Hageman. Vote: Unanimous.

Resigning Members:

Jeremy Patty- Station 1
Marlene Garrigus- Station 8
Art Weidknecht- Station 15

Sarah Weidknecht – Explorer
Jon Selph - Explorer
Sarah Morad- Explorer
Andy Rippe- Station 1

Motion(Resigning): Motion by John Clark to accept the resignations of Jeremy Patty, Marlene Garrigus, Art Weidknecht, Sarah Weidknecht, Jon Selph, Sarah Morad, and Andy Rippe. Second by Tim Bonner. Vote: Unanimous.

Next Meeting: August 18, 2011, 7:00 P.M. at the district office, board room.

Frequency Use: There was a discussion regarding an item scheduled for closed session that did not qualify as a closed session item according to the Sunshine Law. Therefore, it was approached in open session.

There was unauthorized communication on our radio frequency. We have it recorded to be reviewed as necessary. This is a violation. Only authorized personnel should be using our communication frequency for emergencies. Chief Gyger will be asked to contact the violator via written letter, requesting to cease and desist. Tim Bonner indicated this is an operational matter and should be handled on that level before it goes to the next level.

Closed Session: A motion to go into closed session was made.

Motion(Closed): Motion by John Battistoni to go into closed session pursuant to RSMo 610.021, subsections three (3) and thirteen (13), to discuss personnel. Second by John Clark. Vote: Unanimous.

Return: The board returned at 8:37 P.M. and stated that no motions or resolutions were made.

Adjournment: A motion was made to adjourn.

Motion(Adjourn): Motion by John Clark to adjourn. Second by John Battistoni. Vote: Unanimous.

Meeting adjourned.

Respectfully submitted,

John Battistoni, Secretary-Treasurer

MOTIONS

Motion(Minutes): Motion by Tim Bonner to table the approval of the minutes. Second by John Battistoni. Vote: Unanimous.

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Motion by John Battistoni to approve the bills holding off on check 31707 until it is further checked and corrected if need be. Second by John Clark for discussion.

Discussion: Tim Bonner indicated there were 4 checks he would not be able to vote on. Checks 31666, 31685, 31718, and 31725 and asked that they be voted on separately.

Vote was unanimous.

Motion by John Battistoni to approve the bills for payment Checks 31666, 31685, 31718, and 31725. Second by John Clark. Vote: four ayes, Tim Bonner abstained. Motion passed.

Motion(New): Motion by Tim Bonner to accept Eric Hansen as a new member. Second by Jerry Hageman. Vote: Unanimous.

Motion(Resigning): Motion by John Clark to accept the resignations of Jeremy Patty, Marlene Garrigus, Art Weidknecht, Sarah Weidknecht, Jon Selph, Sarah Morad, and Andy Rippe. Second by Tim Bonner. Vote: Unanimous.

Motion(Closed): Motion by John Battistoni to go into closed session pursuant to RSMo 610.021, subsections three (3) and thirteen (13), to discuss personnel. Second by John Clark. Vote: Unanimous.

Motion(Adjourn): Motion by John Clark to adjourn. Second by John Battistoni. Vote: Unanimous.

Prepared by:

John Battistoni, Secretary-Treasurer

(Seal)

Approved: _____

Approved by:

Jennifer Henderson, President

Jerry Hageman, Vice President

John Battistoni, Secretary-Treasurer

John Clark, Member at Large

Tim Bonner, Member at Large