



FIRE CHIEF J.T. WALLACE, JR.

BENTON FIRE DISTRICT 4

BOARD OF COMMISSIONERS MEETING

SEPTEMBER 18, 2018 BOC MINUTES

TIME OF MEETING 3:00 PM

Johnny Barnette called the regular scheduled public meeting of the Board of Commissioners to order. Chief Turner called roll as follows: Board members PRESENT as follows Johnny Barnette, Stephanie Collier, Marvin Myers, and John Whittington. ABSENT-Jeff Wyatt. Fire Chief JT Wallace Jr., Tim Turner, Hurmon Gibson, and Jacob Maddox were also present. There were no members of the public present for the meeting. The meeting was held in the Board Room of the Bossier Parish EMS and Fire Complex, 5275 Swan Lake Road, Bossier City, Louisiana. The invocation was given by Johnny Barnette.

APPROVAL OF MINUTES FOR THE JULY 17, 2018 BOARD MEETING

- *August 21, 2018 BOC Minutes questions/discussion: -----NONE*

MOTION was made by STEPHANIE COLLIER and seconded by MARVIN MYERS to accept the written minutes for the board meeting held on August 18, 2018. The Chairman called for public comment; there being none, vote was taken and the motion carried unanimously.

APPROVAL OF FINANCIALS AS OF August 17, 2018

- *Questions/Discussion about Financials through September 14, 2018: -----*

MOTION was made by STEPHANIE COLLIER and seconded by MARVIN MYERS to approve the written Financial Reports as of September 14, 2018. The Chairman called for public comment; there being none, vote was taken and the motion carried unanimously.

OLD BUSINESS

-----NONE-----

NEW BUSINESS

*******AMEND AGENDA*******

- **MOTION** was made by MARVIN MYERS and seconded by STEPHANIE COLLIER to AMEND the agenda to include Resolution 2018-004 on the September 18, 2018 agenda. The Chairman called for public comment; there being none, vote was taken and the motion carried unanimously



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PAY SCALE

Chief Wallace informed the board that PMI solutions is currently working on a master pay scale for all Fire District employees. Chief Wallace stated that the pay scale will make it easier to determine pay rates and using PMI solutions to develop the pay scale will ensure that the Fire District is in compliance with all applicable laws. Marvin Myers asked if changing the pay scale would cost more money. Chief stated that the cost may increase initially but we would try to offset that cost with savings in other areas. Chief Turner informed the board that a master pay scale for District employees would be similar to a pay scale like the military uses in regards to years of service and rank. An employee would be able to look at the scale and determine his/her pay based rank and years of service.

PA FORMS: Tim Turner, Corey Tuminello, Bruce Branch Jr. and Lisa Chaffin.

MOTION was made JOHN WHITTINGTON and seconded by MARVIN MYERS to approve the Internal/Civil Service PA Forms for Tim Turner, Corey Tuminello, Bruce Branch, and Lisa Chaffin. The Chairman called for public comment; there being none, vote was taken and the motion carried unanimously.

RESOLUTION No: 2018-004

MOTION was made by MARVIN MYERS and seconded by STEPHANIE COLLIER to approve and adopt Resolution 2018-004. The Chairman called for public comment; there being none, Resolution was read and a vote was taken (**YEAS** – MARVIN MYERS, JOHN WHITTINGTON, STEPHANIE COLLIER, and JOHNNY BARNETTE. **NAYS** – NONE. **ABSENT** – JEFF WYATT. **ABSTAIN** – NONE) and the motion carried unanimously.

RESOLUTON NO: 2018:004

Resolution of Board of Commissioners of Benton Fire District No. 4 Relating to the Approval to Retain Outside Counsel with Specific Expertise Regarding Opioid Litigation and Cost Recovery for District No. 4

WHEREAS, a quorum of the Board of Commissioners (“BOC” of Benton Fire District No.4 (“District”) was present on this date for a properly advertised regular meeting;



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WHEREAS, the BOC finds that it is in the best interest of the District, its employees, citizens and taxpayers, to implement a policy and procedure, whereby the District will seek to enforce any and all available remedies that the District may have and to seek any damages it may be entitled to, related to the national, statewide, and/or local opioid litigation and that real necessity exists to pursue its rights and remedies for the District;

WHEREAS, the BOC acknowledges that its general counsel does not possess the resources, staff, or specific expertise to handle such litigation and that because its general counsel does not have the resources, staff, or expertise to properly and effectively handle the matter a “real necessity exists” for the employment of special counsel to represent the District interest therein;

WHEREAS, the BOC seeks to retain outside counsel with specific expertise to handle the Opioid Litigation on a contingency fee basis, as the District does not possess the resources to pay the potential attorney fees on an hourly basis, nor the potential expenses in advance;

WHEREAS, other political subdivisions of the State of Louisiana have retained outside counsel with specific expertise to handle the opioid litigation on a contingency fee basis in a similar or identical basis;

WHEREAS, the Commissioners of the District have sought to retain and have agreed to a proposed contingency fee contract with attorney PMI LEGAL SERVICES, LLC; JOHN YOUNG; SMITH & FAWER, LLC; ALVENDIA, KELLY AND DEMAREST, LLC; ANTHONY IRPINO OF IRPINO, AVIN & HAWKINS, LLC and CHEHARDY, SHERMAN, WILLIAMS, MARRAY, RECILE, STAKELUM & HAYES, LLP subject to the provisions of LSA-R.S. 42:263, said Contract consistent with requirements of the Louisiana Attorney General imposed upon non-home rule parishes, including a maximum contingency of 25% on the first ten million recovered, 20% on any recovery between ten million and twenty million, and 15% of any recovery over twenty million.

NOW, THEREFORE, BE IT RESOLVED that:

1. The BOC wishes to engage the following legal counsel specific to Opioid Litigation to recover any damages it may be entitled to for the District: PMI LEGAL SERVICES, LLC; JOHN YOUNG; SMITH & FAWER, LLC; ALVENDIA, KELLY AND DEMAREST, LLC; ANTHONY IRPINO OF IRPINO, AVIN & HAWKINS, LLC and CHEHARDY, SHERMAN, WILLIAMS, MARRAY, RECILE, STAKELUM & HAYES, LLP
2. The BOC authorizes the completion of the Fact Sheet Implementation Order and all other required documents to engage legal counsel subject to the provisions of LSA-R.S. 42.263, said Contract consistent with requirements of the Louisiana Attorney General imposed upon non-home rule parishes, including a maximum contingency of



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25% on the first ten million recovered, 20% on any recovery between ten million and twenty million, and 15% of any recovery over twenty million.

3. The Commissioners in a duly conveyed session voted formally to approve the contingency fee contract.
4. To the extent that prior resolutions or acts of this Board conflict with this Resolution those prior resolutions are superseded by this Resolution.
5. This Resolution was declared adopted at a regular meeting where a Quorum was present. The vote was as follows:

YEAS – MARVIN MYERS, JOHN WHITTINGTON, STEPHANIE COLLIER, and JOHNNY BARNETTE (Total of 4 YEAS)

NAYS – NONE

ABSENT – JEFF WYATT (Total of 1 ABSENT)

ABSTAIN – NONE

CERTIFICATE

I HERBY CERTIFY that I am the Secretary of the Board of Commissioners of Benton Fire District No. 4, and the above and foregoing Resolution was properly adopted by the Board of Commissioners, which is the District’s governing authority, at a regular meeting called and held in accordance with law at Bossier Parish EMS & Fire Complex Conference Room, 5275 Swan Lake Road, Benton, Louisiana, on the 18th day of September, 2018.

THUS DONE AND SIGNED at Benton, Louisiana, this day of September, 2018.

Signed by Johnny Barnette
Chairman, Board of Commissioners
Benton Fire District No. 4

Signed by Tim F Turner Jr
Secretary, Board of Commissioners
Benton Fire District No. 4

MOTION was made by STEPHANIE COLLIER and seconded by JOHN WHITTINGTON to adjourn. The Chairman called for public comment. There being none, vote was taken and the motion carried unanimously.