

**COMMISSION ON FIRE PROTECTION, PERSONNEL,  
STANDARDS AND EDUCATION**

Special Fire Commission Meeting

Minutes

August 16, 2019

Lexington, Kentucky

**Present:**

Chris Bartley  
Daron Britain  
John Bunnell  
Beth Ann Burkhead  
Joe Choate  
Mike Dossett  
Sean Dreisbach  
Wendell Followell  
Mike Haney  
Dustin Isaacs  
Scott Lawson  
Patrick Lucas  
Lonnie Madden  
Andrew Scott

**Absent:**

Jason Brandt  
David Howser  
Daniel Iacconi  
Stephanie Malone

Scott Lawson called the meeting to order at 1:00 pm. Chuck Bonta conducted the swearing in of Beth Ann Burkhead.

Jeff Walther with Walther, Gay and Mack Law firm said they prepared the statement regarding the elections. One of the purposes of today's meeting is to fill vacant offices of the Commission. The presiding officer of the Commission right now is the Secretary Scott Lawson. The Fire Commission by-laws state that should both the chair and vice chair be absent, the secretary shall preside. Upon the election of the chair, the chair will take over as the presiding officer. Section 2.11 is the only provision regarding vacant offices of the Commission. The provision states that in the event of a vacancy, the Commission shall hold a special election to fill the office for the unexpired terms. However, three other Commission by-laws relate how and when the elections are to be held. Given the elections today,

do not strictly comply with the election procedures that is in the by-laws, we recommend that the Commission suspend sections 2.2, 2.3 and 2.4 of the by-laws for today's meeting only. Section 2.2 states that any commission member wishing to serve as an officer of the Commission shall declare his or intention to seek the office at the last meeting of the Commission prior to January 1<sup>st</sup> of each year. It also requires the chairman or Executive Director read the letters of intent at that meeting. Section 2.3 requires that elections be held by written ballots provided by Commission staff during the first meeting of the year under the agenda item of "Old/ Unfinished Business". Section 2.4 requires the Chairman and Executive Director to appoint an election committee comprised of board members and staff to conduct elections in compliance with election rules. Again, these revisions state timing and prerequisites that cannot be met at today's meeting. Therefore; we recommend that these provisions be suspended so the elections may proceed in strict compliance with the by-laws. Upon a motion and second by the members of the Commission, the Commission may vote to suspend these provisions pursuant to section 14.2 of the by-laws that states that any provisions of these by-laws, except those statutorily or regulatory required under Kentucky law, may be suspended of any regular or special meeting of the Commission for that meeting only. Suspension may be accomplished with an affirmative vote from two thirds of the cast votes of a quorum of the Commission. The provisions recommended for suspension are not required by statute or regulation thus may be suspended under section 14.2. The elections will still be held by written ballots and will be read in the minutes at the close of each officer election in order to comply with the open meeting and open records act. A successful candidate must receive most of the vote of the Commission pursuant to section 2.1 of the by-laws. For any elections in which no candidate receives the majority vote, a runoff election can be conducted between those members receiving the highest number of votes. Andrew Scott motion to approve Counsels advice. Dustin Isaacs seconded. Motion approved.

Michael Kurtsinger said we must do each race separately. The first election will be for chairman. Patrick Lucas motion to nominate Scott Lawson for chairman. Andrew Scott seconded. Lonnie Madden motion to nominate David Howser. Joe Choate seconded. Sean Dreisbach read a letter from David Howser. Michael Kurtsinger passed out blank ballots. Michael said on the top of the ballot, please put the name of who you are voting for. On the bottom, please print your name. Michael Kurtsinger read the election results for chairman:

**Name of Commission Member****Voted For**

Andrew Scott	Scott Lawson
Joe Choate	Scott Lawson
Beth Ann Burkhead	Scott Lawson
Chris Bartley	David Howser
Mike Haney	Scott Lawson
Wendell Followell	Scott Lawson
Scott Lawson	Scott Lawson
Sean Dreisbach	David Howser
Dustin Isaacs	Scott Lawson
Lonnie Madden	David Howser
Patrick Lucas	Scott Lawson
Daron Britain	Scott Lawson
Mike Dossett	Scott Lawson
John Bunnell	Scott Lawson

Michael Kurtsinger said that Scott Lawson has been elected as the chairman of the Fire Commission Board.

Michael Kurtsinger said we need nominations for vice chairman. Mike Haney motion to nominate Andrew Scott. Patrick Lucas seconded. Motion passed unanimously.

Michael Kurtsinger said we need nominations for secretary. Patrick Lucas motion to nominate Lonnie Madden. Dustin Isaacs seconded. John Bunnell motion to let the Commission vote by show of hands. Dustin Isaacs seconded. Motion passed unanimously. Lonnie Madden is the new secretary of the Fire Commission Board.

Sean Dreisbach motion to approve the minutes from June 13, 2019 in Lexington Kentucky. Chris Bartley seconded. Motion approved.

**Comments from the Chair**

Scott Lawson said the Eligibility Committee met in Owensboro on August 4, 2019. Patrick Lucas read the Eligibility Committee meeting minutes from August 4, 2019. The topics discussed in the Eligibility Committee were:

- McDaniels Fire Department mailed in a check for their State Aid money.

- Somerset Fire Department is requesting incentive pay for their Fire Department.
- Bruce Roberts received a letter from Dr. Melahn stating that he reviewed the LODD paperwork for Dale Brown. Dale Brown passed away from skin cancer. He was a member of Covington Fire Department. The Eligibility Committee motion to approve the LODD benefits for Dale Brown.
- Linton Fire Department is requesting their State Aid money.

Lonnie Madden motion to approve the Eligibility Committee meeting minutes from August 4, 2019. Daron Britain seconded. Motion approved.

Andrew Scott motion to accept the recommendations from the Eligibility Committee. Lonnie Madden seconded. Motion approved.

### **New Business**

Scott Lawson said we need to make a motion for the selection from the recommendation committee to accept the new Executive Director of the Fire Commission. Wendell Followell motion to approve. Dustin Isaacs seconded. Motion approved.

Scott Lawson said the next item on the agenda was to discuss calling another Special Fire Commission meeting before the meeting in October. Andrew Scott said he thinks it would be a good idea for some time in mid-September. Michael Kurtsinger said the Chairman of the Fire Commission, the Executive Director, Vice-Chairman and Secretary according to the by-laws get together to decide what's on the agenda and make sure that everyone has been contacted before a date has been set. Sean Dreisbach asked if we have another special meeting in September, are we able to do anything other than what we are doing today. Sean Dreisbach asked Michael Kurtsinger do we think we will have another doctor be able to look at the LODD before the September meeting. Michael Kurtsinger said he has had two different people contact him and he has sent applications to them. The Governor will make the decision of who is on the board. Sean Dreisbach asked can this Commission appoint a doctor to look at the LODD records and make a decision. Michael Kurtsinger said we can't appoint him to the board, but we can have one as a consultant. Andrew Scott asked our Counsel to do some research on this. Dustin Isaacs asked is there a possibility of hiring someone for this position. Wendell Followell said if Legal is okay with this, he has no issue whatsoever in doing that. The Legal Counsel said they will look at this. Larry Potter said we are in mid- August right now. He personally doesn't think he will have a lot of

recommendations for a September meeting. If the Board is okay with doing the regular meeting in October, he thinks that will be fine with him. Dustin Isaacs said in the Eligibility Committee meeting there was the mention of another LODD. Are there any other updates on that? Bruce Roberts said right now, we have checked with one LODD and according to the statutes he does not meet the age requirements. He was over 65 years old. Jeremy Rodgers is still working on the other LODD.

Andrew Scott said the reason we had such a difficult time with the special meeting was the timing of losing our Chairman and Vice-Chairman and the fact that our by-laws really only place Chairman Lawson as Interim Chairman so therefore he was not able to call the special meeting. We as a group had to call the special meeting via quorum. Now that we have an installed Chairman, he can call a meeting at any point. If an LODD situation arises, he will call a meeting just for that. Scott Lawson said we will continue with the October meeting unless something comes up. Lonnie Madden asked about the Loan Committee. Does it need to meet? Bruce Roberts said we were going to have a loan committee meeting in Owensboro but didn't have enough people for a quorum. There are two departments that is asking for an extension on the loans. Bruce said we found out on one of the loans that the body of the equipment wasn't going to be in on time. They wanted to make sure that they could get an extension so the deadline wouldn't run out on their check. The other loan extension was for a department that is having something built. Bruce said he talked to the equipment company and they don't invoice until after the project is completed. Bruce said we had already cut the check and then we discovered that nothing had been started yet. We had to cancel the check. Bruce said he talked to the equipment company and the Fire Chief. He explained to the Fire Chief that we cannot pay for anything upfront. It must be completed before we can send them a check to pay for the invoice. Bruce said they were asking for a six-month extension. Scott Lawson said he thinks we can wait until October on this. Wendell Followell said we can void and reissue a check. He is asking for clarification does the Board have to reapprove that extension. Bruce Roberts said they have a timeline to spend the check. The loan regulations says that they have to ask for an extension on the loan.

### **Announcements from the Audience**

John Beatsch, President of the KFA said he looks forward to working with the Commission Board. On behalf of the KFA and E-Board, we intend to work with you for the betterment of the firefighters and the fire departments of Kentucky. With that being said, he said we were extremely disappointed that not enough

members of the Board showed up at the meeting scheduled at our Conference. John said he would hope in the future that we don't have that type of situation arise. We are all here today to express our concern and frustration, but as far as the KFA and E-Board are concerned, we are moving forward in hopes that we can work together in the future. Joe Choate said we had this discussion at the June Fire Commission meeting. Unless it is an emergency, I don't believe in doing business on a Sunday. Joe said he asked, and we were told that it couldn't be moved so I am going to ask for next year to have it on a Saturday versus a Sunday. John Bunnell asked how many days were you there for the Conference. John Beatsch said Saturday through Tuesday. The official business was from Sunday to Tuesday. John Beatsch said he is sure they can arrange that, but it is his understanding that the Board set the schedule for the meetings. Michael Kurtsinger said the motion was made in December to have the meeting on that date.

Gregg Bayer, President of the Kentucky Association of Fire Chiefs said we are eager to work with the new Board. He said he is also concerned and disappointed about the meeting. He understands the concerns about meeting on a Sunday, but he cannot think of anything more valuable than a LODD and proceeding forward on that. He said he hopes in the future that we can avoid such things and it sounds like we are working towards the right direction. Andrew Scott said the reason that this meeting wasn't held sooner was because we were in a situation with an Interim Chair and we had to go through the by-laws and talk to our attorneys to figure out how we are going to call a special meeting, because our by-laws state that the only person who can call a special meeting is the chairman. It was a bad set of circumstances. Andrew said I think everyone understands what each of you have brought up and I think they take it to heart. I don't think we will have this issue in the future.

Jimmy Adams with Covington Fire Department said his job from November to June, when Dale Brown passed away, was he was the liaison between the fire department and his family to take of any family needs. He said he was a little disheartened as has been talked about today when things transpired. Jimmy Adams said they make runs on Sunday. He said just understand that the office that you guys are sitting in right now has big consequences and this is what this is about. He is very grateful that this meeting took place and he said he has already texted Jenny Brown to let her know this has been taken care of. Jimmy Adams said from me and the family, we deeply appreciate it, but again when someone has given their time in this Commonwealth and has died, we need to make sure that is the priority.

Executive Director Larry Potter said he appreciates everyone being here. He knows there is a lot going on within our Fire Commission. He said he appreciates the opportunity that has been given to him to try to work with our firefighters and departments across this state. It is extremely important that we take care of our people. Larry Potter said he appreciates this board. They have a lot of decisions to make. He said he wants to say from his perspective, I will look forward to this day on and he will try to do the best he can do for our firefighters and fire departments and that he truly believes this board will also. He hopes we all can come together to work for our fire service in this state.

Lonnie Madden motion to adjourn. Dustin Isaacs seconded. Meeting adjourned at 1:43 p.m.