

# ALABAMA FIRE COLLEGE AND PERSONNEL STANDARDS COMMISSION

## Quarterly Commission Meeting January 20, 2010

The meeting was called to order by Chairman Butch Zaragoza at 9:00 a.m. The meeting was held at the Alabama Fire College in Tuscaloosa, Alabama.

Roll call revealed the following members present: David Boyd, Bill Bulman, Ralph Cobb, Dwight Graves, Edward Paulk, Dale Wyatt and Butch Zaragoza. Quorum ascertained.

### VISITORS

Julie Coffman, Stan Odom, Patrick Draper, Donna Love, Stephen Dean, Jim St. John, Phillip Barnes, Kevin Pate, Scott Mc Cary, Ray Grantham, David Berry, Michelle Bass and Mark Boardman.

### MINUTES

Commissioner Graves made a motion to approve the November 3, 2009 minutes and it was seconded by Commissioner Boyd. Motion carried unanimously.

### PUBLIC HEARING

Chairman Zaragoza asked Executive Director Rice to expound on the proposed additions to the Administrative Code:

- Certified Apparatus Operator: Aircraft Rescue and Firefighting
- Certified Apparatus Operator: Mobile Water Supply
- Certified Marine Firefighter I
- Certified Marine Firefighter II
- Certified Fire Marshal
- Certified Smoke Diver

Rice stated that he has received no formal phone calls or correspondence regarding these courses. Chairman Zaragoza opened the floor for comments. Concerns were raised that Mobile Water Supply only requires that the student be 18 years of age.

Commissioner Graves made a motion regarding Certified Apparatus Operator: Mobile Water Supply, to strike the current **(a) The candidate must be 18 years of age**, and replace it with **(a) The candidate must be a Certified Fire Fighter I or Certified Volunteer Fire Fighter**. It was determined that this amendment is not a significant change and that this was the original intent of the Commission. Commissioner Bulman seconded it. Motion carried unanimously.

### Director's Report:

- A. The student numbers are up 40% from this same quarter 2 years ago and 30% from a year ago. The certification staff is working very hard to maintain and update student records. Rice discussed the upcoming Fire Chiefs Executive Development Conference.

**B. Restitution Update**

Counsel Boardman reported that full restitution has been received from Melinda Kay Umphrey in the amount of \$156,734.28.

William L. Langston is currently paying \$800.00 per month to Federal Court, but the amount of restitution to the Alabama Fire College is in doubt in light of December 22, 2009 decision of 3 judges on the 11<sup>th</sup> Circuit Court of Appeals. The U.S. Attorney's Office has until February 11, 2010 to seek to have all the judges on the 11<sup>th</sup> Circuit reconsider the decision. AFC has an interest in the "state agency" language in the December 22<sup>nd</sup> opinion, but very limited opportunity to challenge or fix this, particularly if the U.S. Department of Justice refuses to ask for a rehearing before the 11<sup>th</sup> Circuit Court.

Robert Lloyd Nix has been ordered to pay restitution of \$219,000.00 to the Alabama Fire College and \$109,000.00 to the Alabama Fire College Foundation. Originally Nix was paying \$50.00 a month. The U.S. Attorney's Office has now started to collect \$928.00 a month from his State of Alabama retirement account.

Roger Taylor is set for trial in April, with possible restitution if convicted, to the Alabama Fire College.

On a related issue, we are dealing with Shelton State Community College and Shelton State Foundation to try to receive re-imbusement for funds, if any, improperly used in the Woodbank house.

**C. Designation of AFC Chaplain**

Rice introduced Mr. Ray Grantham, an adjunct with our EMS program. He has helped facilitate the expansion of our Paramedic Program. Ray is also an ordained minister and a pastor of Spring Hill Holiness Church. There have been times when we needed the ability to offer chaplain services to our employees and families. Rice asked the Commission for their endorsement of a Chaplain and travel reimbursement for him.

Commissioner Wyatt made a motion to instate Ray Grantham as Alabama Fire College Chaplain. It was seconded and the motion carried unanimously.

**D. Administrative Code Amendment**

Rice said that the required thirty hours of training for certified volunteer firefighters had mistakenly been removed from the code several years ago, which was not the intent of the Commission. At a previous Commission meeting it was discussed to restore that language back into the code and to also include extending that requirement to career certified firefighters. This should not place any undue burden on any career department, as they are doing it anyway for ISO. Rice also talked about Introduction to Technical Rescue as a pre-requisite to the other Technical Rescue courses. The proposal is to change the pre-requisite for the Technical Rescue courses by combining the Introduction to Technical Rescue course with a Rope Rescue I course

which will fulfill the new standard and the JPR's. The code will need to reflect this change by inserting Rope Rescue I in place of Introduction to Technical Rescue.

**E. Approval of Selection Criteria for AFC Regional Campuses**

Rice explained that this would be a multi faceted process to reach out to the volunteer and career fire departments throughout the state. A Facility Self Assessment Tool was given to the Commission for their review. The goal is to reduce the overhead, the travel, the lodging and the cost incurred by departments to send their firefighters for training. Research indicates that maybe five or six satellite locations will be necessary. No additional field personnel will be needed at this time. We will use the existing Regional staff.

Commissioner Boyd made a motion to approve the Regional Training Facility Self Assessment Tool for the AFC Regional Campuses. It was seconded by Commissioner Wyatt. Motion carried unanimously.

**F. Approval of Executive Director to Serve on Outside Boards/Committees**

Rice requested approval to serve on three boards: Alabama/Gulf Coast Chapter of the Leukemia/Lymphoma Society; City of Hoover Board of Zoning Adjustments; Alabama Fire College Foundation.

Through research, legal counsel (Mark Boardman) has determined that the by laws of the Alabama Fire College Foundation provide that the Executive Director sits on the Board of Directors by virtue of his position. Assumption of this position will facilitate a process through which a new board can be established and the resources of the Foundation can be accessed to support fire and emergency services training in Alabama. Rice plans to appoint new members and then resign.

Commissioner Paulk made a motion to approve the Executive Director's service on the Alabama/Gulf Coast Chapter of the Leukemia/Lymphoma Society, the City of Hoover Board of Zoning Adjustments and the Alabama Fire College Foundation. Commissioner Wyatt seconded the motion. Motion carried unanimously.

**COMMITTEE MEETING UPDATES**

Chairman Zaragoza asked that each committee give a report at each Quarterly Commission meeting.

**Finance Committee:** Chairman Boyd reported that the Fire College is on track with the finances for this budget year. A financial statement was passed out to each Commissioner. Rice gave an overview of the itemized statement pointing out that the Fire College is currently \$40,000.00 under budget but reminding them that proration could be more than expected.

Commissioner Boyd made a motion to pay off the loan of \$320,000.00 for the Kidde Mobile Fire Trainer Simulator. It was seconded by Commissioner Graves. Motion carried unanimously.

A proposal was submitted for the Multi-Hazards Simulator Construction Project with Rice explaining the needs and the costs associated with this project. These funds would come out of the Capital Fund budget.

Commissioner Boyd made a motion to give the Executive Director the authority to spend up to \$49,500.00 for the Multi-Hazards Simulator Project. It was seconded by Commissioner Bulman. Motion carried unanimously.

**Policy and Procedures Review Committee:** Chairman Paulk stated that there had been no committee meeting

**By Laws Committee:** Chairman Graves said the committee had an informal, no action taken discussion regarding the pre-filing of motions for the agenda. The committee would like the opinion of the Commission Chairman and will set up a meeting and give a report at the next Quarterly Commission meeting.

**Executive Director Evaluation Committee:** Commissioner Paulk explained that the process has moved forward. The format has been determined. A meeting will be conducted to discuss the mid-term evaluation.

**EMS Committee:** Commissioner Graves said that there are some initiatives being considered to bring before the Commission. Rice stated that we have not discontinued any relationships but we have initiated a new relationship. Rice said that the daytime Paramedic class is still being conducted with Shelton State, but the nighttime Paramedic class is being conducted under the auspices of another entity. We kept our commitment with the students that had registered, after Shelton State would not recognize that class. We will need to formalize a consortium agreement and bring it before the Commission. Meetings are taking place with Dr. Heinrich and this will not affect our relationship with Shelton State.

**AFA Resolution Committee:** Chairman Bulman stated that there has not been an official meeting and he asked Commissioner Graves to give an update on his findings with the Public Affairs Research Council of Alabama (PARCA). PARCA is a division of Samford University that provides objective, nonpartisan information that will lead to the improvement of state and local government in Alabama. Commissioner Graves stated that this is an outside agency that will develop a strategy for us to see what would be the best option for the Fire College; weather we fit in as a stand alone state agency, or if we need to be in postsecondary. The amount for this consultation is approximately \$10,000.00.

**IAFF & CPAT Committee:** Chairman Wyatt said there has been no meeting since the Fire College decided to pay the \$5,000.00 for a Limited license. Rice suggested that the Fire College partner with another licensee.

Commissioner Paulk made a motion to keep the CPAT Limited license, revenue neutral for the program, and it was seconded by Commissioner Wyatt. Motion carried unanimously.



## OLD BUSINESS

Commissioner Graves asked for an update on the phone system. Rice stated that a power outage occurred that affected Shelton State and the Fire College making our server inoperable. We are on an analog system and a part was ordered that came from Huntsville but the part did not work. Another part was ordered from Atlanta that worked but when the server came back up all of the programming was lost. It took several hours to reprogram. We have a maintenance agreement that should cover the cost. The long term solution is to change our phone system. Commissioner Paulk suggested that the cost of an emergency generator be checked. Rice said that we are switching our phone carrier that will be a cost savings to the Fire College. We will be checking on Voice-Over IP which is better, but then we will have two points of failure. We will have to be sure that everything is compatible with the generator. This will be brought before the Finance Committee.

Commissioner Cobb brought up the past motion of the hiring freeze.

Commissioner Cobb made a motion to lift the hiring freeze allowing the Executive Director to fill essential established budgeted positions under existing job descriptions. Commissioner Paulk seconded the motion. The motion carried unanimously.

## NEW BUSINESS

There was none.

## BUSINESS FROM VISITORS

Kevin Pate of Tuscaloosa Fire Department Local 403 stated that the Fire College had increased the lodging costs for the Fire Chiefs Executive Development Conference in exchange for a rebate from the hotel. Rice explained that hotel rates are set by the hotel and the transaction is between the hotel and the attendees. Pate further expressed concern that the Alabama Association of Fire Chiefs did not receive a fair amount of revenue from the Fire Chiefs Executive Development Conference. Rice said that the contract for this year provided a 50/50 split of profits from the conference.

## BUSINESS FROM COMMISSION MEMBERS

There is none.

Next Quarterly Commission Meeting will be April 21, 2010 at the Alabama Fire College.

Commissioner Bulman made a motion to adjourn the meeting. Commissioner Paulk seconded it and the motion carried.

Meeting adjourned.

Respectfully submitted,

  
Allan Rice  
Executive Director

  
Melony L. Carroll  
Secretary

# ALABAMA FIRE COLLEGE AND PERSONNEL STANDARDS COMMISSION

## Quarterly Commission Meeting

April 21, 2010

*Amended*

The meeting was called to order by Chairman Butch Zaragoza at 9:00 a.m. The meeting was held at the Alabama Fire College in Tuscaloosa, Alabama.

Roll call revealed the following members present: David Boyd, Bill Bulman, Ralph Cobb, Edward Paulk, Dale Wyatt and Butch Zaragoza. Quorum ascertained.

### VISITORS

Patrick Draper, Donna Love, David Thornburg, Scott McCary, Brian Maynard, A.J. Martin, Michelle Bass and Mark Boardman.

### MINUTES

Commissioner Boyd made a motion to approve the January 20, 2010 minutes and it was seconded by Commissioner Paulk. Motion carried unanimously.

### PUBLIC HEARING

There was none.

### Director's Report:

- A. The student numbers are up 14% from this same quarter last year and 27% from 2008 and 60% from 2007. This is a testimony to the staff as we have unfulfilled positions and there have been redistribution of duties in several cases. Executive Director Rice commended Larry Jarvis regarding the National Fire Academy Weekend and his organization in setting this event up. The weekend was a great success.

#### **B. Proposed Revision to AFC & PSC Forms**

The current Notice of Employment Form AFC & PSC Form 04 is no longer accurate with the advent of the self-sponsored program and the impending expansion of the self-sponsored program to more locations. A department no longer needs to send a sponsorship letter in lieu of a Notice of Employment. The proposed change will verify that the employee is an active employee. A section has been added to include a notary signature drawing attention to the fact that this is a legal document. Commissioner Cobb stated that he would like to see reporting on race, sex, and demographic information for each student. Counsel Boardman advised against the Commission requiring that information, due to liability issues.

Commissioner Wyatt made a motion to accept the proposed changes to the Notice of Employment Form AFC & PSC Form 04. It was seconded by Commissioner Paulk. Motion carried unanimously.

The current Physical Statement Form AFC & PSC Form 05 is merely a physical statement. It does not provide any parameters or guidelines for the examining physician to determine what is required of a firefighter. The proposed form gives the physician a better understanding of the essential functions for a firefighter. The Administrative Code will need to reflect a change to nullify the requirement of a Physical Statement each time a Notice of Employment is submitted. The new language will be proposed at the next Quarterly Commission meeting in July.

Commissioner Paulk made a motion to accept the proposed changes to the Physical Statement Form AFC & PSC Form 05. It was seconded by Commissioner Bulman. Motion carried unanimously.

**C. Proposed Revision to Administrative Code 360-X-1-.01**

Rice proposed a revision to the Administrative Code 360-X-1-.01 that would require fire departments with certified career firefighters to submit an annual roster. This roster will be used to execute the Commission's responsibilities related to the production of a list of "paid and part paid fire departments", to be used statewide for the issuance of firefighter automobile tags. It will also be used to verify employment status and proper records maintenance pertaining to certified firefighters.

Commissioner Wyatt made a motion to accept the proposed changes to the Administrative Code 360-X-1-.01 requiring fire departments to submit an annual roster. Commissioner Bulman seconded the motion. The motion carried unanimously.

**D. Request for Attorney General Opinion**

Due to questions raised by the State Auditor, the Fire College has been advised to request an opinion from the Attorney General's Office regarding training conducted outside of the state. Rice does not feel that we will be prohibited from this training, but he feels the question needs to be addressed.

Commissioner Wyatt made a motion to allow the Executive Director to request an opinion from the Attorney General's Office regarding AFC training outside the state of Alabama. It was seconded by Commissioner Paulk. Motion carried unanimously.

**E. Update on Regional Campus Development**

A meeting was hosted at the AFC campus to provide information to potential partner agencies regarding the Regional Campus process. Fire Programs Director, Patrick Draper, gave a report on that meeting. Draper stated that over fifty participants attended with twenty-five departments represented for the meeting. June 1, 2010 is the deadline for application submission. There was discussion about keeping the cost of tuition the same for each campus and to check on the availability of college credit for the Regional Campus sites.

**F. Proposed Policy on Background Checks**

Due to questions from the public and Fire College staff, Rice would like the Commission to determine a policy regarding certification for individuals that have been convicted of a felony.

Commissioner Paulk made a motion to add a clause in the Administrative Code that “No individuals convicted of a felony, a crime of moral turpitude, or a fire-related crime shall be certified by the Commission, because such no-conviction policy serves, in a significant way, the legitimate employment or fire service goals of the fire service. Commissioner Boyd seconded it. Motion carried unanimously.

The Policy & Procedures Committee will work on the language and the procedure to implement this addendum to the Code, to be reviewed by the Commissioners, at the July Quarterly Commission meeting.

**G. Update on Open Meetings Act**

Counsel Boardman reported that there may be a change in the Open Meetings Act regarding transparency. The agenda should be posted if available. Committee meetings must be posted on the Secretary of State website, even if no action is taken. Committee members can not send opinions through emails. Committee member may take their own minutes.

**COMMITTEE MEETING UPDATES**

Chairman Zaragoza asked that each committee give a report at each Quarterly Commission meeting.

**Finance Committee:** Chairman Boyd commended the Executive Director and the AFC staff in cutting expenses and keeping the budget on target.

**Policy and Procedures Review Committee:** Chairman Paulk stated that there had been no committee meeting.

**Executive Director Evaluation Committee:** Chairman Paulk reported that the committee met on February 22, 2010.

Chairman Paulk made a motion to move forward with the mid-term appraisal and stated that the Executive Director has demonstrated his ability to be fully competent in all areas of the position of Executive Director. The motion was seconded by Commissioner Wyatt. Motion carried unanimously.

**By Laws Committee:** Commissioner Cobb stated that there had been no committee meeting.

**EMS Committee:** Commissioner Cobb stated that there had been no committee meeting.

**Amended minutes to include verbatim language:**

*Dale Wyatt: "The last time we talked, we talked about a change here between Shelton doing that class with...."*

*Allan Rice: "Right. I had provided information to each member of the EMS Committee individually about the partnership with Herzing University on the night time paramedic offering. That course is underway; as a matter of fact they are finishing their first semester and will be embarking on their second semester over the summer. We probably are due for a...probably a formal EMS Committee meeting to discuss..."*

*Ralph Cobb: "Some strategic issues..."*

*Allan Rice: "Yeah...the way forward. We are probably at the point where we need the committee to make some decisions and recommendations to the full Commission on the way forward."*

*Butch Zaragoza: "Okay. I noticed in the minutes that there was going to be a consortium agreement formed....have we moved in that direction?"*

*Allan Rice: "We drafted a consortium agreement based on the model agreement that CoAEMPS produces and we did submit it and then we were notified by Herzing that they were not going to engage in it. So that is a piece of information that we need to forward to the EMS Committee. Their stated reason was that their regional accrediting agency would not allow them to engage in a consortium agreement. So, um..."*

*Ralph Cobb: "Who is their regional..."*

*Allan Rice: "They are accredited by the North Central Association, which is the regional equivalent of SACS, but you have to be regionally accredited where your home office resides. And their home office or main campus resides in that northwestern territory. I think they're in Minnesota but I don't know all the states that make up that region. So there is new information that needs to be presented to the EMS Committee. Obviously that was a change in the stated relationship on their part and so we need to take that up and have some discussion with the committee and decide the way forward based on that."*

*Butch Zaragoza: "Okay. Any further discussion on EMS?"*

*There was none.*

**AFA Resolution Committee:** Chairman Bulman stated that the meeting has been put on hold because of this year's legislation and that a meeting will be conducted in October.

**IAFF & CPAT Committee:** Chairman Wyatt said there has been no meeting. Wyatt raised questions about CPAT validation. The AFC staff will develop logical pre-requisites for even non-certified courses.



## **OLD BUSINESS**

Chairman Zaragoza asked for an update on the phone system. Rice said there is no reason to update our current system because it is becoming obsolete. We are seeking quotes from the state bid list for a new phone system.

Rice is waiting for confirmation that the federal government will pay for a generator for Poison Control before he recommends a permanent site installed generator for our use.

Boardman reported that it is possible that the previous Executive Director's appeal will most likely affect his restitution but will not affect his time served.

The AFC Foundation meeting will be held in May.

## **NEW BUSINESS**

There was none.

## **BUSINESS FROM VISITORS**

There was none.

## **BUSINESS FROM COMMISSION MEMBERS**

Commissioner Cobb suggested a work session day to conduct all committee meetings. Commissioners will submit available dates to Rice and a meeting will be announced to the Commissioners.

Next Quarterly Commission Meeting will be July 21, 2010 at the Alabama Fire College.

Commissioner Bulman made a motion to adjourn the meeting. Commissioner Paulk seconded it and the motion carried.

Meeting adjourned.

Respectfully submitted,

  
Allan Rice  
Executive Director

  
Melony L. Carroll  
Secretary



# ALABAMA FIRE COLLEGE AND PERSONNEL STANDARDS COMMISSION

## Quarterly Commission Meeting July 21, 2010

The meeting was called to order by Chairman Butch Zaragoza at 9:00 a.m. The meeting was held at the Alabama Fire College in Tuscaloosa, Alabama.

Roll call revealed the following members present: David Boyd, Bill Bulman, Ralph Cobb, Dwight Graves, Dale Wyatt and Butch Zaragoza. Quorum ascertained.

### VISITORS

Donna Love, David Thornburg, Julie Coffman, Charles Faulk, Larry Jarvis, Leo Deason, James LeVert, Eddie Pugh, Curtis Poe, Chris Ward, David McCurry, James St. John, Lee Gunn, Terry Buchanan, Time Anerton, Danny Ray, Michelle Bass and Mark Boardman.

### PUBLIC HEARING

Chairman Zaragoza asked if anyone wanted to address the issue of the Rescue Technician Series. Executive Director Rice stated that he had not received any correspondence related to this issue and reminded the Commission that this is the establishment based on the revision of NFPA 1006: the establishment of Rope Rescue I and Rope Rescue II. Rope Rescue I containing the information previously presented in Introduction to Technical Rescue. This was initially adopted by the Commission in January and has been posted and now we are ready for final public comment and final adoption by the Commission.

Commissioner Bulman made a motion to adopt the Rescue Technician Series and it was seconded by Commission Wyatt. Motion carried unanimously.

Next item for discussion for the Public Hearing was the requirement of the 30-hour annual training for the volunteer and career fire departments. Zaragoza asked if there was any correspondence on this issue. Rice said he had received a letter from the president of the Alabama Association of Volunteer Fire Departments, saying that the AAVFD concurs with establishing a rule that requires all certified firefighters, career and volunteer, to maintain 30 hours per year of continuous training. Tony Kirk from Athens Fire Rescue and East Limestone VFD, sent a letter encouraging the Commission to pass the 30 hour per year training requirement and to also consider mandating the completion of the volunteer firefighter certification for all Alabama volunteer fire fighters. Mr. Mike Leath, the president of DeKalb County Association of Fire Departments, said that their county has been very pro active in the training process but expressed concern over how the departments would administer the training and brought up the possibility of an on-line training feature. Rice explained that this addition to the code is only to require training, not to tell them how to get that training.

Commission Bulman made a motion to accept the requirement of the 30-hour annual training for the volunteer and career fire departments. Commissioner Graves seconded the motion. The motion carried unanimously.

## MINUTES

Commissioner Boyd made a motion to approve the April 21, 2010 minutes and it was seconded by Commissioner Wyatt. Roll call vote was taken:

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Abstain  
Dale Wyatt – Yes

Motion carried.

### **Director's Report:**

A. Rice said that enrollment numbers continue to increase.

#### **B. Administrative Code Changes**

Rice presented a recommendation to nullify the requirement of a Physical Statement each time a Notice of Employment is submitted. After discussion:

Commissioner Wyatt made a motion to accept the recommendation to nullify the requirement of a Physical Statement each time a Notice of Employment is submitted, to the Administrative Code. Commissioner Graves seconded it. The motion carried unanimously.

Rice reviewed the language regarding criminal history of applicants for certification. This language says we will not issue certificates to individuals who have been convicted of a felony or convicted of a crime involving fire and/or explosion, or been found guilty of a crime of moral turpitude or have engaged in immoral conduct which indicates an unfitness to discharge the duties of such certificate holder, as determined by the Commission. There is already a provision for the Commission to rescind certificates if needed.

Commissioner Bulman made a motion to adopt the criminal history language to the Administrative Code. It was seconded by Commissioner Boyd. Roll call vote was taken:

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Abstain  
Dale Wyatt – Yes

Motion carried.

Chairman Zaragoza asked Rice to go over the Administrative Code procedures and the Open Meetings Act.

#### **C. Request to reallocate full-time position**

A job description for Director of Regional Services, an existing C-1 salary schedule position, was given to the Commissioners. Rice said that this position will be an internal posting for a lateral transfer. This person will oversee all of the regional personnel. No additional funds will be required with the exception of two part time

Commissioner Cobb stated that the position should be filled by re-assignment of one of the existing directors rather than a job posting.

Commissioner Cobb made a motion to fill the position of Director of Regional Services with existing regional personnel by re-assignment. Commissioner Graves seconded it. Rice requested that the position be filled according to postsecondary guidelines.

Commissioner Cobb amended his motion to fill the position of Director of Regional Services by agreement of the current C-1 employees. Commissioner Graves seconded it. Counsel Boardman said that a new position will need to be posted. Cobb said that we change positions and jobs for staff all the time, without posting a new job. Roll call vote was taken:

David Boyd – No  
Bill Bulman – No  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Dale Wyatt – No

Motion failed.

Commissioner Wyatt made a motion to post a new C-1 internal only, job posting for Director of Regional Services. Commissioner Boyd seconded it. Motion carried unanimously.

## COMMITTEE MEETING UPDATES

### **Finance Committee:**

Chairman Boyd made a motion to approve a write-off of \$971.00 of bad debt charges. Commissioner Wyatt seconded it. Motion carried unanimously.

Chairman Boyd made a motion to approve the 2011 Budget. Commissioner Wyatt seconded it. Motion carried unanimously.

Chairman Boyd made a motion to approve the funding from capital funds up to \$75,000.00 for a new Voice-Over Internet Protocol telephone system. Commissioner Wyatt seconded it. Motion carried unanimously.

**Policy and Procedures Review Committee:** Commissioner Graves stated that there had been no committee meeting.

**By Laws Committee:** Commissioner Cobb stated that there had been no committee meeting.

**EMS Committee:** Commissioner Graves stated that there had been a discussion piece regarding a current agreement with another educational institution.

Commissioner Graves made a motion that all agreements and contracts to include professional service contracts with outside agents be reviewed by the Commissioners. Commissioner Bulman seconded it.

Graves said he did not want to hold up the operations. Zaragoza asked Counsel Boardman if he reviewed our contracts. Boardman said he did not review all of them. Boardman said the Commission already has the right to review all contracts. Rice discussed the delicate situation with another institution where we had paramedic students completing the first semester and we fulfilled our obligation with that institution so those students could continue with their education. The Commissioners discussed putting the contracts and agreements on the website.

Commissioner Graves withdrew his motion.

Rice said that there will be a Contracts and Agreements page complimentary to the Financial Disclosure page on the AFC website. The Commissioners will be notified when there are new postings.

A five minute recess was called.

**IAFF & CPAT Committee:** Chairman Wyatt said there has been no meeting.

## **OLD BUSINESS**

Commissioner Cobb asked the secretary, Melony Carroll, to review the April tapes. If there was a Herzing contract discussion he asked that the April minutes be amended to include that discussion and to bring those minutes back to the Commission.

Chairman Zaragoza asked about the generator for Poison Control and this building. Rice said that we are in discussion with the Federal Excess Property Program for two work trucks and we have made them aware we are also looking for a generator. Rice stated that Poison Control has re-applied for a grant for a generator and we are waiting to hear back from them.

Chairman Zaragoza wanted to hear about the Attorney General opinion regarding out of state training. Counsel Boardman stated that he is working with Shelton State and the state travel law and working to adjust the agency agreement.

Chairman Zaragoza requested an update on the AFC Foundation. Rice said that there is no court action necessary. The current By-Laws state that the Executive Director is a member by virtue of his position. That put two directors back on the foundation; Mr. Hardin and Mr. Rice. That allowed the two directors to elect a third director. The two directors elected Mr. Paulk which allowed Mr. Hardin to resign. After the criminal cases are resolved, the foundation will be able to conduct business again. There is not an injunction on the foundation. The current directors will elect another director which will allow Mr. Rice to resign. The process of changing the names on the bank accounts has been started.

## **NEW BUSINESS**

Commissioner Cobb brought up the issue of the state code section 11-43-12 regarding the interpretation by local attorneys that would affect the agreements with regional deliveries. Boardman said that we will need an Attorney General opinion because of the issue of two positions of profit; an instructor taking leave from his department to teach at a regional campus.

Commissioner Cobb made a motion to allow the Executive Director to request an opinion from the Alabama Attorney General regarding the hiring of fire instructors from a

Commissioner Cobb made a motion to allow the Executive Director to request an opinion from the Alabama Attorney General regarding the hiring of fire instructors from a department to teach at the regional campuses. Commissioner Wyatt seconded it. Motion carried unanimously.

Commissioner Cobb made a motion that the Executive Director bring a policy to the Commission making the Alabama Fire College a non-smoking campus. Commissioner Graves seconded it. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – No  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Dale Wyatt – Abstain

Motion carried.

## **BUSINESS FROM VISITORS**

Charles Faulk, a retired Captain from Mobile Fire Department, would like his career status Firefighter I reinstated. Mr. Faulk passed out his resume and credentials to the Commission. The Commission will review the code and the research that the Executive Director submits.

Leo Deason, a Herzing University Fire Science Program representative, would like the Commission to approve the Herzing students to take ProBoard Exams. The student would only be taking the exam through the Alabama Fire College, with the course work being taken at Herzing. Rice said that we already are doing this with other entities.

Commissioner Bulman made a motion to have the Executive Director provide a guideline policy for contracts and agreements with a uniform fee for other entities wanting to take our exams for ProBoard certification. Commissioner Graves seconded it. Motion carried unanimously.

Lee Gunn, Thorsby fire chief, expressed concerns over curriculum and testing issues with the Firefighter I/II Recruit School course. Rice said he would have to research the issues with the staff. Chairman Zaragoza asked that Rice and Gunn meet today, so that everyone has a clear understanding of the issues. Commissioner Graves asked that Rice report to the Commission the findings of his research.

## **BUSINESS FROM COMMISSION MEMBERS**

Chairman Zaragoza asked Boardman for an update on the restitution. Boardman said that the court mandated a reduction of \$42,688.00 for the Langston case and that the Taylor trial is set for August 9, 2010 and the Johnson trial will be after that.

Next Quarterly Commission Meeting will be October 20, 2010 at the Alabama Fire College.

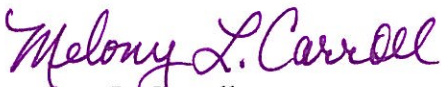
Commissioner Wyatt made a motion to adjourn the meeting. Commissioner Bulman seconded it and the motion carried.

Meeting adjourned.

Respectfully submitted,



Allan Rice  
Executive Director



Melony L. Carroll  
Secretary



# **ALABAMA FIRE COLLEGE AND PERSONNEL STANDARDS COMMISSION**

## **Special Called Commission Meeting August 20, 2010**

The meeting was called to order by Chairman Butch Zaragoza at 9:00 a.m. The meeting was held at the Vestavia Hills City Hall, 513 Montgomery Highway, Vestavia Hills, Alabama.

Roll call revealed the following members present: David Boyd, Bill Bulman, Ralph Cobb, Dwight Graves, and Butch Zaragoza.

Quorum ascertained.

### **VISITORS**

Michelle Bass, Jon A. Lord, Mike Sparks, Jim St. John, Nick Tudisco, Brittay Kemp, Bill Warren, Scott Mccary, Stan Odom, Alan J. Martin, Drew Ogle, Michael Mays, Chad Trautwein, Michael Skelton, Patrick Fowler, John Miller, Lee Gunn, Nathan Hinds, Mark Boardman

### **MINUTES**

Chairman Zaragoza stated that today's meeting was called to discuss the vacancies at the Fire College. Four individuals did not have their contract renewed and the Commissioners will review this. Based on correspondence and talking with some of the Commissioners, Zaragoza felt that an Executive Session was needed. Counsel Boardman stated that for the purpose of discussing matters that are not yet being litigated but imminently likely to be litigated, the board may pursue this course of action. As an attorney licensed in the state of Alabama he certified that this is an exception to the Open Meetings law which allows an Executive Session upon motion properly made and dully seconded and appropriately passed.

Commissioner Boyd made a motion to go into Executive Session and it was seconded by Commissioner Graves.

After discussion the motion was amended by Commissioner Graves to exclude the Executive Director from the Executive Session and it was seconded by Commissioner Cobb. Motion carried unanimously.

### **EXECUTIVE SESSION**

The Commissioners adjourned to the Mayor's conference room at 9:15 a.m.

### **MINUTES**

The meeting reconvened at 11:00 a.m.

Chairman Zaragoza stated that there were no decisions made during the Executive Session.

## **BUSINESS FROM VISITORS**

Chairman Zaragoza opened the floor for discussion from the visitors.

Chad Trautwein spoke on behalf of Scott McCary stating that he came to the Fire College Paramedic program because of Mr. McCary and stated that he is a great instructor and the Fire College has suffered a great loss.

Scott McCary thanked the Commission for allowing him to speak. Mr. McCary gave an overview of his success with the EMS program and stated that his evaluation showed high marks in every area. He explained his dissatisfaction with the Executive Director. Mr. McCary asked the Commission to give him four more months of employment so he could retire with twenty-five years of service. Mr. McCary asked if he would be allowed to attend the Paramedic graduation on August 27<sup>th</sup> and it was confirmed that the Fire College is a public building. Commissioner Graves asked McCary who filled out his evaluation and McCary reported that it was Patrick Draper.

Stan Odom pleaded with the Commission to do the right thing and get the Fire College back on track.

Bill Warren stated that he appreciated all of the Commissioners and the job they are doing.

## **BUSINESS FROM COMMISSIONERS**

Commissioner Graves stated that there is a plan that the Commissioners want to assure everyone that they want to get the Fire College back on track.

Commissioner Cobb made a motion to have another Special Called meeting as soon as possible, to discuss Fire College issues. It was seconded by Commissioner Graves. Chairman Zaragoza stated counsel would check with the Open Meetings Act to see when the earliest date could be and that the Commissioners would be notified. Motion carried unanimously.

Commissioner Bulman made a motion to adjourn and it was seconded by Commissioner Boyd. The motion carried unanimously.

Respectfully submitted,



Allan Rice  
Executive Director



Melony L. Carroll  
Secretary

# ALABAMA FIRE COLLEGE AND PERSONNEL STANDARDS COMMISSION

## Quarterly Commission Meeting October 20, 2010

The meeting was called to order by Chairman Butch Zaragoza at 9:00 a.m. The meeting was held at the Alabama Fire College in Tuscaloosa, Alabama.

Roll call revealed the following members present: David Boyd, Bill Bulman, Ralph Cobb, Dwight Graves, Dale Wyatt and Butch Zaragoza. (Attorney Mark Boardman) Quorum ascertained.

### VISITORS

Gary Sparks, Bill Fincher, David McCurrey, Greg Wood, Danny Ray, Lawrence Weaver, Adam Jones, Michael O'Conner, Stanley Gann, Frank Brocato, Skip Kittrell, Kelly Rice, Barron Wiginton, Charlie Dixon, Roy Cofield, Dan Hopkins, Chauncey Wood, Larry Manning, Belinda Lancaster, Jeff Dempsey, Howard Summerford, Jim Witherington, Tim Shotts, Russell Ledbetter, A.J. Martin, Jim St. John, Phil Bryers, Kevin Pate, Charlie Faulk, Douglas Cooper, Christy Ryland, Brian Gargus, Christopher Brooks, Bill Atchison, Greg Farrell, Jim Golden, Kenny Ray, Dewey Stringfellow, James Phillip Barnes, Zeke Ezekiel, Lynn Bonner, Jimmy Looney, Ray Hogans, Stan Odom, Donna Love, Julie Coffman, Larry Jarvis, Michelle Bass and William Tinnell

Chairman Zaragoza asked Executive Director Rice to address the tragic events pertaining to the deaths of several Fire College families over the last week. After his report, Rice asked Commissioner Boyd to offer a prayer for these families. Commissioner Graves asked that each Commission meeting begin with an opening prayer. Chairman Zaragoza agreed to Graves' request.

### MINUTES

After discussion, it was determined that errors occurred on the April 21, 2010 and the July 21, 2010 minutes. These amended minutes will be brought before the Commission at their next meeting.

Commissioner Cobb made a motion to approve the August 20, 2010 minutes and it was seconded by Commissioner Bulman. Roll call vote was taken:

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk - Abstain  
Dale Wyatt – Abstain

Motion carried.

## ELECTION OF OFFICERS

**Chairman of the Commission:** Commissioner Paulk nominated Butch Zaragoza and it was seconded by Commissioner Wyatt. After no other nominations, roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes  
Butch Zaragoza – Abstain

Motion carried.

**Vice-Chairman of the Commission:** Commissioner Paulk nominated David Boyd and it was seconded by Commissioner Wyatt. After no other nominations, roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes  
Butch Zaragoza – Yes

Motion carried.

### Director's Report:

- A.** Rice said that year-end preliminary enrollment numbers show an increase of 35% in service delivery since 2007. Rice commended the staff, sighting that the Fire College is doing a lot more with a lot fewer personnel. Rice said that the glitch that we had regarding the Apparatus Operator Refresher course has been corrected and that the pre-requisite in the data base now requires the student to be AO certified before taking the Refresher course. Commissioner Graves asked about a graph showing the training in each of the 67 counties. Chairman Zaragoza asked for that information to be presented to the Commission and to be posted on the AFC website.

**B. Non-Smoking/Tobacco Use Policy**

Rice brought two *draft* policies for review. Policy A is a total prohibition of all tobacco in any form on any property of the Alabama Fire College campus or vehicles.

Policy B reflects a limited use of tobacco products in only designated areas of the campus.

Commissioner Paulk made a motion to adopt Tobacco Use Policy B and it was seconded by Commissioner Boyd. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes

Motion carried.

## OLD BUSINESS

### 1. Recommendation on Reinstatement Request from Mr. Charles Faulk

Commissioner Boyd made a motion to approve Executive Director Rice's recommendation to grant Mr. Faulk's request for reinstatement of his Firefighter I certification. It was seconded by Commissioner Paulk.

Rice explained that he felt that Mr. Faulk should be reinstated but since this was a precedent he was not comfortable reinterpreting this on behalf of the Commission. Rice initially told Mr. Faulk "no" and told him he needed to bring it before the Commission because a ruling was needed to establish a new precedent or we are going to maintain our benchmark with fire suppression activities. Commissioner Wyatt stated that this will keep coming up and that this issue needs to be cleared up. Commissioner Cobb suggested that a committee review the issue.

Commissioner Paulk asked that the motion be tabled and it was seconded by Commissioner Wyatt. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes

Motion carried.

Chairman Zaragoza appointed the Policy and Procedures Committee to handle the issue of reinstatement and bring a recommendation to the full Commission.

### 2. Recommendation for Certification of Students Completing Training via Public/Public Partnerships

Rice submitted a *draft* policy number 701.15. This policy would provide certification of students via public/private partnerships. Chairman Zaragoza requested that this proposed policy be moved to the Policy and Procedures Committee for review and then brought back to the Commission. Counsel will review the standards to be sure this policy is in accordance with the law.

Commissioner Bulman made a motion for the Policy and Procedures Committee to review policy number 701.15. It was seconded by Commissioner Graves. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Abstain

Motion carried.

### **3. Recommendation for Regional Campus Designations**

Rice explained that these five recommendations are just the first phase. Several sites have not been visited yet. Commissioner Bulman asked if the Attorney General opinion has been received yet. Chairman Zaragoza stated that the opinion has been sent, but there is no response yet. Rice clarified that the AG opinion would dictate who we could or could not directly employ, it would not negate us from being able to use any particular facility as a regional campus. Rice stated that these recommendations are not the final word on whether or not they will be a regional campus, this shows these entities are ready to move to the next phase of the process. Rice recommended Muscle Shoals, Fort Payne, Birmingham, Shelby County and Prattville to proceed to the next phase as a regional campus.

Commissioner Paulk made a motion to approve Muscle Shoals, Fort Payne, Birmingham, Shelby County and Prattville by moving forward in the process and allowing the Executive Director to explore the possibility of creating contracts with these facilities, subject to final approval of the Commission at a later meeting. It was seconded by Commissioner Boyd. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes

Motion carried.

There was a five minute recess.

Chairman Zaragoza asked for an update on the Attorney General opinion on out of state training and state travel with Shelton State Community College. Counsel Boardman stated that we are still in that process as part of the Fiscal Agency Agreement.

## **COMMITTEE MEETING UPDATES**

### **Finance Committee:**

Chairman Boyd stated that Mr. Gene Laminack (the Chief Financial Officer from Shelton State Community College) was in attendance along with the committee members and Commissioner Graves. Boyd said that the Fire College has done very well during tough economic times. There is a net operating profit of \$347,265.33 for FY 2010. Fire College revenues exceeded the budget by 8.92 percent. The FY 2010 final net gain will exceed \$545,081.11 over FY 2009.

Commissioner Paulk made a motion to approve up to \$585,000.00 from capital funds for the purchase of another Mobile Trainer Simulator and to extend electricity to the drill field and warehouse. It was seconded by Commissioner Bulman. Roll call vote was taken.



David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes

Motion carried.

**Policy & Procedures Committee:** Chairman Paulk stated there had been no meeting.

**By Laws Committee:** Chairman Graves stated there had been no meeting.

**EMS Committee:** Chairman Graves stated there had been no meeting but that a meeting would be scheduled soon.

**AFA Resolution Committee:** Chairman Bulman stated there had been no meeting.

**CPAT Committee:** Chairman Wyatt stated there had been no meeting. Rice said that the cost analysis from Michelle Bass has been received and will be distributed to the Commission. Rice said that a partnership with another public agency is in process which will lower cost to the Fire College. We will continue to offer CPAT with no changes to the user.

Zaragoza asked about the AFC contracts and agreements being posted on the website. Rice said that a page is being constructed and that they are currently analyzing the procedures for posting the documents.

Zaragoza requested an update from the last Commission meeting regarding Thorsby and Chief Gunn. Rice said that the initial issue was an honest oversight on how we updated some of our curriculum. Rice expressed concern over how the situation was handled. After review a remediation session and re-test was given at no cost to Thorsby or the individuals, and both individuals passed.

Zaragoza asked for an update on the restitution. Counsel Boardman stated that Mr. Langston did not appeal his resentencing by Judge Coogler and he continues to pay \$800.00 per month for his total restitution of \$1,387,257.40. According to court records he's paid \$16,668.00 in restitution thus far. That money goes to postsecondary and the Fire College is to receive 29 percent of it and we are still working with postsecondary to get the actual timing of that restitution. We are still waiting on the trial of Roger W. Taylor to determine what the restitution, if any, will be. The sentencing of Roy Johnson is scheduled for November 18, 2010. We working with Matt Hart of the U.S. Attorney's office and are claiming restitution of \$355,757.08 for employment of Mr. Johnson's children at the Fire College with little or no work performed and an additional \$60,000.00 that was paid for a contractor with little or no services in return.

Rice gave an update on the AFC Foundation. The Foundation will have to be audited and tax exempt status will have to be re-obtained. Rice said we can not move forward until all criminal proceedings are concluded.

## **NEW BUSINESS**

Commissioner Paulk questioned the meeting that was held by the Commissioners while he was on vacation in August. Zaragoza said he called the meeting after talking to some of the

Commissioners regarding the non-renewal of four contracts. The Commissioners wanted to discuss the possible legal ramifications with Counsel. The meeting went into Executive Session and after they reconvened there was a discussion of a follow-up meeting to buy out the contract of the Executive Director. Commissioner Paulk wanted to know why the meeting went from talking about the non-renewal of contracts to the buy out of the Executive Director. Rice said he was not in attendance of the Executive Session by motion, so he could not respond. Rice noted that the minutes of the August Special Called meeting show that Commissioner Graves stated that the Commissioners want to get the Fire College back on track. Rice stated that all reports show that training is up and the Fire College is above budget. Graves explained that the Fire College is off track pertaining to testing and curriculum practices. Graves said that he is hearing complaints that issues are not being taken care of in a timely manner. The intent of the August meeting was not a buy out of the Executive Director but it evolved that there should be another meeting to discuss that. After consulting with Counsel, the meeting to discuss the buy out was cancelled due to the fact that two of the Commissioners would not be present. Rice asked if any Commissioner discussed putting him on Administrative Leave or taking a negative sanction toward him. Zaragoza said there was discussion to put Rice on Administrative Leave until the investigations could be done on the allegations out there. There was concern on the testing process here and statewide. Zaragoza said that Rice made him aware of testing issues and that was the reason for the non-renewal of one of the individuals in order to correct the problem. Rice said that the Fire College has addressed every issue that has been brought to the forefront. An instance occurred where the wrong test was shipped. That wasn't a testing issue; that was an error by a staff member and that will be addressed. Another rumor is that a project based class was issued grades without projects being turned in. We are checking on that and asking that the instructor turn in the projects if indeed there was an omission of required materials. Functional responsibilities have been re-organized to insure better procedures in the future. Rice reminded the Commission that the Fire College is understaffed and that Fire Programs staff members are filling in for two vacancies.

Commissioner Paulk made a motion to empower the Chairman of the Commission in consult with the attorney, to negotiate with the Executive Director a new contract with at least a one year extension. It was seconded by Commissioner Boyd.

Commissioner Graves stated that he believes that would be a grave error because we have an at will employee and our attorney needs to be sure that we are within the law. Boardman stated that at will employees are entitled to a contract. Commissioner Cobb stated that he was not satisfied with the performance of the Executive Director. Roll call vote was taken on Commissioner Paulk's motion.

David Boyd – Yes  
Bill Bulman – No  
Ralph Cobb – No  
Dwight Graves – No  
Ed Paulk – Yes  
Dale Wyatt – No

Motion denied.

Commissioner Wyatt made a motion to refer the negotiation of the Executive Director's contract to the Executive Director Evaluation Committee. It was seconded by Commissioner Bulman. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes

Ed Paulk – Yes  
Dale Wyatt – Yes  
Motion carried.

Rice requested a full and fair hearing regarding Commissioner Cobb's concerns to be held during the current meeting. Rice said he had not received an evaluation since he started working at the AFC which has been three years. Commissioner Cobb thought that an Executive Session would be needed because of possible litigation. Rice said he would waive all rights and wanted the discussion to take place publicly. Commissioner Cobb said that the discussion would involve the staff that did not have their contracts renewed and that could not be discussed without their consent. Boardman said that for the purpose of discussing matters that are not yet being litigated but imminently likely to be litigated, the board may pursue this course of action. As an attorney licensed in the state of Alabama he certified that this is an exception to the Open Meetings law which allows an Executive Session upon motion properly made and dully seconded and appropriately passed. Boardman said that potential claims are imminent. There was discussion about the Executive Director's evaluation process. Commissioner Paulk said that he had not received any of the Commissioners evaluations. Zaragoza asked Boardman if it would be a problem to openly discuss the Executive Director and those employees that did not have their contracts renewed and possible litigation. Boardman said that there are already two claims in process. Commissioner Cobb said he was not aware of the claims.

Commissioner Paulk made a motion to go into Executive Session including the Executive Director. It was seconded by Commissioner Boyd. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Dwight Graves – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes  
Motion carried.

## **EXECUTIVE SESSION**

The Executive Session meeting began at 11:30 a.m.

The regular Quarterly meeting reconvened at 12:00 p.m. There was no action taken during the Executive Session. Zaragoza stated that Commissioner Cobb had expressed no confidence in the Executive Director and he asked Commissioner Cobb if he had anything to bring to the table now. Commissioner Cobb said that he would be happy to use the evaluation form to address his issues with the Executive Director and to bring the evaluation to the next meeting.

Commissioner Paulk stated that since Commissioner Cobb has gone on record stating that does not have confidence in the Executive Director, he would like to go on record stating that he has found nothing to sway his confidence in the Executive Director.

## **BUSINESS FROM VISITORS**

Chief Robert Ezekiel from Mountain Brook stated that the Central Alabama Fire Chief's Association has confidence in the Executive Director. On a personal note, he stated that he regretted sending a letter to the Governor in support of one of the Commissioners in his re-appointment. "I owe the fire service an apology for that and want it to go on record that I do regret that."

Chief A.J. Martin, President of the Alabama Fire Chiefs Association, stated that he felt that a lot of the fire chiefs were in attendance today due to the meeting that was held in Vestavia in August. Martin was concerned that another meeting was being scheduled within a week, knowing that not all of the Commissioners would be available to attend. He felt that if something that important was going to be conducted that the entire Commission should be present. He stated that the entire organization has a history of secrecy and thinks that should be stopped.

Chauncey Wood, President of the Alabama Association of Volunteer Fire Departments, stated that he was ashamed of some of the Commission. He said that the volunteers haven't had any representation on the board of the Commission in years. We have a Commissioner that stands on his own two feet and he stands on the solid rock and he's a leader....."Mr. Chairman, you are a leader. We appreciate you. We appreciate what Allan Rice and what the Commission has allowed Allan to do for the volunteers, to open the door for the volunteers. I implore you Commissioners that have personal vendettas, to put them to bed."

Ray Hogans, Lillian Fire Chief and Director for District 8 for the AAFVD, stated that the Fire College has come a long way in the last three years under Allan Rice. "Allan Rice has been that rock and the leadership part of this department for a number of years now. If you don't keep him you're making one hell of a mistake, gentlemen. He has done a lot for the service. He has brought the volunteers and the paid together. He has made this facility available to everyone and he is constantly working to make the services, the training and the programs available to everyone in the field."

Jim St. John, Vestavia Hill Fire Department, thanked the Chairman and the Commission for their service and for hearing his comments. The business of the state must be conducted in public according to the Open Meetings Law. St. John stated that he has been an acquaintance and friend of Allan's a long time and feels that he had done a good job. If there are problems, that needs to be discussed in public including the Executive Director evaluations.

Stanley Gann, Prattville Fire Chief and representing the Southeast Alabama Fire Chiefs, stated support for Allan Rice.

Russell Ledbetter, Trussville Fire Department and representing Alabama Firefighter's Association, stated that "any problem with the Executive Director should be heard by the full Commission and voted on publicly, not behind closed doors, no personal agendas, open and honestly.....let's not go back to the Langston era."

Charles Faulk stated that Director Rice has brought the Alabama Fire College international. He said that industry loves him and has total confidence in him.

Howard Summerford, Chief of Center Point Fire District stated his experience has been very positive with the Fire College and the Commission over the last several years. He said that he supported four of the Commissioners with personal letters and is very disappointed with the behavior of some of the Commissioners and their actions now. He said that all of the Commissioners should be included on important issues.

Dan Hopkins said he agreed with everything that has been said. He said he was a volunteer and had to take off to come to this meeting. He asked that the Commission voice their opinions now and tell everyone why there is no confidence and what is so bad. He would like to hear an answer.

Charlie Dixon with Thomasville Fire Service and the AAVFD, on behalf of the area he serves stated that the volunteers are in support of the Fire College and the current director.

Kenny Ray expressed support for Allan Rice. He stated that he has been an instructor for several years and that the problems in testing have been very minute compared to the number of hours he's taught here and abroad.

Chairman Zaragaza thanked everyone for their attendance and their comments. Executive Director Rice asked to speak. Rice stated that the allegations that have been made against him are the result of personal agendas and vendettas on the part of certain Commissioners. He stated that the 14<sup>th</sup> Amendment of the Constitution of the United States requires that he be extended due process, and this is all that he is requesting. He cited the phone calls and written communications that have come in to the Commission supporting the concept of due process. He addressed statements by some Commissioners that the Fire College is "right back where we started four years ago", and he stated that he does not believe that the Alabama fire service feels this way. He correlated the allegations that have been made against him with certain personnel actions he has taken, along with his refusal to allow undue influence to affect his administrative decisions and awarding of contracts. Rice said that he had contacted law enforcement authorities about possible illegalities when he witnessed them and that "some people don't like that". He said that despite the serious nature of the allegations that have been made against him, no one has contacted law enforcement authorities, which he finds curious. Rice said he is ready to discuss on the record any of the allegations against him. He said that some Commissioners have disclosed to other parties the specific personal and political reasons behind their criticisms and allegations. He encouraged the fire service to remain aware of events involving the Fire College and Commission to insure that the progress of the past three years is not lost due to personal motives.

Commissioner Boyd said that he did not vote for Allan Rice to be Executive Director, but he pledged his support. He stated that he is proud of the job that Rice has done. He urged each member to take the high road.

Commissioner Paulk stated that he nominated Allan Rice for the position of Executive Director, not because he knew him but because he looked at the choice of candidates and felt that he was the most qualified. He feels that Rice has done a terrific job and assured everyone if he sees any criminal activity he will put handcuffs on him. If a crime has been committed it should be reported to the proper authorities and have a complete and unbiased investigation done. "If a crime has been committed we won't have to buy out a contract, we will put somebody in jail."

Chairman Zaragoza thanked the fire service for their attendance, letters and calls. Zaragoza feels that this is a bump in the road and it's up to the Commission to handle this and to move forward.

## **BUSINESS FROM COMMISSION MEMBERS**

Commissioner Paulk asked the Policy and Procedures Committee to meet determine a date for their next meeting before leaving today.



Next Quarterly Commission Meeting will be January 19, 2011 at the Alabama Fire College.

Commissioner Wyatt made a motion to adjourn the meeting. Commissioner Bulman seconded it and the motion carried.

Meeting adjourned.

Respectfully submitted,



Allan Rice  
Executive Director



Melony L. Carroll  
Secretary



# ALABAMA FIRE COLLEGE AND PERSONNEL STANDARDS COMMISSION

## Special Called Commission Meeting November 17, 2010

The meeting was called to order by Chairman Butch Zaragoza at 9:00 a.m. The meeting was held at the Alabama Fire College in Tuscaloosa, Alabama.

Roll call revealed the following members present: David Boyd, Bill Bulman, Ralph Cobb, Ed Paulk, Dale Wyatt and Butch Zaragoza (Attorney Mark Boardman). Quorum ascertained.

### VISITORS

Charlie Dixon, David Thornburg, Greg Wood, Robert Davidson, Curtis Poe, Forney Howard, Paul Syx, Jim St. John, Danny Ray, Jimmy Conner, Jeff Dempsey, AJ Martin, Gary Carter, Brian Gargus, Howard Summerford, Nate Hopper, Rick Patterson, Belinda Lancaster, Christopher Brooks, John Merrill, Ruth McFarland, Frank Brocato, Michelle Bass

### MINUTES

Chairman Zaragoza welcomed the visitors and had each Commissioner introduce themselves to newly appointed Representative John Merrill.

Zaragoza stated that today's meeting was called for discussion and deliberation of possible action regarding Alabama Attorney General's Opinion 2011-001. Zaragoza said that receipt of this opinion came after the October 20, 2010 meeting. The question that was asked of the Attorney General was:

*May the Alabama Firefighter's Personnel Standards and Education Commission delegate, by way of adoption of policies and procedures, its authority to hire, promote, discipline, and terminate employees to the executive director?*

The Attorney General's Opinion states:

*The Alabama Firefighter's Personnel Standards and Education Commission may not delegate by way of adoption of policies and procedures, the authority to hire, promote, discipline, and terminate employees to the executive director.*

Zaragoza stated that since the formation of the Personnel Standards Commission in the late 70's, the Executive Director has always done the hiring and firing with the approval of the president of Shelton State Community College. Zaragoza said he became concerned that the Fire College didn't have any employees so he asked Counsel Boardman to contact the Attorney General's office to see where we stand with this ruling.

Attorney Boardman stated that the Attorney General's Office advises that it is appropriate if a state agency disagrees with an opinion to ask for a reconsideration of the opinion. It would require an affirmative vote of the Commission to seek that reconsideration.

Commissioner Paulk made a motion to ask the Attorney General for a reconsideration of opinion 2011-001 as we see it as problematic and we do not agree with the way this opinion was written. It was seconded by Commissioner Boyd. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes

Motion carried.

Commissioner Cobb made a motion to reinstate the five employees that were dismissed since August, to their positions that they enjoyed before their termination and for them to report back to work. This is a recommendation to avoid litigation.

Zaragoza asked the attorney if the motion could be conducted in this meeting. Boardman said that the notice published for the Open Meetings Act states that the sole purpose of the meeting is to discuss the Attorney General Opinion. Commissioner Cobb stated that the motion can be taken up as long as no one complains that the Open Meetings Act was violated.

Commissioner Wyatt made a motion to go into Executive Session to discuss the potential litigation of the employees affected. Commissioner Bulman seconded the motion. Roll call vote was taken.

David Boyd – Yes  
Bill Bulman – Yes  
Ralph Cobb – Yes  
Ed Paulk – Yes  
Dale Wyatt – Yes

Motion carried.

Zaragoza stated that the Executive Session would last approximately 45 minutes.

## **EXECUTIVE SESSION**

The Commissioners adjourned to a classroom at 9:20 a.m.

The meeting reconvened at 10:00 a.m.

Chairman Zaragoza stated that there were no actions taken during the Executive Session.


Commissioner Cobb re-stated his motion to reinstate the five employees that were dismissed since August. Motion died for lack of second.

Commissioner Bulman made a motion to adjourn and it was seconded by Commissioner Boyd. The motion carried unanimously.

Respectfully submitted,



Allan Rice  
Executive Director



Melony L. Carroll  
Secretary