

**MINUTES OF A CIVIL SERVICE BOARD SPECIAL MEETING HELD
FEBRUARY 2, 2018**

The St. Tammany Fire District No.3 Civil Service Board met in special session at 4:30 p.m. February 2, 2018 at the Administrative Building located at 27690 Main St. Lacombe, LA.

Call to Order:

Roll call: David Broughton, Chairman
Michael Guillot, Vice Chairman

Theresa McCarthy, Board Secretary

Troy Ingram, Mark Waniewski, Chief Sicard, and Edward Rodriguez were present. Philip Dominique was present via phone.

OLD BUSINESS:

Discuss rescheduling January 15, 2018 Appeal Hearing.

Mr. Broughton made a motion to reschedule the appeal hearing requested by Firefighter/Operator Eddie Rodriguez. Mr. Guillot seconded.

Mr. Broughton discussed concerns that were brought up at the previous meeting that could not be resolved at that time. Mr. Broughton stated that an issue was raised at the last meeting where there were concerns of who the Appointing Authority, who it was or the delegation thereof and whether or not it was Chief Sicard's authority as the appointing authority to make his own decision about presenting his own case at the appeal hearing or not. He stated that the Governing Authority, the Board of Commissioners, hired Mr. Troy Ingram as the lawyer for District 3 and they have the authority to say when and where he would be used. The Board of Commissioners has decided that Mr. Troy Ingram will represent the Department at an appeal hearing for Eddie Rodriguez and any other appeal hearing.

Mr. Broughton also discussed that Eddie Rodriguez mentioned at the last meeting that if the Department's lawyer did not have to testify what kind of a case did he have and how could he get a fair hearing? Mr. Broughton stated that he understands that the burden of proof with compliance with the Firefighter Bill of Rights is upon the Department and the Appointing Authority. Mr. Broughton stated that he has no doubt that Mr. Rodriguez could have a full and fair hearing without Mr. Ingram's testimony. Mr. Broughton is in favor of rescheduling the appeal hearing without Mr. Ingram's testimony.

Mr. Dominique asked about a subpoena issued to Troy Ingram to be a witness in this matter which is now the subject to a motion to quash in a protective order now pending at the 22nd JDC just to be clear of the status since he was just advised of the matter that day.

Mr. Broughton stated that if they reschedule the appeal hearing the Governing Authority has made it clear that Mr. Troy Ingram is representing the Department at the appeal hearing. Mr.

Broughton stated that he is complying with the Judge's order and that he has no intentions of having Mr. Ingram testify.

Mr. Dominique asked if there was a present stay order in place, Mr. Ingram confirmed that there was. Mr. Ingram stated that there is a stay order in effect to the extent that the Civil Service Board deems that his testimony would be relevant and material. Mr. Broughton stated that he chooses to proceed with the hearing and that he does not deem Mr. Ingram's testimony necessary.

Mr. Broughton asked for any other questions or discussion as to whether to reschedule the appeal hearing. Mr. Dominique stated that Mr. Rodriguez would object to an appeal hearing being set any time before the March 21st hearing that is currently set at the 22nd because Mr. Ingram is someone that Mr. Rodriguez believes needed to be subpoenaed and offer testimony in his appeal hearing. Mr. Broughton stated that he has stated that he believes that Mr. Rodriguez can get a full and fair hearing, that the burden of proof rests with the Department whether Mr. Ingram testifies or not. Mr. Dominique agreed.

Mr. Waniewski wanted to make the record clear by stating that if Mr. Ingram's testimony is going to be moot, if the subpoena is withdrawn that supports the mooting of his testimony that also is a catalyst for Mr. Ingram to consider withdrawing his action before the 22nd which also provides relief to Mr. Rodriguez that there will not be legal fees or anything else engaged as a result in going forth with the 22nd JDC on the 21st of March. Mr. Broughton stated that the board should think about it and put it on the agenda for the February 8th regular meeting. Mr. Ingram agreed.

A vote was taken.

Motion carries.

Mr. Dominique asked for a recess to discuss dates with Mr. Rodriguez. Mr. Broughton called for a five minute recess.

The Board is back from recess and discussion for dates continued. Mr. Broughton stated that the week of the 19th looked good. Tues. the 20th or Thurs. the 22nd looked like good days. Mr. Rodriguez stated that Thursday the 22nd would be a good date.

Mr. Broughton made a motion that the rescheduled appeal hearing for Eddie Rodriguez be set for 9:00 a.m. Thursday, the 22nd of February 2018. Mr. Guillot seconded. This hearing will be held at the training center located at 29278 HWY 190.

In regard to the subpoenas that were sent out for the original hearing date, Mr. Broughton stated that witnesses that are present at the meeting are verbally subpoenaed for Thursday the 22nd of February. Witnesses will be emailed by the Board Secretary as to the date change.

A vote was taken.

Motion carries.

Mr. Guillot made a motion to adjourn. Mr. Broughton seconded. A vote was taken.

Motion passed.

Meeting was adjourned at 5:16 p.m.

Minutes submitted by
Theresa McCarthy, Secretary

Approved by the board
February 8, 2018