St. Matthews Fire Protection District

1986

This is one of many sections that contain information, documents, letters, newspaper articles, pictures, etc. of the St. Matthews Fire Protection District. They have been collected and arranged in chronological order. These items were collected, organized and entered into a computerized database by Al Ring with the help of the St. Matthews Fire Department Alumni Association, Inc. The Association's members are Rick Albers, A. E. "Bill" Andriot, III, E. Gar Davis, Clarke Fenimore, Jack Monohan, Mike Noon, Russ Rakestraw and Al Ring.

The purpose of this "collection" was to create the background and research for the book *St. Matthews Firefighters, 84 Years of Firefighting in St. Matthews, Kentucky*, written by and published by Al Ring in 2004. The collection is continuing today, so if you should have old or new information on the St. Matthews Fire Department, please contact Al Ring.

All graphics have been improved to make the resolution as good as possible, but the reader should remember that many came from copies of old newspaper articles. This also applies to other items such as documents, letters, etc. Credit to the source of the documents, photos, etc. is provided whenever it was available. We realize that many items are not identified and regret that we weren't able to provide this information. As far as the newspaper articles that are not identified, 99% of them would have to be from one of three possible sources. *The Courier-Journal, The Louisville Times* or one of the *Voice* publications.

Please use this information as a reference tool only. If the reader uses any of the information for any purpose other than a reference tool, they must get permission from the source.

The Association would like to thank the St. Matthews Fire Protection District and various newspapers including *The Courier-Journal, The Louisville Times, and The Voice-Tribune*. Our appreciation is also extended to the various citizens and firefighters who contributed to the gathering of this information.

1986

January, 1986, Lyndon Fire & Rescue Minute Book:

JEFFERSON COUNTY

COUNTY COURT HOUSE

LOUISVILLE, KENTUCKY

582-3891

McCONNELL
DIXIE EXECUTIVE

COMMISSIONERS
J. HARTLAGE
LES I. HORTON
A WATSON

DIRECTOR
DENNIS M. CL

OFFICE
Suite 200
Hart Block Buil
730 W. Main S
Louisville, Ky. 4

Jefferson County Fire Protection Dist.
Rates as of January 1,1986 (Based on $100.00 Assessed Valuation)

Codes	Fire Dist.	1985 Rate	1986 Rate
#1	Jeffersontown	.085	.085
#2	Black Mudd	.10	.10
#3	Camp Taylor	.085	.085
#4	South Dixie	.10	.10
#5	Edgewood	.10	.10
#6	Okolona	.10	.10
#7	Eastwood	.10	.10
#8	Lake Dreamland	.10	.10
#9	Pleasure Ridge Park	.10	.10
#10	Dixie Suburban	.10	.10
#11	Highview	.10	.10
#12	Harrods Creek	.085	.085
#13	Middletown	.10	.10
#14	McMahan	.10	.10
#15	Fern Creek	.099	.099
#16	Lyndon	.065	.065
#17	Buechel	.10	.10
#18	Worthington	.085	.085
#19	Fairdale	.09	.09
#20	Anchorage	.10	.10
#26	St. Matthews	.085	.085

Submitted by:

Terry Sharp
Fire Tax Coordinator

1986

January, 1986, Lyndon Fire & Rescue Minute Book:

CERTIFICATION FOR JEFFERSON COUNTY FIRE PROTECTION DISTRICTS- 1986

DISTRICT	REAL ESTATE	COUNTY BUSINESS	BOATS	TOTAL ASSESSMENT	RATE	$AMOUNT DUE
Jeffersontown	500,253,185	118,027,920	2,737,799	621,018,904	.085	527,866.07
Black Mudd	302,634,010	19,062,350	937,459	322,633,819	.10	322,633.82
Camp Taylor	213,581,490	79,297,910	682,314	293,561,714	.085	249,527.46
South Dixie	147,460,110	11,545,020	1,077,033	160,082,163	.10	160,082.16
Edgewood	86,694,260	37,358,340	114,970	124,167,570	.10	124,167.57
Okolona	540,319,478	78,624,850	3,846,774	622,791,102	.10	622,791.10
Eastwood	70,521,150	2,190,120	412,715	73,123,985	.10	73,123.99
Lake Dreamland	182,514,050	64,343,310	739,655	247,597,015	.10	247,597.02
Plea. Ridge Park	828,787,820	56,898,120	7,204,313	892,890,253	.10	892,890.25
Dixie Suburban	42,438,890	3,080,020	157,462	45,676,372	.10	45,676.37
Highview	318,338,480	12,708,320	2,933,098	333,979,898	.10	333,979.90
Harrods Creek	442,354,450	7,246,510	3,831,136	453,432,096	.085	385,417.28
Middletown	741,346,280	71,874,290	3,149,531	816,370,101	.10	816,370.10
McMahan	246,084,800	5,081,100	1,155,785	252,321,685	.10	252,321.69
Fern Creek	341,409,960	7,887,980	2,678,944	351,976,884	.099	348,457.12
Lyndon	836,688,970	46,432,730	4,350,136	887,471,836	.065	576,856.69
Buechel	290,080,710	60,493,670	1,088,761	351,663,141	.10	351,663.14
Worthington	330,882,040	21,652,430	1,635,077	354,169,547	.085	301,044.11
Fairdale	252,118,698	51,170,420	1,873,278	305,162,396	.09	274,646.16
Anchorage	76,538,680	852,590	488,822	77,880,092	.10	77,880.09
ST. Matthews	782,149,640	99,221,490	3,864,015	885,235,145	.085	752,449.87
TOTALS	7,573,197,151	855,049,490	44,959,077	8,473,205,718	=	$ 7,737,441.96

TOTAL AMOUNT DUE $ 7,737,441.96

TOTAL ASSESSMENT 8,473,205,718

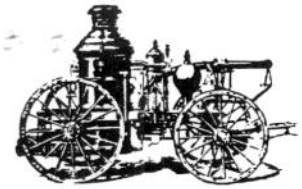
TOTAL INCREASE $ 514,030.28

TOTAL INCREASE 584,981,599

Submitted By J. B. Shay

1986

January 9, 1986, Trustee meeting:



A.

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

January 9, 1986

I. CALL TO ORDER :

II. MINUTES LAST MEETING :

III. TREASURERS REPORT :

IV. CHIEFS REPORT :

A. Administration -

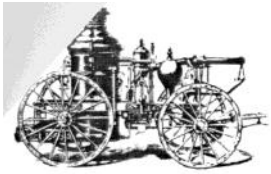
1. Income & Expenses
2. Personnel

B. Operations -

1. Fire Prevention & Fire Safety Education
2. Fire Suppression

V. OLD BUSINESS :

VI. NEW BUSINESS :



C.

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

TREASURERS REPORT	December 1985
Revenues	$240,032.97
Expenditures	64,096.35
Cash Balances :	
First National - Operating	41,474.15
First National - Payroll	9,229.75
Liabilities :	
Note Payable - First National	25,000.00

J. P. Terry, Treasurer

January 9, 1986

January 9, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY FIRE PROTECTION
DISTRICT NO. 26

January 9, 1986

The meeting of the Trustees of Jefferson County Fire Protection District 26 was held at 7:30 p.m. on Thursday, January 9, 1986, at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees Franklin Florence, Sr., John M. Monohan, III, Alan D. Ring, Faye Ellerkamp and Marshall P. Eldred, Jr. Also present were four people in the audience, including the Mayors of the Cities of Indian Hills and Windy Hills.

The meeting was called to order by Chairman Monohan. The Minutes of the meeting held on December 12, 1985, were approved as written.

Chief Florence distributed the Treasurer's report, including a balance sheet and operating statement as of December 31, 1985. Chief Florence reported that the indebtedness to Citizens Fidelity Bank in the approximate amount of $50,000 had been paid in full. In addition, the indebtedness to First National Bank had been reduced from $150,000 to $25,000. These payments were made possible because of the receipt of real estate tax revenues. Chief Florence reported that the expense items appeared to be in line with the budget and that he did not know of any unusual expenses shown on the

January 9, 1986, Trustee meeting:

financial statements. There followed a general discussion of the financial statements and the items of expense.

Chief Florence reported that the District was retaining volunteers but had not added any new volunteers. There are a total of 52 firefighters in the District.

He advised he had instructed the District's attorney not to render any further services with regard to the Shelbyville Road Plaza situation. That matter is now pending before the State Fire Marshal's office.

He reported that the District continued to offer fire safety and fire prevention educational programs to adult and children's groups.

He reported that the District responded to 492 emergencies during 1985, which was the third highest volume in the County and approximately 100 more runs than in 1984.

Mr. Ring asked Chief Florence to read to the Trustees a letter from D. H. Robinson regarding a fire at his home on Elmwood Avenue on December 20, which resulted in a loss in excess of $100,000. Mr. Robinson was very complimentary of the firefighters and donated $250 for the Firefighter's Fund.

In response to a question from Betty Walsh, Chief Florence reported that he had heard nothing from Fiscal Court or anyone in the County regarding the District's request for a site in the quarry at Hubbard's Lane and Highway 42. After some discussion, the Trustees requested Chief Florence to revive those discussions with representatives of the County.

The next meeting will be held on Thursday, February 13, 1986.

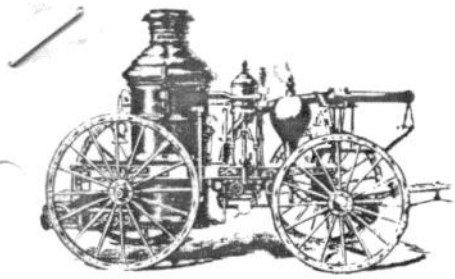
There being no further business, the meeting was adjourned.

John M. Monahan III
Chairman

Marshall A. Eldridge Jr.
Secretary

1986

February 13, 1986, Trustee meeting:



JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

4114 Lyndon Way

Louisville, Kentucky 40207

I. CALL TO ORDER :

II. MINUTES LAST MEETING :

III. TREASURERS REPORT : $216847.40 DEC. $381,202.42 JAN. $598,049.82

IV. CHIEFS REPORT :

A. Administration -

1. Income & Expenses
2. Personnel

B. Operations -

1. Fire Prevention & Fire Safety Education
2. Fire Suppression

V. OLD BUSINESS :

VI. NEW BUSINESS :

Next Meet. } Mar. 13th

February 13, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY FIRE PROTECTION
DISTRICT NO. 26

February 13, 1986

The meeting of the Trustees of Jefferson County Fire Protection District 26 was held at 7:30 p.m. on Thursday, February 13, 1986 at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees John M. Monohan, III, Franklin Florence, Sr., J. P. Terry, Alan D. Ring and Marshall P. Eldred, Jr. Also present were two firefighters.

The meeting was called to order by Chairman Monohan. The Minutes of the previous meeting held January 9, 1986, approved as mailed.

Treasurer Terry distributed his financial report consisting of a balance sheet and statement of revenues and expenses through January 31, 1986, copies of which are attached to these Minutes. Chief Florence reported that the list did not contain any unusual expenditures.

He noted that although the District received no real property tax income during January, it did receive $381,202.00 in February which he invested in a certificate of deposit.

He also reported that the new fire apparatus should be delivered within the next few days and that payment would be due upon delivery.

As part of his Chief's report, Chief Florence stated that there were no changes in personnel, that the public

February 13, 1986, Trustee meeting:

education program is continuing and there were no unusual activities in fire suppression during the previous month.

As for old business, Chief Florence reported no news concerning the Shelbyville Road Plaza suit. Also, he reported that he contacted Wendell Wright following last month's meeting regarding the site at the Hubbard's Lane and Highway 42. Mr. Wright agreed to contact the District as soon as possible.

Chief Florence said that he would like the authority to continue to make minor improvements at the firehouse, including, for example, walls, floor covering, plumbing on the second floor. He would like to construct a men's restroom and a women's restroom and shower facilities in the near future. In the long term, he would like to build a kitchen and an eating area and finish the dormitory area. He estimated that the short term needs would cost approximately $5,000. The overall plans to finish approximately 75% of the second floor would cost approximately $20,000. After discussion, the trustees authorized Chief Florence to spend approximately $5,000 for the short term improvements. The trustees will examine the situation at subsequent meetings before any additional funds are to be spent.

Chief Florence reported that the heating and air conditioning system in the office, training and classroom areas of the first floor needed to be replaced. If the same type of system is installed (American Air Filter), it would cost approximately $50,000. Chief Florence recommended against using the same type of system and thinks that by changing to another system

February 13, 1986, Trustee meeting:

the cost would be approximately $25,000. After discussion, the Trustees authorized Chief Florence to proceed with competitive bids and to time the work so that it would occur during the transitional season between winter and summer.

Chief Florence explained that at some date in the future he would like to have the building served by a sprinkler system. The Trustees reserved any decision until a subsequent meeting.

Chief Florence explained that several fire fighters had requested that they be permitted to bring friends, spouses or dates to the firehouse to use the Universal gym weightlifting equipment. He explained that after the Universal was purchased two years ago, the Trustees adopted the policy of not allowing anyone other than the fire fighters to use the equipment. After discussion, the Trustees suggested that Chief Florence contact the insurance agent to determine the extent and availability of coverage for injuries suffered by anyone using the equipment and to defer the discussion until the next meeting.

There being no further business, the meeting was adjourned. The next meeting will be held on March 13, 1986.

John M. Morehan III
Chairman

Margaret P. Eldredge
Secretary

1986

February 14, 1986, 2653 delivered:

SEAGRAVE FIRE APPARATUS, INC.
CLINTONVILLE, WISCONSIN 54929-1590

INVOICE NO. 141 DATE 2-14-86
YOUR ORDER NO. Contract
OUR ORDER NO. S-76196
TERMS: Net Cash Upon Delivery
SHIPPED VIA FWD Drive Away

SOLD TO: Jefferson County Fire Protection District #26
4114 Lyndon Way
Louisville, Kentucky 40207

SHIPPED TO:

QUANTITY	SERIAL OR PART NO.	DESCRIPTION	PRICE	EXTENSION
1	Chassis S76196	One Seagrave Model HT07DH custom 100 ft. tractor drawn aerial ladder truck with miscellaneous accessories		$259,760.00
	Motor 8VF-107503	Credit for ladders		-1,032.00
	VIN NO. 1F9FW38H6GCST2036	Credit for intercom		-621.00
		Charge for dri deck		1,063.00
				$259,170.00

Invoice Dated 2/21/86
Invoice Number 141

PLEASE REMIT TO:
FWD CORPORATION
MILWAUKEE, WISCONSIN

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

990
21-5/830

March 3 19 86

PAY TO THE ORDER OF Seagrave Fire Apparatus, Inc. $259,170.00

Two Hundred Fifty Nine Thousand One Hundred Seventy & no/100 DOLLARS

FIRST NATIONAL BANK OF LOUISVILLE
Louisville, Kentucky

FOR '86 Seagrave Fire Apparatus #S76196
PAYMENT IN FULL

CLINTONVILLE, WISCONSIN UNLESS OTHERWISE SPECIFIED

⑈000990⑈ ⑆083000056⑆ 700 4861 2⑈

1986

February 14, 1986, 2653: From 2009 Reunion.

1986

March 13, 1986, Trustee meeting:

JM

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

March 13, 1986

Class	Pop.
1	+100
2	+20
3	+8
4	+3

TRUSTEES MEETING AGENDA

I. CALL TO ORDER : ✓

II. MINUTES LAST MEETING : ✓

III. TREASURERS REPORT : ✓

IV. CHIEFS REPORT : ✓

A. Trustees Association Report

B. Exercise equipment report

C. Hazardous Materials Plan report

D. 1986 Rescue-Aerial

E. Retention-Plan update — 2700.00 to $500.00 Mo; 4,700.00 to $600.00 Mo

F. Facilities Sharing Idea

G. Insurance costs increase estimated to be approximately 15%

V. OLD BUSINESS :

April - Begin Budget Review - Finish Budget May

July - Elect. Trust Officers In July

VI. NEW BUSINESS :

June - Elections Of Trustees

A. Dennis Clare - Discussion regarding City of St. Matthews and the change in classification from 4 to 3.

April - Name Of Appointed Trustee will Be Submitted Names will Be Provided Prior to 10th July, Faye, Ken

B. County Government requests our Board to change the terms of its Trustees so that the terms expire on June 30 rather than May 31, as they requested in January 1985. A Resolution regarding this change is necessary, if the Trustees choose to effect this change. Reasons for this request are : the convenience afforded the Judge/Executive, with the terms of all the Trustees of the fire districts in the county, with the same terms. Secondly, the OAG to the effect that the terms should coinside with the fiscal year of the district.

The new expiration dates would be as follows :
June 30, 1986 - Al Ring and Ken Ogden
June 30, 1987 - J. P. Terry and Franklin Florence
June 30, 1988 - Faye Ellerkamp and Marshall Eldred, Jr.
June 30, 1989 - _____ and J. M. Monohan, III

March 13, 1986, Trustee meeting:

12:cs:146B
3/25/86

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY FIRE PROTECTION
DISTRICT NO. 26

March 13, 1986

The meeting of the Trustees of Jefferson County Fire Protection District No. 26 was held at 7:30 p.m. on Thursday, March 13, 1986, at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees Franklin Florence, Sr., J. P. Terry, Alan D. Ring, Faye Ellerkamp, Ken Ogden, John M. Monohan III and Marshall P. Eldred, Jr. Also present were Dennis Clare, attorney for the District.

The meeting was called to order by Chairman Monohan and the minutes of the meeting held February 13, 1986, were approved as mailed.

Treasurer Terry distributed a financial report consisting of a balance sheet as of February 28, 1986, and a statement of revenues and expenditures for the period July 1, 1985 through February 28, 1986, copies of which are attached. During the discussion that followed, Chief Florence reported that the District had not incurred any unusual expenses during the period covered by the financial statements. He estimated the District will have to begin borrowing operating funds in June.

The Trustees also discussed the method of reporting financial condition of the District and whether the District should request its accountant to perform a review or an audit instead of the present compilation.

March 13, 1986, Trustee meeting:

Chief Florence reported on the following matters:

(1) The Trustees' Association will prepare and distribute an accounting of funds received and spent and will refund to the various Districts any unused balances;

(2) He met with nine firefighter/combat officers to discuss the policy regarding the use of exercise equipment. The officers recommended continuing the policy that only firefighters would be permitted to use the equipment.

(3) Metropolitan Sewer District has adopted a hazardous materials plan that will allow MSD to recover losses of its equipment due to contamination. The proposed plan does not provide for the replacement of equipment of a fire district which is lost through contamination.

(4) The 1986 Rescue-Aerial truck was delivered last week and has already been used in a rescue. The cost of the truck is approximately $259,170, not including equipment.

(5) He suggested the Trustees consider increasing the benefits available under the firefighter retention program from the present $400 per month to $500 or $600 per month. To increase the benefits to $500 would cost an additional $2,700 premium per year. To increase the benefits to $600 per month would cost an additional $4,700 per year.

(6) He described his idea of sharing firefighting facilities among more than one district. As an example, a

March 13, 1986, Trustee meeting:

firehouse could be built at a point common to two, three or more districts and could serve all of the districts.

(7) The insurance premium for the liability and general comprehensive coverage increased approximately 15% for 1986.

Chief Florence explained that the County wanted all districts to change terms of all Trustees to expire on June 30, rather than May 31 as now exists in many districts. The terms for our Trustees do expire on June 30, pursuant to action of the Board at its meeting on September 12, 1985. June is also the month in which the County Judge makes appointments to the various Boards and the month in which elections are held. Trustee elections will be held at the firehouse.

The Chief reported that the County Judge wants the Chairman of our Board to recommend a person to be appointed by the County Judge following the expiration of the term of Alan D. Ring on June 30, 1986. After discussion, the Chairman appointed Ken Ogden, Faye Ellerkamp and himself as a search committee to determine if there are other interested people within the District for possible consideration as a Trustee. Mr. Monohan will chair the committee and will report the names of any interested people to the Trustees prior to the next meeting so that a recommendation can be made at the April meeting.

March 13, 1986, Trustee meeting:

Dennis Clare reported on the pending legislation in the Kentucky General Assembly that would require cities to be reclassified based on population, pursuant to Section 156 of the Kentucky Constitution. For example, the City of St. Matthews would be reclassified from fourth class to third class because of its population. If that reclassification is made, as a third class city, St. Matthews would be required to maintain its own fire district. After general discussion on the subject, Mr. Clare agreed to keep the Trustees advised of the status of this proposed legislation.

The next meeting will be held on April 10, 1986.

There being no further business, the meeting was adjourned.

Chairman

Secretary

March, 1986, The International Fire Chief:

Impact of FLSA Amendments on the Fire Service

by Martin W. Bercovici and Peter Susser

In mid-November of 1985, President Reagan signed into law the Fair Labor Standards Amendments of 1985, which provide significant relief from overtime and other payroll obligations threatened by the application of the Fair Labor Standards Act (FLSA) to public employers. Last February, the Supreme Court reversed a prior holding which had exempted state and local governments from FLSA coverage, and, in *Garcia v. San Antonio Metropolitan Transit Authority,* concluded that the action of Congress in 1974 which imposed minimum wage, overtime and recordkeeping requirements on public employers was constitutional. As a result, fire service managers across the country were required to dust off a set of regulations adopted by the Department of Labor (DOL) in the mid-1970s.

As chiefs of career, combination and volunteer departments discovered, the DOL regulations threatened to disrupt schedules, eliminate certain traditional practices and impose increased wage costs. Worse yet, uncertainties existed over the effective date of liability for overtime compensation, and the possible obligation to make payments for retroactive liabilities. As the target date approached for DOL enforcement of the obligations created by *Garcia,* fire services sought to limit the hours worked by career fire fighters to the 28-day/212-hour ratio promulgated by the DOL's Wage and Hour Division, and many departments examined the status of fire fighters who previously were classified as "volunteers."

At the same time, the International Association of Fire Chiefs (IAFC), along with other organizations representing localities and the leadership of emergency services agencies, actively pursued relief from the Congress. Several days of hearings were held before the Senate subcommittee on labor chaired by Senator Don Nickles (R-OK), who became a leading proponent of FLSA reform. Fierce debate was generated, however, when unions such as the International Association of Fire Fighters argued that the estimated costs of FLSA compliance were inflated, and that public employees were entitled to protections similar to those of workers in the private sector.

Organized labor had its greatest support in the House of Representatives and in the House Labor Committee, which is dominated by Democrats sympathetic to such claims.

What emerged from the legislative process was a compromise. The unions were able to retain the basic coverage of public employees under the FLSA. However, numerous accommodations were made to lessen the cost burdens of compliance with the statute's overtime requirements. In addition, the effective date of such obligations was pushed back for an additional period, and helpful clarifications were made regarding the status of volunteers.

Provisions of the Amendments

"Comp Time"

The first significant issue dealt with by the new Fair Labor Standards Amendments was the authorization of compensatory time off in lieu of cash overtime payments. "Comp time" systems have been used widely in fire services and other public agencies for many years. Under the prior version of the statute, "comp time" could be used only if the worker took the time off within the same work period (e.g., 28 days) as it was earned. The new language now allows for the use of accrued comp time over a more extended period of time. It also specifies that compensatory time off must be provided at a rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required. Such public safety workers as fire fighters can accrue up to 480 hours of compensatory time off. (Other public employees can accrue only 240 hours.) After the effective date of the amendments, employees must receive cash overtime for additional hours accrued beyond the 480- or 240-hour level.

It is important to note that "comp time" systems can be used only if they are authorized by a collective bargaining agreement, memorandum of understanding or other agreement between the employing agency and representatives of covered workers. Existing contracts authorizing compensatory time which are in effect on April 15, 1986, can remain in effect until the expiration of the contract. However, comp time after that date must be in accordance with the new FLSA requirements. With respect to workers not covered by such union-management agreements, comp time may be used through an agreement of understanding between the employer and the employee before the performance of the work. For workers hired before April 15, 1986, the regular practice in effect on that date will constitute such an agreement or understanding.

The new amendments provide that if compensation is paid to an employee for accrued compensatory time off, that compensation must be paid at the rate earned by the employee at the time the worker receives payment. A worker who has accrued comp time must be paid, at termination of employment, for the unused compensatory time at either his final regular rate, or the average regular rate received by the worker during his last three years of em-

March, 1986, The International Fire Chief:

ployment. The new amendments also provide that if an employee who has accrued comp time requests the use of such time, the state or local agency shall permit it "within a reasonable period" after the request is made if the use of compensatory time does not "unduly disrupt" the operations of the agency.

Effective Date

Another significant issue addressed by the legislation is the effective date of overtime obligations attaching to state and local employers. A major concern of public employers since the *Garcia* ruling had been whether liability for overtime compensation attached immediately or at some later date. The Wage and Hour Division announced that it viewed April 15, 1985—the last date for motions or appeals from the Supreme Court's ruling in mid-February—as the date from which it would seek to enforce such obligations.

The Fair Labor Standards Amendments of 1985 establish that a state or local employer will not incur overtime liability for excess hours worked prior to April 15, 1986. Thus, the overtime obligations of fire services across the country have been pushed back by at least one year. The amendments also provide that public employers may defer without penalty the payment of monetary overtime compensation for hours worked on or after next April 15 until August 1, 1986.

Detail Work

Special treatment is provided to fire protection workers who agree, at the option of the employees, to be employed on a special detail by a separate or independent employer. The amendments state that hours in which the worker was employed by such independent entities can be excluded from the public agency's obligations if that fire agency:

1) requires that its employees engaged in fire protection activities be hired by a separate employer;

2) facilitates the employment of such workers by a separate and independent employer; or

3) otherwise affects the conditions of employment of such workers by the independent employer.

This language is meant to address circumstances in which fire fighters choose to perform outside service for an independent entity. In cases such as those described, these hours need not be counted towards the wage obligations of the primary, employing fire agency.

Volunteers

One of the significant aspects of the 1985 amendments is the clarification of those "volunteers" outside the class of "employees" protected by the FLSA. First, the statute contains the statement that the term "employee" does not include individuals who volunteer to perform services for a state or local agency if:

- the individual receives no compensation or is paid expenses, reasonable benefits or a nominal amount to perform volunteer services; and
- those services are not the same type which the individual is employed to perform for that agency.

This definition clarifies certain issues of concern to combination departments: it makes clear the fact that one fire fighter cannot be both a career employee and a volunteer for the *same* local fire service. However, it permits other municipal employees (e.g., law enforcement officers and civilian workers) to serve as volunteer fire fighters for the same governmental unit. Further, the statute also provides that a career fire fighter *may* serve as a volunteer fire fighter for any other locality or governmental agency, *even if that second agency has a "mutual aid" agreement with the fire fighter's employing political subdivision or agency.*

This language will be clarified by implementing regulations to be issued by the Wage and Hour Division on or before March 15, 1986. This provision, however, represents a marked change from the rules which existed under the Department of Labor's prior guidelines. The amendments also provide that public agencies will not be liable for minimum wage violations prior to April 15, 1986, with respect to services deemed by the agency to have been performed on a volunteer basis.

Discrimination Protections

The 1985 amendments provide protection from discrimination in employment against any employee, based on who makes an assertion of coverage under the FLSA between February 19, 1985 (the date of the *Garcia* ruling), and August 1, 1986. After that date, such protections against discrimination are only available to employees who have instituted proceedings under the FLSA or testified in such a claim.

Conclusion

The new amendments to the Fair Labor Standards Act provide the fire service with a substantial degree of economic relief from the provisions which otherwise would have been imposed as a result of the *Garcia* decision. The effective date of overtime obligations has been pushed back one year to facilitate fiscal planning, the use of "compensatory time off" in lieu of paid overtime has been approved (up to a specific ceiling), and more favorable terms define the use of volunteers in the fire service.

While the fire service did not come out of the legislative process with everything it desired in terms of FLSA reform, the measure which was enacted goes a long way to ease the burdens of compliance. The IAFC will monitor the regulatory process which will unfold as the Department of Labor develops regulations to implement the amendments within the coming months, and will participate in such proceedings as necessary.

Martin W. Bercovici, *a partner in the Washington, D.C., law firm of Keller and Heckman, is general counsel to the IAFC.*

Peter Susser *also is an attorney with Keller and Heckman. A former trial attorney with the U.S. Department of Labor, he represents management in the public sector and private industry in labor and employment law matters.*

1986

March 31, 1986, Letter:

BROWN, TODD & HEYBURN

ELI H. BROWN III (1906-1974)
RUCKER TODD
RANDOLPH A. BROWN
GEORGE E. DUDLEY
EDWARD S. BONNIE
JOSEPH B. HELM
MARK B. DAVIS, JR.
W. C. FISHER, JR.
JAMES PARK, JR.*
JOHN T. BONDURANT
CHARLES S. CASSIS
MARSHALL P. ELDRED, JR.
CARL ARTHUR HENLEIN
R. MARTIN ROCKWELL
JOHN R. McCALL
D. PATTON PELFREY
KENNETH J. TUGGLE
C. EDWARD GLASSCOCK
WINSTON E. MILLER
WILLIAM L. SKEES, JR.
PAUL E. SULLIVAN*
IRVIN ABELL III
TIMOTHY W. MARTIN
R. JAMES STRAUS
CRAIG L. SPARKS
STEPHEN R. SCHMIDT
CHARLES R. KEETON

HAL NANCE BOGARD
JOSEPH L. ARDERY
C. CHRISTOPHER TROWER
CHARLES E. ALLEN III
DALE E. AHEARN
JOHN G. HEYBURN II
KATHERINE RANDALL*
MICHAEL R. MERCER
FREDERIC H. DAVIS
D. DUANE COOK*
KEITH GRAHAM HANLEY
E. LAMBERT FARMER, JR.*
STEPHEN E. EMBRY*
MARK R. FEATHER
HAPPY R. PERKINS
RICHARD E. PLYMALE*
C. DAVID REDMON
BRUCE K. DUDLEY
RICHARD H. SOAPER, JR.
OLIVIA MORRIS FUCHS
ROBERT Y. GWIN
ROXANE TOMASI REINHARDT
SUSAN C. SIMPSON
DAVID W. SEEWER
RICHARD L. WOOD
DEBBIE F. REISS
CHARLES M. PRITCHETT, JR.

RICHARD M. HOPGOOD*
DAVID B. TACHAU
JAY MIDDLETON TANNON
SCOTT W. DOLSON
KATHERINE K. YUNKER*
HELEN LUCIER
JUDSON B. WAGENSELLER
JAMES A. HUGUENARD
KATHRYN P. ROSS
DAVID B. BUECHLER
KENNETH R. DUGAN
MARY ROSS TERRY
RUDY A. BISCIOTTI
JULIA THIGPEN CRENSHAW
JAMES H. MASSEY
JOEL B. TURNER
GREGORY C. SHIELDS*
EDWARD K. BLACK
KEITH MOORMAN*
DAVID R. RHEIN
WARREN J. HOFFMANN*
MARSHA T. DULA
J. VANCE HANCOCK
BRIAN C. HARRISON
DONALD L. MILLER II
STEVEN G. McKNIGHT
ROBERT W. DIBERT

CANDACE GROOT HILL
JOHN WADE HENDRICKS*
ALAN K. MacDONALD
DAVID S. KLINESTIVER
PETER B. LEWIS
ROBERT L. TREADWAY*
SCOTT T. DICKENS
SUSAN S. BUNNING*
MARISA JILL FORD
DANIEL W. SUTHERLAND
CYNTHIA L. STEWART

HENRY R. HEYBURN
PHILIP P. ARDERY
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TELECOPIER (606) 252-5108

March 31, 1986

Z-0121
12:1h

Ms. Shirley Sullivan
Probate Division
Room 100 - Courthouse
Louisville, Kentucky 40202

Re: Jefferson County Fire Protection District 26

Dear Ms. Sullivan:

I am enclosing copies of minutes of meetings of the Board of Trustees of Jefferson County Fire Protection District No. 26, formerly St. Matthews Fire Protection District, from its first meeting on March 8, 1984 through its meeting on February 13, 1986. Attached to each set of minutes is the financial information provided by the District's accountant.

Beginning with the March meeting, we will send minutes to you monthly as they are approved by the Trustees.

Please call me if you have any questions about any of the enclosed minutes.

Yours very truly,

Marshall P. Eldred, Jr.

Enclosures
cc: Franklin Florence, Sr.
John M. Monohan, III
Kenneth W. Ogden
J. P. Terry
Faye Ellerkamp
Alan D. Ring
Dennis Clare

1986

April 6, 1986, Memo:

MEMO TO : TRUSTEES of JEFFERSON COUNTY F. P. D. 26

RE : FAIR LABOR STANDARDS ACT

International Fire Chief article

PLEASE CONSIDER THE FOLLOWING:

I recommend that we pay cash to Career Firefighters for "overtime" at emergencies, with the maximum amount of cash to be $150.00 per month. This is to be computed as directed by the F.L.S.A.. If the Career Firefighter participates in emergency activity in addition to the limit mentioned above, he should receive "comp-time", according to directives of the F.L.S.A.. The Career Firefighter should receive "comp-time" for ALL training activity, where Career Firefighter participation is regarded to be important. The Career Firefighter should be included in the "Retention Program", available to Volunteer Firefighters only, at this time. The Career Firefighter should continue to receive the benefit of the "bonus program", heretofore intended for the purchase of an "IRA".

I recommend that the Volunteer Firefighter Programs be continued as they presently operate, and that they not be reduced in any manner.

Essentially, every effort should CONTINUE to be made to meet the needs of ALL FIREFIGHTERS of Fire District 26.

Respectfully Submitted,

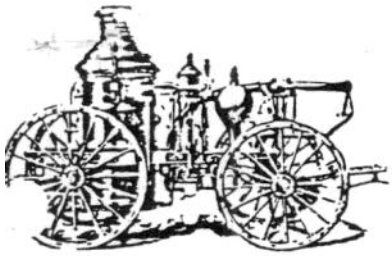
Franklin Florence, Chief

April 6, 1986

Attachment - Copy of article

1986

April 10, 1986, Trustee meeting:



JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

APRIL 10, 1986

I. CALL TO ORDER :

II. MINUTES LAST MEETING :

III. TREASURERS REPORT :

IV. CHIEFS REPORT :

A. Administration -

1. Income & Expenses
2. Personnel

B. Operations -

1. Fire Prevention & Fire Safety Education
2. Fire Suppression

V. OLD BUSINESS :

Selection of Appointed Trustee Candidate - Chmn. Monohan

VI. NEW BUSINESS :

Fair Labor Standards Act

Begin review of proposed budget for 1986-1987

April 10, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY FIRE PROTECTION
DISTRICT NO. 26

APRIL 10, 1986

The meeting of the Trustees of Jefferson County Fire Protection District No. 26 was held at 7:30 p.m. on Thursday, April 10, 1986, at 4114 Lyndon Way, St, Matthews, Kentucky.

Present were Trustees Franklin Florence, Sr., J. P. Terry, John M. Monohan, Alan D. Ring, Faye Ellerkamp, Ken Ogden and Marshall P. Eldred, Jr. Also present were Jean Beam, Betty Walsh, Paul Sauer, George Vish and Sam McKune.

The meeting was called to order by Chairman Monohan and the minutes of the meeting held March 13, 1986 were approved as mailed.

Treasurer Terry gave his financial report and distributed a balance sheet as of March 31, 1986 and a statement of revenues and expenditures for the period July 1, 1985 through March 31, 1986, copies of which are attached to these minutes. After general discussion, Chief Florence indicated that the District will probably need to borrow money for operations beginning in May. He also reported that the District had not incurred any unusual expenditures during the period.

Chief Florence reported on the following matters:

1. The District had inspected and discovered certain code violations in the new office building located in

April 10, 1986, Trustee meeting:

Brownsboro Center. The results were turned over to the State Fire Marshal's office;

2. The District averaged slightly less than one run per day in March.

There followed a discussion of the request by the County Judge for a recommendation of our Board of the name of a person to be appointed following the expiration of the term of Mr. Ring on June 30, 1986. Faye Ellerkamp reported that she had contacted all the mayors of the various cities of the District and asked for names of anyone interested in being considered for the position. She received only three names - John Barker, Terry Weber and Al Ring. Ken Ogden, Jack Monohan and Frank Florence reported that they had received no names in response to their inquiries. Mr. Terry stated that he asked the mayor of Plymouth Village for any recommendations but had received none. After discussion, the Trustees recommended John Barker and directed Chief Florence to advise the County Judge's office. The election of a Trustee to fill the position of Mr. Ogden which expires on June 30, 1986 will be held at the firehouse on Saturday, June 7, 1986 from 10:00 a.m. to 2:00 p.m. Chief Florence will ask the Courier-Journal and Louisville Times to run a news article in the Neighborhood Section. He will also check with Dennis Clare regarding the publication requirements advertising the election and establishing deadlines for nominations and for candidates to file for the position.

The Trustees then went into execution session to discuss the application of the Fair Labor Standards Act to employees of the District. Then the Trustees returned to open session. The next meeting will be held on Thursday, May 8, 1986. There being no further business, the meeting was adjourned.

Chairman

Secretary

1986

April 10, 1986: Letter:

April 10, 1986

To : Board of trustees
Jefferson County Fire Protection District 26

Re : General Considerations for the 1986-1987 budget

Mr. Chairman and Trustees :

As the Fire Chief, I wish to present this information for your consideration.

Generally, the budgeted monies for 1985-1986 was sufficient. No areas exceeded budget excessively.

Based on experience gained during 1985-1986, some areas may be decreased. Other areas should be increased, as noted on page-two, with many remaining the same. One area, "Truck and Equipment Purchase" was not addressed in the 1985-1986 operating budget. This area is listed in the operations budget with a $50,000.00 value, in the 1986-1987 operations budget.

Overall, the suggested 1986-1987 operating budget proposal attached reflects a monetary increase, including the $50,000.00 mentioned above, of $96,300.00 .

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

PROPOSED OPERATING BUDGET 1986-1987

EXPENDITURES	1985-1986	1986-1987
Wages	249,800	324,000
Payroll Taxes		
Group Health Insurance		
Insurance	30,000	36,000
Legal	4,000	4,000
Accounting	4,500	5,000
Interest	18,872	20,000
County Alarm	1,000	1,000
Administrative	3,300	4,000
District Expenses	5,000	10,000
Recreation	5,000	5,000
Expense Reimbursement	43,000	33,000
Emergency Expenses	10,000	10,000
Training and Fire Prevention	15,000	15,000
Firehouse Maintenance	16,700	20,000
Phones	3,000	2,000
Utilities	16,000	15,000
Office Supplies	4,500	4,500
Commissary	2,000	2,000
Hose and Appliances	10,000	5,000
Turnout Gear	15,000	10,000
Tool Maintenance	4,000	4,000
Tools Purchased	10,000	8,000
Radios Purchased	25,000	25,000
Radio Maintenance	5,000	3,000
Truck and Equipment Purchases	-0-	50,000
Vehicle Maintenance	50,000	30,000
Firefighter Retention	20,000	22,000
	570,672	666,972

THE TWO ITEMS THAT ACCOUNT FOR THE GREATEST INCREASE ARE :
1. Three additional Career Firefighters (F.L.S.A. considerations)
2. "Saving" $50,000.00 a year for replacement fire trucks.

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

FIVE YEAR PLAN ASSUMPTIONS

I. RESIDENTIAL AND COMMERCIAL PROPERTIES TO BE SERVICED IN EASTERN JEFFERSON COUNTY WILL BE ESSENTIALLY STABLE FOR ALL FIRE DISTRICTS.
II. THERE WILL BE NO MAJOR CHANGE IN RESIDENTIAL AND COMMERCIAL PROPERTIES SERVICED BY FIRE DISTRICT 26.
III. THERE WILL BE NO BASIC CHANGES IN FIREFIGHTING TECHNIQUES OR IN THE LEVEL OF FIRE RISKS.

I. OBTAIN FINANCIAL SUPPORT THROUGH TAXATION OF REAL AND PERSONAL PROPERTY IN ACCORDANCE WITH STATE LAW.
II. CONTINUE TO PROVIDE FIREFIGHTING SERVICES OF INSURANCE SERVICES ORGANIZATION RATING OF CLASS-2 QUALITY.
III. IMPROVE GEOGRAPHIC QUALITY OF SERVICES BY REDEPLOYMENT OF EQUIPMENT TO TWO STATIONS.

I. CONTINUE COMBINATION STAFF OF VOLUNTEER-FIREFIGHTERS AND CAREER-FIREFIGHTERS.
II. CONTINUE VOLUNTEER-FIREFIGHTER RECRUITMENT, TRAINING AND RETENTION PROGRAMS.
III. CONTINUE REGULAR EQUIPMENT REPLACEMENT PROGRAM.
IV. ADAPT TO CHANGING LEGAL AND SERVICING REQUIREMENTS OF CUSTOMERS.

Added Suggestion

PRESENTED TO THE BOARD OF TRUSTEES FOR CONSIDERATION FOR 1986-1987 BY CHIEF FRANKLIN FLORENCE, AND APPROVED BY THE BOARD OF TRUSTEES.

_____ CHAIRMAN _____

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

PROPOSED CAPITAL EXPENDITURES BUDGET

1986-1987

FIRE STATION - NEW - ----------

EXISTING FIRE STATION - IMPROVEMENTS - Sprinkler system - $30,000
Plumbing, 2nd flr - $20,000
Finish materials - $25,000
HVAC, 4th qtr - $25,000
Kitchen - $15,000
Finish materials - $25,000
Refurbish Rec-Room -$ 5,000
Partial repaint of exterior - $10,000

AUTOMOBILE (REPLACEMENT OF 1980 MODEL) ---------- $15,000

FIRE APPARATUS REPLACEMENT PROGRAM ($50,000 PER YEAR)----- $50,000

TOTAL ---------- $220,000

1986

April 11, 1986: Letter:

LAW OFFICES
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THE HART BLOCK BUILDING
730 WEST MAIN STREET
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MICHAEL R. GREENE
WILLIAM J. NOLD
CYNTHIA WATTS GREENE
MARK A. SIPEK
ELIZABETH G. SCHMIDT
J. GREGORY CLARE
DOLLY W. BERRY

ROBERT A. METRY
COUNSEL

TELEX:
204059
CABLE:
NMCHT

April 11, 1986

TO: Jefferson County Fire Protection Districts Chairmen

Dear Chairman:

As you recently requested, we have reviewed the recent amendments to the Fair Labor Standards Act of 1938, which become effective April 15, 1986. At the outset, we should point out that 29 U.S.C. §213(20) remains in full force and effect and continues to provide that "any employee of a public agency who in any workweek is employed in fire protection activities" is exempt from the overtime provisions of the Fair Labor Standards Act if the "public agency employs during the workweek less than five employees in fire protection activities". Therefore, departments which maintain fewer than five paid employees engaged in fire protection activities are not required to provide overtime compensation or compensatory time off in lieu thereof pursuant to the Fair Labor Standards Act of 1938.

With particular attention to the provisions contained in the amendments, the provisions signficant for our purposes relate to "compensatory time" and the definition of "volunteers".

First of all, the amendments clearly provide that employees of a public agency are entitled to overtime compensation and may receive in lieu of overtime compensation "compensatory time off at a rate not less than one and one-half hours for each hour of employment for which overtime compensation is required by this section. However, compensatory time off may only be substituted for overtime compensation if such is the agreement or understanding between the employer and employee prior to performance of the work in a particular

workweek". It should be pointed out that if the employer already has in place prior to April 15, 1986 with respect to employees hired prior to April 15, 1986, a regular practice with respect to compensatory time off, then such regular practice shall constitute a sufficient agreement or understanding between the employer and employee for these purposes. If no such regular practice is in place, then it is advisable that each department enter into an agreement with each employee covered by the Act providing for compensatory time off in lieu of overtime compensation (all calculated in accordance with the Act as amended).

In the foregoing regard, you will find a Memorandum of Understanding enclosed which evidences a general and brief agreement on the part of each covered employee to accept compensatory time off in lieu of overtime compensation provided he is subject to the Act and therefore entitled to such overtime compensation.

The second significant area of amendment relates to "volunteers". By defining volunteer with respect to those persons who provide services to a public agency, it has now been clearly set out that a regularly employed firefighter with a given department may not be validly classified as a "volunteer" when he provides firefighting services during non-working hours and without compensation. In other words, you cannot be a regularly employed firefighter and a volunteer firefighter with the same department within the same district regardless of the agreement reached between the employer and the employee.

In other words, an individual is not an employee and is therefore a volunteer under the Act if such individual received no compensation (or is simply paid expenses, reasonable benefits or a nominal fee) and the services being volunteered are not the same type of services which the individual is employed to perform for such public agency. Unfortunately, the Secretary of Labor has failed to promulgate regulations by March 15, 1986 as provided in the Act and we are not provided any further guidance from an interpretation standpoint other than what is stated in the statute itself.

We should also point out that there is no liability for past practices of not providing overtime compensation or compensatory time off with respect to those individuals not classified as volunteers under the amended Act, provided current practice of the departments is to treat certain individuals as volunteers and not as employees. In other words, if it has been the clear understanding and agreement of the department and each of its regularly employed firefighters that they have indeed been volunteers from time to time, then the compensatory time off requirements will take effect for all services provided from and after April 15, 1986. In this regard, you will note that the balance of the provisions of the Memorandum of Understanding enclosed addresses the agreement and acknowledgement of the department and its regularly employed firefighters that there has been and is a practice to classify and treat the firefighter as a volunteer for services performed from time to time without compensation and outside regular hours.

Finally, we believe that this entire issue should be addressed on a continuing basis, particularly in light of the absence of any regulations promulgated by the Secretary of Labor to give any additional guidance. As those regulations are promulgated, and in the further evaluation of existing issues, new recommendations will be forthcoming as to the proper and reasonable response to the amendment of the Act.

It is our recommendation that you enter into the form of the enclosed Memorandum of Understanding with each of your regular employees which will commemorate their "volunteer" status from time to time in the past and which acknowledges their agreement to accept compensatory time off if indeed they are entitled to any type of overtime compensation. These Memorandums of Understanding should be executed on or before April 14, 1986 with such employees.

At a recent chiefs' meeting, there was much discussion regarding the development by each department of job classifications and respective descriptions. The opinion above strongly

points out the further need for job classifications and respective descriptions for each and every employee within the district. It is suggested that you immediately prepare job classifications and descriptions for each employee and provide a copy of those to this office so that we might keep them on file. In that regard, it is most important to differentiate between employees who are hired as firefighters and employees who serve the district in other capacities.

Thank you for your attention hereto, and I will look forward to responding to any questions you might have.

Yours very truly,

Dennis M. Clare

Dennis M. Clare

DMC/sas

Enclosure

cc: Chiefs w/enc.

1986

April 18, 1986: Policy:

NEW AUTOMATIC-AID ASSIGNMENTS / EFFECTIVE IMMEDIATELY

RESPOND ONE RESCUE-AERIAL ONLY

WITH STATION 55 UNITS

2700 BROWNS LANE ---------- GREATHOUSE-SHRYOCK SCHOOL

2800 BRECKINRIDGE LANE ---------- BRECKINRIDGE INN HOTEL

2944 BRECKINRIDGE LANE ---------- MEADOWVIEW PRESBY. CHURCH

4605 LOWE ROAD ---------- ST. MARKS CHURCH & SCHOOL

4700 LOWE ROAD ---------- ST. PAULS CHURCH & SCHOOL

THE AUTOMATIC-AID WILL APPLY TO STRUCTURE FIRES ONLY.

SPECIAL NOTE : OUR ALERT WILL CONSIST OF OUR "TONE" SOUNDING ALONG WITH STATION 55 "TONE" AND INFORMATION. THEN, AS REQUESTED, EITHER 2653 OR 2657 WILL RESPOND, ALONG WITH A CHIEF OFFICER. REPEATING - ONLY OUR "TONE" WILL SOUND. OUR NAME AND UNIT WILL NOT BE MENTIONED.

CHIEF FRANKLIN FLORENCE

APRIL 18, 1986

1986

April, 1986: Memorandum of Understanding:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into this _____ day of April, 1986, by and between _____ _____ of Jefferson County, Kentucky (hereinafter called "the Firefighter") and [NAME OF FIRE DISTRICT] of Jefferson County, Kentucky (hereinafter called "the District").

Whereas, the Firefighter is, and has been prior to the date of this Memorandum of Understanding a regularly employed firefighter for the District, and

Whereas, in addition to those services provided to the District by the Firefighter for which he has been regularly employed and compensated, the Firefighter has on occasion volunteered his same services during his non-working hours and without compensation, and

Whereas, the District and the Firefighter have agreed to acknowledge the current and past practice of the District in classifying the Firefighter as a volunteer when he provides the same services during non-working hours and without compensation and to further acknowledge there is no requirement that he provide such volunteer services to the District as a part of his employment.

Now, therefore, it is mutually agreed, acknowledged and affirmed as follows:

1. It is hereby acknowledged and agreed by the District and the Firefighter that he is regularly employed and compensated by the District for providing services as a firefighter to the District within the fire protection district which the District serves.

2. It is hereby agreed and acknowledged by the District and the Firefighter that the Firefighter has from time to time freely volunteered his services as a firefighter within the district serviced by the District and that on such occasions he has done so without compensation or expectation of compensation or promise of compensation. Further, such volunteer services have been provided from time to time by the Firefighter outside his regular working hours freely and without requirement by the Department.

3. It is agreed and acknowledged by the District and the Firefighter that it is the current, and has been the past, regular practice of the District to treat the Firefighter as a "volunteer" on those occasions when he has provided services outside his regular working hours and without any promise or expectation of compensation.

4. It is mutually acknowledged by the Firefighter and the District that the Fair Labor Standards Act of 1938, as amended effective April 15, 1986, provides that the Firefighter may be entitled in the future to overtime compensation.

In the event the Firefighter is entitled to overtime compensation pursuant to the Fair Labor Standards Act of 1938, as amended, then and in such event he hereby agrees to accept compensatory time off as calculated within such Act in lieu of overtime compensation all as specifically provided in 29 U.S.C §207(O)(1) et seq. In this regard, the Firefighter hereby agrees that he shall execute any and all documents or instruments necessary to more fully set out his agreement to accept compensatory time off in lieu of overtime compensation pursuant to the Act aforestated.

"DISTRICT"

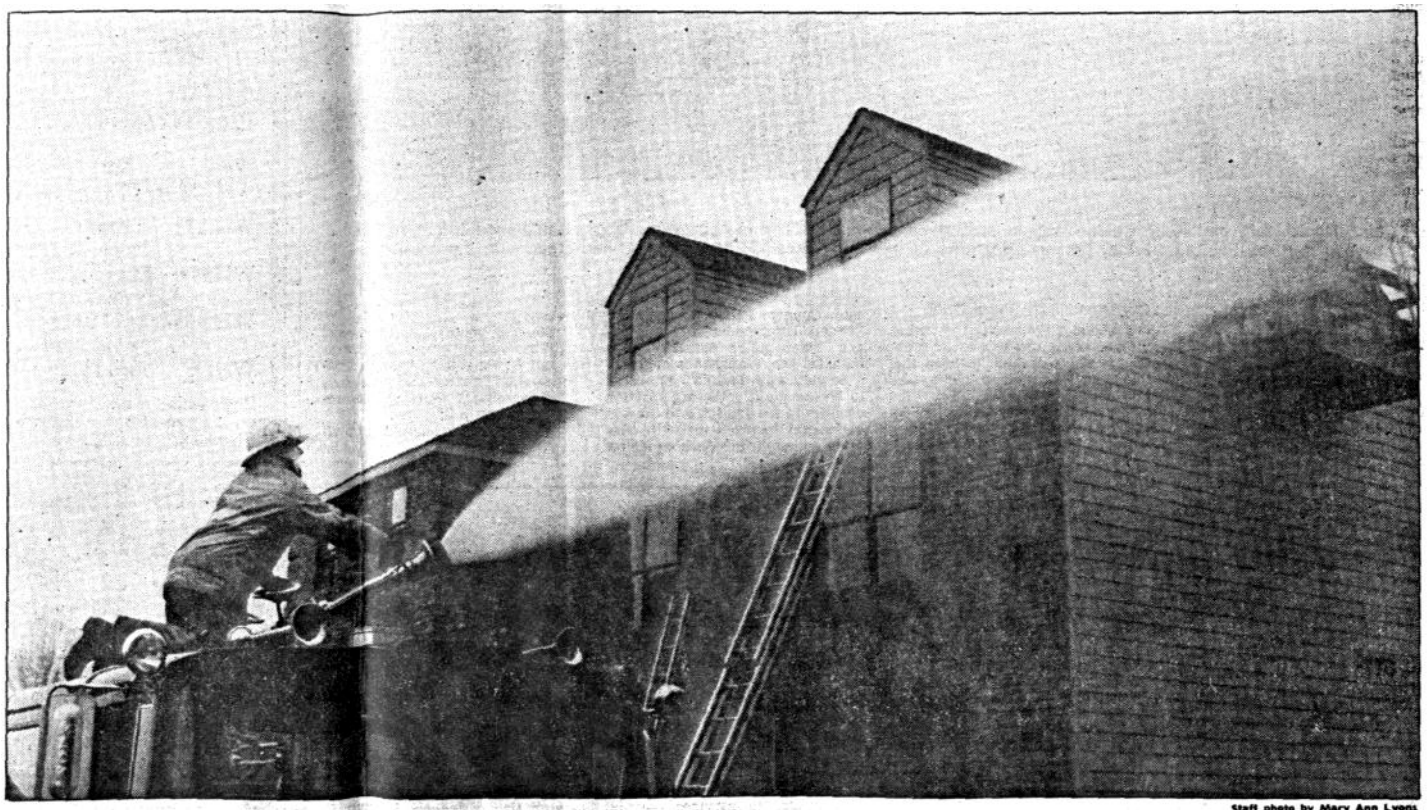
_____

"FIREFIGHTER"

_____

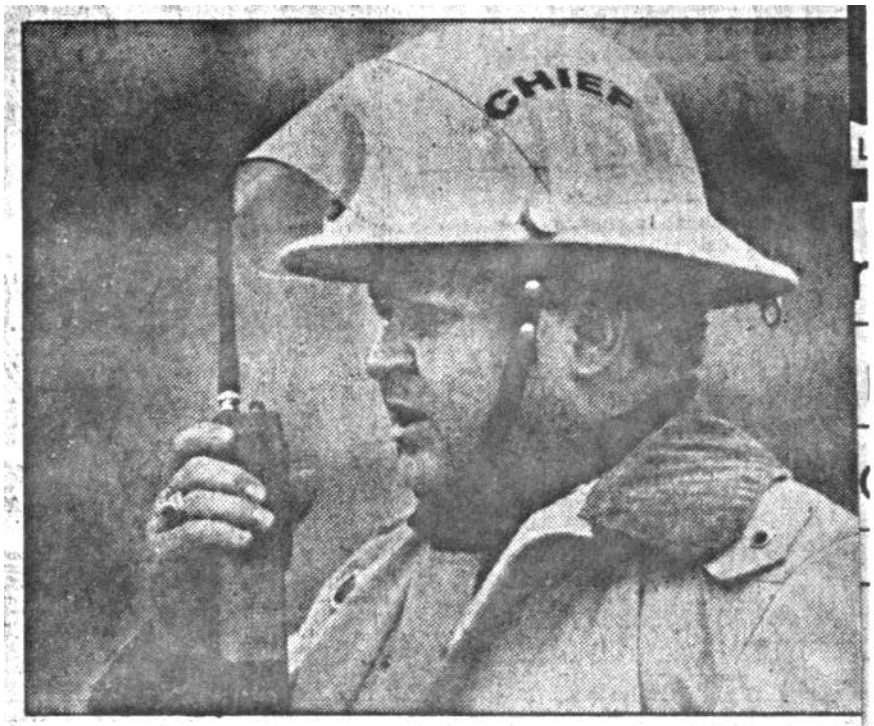
1986

May 7/8, 1986, Neighborhood section of the *Courier Journal,* by Howard Miller: Volunteer shortage hits fire districts—Departments find it harder to recruit:



Staff photo by Mary Ann Lyons

Firefighter Jim Gibson, with Jefferson County Fire Protection District 26, directed a stream of water during a training session in St. Matthews. The exercise was to learn to save buildings adjacent to a fire by hosing them down. Area volunteer fire departments are experiencing a shortage of recruits.



Staff photo by Mary Ann Lyo

Franklin Florence, chief of Jefferson County Fire Protectio District 26, radioed instructions during a training session.

1986

May 7/8, 1986:, Neighborhood section of the *Courier Journal,* by Howard Miller: Volunteer shortage hits fire districts—Departments find it harder to recruit:

Volunteer shortage hits fire districts

Departments find it harder to recruit

By HOWARD MILLER
Staff Writer

Officials of Jefferson County Fire Protection District 26 added six new volunteer firefighters to their roster last year.

But they also lost six volunteers, part of a trend that worries fire officials in Jefferson, Oldham and Bullitt counties.

"We had 50 volunteers 30 years ago, and we've got 50 volunteers now," said Franklin Florence, chief of the district, which has its headquarters on Lyndon Way and serves 20 cities and parts of unincorporated Jefferson County. "We've done everything we can to attract more volunteers, but we've simply exhausted the availability of daytime firefighters."

Years ago, fire departments could get all the volunteers they needed by ringing the old church bell and waiting in the town square. Now, many fire officials wonder where they will get volunteers.

"We have 50 firefighters on our roster, and we could use a whole lot more," said Roger Marcum, secretary-treasurer for the Zoneton Fire District board of trustees. Marcum said the Bullitt County department, which has its headquarters at 12525 Preston Highway, covers 120 square miles. He has been publicizing the number of runs the department makes each month in an attempt to illustrate the need for more recruits.

"We had 38 runs in January and that's a lot," Marcum said. "We could use 20 more volunteers right now."

Part of the problem stems from a general trend away from volunteerism, officials say. With an increased variety of activities to occupy their free time, people are not as likely to volunteer as firefighters.

"It seems there are a lot more interesting things for young people to do now," said Ron Mingus, assistant chief for the Lyndon Fire District.

See FIRE
Page 6, col. 1

Continued from Page One

trict. "Back in 1949 when this department started, everybody pitched in. We had one or two volunteers who mortgaged their property so we could buy a fire truck."

Donald Biszmaier, Jefferson County fire protection coordinator, said the county has 21 volunteer fire departments covering more than 300 square miles with about 1,200 volunteers. He estimated that each department could use at least 10 more volunteers.

"Volunteering is a lot more complicated than it used to be," he said. "Formerly, you could just show up, fight the fire, then clean up afterward. Now firefighters have to go through weeks of training because the equipment is so much more sophisticated."

That training can include attending an annual firefighters' school and one to two additional hours of courses a week, said Charlie Long, disaster and emergency services coordinator for Bullitt County.

"You're talking about burning up a lot of hours," said Long, who oversees six volunteer fire districts in Bullitt County. "In the last few years, there has been a concerted effort to make emergency personnel more professional, even if they are volunteers."

In addition to fighting fires and training, volunteers must also be available for search and rescue missions, to give aid in disasters and help raise funds for the annual WHAS Crusade For Children, officials say.

Another reason for the decline, officials say, may be that more people are working service jobs that require longer hours at lower pay. The time they might have given to volunteer work is often taken by a second job.

"Generally, citizens are not as inclined to volunteer their services at the level volunteer fire service demands," Florence said. "Most people have to work longer hours to earn a living, and employers aren't as willing to allow workers to leave the job for an emergency."

Rick Carlson, chief of the Okolona Fire Protection District, said he knew of a chief who was forced to quit his post by his employer.

"They told him either you're working for us or the fire department," Carlson said. The chief subsequently worked out an arrangement with his employer that allowed him to return to his department.

Increased mobility has also taken people farther away from their

1986

May 7/8, 1986,, Neighborhood section of the *Courier Journal,* by Howard Miller: Volunteer shortage hits fire districts—Departments find it harder to recruit:

homes to find work.

"When this was a farming community, people were home all the time, but that's not the case now," said Edwin Acree, fire and Emergency Medical Service coordinator for Oldham County. "People work so far from home they simply can't come back for fire runs."

Acree said all of Oldham County's six volunteer fire departments need more volunteers. He said the La Grange department, for example, has 35 volunteers although its authorized strength is 60.

While most departments have been able to respond adequately to nighttime runs, officials said they could use more volunteer help during the day.

"I'd like to have enough men to staff this district 24 hours a day," said Joseph Bowman, battalion chief for the Pleasure Ridge Park Fire District. "We've got about 138 to 140 volunteers now, and I'd like to increase that number to 200."

Bowman said his department, which covers about 35 square miles roughly bounded by Rockford and Ashby lanes, Third Street Road and the Ohio River, made more than 900 runs last year.

PRP has started an aggressive recruitment program to increase the number of volunteers. Members of the department have visited area high schools, put signs in local businesses and have acquired space for messages on the Dixie Manor Shopping Center's billboard.

Some departments advertise their need for recruits in newspapers, through newsletters and with special mailings. Biszmaier said his office mailed 70,000 circulars last year asking for volunteers in 17 fire districts.

While there have been success stories, many districts have found their recruiting efforts frustrating.

"We have 13 or 14 small cities in our district, so we asked them all to send a representative to a meeting on volunteers," said Donald C. Thom, chief of the Worthington Volunteer Fire Department. "Only two people showed up."

Thom said he started a quarterly newsletter that goes to the 4,500 to 4,600 property owners in the district, which is roughly bounded by Interstate 71, Westport Road, Lake Louisvilla and Little Goose Creek.

His department also hired a public relations firm that called 500 households to ask for volunteers. However, those efforts have yielded only a few recruits.

"People are happy with the service they have, and they don't want to get involved," said Thom, "We have to pay four daytime firefighters, and that takes 25 percent of our budget."

Many other Jefferson County fire departments have resorted to hiring firefighters to maintain daytime all volunteer crew.

"During the day, we have people [who work regular jobs on] the night shift, part-time workers and college students," said Assistant Chief Tom Amshoff. "We purchased one of those portable billboards last summer and got nine responses after we put it up."

Amshoff said one of the keys is to avoid a big turnover and keep current firefighters in the department.

"Firefighting is a lot of work, so along with the work, you've got to give them something," he said. "We have Christmas parties and picnics, and we just purchased a computer, which quite a few of the volunteers like to come over and use."

Bill Cooper, who has been chief of the Lake Dreamland Fire District for 27 years, said he tries to keep his volunteers happy with such social activities as bowling and baseball teams and Easter-egg hunts. Still, he said it has been years since the number of volunteers in the district increased.

"We do have trouble getting them. We've always been undermanned," Cooper said. "Times being what they are, you usually get the very young. The older men are out making a living."

While his district covers only 17 square miles, it includes the Rubber Town industrial-chemical complex west of Louisville, which Cooper described as a "hot" area for fires.

"I guess a lot of people are concerned about protecting this area," he said. "We do have a lot of sons of firefighters in our department."

May 8, 1986, Trustee meeting:

MINUTES OF MEETING OF

BOARD OF TRUSTEES OF JEFFERSON COUNTY FIRE PROTECTION DISTRICT NO. 26

MAY 8, 1986

The meeting of the Trustees of Jefferson County Fire Protection District No. 26 was held at 7:30 P.M. on Thursday, May 8, 1986, at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees Franklin Florence, Sr., J. P. Terry, John M. Monohan, Alan D. Ring, Ken Ogden and Faye Ellerkamp. Also present were Jeanne Beam, Betty Walsh and John Eckerle. Secretary Eldred was absent; Chairman Monohan asked Faye Ellerkamp to record the minutes.

The meeting was called to order by Chairman Monchan. Minutes of the April 10, 1986 meeting were approved as mailed and corrected (page 2) to include Al Ring's announcement that he intends to run for the position of elected Trustee. (Copy of his letter to Chief Florence is attached to these minutes.)

Treasurer Terry gave his financial report and distributed a balance sheet as of April 30, 1986 and a statement of revenues and expenditures for the period July 1, 1985 through April 30, 1986, copies of which are attached to these minutes. Mr. Ogden said his review of the February and March bank statements for the district shows a February balance of $30,000 and a March balance of $200,000 and he questioned why we received no interest on those monies. Chief Florence pointed out that we earned $2,000 on a certificate of deposit and the bank did not charge 10% interest they could have charged on a loan. The Chief suggested Mr. Ogden talk with the accountant and the banker. Mr. Ogden said he could not recall ever being told we were not going to get any interest on our earnings from the bank when we had a surplus, and he urged the policy be reviewed.

After general discussion, Chief Florence pointed out the increase in insurance was 15% as expected; vehicle maintenance costs were high in April

May 8, 1986, Trustee meeting:

because of annual tune-ups, etc. but he is confident we will not exceed budget for that item.

Chief Florence said our line of credit has been renewed at 62% of prime. He reported that he conferred with Secretary Eldred regarding the bank's request for a corporate resolution to be adopted and signed for the new loan, even though Mr. Terry, Treasurer, had signed for previous loan. Mr. Eldred recommended adopting the resolution; however, Chief Florence advised he received later notification from the bank that the new resolution is not needed. No action taken.

Chief Florence reported on the following matters:

1. About 500 to 800 per month participate in the fire prevention and fire safety education program. We are working with other Fire Districts in the County to set up a trailer to use at schools to teach children more specifics - of fire safety. County Judge/Executive Sloane is enthusiastic about this proposal.

2. Fire suppression: no lives lost but we did have some property losses. Had 8 runs in the electrical storm; had 5 runs in the morning at the same time within one hour beginning with the first call at 8:45 A.M. -- Blue Grass Manor Shopping Center, a tree and grass fire, 3 house fires. Our response was good except for the 12 minutes to get to the tree and grass fire.

Chief Florence said he wrote as directed to the County Judge recommending John Barker for appointment as Fire Board Trustee. Legal ads will appear in the LOUISVILLE TIMES beginning one month before the election for property owner trustee and the second publication 10 days before the election. The Chief talked with the NEIGHBORHOODS section and the VOICE, who plan to get together before the election, for publicity.

Chief Florence referred to this week's NEIGHBORHOOD article pointing out the need of the County Fire Districts for volunteer firefighters.

Jeanne Beam asked what the state law requires and how does one become a candidate for the Board of Trustees? How does one get his name on the ballot?

May 8, 1986, Trustee meeting:

Chief Florence replied that our by-laws say all persons eligible to vote shall be allowed to vote and the presiding trustees shall maintain an effort to determine the eligibility of any voter. Nominations shall be accepted by the Board of Trustees no later than forty (40) days prior to the date of said election. Candidate should submit name, address, intention, date and place of election.

The June meeting was changed to Saturday, June 7 at 2:30 P.M., following the election for Trustee.

J. P. Terry and Faye Ellerkamp volunteered to serve from 10:00 A.M. to 2:00 P.M. as election officers.

John Eckerle expressed concern to the Board over the response to his 911 call reporting a tree struck by lightning and resulting fire, which he was able to contain with a garden hose. He felt there was too long a lapse of time before any one responded. When the Chief arrived he told Mr. Eckerle there were two other fires at the same time. Mr. Eckerle asked if we had back-up arrangements, and could they consider dispatching one volunteer to a call to assess the need? Chief Florence reviewed the time calls were received and gave the priorities deciding response. He said they are still hopeful for a station on the north side of the tracks.

Chief Florence showed a film titled "Fire: Countdown to Disaster" which is being used as part of the education process not only for fire districts but for citizens.

The trustees went into executive session at 9:00 P.M. to discuss personnel matters; returned to open session at 9:30 P.M.

There being no further business, the meeting was adjourned at 9:35 P.M.

John M. Moorman III
Chairman

Faye Ellerkamp
Acting Secretary

1986

May 30, 1986, Campaign letter for Al Ring:

May 30, 1986

Dear Friend,

I am writing to you today to ask for your help. I am running for the elected position of Trustee of Jefferson County Fire District 26, formerly St. Matthews Volunteer Fire Department. I need, and would very much appreciate, your vote. The election will be held Saturday, June 7, 1986. Voting location will be at the fire station at 4114 Lyndon Way during the hours of 10 AM. to 2 PM. There is a map on the back of this letter. Below, I have listed a few points demonstrating my interest and concern for the community.

I moved from Connecticut with my parents to the St. Matthews area in 1951. Since then I have lived in Windy Hills twice, the City of Woodlawn Park, and am presently living in the City of Winding Falls, all in the St. Matthews Area.

I attended Lyndon and Stivers Elementary Schools, and graduated from Waggener High School, all local schools.

My first business was located where Stonehenge Liquors is presently, and I opened it in 1965. I moved my business to several locations during the next 17 years, Fairmeade & Shelbyville Road, Hubbards Lane & Shelbyville Road, and Mc Arthur and Shelbyville Road.

In 1964 I joined the St. Matthews Volunteer Fire Department; served 20 years reaching the rank of Major and was voted to the Trustees of the Fire Department several years ago, and am currently serving in the that capacity.

I have served as Vice President & President of Firefighters Inc.
Chairman of the Crusade for Children Fund for over 10 years.
Chairman of the Jefferson County Tornado Disaster Committee in 1974 & 1975.
In 1974 I received the Community Service Award and the Business Man of the Year from the St. Matthews and East Jefferson County Business Association, and became a Knight of St. Matthews.
I am also a Kentucky Colonel, and past member of Demolay.

In 1977 I sold my business and entered a career in real estate in St. Matthews. I am presently Co-Manager of the Hurstbourne Office of Centuy 21 Joe Guy Hagan, Realtors. I am consistently a million dollar producer, being in the top 5% of Century 21. I have earned the designations of Broker, Realtor, Graduate Real Estate Institute (G. R. I.), Certified Residential Specialist, (C.R.S.) and Certified Real Estate Broker. (C.R.B.).

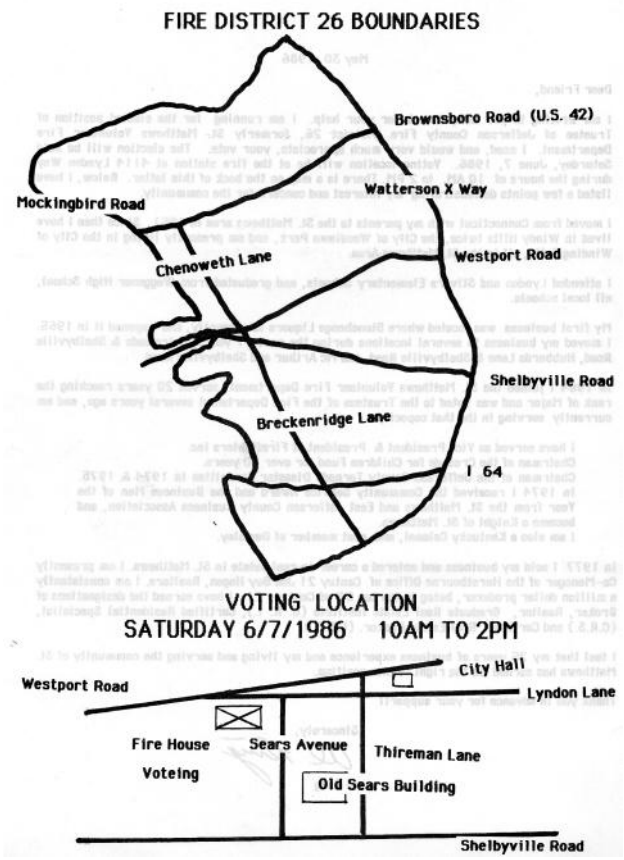
I feel that my 25 years of business experience and my living and serving the community of St. Matthews has earned me the right to this position.

Thank you in advance for your support!

Sincerely,

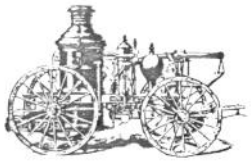
Al Ring

Al Ring



1986

June 7, 1986, Trustee meeting:



CM

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

REGULAR MEETING - SATURDAY - JUNE 7, 1986

TRUSTEES : AGENDA

I. CALL TO ORDER :

II. MINUTES LAST MEETING :

III. TREASURERS REPORT :

IV. CHIEFS REPORT :

A. Administration -

1. Income & Expenses
2. Personnel

B. Operations - Presentation of Second Draft of Proposed Budget for July 1, 1986-June 30, 1987

1. Fire Prevention & Fire Safety Education
2. Fire Suppression

V. OLD BUSINESS :

VI. NEW BUSINESS :

A. Final review of applications for "Property Owner Trustee" for election of July 19, 1986 [Term : '86 - '90]

1. Al Ring
2. James Distler
3. Bruce Guelich
4.

B.

EXECUTIVE SESSION : Personnel Matters

PROPERTY-OWNER TRUSTEE ELECTION

SATURDAY JUNE 7, 1986 10:00 A. M. - 2:00 P. M.

ELECTION PLACE FIRE STATION 4114 LYNDON WAY

June 7, 1986, Trustee meeting:

Z-0121
12:dm:149B
7/3/86

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY
FIRE PROTECTION DISTRICT NO. 26

JUNE 7, 1986

The meeting of the Trustees of Jefferson County Fire Protection District No. 26 was held at 2:30 p.m. on Saturday, June 7, 1986, at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees Franklin Florence, Sr., John M. Monohan III, Alan D. Ring, Ken Ogden, Faye Ellerkamp and Marshall P. Eldred, Jr. Also present was David Van Gorp, the District's accountant. Betty Walsh and Jeanne Beam were present to observe the meeting.

The meeting was called to order by Chairman Monohan and the minutes of the meeting held May 8, 1986, were approved as mailed.

Because the June meeting was held early, the operating statement for the month of May was not available. Chief Florence reported that the District held $13,000 in cash and had borrowed approximately $40,000 in May for operations. He said that expenses for the ten months were as projected and he felt certain that operations for the year would be within the District's budget. He reported no unusual expenditures during the month of May.

June 7, 1986, Trustee meeting:

The Trustees then discussed the five-year plan assumptions and the proposed operating budget and capital expenditures budget for fiscal year ending June 30, 1987. The Trustees also discussed in some detail actual expenditures to date. All Trustees present agreed that some of the proposed capital expenditures should be deferred until fiscal year ending June 30, 1988. Chief Florence recommended that the priorities of the proposed capital expenditures are in the following order:

(1) Installing a sprinkler system for the apparatus area and the office;

(2) Refurbishing the recreation room on the second floor;

(3) Second floor plumbing and second floor finished materials;

(4) Partial repainting of the exterior;

(5) HVAC for the balance of the second floor;

(6) Kitchen area on the second floor;

(7) Finish materials for the balance of the second floor;

(8) Installing a sprinkler system for the training house.

The Trustees made no decisions but discussed the proposed items in detail.

June 7, 1986, Trustee meeting:

There followed a discussion of the concept of sharing facilities with other fire districts, especially Lyndon, Middletown and Harrods Creek. It seemed feasible to all present that a firehouse north of the railroad could be shared by two or more fire districts in an effort to economize. The Trustees urged Chief Florence and Chairman Monohan to pursue these discussions with officials and trustees of other fire districts as well as any government officials that might be interested, including Commissioner Chris Gorman.

Chief Florence reported that he had talked to Charles McCoy of Commonwealth of Kentucky, Division of Employment Standards and Mediation and Dennis Clare about the Fair Labor Standards Act and the requirements of Kentucky law, specifically the Kentucky statutes requiring fire districts to pay time-and-a-half to every employee who works more than 40 hours in one week. Mr. Clare advised him that the District could not permit paid fire fighters to volunteer services during their off-duty hours without pay. If the paid firefighters continue to train with the volunteers at night and continue to respond to fire calls when off-duty, they must be paid time-and-a-half.

To continue the present level of training, that is 20 hours a month at night by the paid firefighters in addition to their daytime training, the additional annual cost to the District for wages and benefits will be approximately $50,000.

June 7, 1986, Trustee meeting:

There followed a discussion of the increase in gross pay for the paid firefighters and its effect on other benefits. Although the Trustees made no decision, they agreed to do so at a subsequent meeting.

Chief Florence received three letters from persons interested in running for Mr. Ogden's position of Property Owner Trustee which expires on June 30, 1986. He read and distributed letters from Al Ring, James Distler and Bruce Guelich. The Trustees unanimously accepted the three nominations. The election will be held on Saturday, July 19, 1986 between the hours of 10:00 a.m. and 2:00 p.m. at the firehouse. A copy of the notice which was run in the Louisville Times is attached to these minutes.

The next meeting will be held on Thursday, July 10, 1986.

There being no further business, the meeting was adjourned.

Chairman

Secretary

1986

June 20, 1986, Letter:

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

June 20, 1986

MEMO TO TRUSTEES REGARDING BUDGET DISCUSSIONS

Please look over the attached items listing the "PRO-85-86" (proposed budget 1985-1986), the "ACT-85-86" (actual 1985-1986), the "PRO-86-87" (proposed budget 1986-1987) and contact me, at your convenience, for any additional details you wish to have.

BRIEF :

Wages - I have requested three additional Career Firefighters. However, I feel that we need at least two additional Career Firefighters to maintain the level of service. The Volunteer Firefighter participation, during the daytime, is inadequate and shows no signs of improving. These two salaries plus the "overtime" costs for all employees is included in this estimate.

Insurance - As you know, this cost increase was less than expected.

Administrative - This is a miscellaneous catagory, and includes items from Trustee fees to dues and subscriptions for the various memberships we maintain.

District expense - A major part of this expense will be the costs for Firefighter Training Facilities, we share with other Eastern Jefferson County Fire District operations. (primarily the Middletown facility)

Expense Reimbursement - Is reduced because the Career Firefighters no longer receive this reimbursement.

Emergency Expenses - Eliminated.

Fire Prevention and Training - Includes all schools, seminars, and classes attended by our personnel, as well as all programs we present for Public Education purposes.

Firehouse Maintenance - The increase includes the $25,000.00 we added, to begin some of the improvements to the second floor of the firehouse.

Hose & Appliances - Can be reduced this year due to the fact that we have an adequate amount of these items, for the programs in place.

Turnout gear - This program will be completed this year, and should then be stable for the next year or two.

Tool Maintenance - Included several items that required updating, due to being "retro-fitted" for the new (2653) Rescue-Aerial, rather than buying new equipment.

Tool Purchases - Again, this area exceeded budget due to the fact that some new equipment (for 2653) was included in this catagory and not in the "New Truck and Equipment" catagory. Other than that, these costs were in order.

Radio Purchases - Reduced to reflect the attitude that a major purchase will be considered a "capital expenditure" and that ordinary purchases will be included in this catagory.

Volunteer Firefighter Retention - This program has not been improved since it began. As we planned, to increase the benefit from $400.00 to $600.00, the costs will change $4,700.00 .

SUMMARY

Tax revenue information available at this time indicates that we may receive approximately $70,000.00 more in income this year than we received last year. Virtually all of this is from new construction.

The requested additional personnel, plus the present staff, will not suffice for minimum manning levels, with Career Firefighters. We will continue to rely on available Volunteer Firefighters, during the day, to provide manpower for three of the six fire apparatus. And, the combination of Career Firefighters and Volunteer Firefighters will continue to be effective for evenings, nights and weekends, for the coming year.

The fact that Middletown Fire District is sharing their $3,000,000.00 Training Facility with us is very important to all the taxpayers of our District. (We thank Middletown - weekly)

Our Capital Budget Plan looks good. 1st stage ($5,000) remodel the recreation room. 2nd Stage ($25,000) Sprinkler System [excluding the Training House]. 3rd Stage ($45,000) Plumbing and Finish Materials for the second floor meeting rooms. 4th Stage (65,000) HVAC, Kitchen, & Finish Materials for the second floor. 5th Stage ($10,000) Repaint some of the exterior of the Firehouse. 6th Stage ($5,000) Sprinkler System for the Training House.

Fire Apparatus Replacement Program ($50,000.00 per year).

TOTALS : (approximately) $205,000.00 [capital expenditure budget]

1986

June 20, 1986, Letter:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

STANDARD OPERATING PROCEDURE : N.F.P.A. and I.F.S.T.A. GUIDELINES

SUBJECT : EMERGENCY VEHICLE RESPONSE - "UNITS" and "CODE"

APPROVED BY THE FIRE CHIEF : Franklin Flaschner DATE : 6-24-86

CODE - 3 - RESPONSE
[red lights and siren]

Type of Emergency	Apparatus Responding
RESCUE	Pumper/Rescue-Aerial
STRUCTURE FIRE	Two Pumpers and a Rescue-Aerial (One Task Force); then, a second Task Force is automatically dispatched unless the Incident Commander cancels same.
HAZARDOUS MATERIALS INCIDENT	Pumper/Rescue-Aerial
VEHICLE FIRE	Pumper
AUTOMATIC-AID/MUTUAL-AID [direct to scene]	As Requested

CODE - 1 - RESPONSE
[NO red lights and NO siren]

Type of Emergency	Apparatus Responding
DUMPSTER / TRASH FIRE	Pumper
GASOLINE WASH-OFF	Pumper/Rescue-Aerial
GAS ODOR	Pumper/Rescue-Aerial
WATER LEAK	Pumper/Rescue-Aerial
INVESTIGATION	Pumper/Rescue-Aerial
"LAP"[Mutual-Aid / Station or Staging Area]	As Requested
LOCK-OUT	Pumper/Rescue-Aerial

NOTE

CHIEF OFFICERS AND LINE OFFICERS HAVE THE AUTHORITY TO UPGRADE OR DOWNGRADE A "CODE" AT ANY TIME.

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

STANDARD OPERATING PROCEDURE : N.F.P.A. and I.F.S.T.A. GUIDELINES

SUBJECT : PROFESSIONAL STANDARDS FOR VOLUNTEER FIREFIGHTERS

APPROVED BY THE FIRE CHIEF : Franklin Flaschner DATE : 6-24-86

DRAFT

APPLICANTS are entry level Firefighters. This period of time begins with the submission of their application and lasts until the acceptance of their application, usually 30 days.

FIREFIGHTER classification begins with acceptance of the applicant and may last as long as one calendar year from the date of acceptance. The Firefighter has a maximun of one calendar year to successfully achieve Firefighter-1 status. If the Firefighter fails to achieve Firefighter-1 status by the end of one calendar year, the Firefighter terminates his association with the Fire District, per the written agreement in his application.

FIREFIGHTER-1 status is awarded to those Firefighters who have successfully completed a course of education and training as outlined in the N.F.P.A. 1001 guidelines. Earning Firefighter-1 status on or before the end of the Firefighters first year is mandatory. Failure to earn this status, per agreement in the Firefighters application, results in automatic termination.

FIREFIGHTER-2 status is awarded to those Firefighter-1 persons who have successfully completed N.F.P.A. 1001 guidelines for same. This level of education and training has a two year time frame, from the time the Firefighter-1 status was earned. That is, Firefighter-2 status is mandatory, and each APPLICANT has three years to earn this status. Firefighter-2 is the highest status that is mandatory.

FIREFIGHTER-3 status is optional, and not required to maintain membership. Sergeants and Officers will be selected from this catagory.

1986

July 1, 1986, John Baker becomes Trustee:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

June 24, 1986

To : All Trustees

From : Chief Franklin Florence

Re : New Trustee

Dear Trustees :

It is my pleasure to inform you that, today, the Jefferson County Fiscal Court appointed Mr. John J. Barker, of 3800 St. Germaine, to the position of Trustee with this Fire District.

Mr. Barker's term begins July 1, 1986 and is a three year term that ends June 30, 1989.

As you know, Mr. Barker has served our community for many years, in numerous capacities, and continues to do so. Presently, he serves the City of St. Matthews as its A.B.C. Administrator, he represents the Mayor of St. Matthews with the Jefferson County Governments Conference, and he has also served as a member and chairman of the Kentucky - Indiana Planning and Development Authority.

JOHN BARKER
Council Member

Mr. Barker was born and raised in St. Matthews. He was born September 8, 1906. Much of his life was spent on St. Germaine Court. He was elected to the St. Matthews City Council in 1956 and served until he lost an election in 1985. He served again after that and was on STMFD board as a representative from the City of St. Matthews from 1990 to 1992. He was married and had one son named John Barker Jr.

From an article from the Voice:

"Things were in a deplorable condition," remembers John Barker, who was a member of the City Council for 31 years.

"I couldn't sit in my own back yard because of septic tanks running over, The stench was everywhere. Half the streets in St. Matthews flooded after just an inch of rain, and the streets had big holes because of the water," said Barker, 83, of St. Germaine Court.

So bad was the problem that St. Matthews became known in some circles as "the land of the lakes."

October 28, 1954, *The Voice Of St. Matthews*:

Mr. Barker is sales representative for Sunshine Biscuits. A resident of St. Matthews 20 years, he has lived at his present address 10 years. He belongs to Our Lady of Lourdes Church and is a member of its Men's Club.

His eldest son, Phil, a freshman at Bellarmine, was a star on Eastern High School's basketball squad last year. Phil and his twin sister, Violet, are 18.

The Barkers have three other children, Donald, 22, Allan, 19, and John, Jr., 8, a Lourdes second grader. All the children live at home.

JOHN BARKER

1986

Believed to be 1986 STMFD Pictures:

Hal Clifford

Tom Ulliman & Mike Davis

1986

Believed to be 1986 STMFD Pictures:

Charles McCune

1986

Believed to be 1986 STMFD Pictures: Stuart Monohan operating the fire hydrant "Pluggie" at Locust Grove. Mary Kay Monohan is standing by the porch., About 1986? Jim Gibson is the other firefighter.

1986

1986-1987 Proposed Budget:

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

PROPOSED OPERATING BUDGET : 1986 - 1987

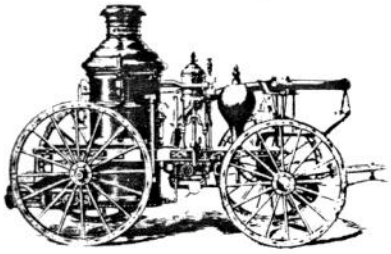
EXPENDITURES	PRO-85-86	ACT-85-86	PRO-86-87
Wages	249,800	246,417	345,000
Payroll Taxes			
Group Health Insurance			
Insurance	30,000	50,000	50,000
Legal	4,000	3,000	3,000
Accounting	4,500	4,000	4,500
Interest	18,872	5,000	15,000
County Alarm	1,000	500	750
Administrative	3,300	5,800	6,000
District Expenses	5,000	3,000	10,000
Recreation	5,000	6,000	6,000
Expense Reimbursement	43,000	43,000	33,000
Emergency Expenses	10,000		
Fire Prevention & Training	15,000	18,000	20,000
Firehouse Maintenance	16,700	54,000	25,000
Phones	3,000	2,300	2,500
Utilities	16,000	14,000	15,000
Office Supplies	4,500	5,300	5,000
Commissary	2,000	1,500	2,000
Hose & Appliances	10,000	10,000	8,000
Turn-Out Gear	15,000	18,000	15,000
Tool Maintenance	4,000	11,000	5,000
Tool Purchases	10,000	16,000	8,000
Radio Maintenance	5,000	6,000	6,000
Radio Purchases	25,000	500	5,000
Vehicle Maintenance	50,000	50,000	50,000
Volunteer Firefighter Retention	20,000	22,000	26,000
TOTALS	570,672	595,317	665,750

I, HEREBY, REQUEST THE TRUSTEES OF J.C.F.P.D.26 TO ADOPT THIS PROPOSED BUDGET AS A "GUIDELINE" FOR "OPERATING BUDGET" FOR '86-'87.

FRANKLIN FLORENCE, FIRE CHIEF Franklin Florence

1986

July 10, 1986, Memo:



JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

July 10, 1986

M E M O TO TRUSTEES REGARDING CAREER FIREFIGHTERS

1. As you recall, we discussed the need for three additional Career Firefighters in order to maintain a desirable manpower level for the weekdays. At this time, I advise that we employ two, immediately, and consider the third employee in a review January 1, 1987. With the addition of two Firefighters, now, we (still) man only HALF of our equipment. We continue to rely on Volunteer Firefighters 24 hours per day. However, with the Career Firefighters, we can assure BASIC emergency response.

2. Our legal counsel advises that we must pay "overtime-pay" to our Career Firefighters, when they work more than 40 hrs / wk. We have been considering this, as you know, for several months. The cost to continue our operations will be an additional $50,000.00 per year. (The Fire Chief is not included)

3. We must consider salary review for the Career Firefighters. After review with each of you, hopefully we can follow the ideas we utilized in the past. That is, "merit-increases". If we use the same guidelines, the money needed will be $6,500.00, excluding the Fire Chief.

4. The Fire Chief respectfully requests a "raise", too !

1986

July 10, 1986, Trustee meeting:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

July 10, 1986

TRUSTEE MEETING AGENDA

I. CALL TO ORDER
OATH FOR BARKER
II. MINUTES LAST MEETING

III. MONTHLY FINANCIAL REPORT

IV. FIRE CHIEF REPORT

V. EXECUTIVE SESSION for personnel matters

VI. BUDGET

VII. OLD BUSINESS

VIII. NEW BUSINESS

IX. ELECTION OF BOARD OFFICERS

CHAIRMAN Marshal Eldred

SECRETARY Faye Ellerkamp

TREASURER J.P. Terry

Jefferson County Fire Prevention District
#26
1985/1986 Real Property Tax Analysis

	Assessment	Divided By 100.00	Times Rate of .085	Actual Collections	Act Collections As % of Total
1985	781,449,763.00	7814,497.63	664,232.30	658,835.36	.991874923032
1986	864,394,760.00	8643,947.60	734,735.55		728,765.76

Estimated Collection For FYE June 30, 1987

734735.55

Time Percent Above of .9918749

728765.76
==========

July 10, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY
FIRE PROTECTION DISTRICT NO. 26

JULY 10, 1986

The meeting of the Trustees of Jefferson County Fire Protection District No. 26 was held at 7:30 P.M. on Thursday, July 10, 1986, at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees John M. Monohan, Franklin Florence, J. P. Terry, John Barker and Faye Ellerkamp. Also present were Jeanne Beam, Betty Walsh, Al Ring and Stuart Monohan. Secretary Eldred was absent; Chairman Monohan asked Mrs. Ellerkamp to record the minutes.

Chairman John Monohan administered the oath of office to John Barker, newly appointed Trustee, whose term will end June 30, 1989.

Mr. Monohan moved, Mr. Terry seconded, motion passed to approve the minutes of the meeting held June 7, 1986 as written.

Chief Florence reported:

1. The Department was called upon again last month to respond to several alarms within the same time frame. Things were controlled very well.

2. A list of vehicles and equipment is being prepared for the Trustees.

3. The bad news is that repair work on one of our rescue aerial truck's automatic transmission is a big problem and could cost $10,000.

4. The Legal Notice covering election of a property-owner Trustee was published three times in the LOUISVILLE TIMES. Chief Florence personally delivered notice of the election and resumes of the three candidates to the VOICE and the NEIGHBORHOODS. Several requests for absentee ballots have been received. Chief Florence will check with legal counsel and advise trustees of proper procedure.

1986

July 10, 1986, Trustee meeting:

The Trustees went into Executive Session at 8:05 P.M. to discuss personnel matters. They returned to Regular Session at 9:30 P.M.

Following lengthy discussion, John Barker moved, Mr. Terry seconded, to approve the proposed operating budget for the Fiscal Year July 1, 1986 through June 30, 1987, totaling $665,750 for expenditures. Roll call vote results: Monohan, Yes; Florence, Yes; Terry, Yes; Barker, Yes; Ellerkamp, Yes. Motion passed. Copy attached to these minutes.

The proposed capital expenditures budget was discussed. Chief Florence affirmed that none of the proposed projects would be started without complying with the law by seeking bids, etc. Priorities will be set as discussed and recorded in the minutes of the June 7 meeting. Mr. Terry moved, Mr. Barker seconded, to approve the Capital Expenditures Budget proposal. Roll call vote results: Monohan, Yes; Florence, Yes; Terry, Yes; Barker, Yes; Ellerkamp, Yes. Motion passed. Copy attached.

Chief Florence reported that the Brown Sprinkler Company has proposed installing a sprinkler system in the training building for the cost of materials. He will report further at the August meeting.

Following discussion, Mr. Barker moved, Chief Florence seconded, motion passed to refurbish the recreation room as soon as possible.

Chairman Monohan announced the floor was open for nominations to elect Board Officers.

Mrs. Ellerkamp moved, Chief Florence seconded, to elect Marshall Eldred, Jr. as Chairman; motion passed unanimously.

Chief Florence moved, Mr. Terry seconded, to elect Faye Ellerkamp as Secretary; motion passed 4 to 1 (Ellerkamp voting No).

Chief Florence moved, Mr. Barker seconded, to elect J. F. Terry as Treasurer; motion passed unanimously.

The next meeting will be held August 14, 1986.

Meeting adjourned at 9:30 P.M.

John M. Monohan III
Chairman

Faye Ellerkamp
Secretary (Acting)

July 10, 1986, Trustee meeting:

MINUTES OF EXECUTIVE SESSION
JEFFERSON COUNTY FIRE PROTECTION DISTRICT NO. 26
BOARD OF TRUSTEES

JULY 10, 1986

The following trustees of Jefferson County Fire Protection District No. 26 met in executive session on Thursday, July 10, 1986 at 4114 Lyndon Way, St. Matthews, Kentucky: John Monohan, Franklin Florence, J. P. Terry, John Barker and Faye Ellerkamp, at 8:05 P.M.

Following report by Chief Florence and discussion, John Barker moved, Mr. Terry seconded, motion passed to approve the hiring of two career fire fighters, at entry level pay of $13,000 annually.

Following report by Chief Florence and discussion, Mr. Barker moved, Mr. Terry seconded, motion passed to approve the reviewed merit employees for merit increases totaling $6,900 (average of 4%).

Chief Florence left the Executive Session meeting and Chairman Monohan requested discussion to evaluate the Chief's performance and to dtermine a salary increase. Following discussion Mr. Barker moved, Mr. Terry seconded, motion passed to increase the Chief's salary to $35,000 annually.

The Trustees returned to open session at 9:10 P.M.

John M. Monohan III
Chairman

Faye Ellerkamp
Secretary (Acting)

1986

July 10, 1986, *The Louisville Times,* classified advertising:

Classified Advertising

NOTICE OF ELECTION

NOTICE IS HEREBY GIVEN THAT THE JEFFERSON COUNTY FIRE DISTRTICT 26 (FORMERLY THE ST. MATTHEWS FIRE

Legal Notices 105

PROTECTION DISTRICT) WILL CONDUCT AN ELECTION TO FILL THE POSITION OF "PROPERTY OWNER TRUSTEE", OF ITS BOARD OF TRUSTEES ON THE 19th DAY OF JULY, 1986, AT THE FIREHOUSE LOCATED AT 4114 LYNDON WAY, LOUSIVILL, KENTUCKY 40207, BETWEEN THE HOURS OF 10:00 A.M. and 2:00 P.M. THE NOMINEES ARE:

AL RING
2403 Phoenix Hill Rd.
Lou., KY 40207

JAMES C. DISTLER
201 Sherrin Ave.
Lou., KY 40207

BRUCE M. GUELICH
134 Council Rd
Lou., KY 40207

1986

July 14, 1986, *The Courier-Journal:*

St. Matthews firefighters save four people from burning home

By DAVID KUNZ
Staff Writer

St. Matthews volunteer firefighters rescued four people from a burning, smoke-filled house yesterday, according to Frank Florence, chief of Jefferson County Fire District 26 in St. Matthews.

Firefighters responding to a fire at the home of Timothy McMahan, 3813 Ormond Road, at 7 a.m. found McMahan outside and heard the screams of those trapped inside.

Dense smoke forced firefighters to use breathing masks and air tanks when they entered the house to search for the victims, Florence said.

He said one group of firefighters found McMahan's wife, Melisa, and their 10-year-old son Kevin overcome by smoke on the second floor and pulled them to safety.

Another group of firefighters rescued the McMahan's other son, Robbie, 13, and a friend, Andy Bourne, 13, from a first-floor bedroom, Florence said.

"It was one of those things you hope you'll be able to do when the time comes," Florence said. "And the rescue went just like in practice."

He said county Emergency Medical Services technicians treated the victims at the scene and took them to the emergency room at Humana Hospital Suburban.

Mrs. McMahan and Kevin were admitted and were listed in good condition last night, according to a hospital spokesperson.

Florence blamed a cooking accident for the fire and said it was confined to the kitchen. It was extinguished within minutes, but the rest of the house and contents suffered smoke damage, he said.

1986

July 28, 1986, Standard Operating Procedure:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

STANDARD OPERATING PROCEDURE : N.F.P.A. and I.F.S.T.A. GUIDELINES

SUBJECT : "SEAT-BELTS"

APPROVED BY THE FIRE CHIEF : Franklin Florence DATE : 7-28-86

"SEAT-BELTS" ARE TO BE WORN BY ALL OCCUPANTS,

OF ALL FIRE DISTRICT VEHICLES, AT ALL TIMES.

THE ONLY AUTHORIZED POSITIONS ON FIRE APPARATUS, FOR PERSONNEL, ARE POSITIONS WHERE PERSONNEL ARE "SEATED" AND SEAT-BELTS ARE EMPLOYED. THERE ARE NO OTHER POSITIONS FOR PERSONNEL ON FIRE APPARATUS.

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

STANDARD OPERATING PROCEDURE : N.F.P.A. and I.F.S.T.A. GUIDELINES

SUBJECT : INSPECTION PRACTICES - QUESTIONS / ANSWERS

APPROVED BY THE FIRE CHIEF : Franklin Florence DATE : 7-28-86

TO : ALL PERSONNEL

WHEN questions are asked by citizens, in person or by phone, regarding the practices of our Fire Prevention Inspectors and our policy -

1. Assure them that we are interested in their questions.
2. Obtain the name, address, and other data identifying the person asking the question as well as the data necessary to determine the proper answer for the question. Phone numbers are also important. Lastly, note the time and date the question was received.
3. ALL QUESTIONS ARE TO BE SUBMITTED TO THE FIRE CHIEF, IN WRITTEN FORM, WITHIN 24 HOURS OF RECEIPT OF THE QUESTION.
4. The Fire Chief will assign the question to the proper person for reply.

NOTE : ALL PERSONNEL ARE TO OBSERVE THIS POLICY FOR ALL QUESTIONS REGARDING (FIRE PREVENTION) INSPECTIONS.

1986

August 1, 1986, Standard Operating Procedure:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

STANDARD OPERATING PROCEDURE : N.F.P.A. and I.F.S.T.A. GUIDELINES

SUBJECT : COMMUNICATING WITH THE PUBLIC - In Person & by phone

APPROVED BY THE FIRE CHIEF : Franklin Clarence DATE : 8-1-86

CITIZENS ARE WELCOME AT THE FIRE STATION AT ANY TIME.

INFORMATION REGARDING THE FIRE DISTRICT IS PUBLIC INFORMATION, EXCEPT INFORMATION PERTAINING TO EMERGENCIES, BEFORE OFFICIALLY RELEASED BY THE FIRE CHIEF.

PROVIDING CORRECT INFORMATION IS A PRIMARY CONCERN TO ALL PERSONS.

Barbara Boles, our Secretary, will answer the phone and greet all guests visiting the fire station during normal business hours. When she is not available, Marshal Jim Gibson will perform this important role. After business hours, ALL MEMBERS of the organization have a responsibility to see that Citizens receive correct info, in a timely manner.

Please continue to greet guests in your usual hospitable fashion. Phone calls will be returned within a reasonable time period whether they are received on our answering machine or by a Member, when they are received after normal business hours.

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

STANDARD OPERATING PROCEDURE : N.F.P.A. and I.F.S.T.A. GUIDELINES

SUBJECT : APPARATUS DRIVERS / PERSONAL PROTECTIVE EQUIPMENT

APPROVED BY THE FIRE CHIEF : Franklin Clarence DATE : 8-1-86

APPARATUS OPERATORS ARE REQUIRED TO WEAR A HELMET ANY-TIME THEY ARE DRIVING A PUMPER OR RESCUE-AERIAL. ALSO, BUNKER BOOTS AND BUNKER PANTS ARE MANDATORY. WEARING A BUNKER COAT WHILE DRIVING IS OPTIONAL, HOWEVER, IT IS RECOMMENDED THAT THE BUNKER COAT NOT BE WORN WHILE DRIVING, AND THAT IT BE PLACED UNDER THE DRIVERS SEAT, WHERE IT CAN BE RECOVERED QUICKLY - WHEN NEEDED. GLOVES SHALL NOT BE WORN WHILE DRIVING.

THIS S. O. P. APPLIES TO ALL DRIVERS, INCLUDING THE TILLERMAN.

NOTE : ALL PERSONNEL ARE REQUIRED TO WEAR HELMETS ANYTIME THEY ARE RIDING FIRE APPARATUS, FOR ANY ACTIVITY.

1986

August 1, 1986, Standard Operating Procedure:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

August 1, 1986

EMERGENCY RESPONSE : [per incident]

REIMBURSEMENT FOR OUT OF POCKET EXPENSES

EFFECTIVE THIS DATE

Chief Officer	-0-
Line Officer	$6.00
Staff Officer	$6.00
Sergeant	$6.00
Firefighter 1, 2, & 3	$5.00
Firefighter	$4.00
Applicant	-0-

Chief Franklin Florence

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

August 1, 1986

TABLE OF ORGANIZATION

Fire Chief Franklin Florence

Assistant Fire Chief J. M. Monohan, III - Planning & Suppression

Fire Prevention & Firefighter Training - Captain Sam McCune

Firefighter Membership Chairman - Captain Tom Carroll

Fire Apparatus & Equipment - Captain Ken Strange

Firefighters Committee & Buildings & Grounds - Captain Bill Seng

County Training Officers Assn. Representative - Captain Rick Albers

County Fire Alarm Board Representative - Marshal Denny Engnehl

Firefighters Fund - Captain Keith McBride & Marshal Jim Gibson

Emergency Medical Technicians - Captain Doug Mitchell

Fire Investigation - Captain Mike Davis

Public Information Officer - Marshal Marty Kamer

Firefighters, Inc. Representative - Sergeant John Volkerding

Haz-Mat / Mutual-Aid Group Representative - Firefighter Ed Brown

1986

Unknown dates, may be 1985, 1986, Training material, after name change before address change.

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

FIREFIGHTER TRAINING PROGRAM

Firefighter training is perhaps the most vital function of our organization. Each of us, from the Fire Chief down to the newest recruit, is a perpetual student. Many of the techniques used in the fire service today are the same as those used years ago. New materials, chemicals, packaging, transportation, and other incidents create interesting and challenging "problems" for thefire service.

Firefighter education begins with a four week introduction to this fire department. Following formal application to the department and approval of the application by our Membership Committee, the "applicant" starts a program whereby the department's instructors make a commitment to the applicant and the applicant makes a commitment to the department to successfully complete each phase of the program to the best of the abilities of all concerned.

National Fire Protection Association guidelines are employed by this fire department regarding training and education programs. Specifically, N.F.P.A. Pamphlet No. 1001, Firefighter Professional Qualifications, is the basic guideline. Other guidelines are: Pamphlet No. 1002--Fire Apparatus Driver-Operator Professional Qualifications, Pamphlet No. 1021--Fire Officer Professional Qualifications, as well as pamphlets pertaining to Fire Prevention , Fire Inspection, and Fire Investigation. Also, we have an outstanding library of training manuals and texts, one of the most complete visual-aid sections of any library in our state and a group of instructors capable of producing a knowledgeable, effective firefighter.

Evaluation of our program is essential. We evaluate each phase of our program before allowing any applicant or apprentice to advance to the next level of progression. These evaluations are in two forms--written and practical.

Training is required weekly. Following applicant-level training, we have a one year apprentice program consisting of three levels. The first level (C-level) must be successfully completed within ninety days following completion of the applicant evaluation. The second level or B-level apprentice must be successful in completion of the second level of training within ninety days following first level completion. Finally, Firefighter A-level must be attained before the end of the apprentice year.

It is our sincere belief that a citizen interested in becoming a firefighter must have not only the desire to become a firefighter, but also the knowledge and the ability to function safely and effectively.

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

APPLICANT LEVEL TOPICS

1. Introduction to the department
2. By-laws/rules and regulations
3. Fireground policies and information
4. Emergency driving

TIME LIMIT - 4 weeks

MATERIALS TO BE ISSUED

1. Firefighting gear
2. IFSTA manual Essentials of Fire Fighting
3. Copy of JCFPD 26 By-laws/rules and regulations
4. Copies of applicant level handouts

ASSIGNMENTS

1. Read By-laws/rules and regulations
2. Read applicant level handouts

APPLICANT LEVEL OVERVIEW

The applicant level phase of training will cover the following items:

1. A tour of the firehouse and training facilities
2. Discussion of By-laws/rules and regulations
3. Discussion of fireground policies and general topics:
   - A. History of Jefferson County Fire Protection District 26
   - B. Chain of command
   - C. Radio equipment and procedures
   - D. Apparatus numbering system
   - E. Code system
   - F. Personal gear
   - G. Emergency response and parking
   - H. Emergency operation of private vehicles
   - I. Run ticket
   - J. Run schedule
4. Review and evaluation

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

FIREFIGHTER JOB DESCRIPTION

THIS JOB DESCRIPTION PERTAINS TO ALL FIREFIGHTERS, REGARDLESS OF RANK OR POSITION.

IT IS THE RESPONSIBILITY OF ALL FIREFIGHTERS TO AQUIRE KNOWLEDGE AND DEVELOP SKILL TO PREVENT THE LOSS OF LIVES AND PROPERTY WITHIN THIS FIRE DISTRICT, AS WELL AS RENDER ASSISTANCE TO OTHER FIREFIGHTERS OF OTHER FIRE DISTRICTS, WHEN CALLED UPON TO DO SO.

IT IS THE RESPONSIBILITY OF ALL FIREFIGHTERS TO FOLLOW THE GUIDELINES SET OUT IN THE NATIONAL FIRE PROTECTION ASSOCIATION TEXTS 1001, 1002, 1021, 1031, 1041, AND OTHERS THAT PERTAIN TO THE PROFESSIONAL QUALIFICATIONS OF FIREFIGHTERS, WHEN CONFRONTED WITH RESCUE SITUATIONS - WHETHER OR NOT FIRE IS INVOLVED - INCLUDING HAZARDOUS MATERIALS INCIDENTS - AS WELL AS ALL INSTANCES INVOLVING FIRE SUPPRESSION.

Franklin Florence, Fire Chief

1986

August 3, 1986, Letter:

DOUGHERTY & HAUNZ
KENTUCKY HOME LIFE BUILDING
LOUISVILLE, KENTUCKY 40202

FRANK J. DOUGHERTY, JR.
FOSTER L. HAUNZ
H. MARK LUCKE

TELEPHONE
583 2807
AREA CODE 502

August 3, 1986

Mrs. Faye Ellerkamp
703 Merrifield Road
Louisville, KY 40207

Re: Jefferson County Fire Protection District No.26

Dear Faye:

While researching a tax question for the City of Shively, I came across the attached OAG 70-4.

I know that at one time the Fire District was considering a pension plan for its volunteer firemen. I do not know if it ever materialized.

Yours very truly,

DOUGHERTY & HAUNZ

Foster L. Haunz

FLH.tls
Enclosure

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL
FRANKFORT

JOHN B. BRECKINRIDGE
ATTORNEY GENERAL

January 7, 1970

OA670 4

Mr. Lawrence I. Messmer
Attorney at Law
Suite 200
Lawyers Building
Newport, Kentucky 41071

Dear Mr. Messmer:

This is in answer to your letter of December 19 in which you state that the city of Crestview, a city of the sixth class, located in Campbell County, is also included in an area served by the Campbell County Fire Protection District established pursuant to Chapter 75, KRS. You further state that the city has been notified that the fire district intends to establish a pension fund plan for its volunteer firemen. Under the circumstances, you raise the following question:

> "Can the Campbell County Fire Protection District Number Two, as constituted under KRS 75.040, establish a pension plan for its volunteer workers? To put it more distinctly, does this come within the normal maintenance and operation cost of such district?"

In response to your question, we seriously doubt that the fire protection district established pursuant to Chapter 75, KRS, can legally establish a pension fund system for its volunteer workers in the absence of enabling legislation under

70-4

Mr. Lawrence I. Messmer
Page two

the fire protection district act referred to. The rule is that pensions may be provided for by statutory enactments of the Legislature, or the Legislature may vest such authority in a municipality or other local unit of government. However, a city, for example, has no implied power to provide a pension fund for its employees. See McQuillin, Municipal Corporations, Vol. 3, Section 12.141. The same rule would apply, we believe, to a fire protection district.

The tax levy authorized pursuant to KRS 75.040 is for the purpose of operating the district fire department. We find no statutory authorization to utilize the tax receipts for the purpose of establishing a pension fund system.

Sincerely,

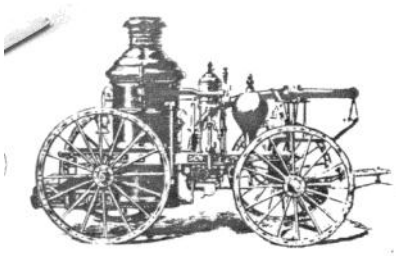
JOHN B. BRECKINRIDGE
ATTORNEY GENERAL

By: Walter C. Herdman
Assistant Attorney General

WCH:gm

1986

August 14, 1986, Trustee meeting: Al Ring became Chairman



Minutes

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

August 14, 1986

TRUSTEE MEETING AGENDA

I. CALL TO ORDER : By Eldred

II. MINUTES LAST MEETING : Approved

III. MONTHLY FINANCIAL REPORT :
Review of report form by David Van Gorp, C.P.A.

IV. FIRE CHIEF REPORT : No Interest w/ other Fire Dist. to share. County Not Interested In Giving Quary Property.
A. Administration -
B. Operations -

V. ELECTION OF BOARD OFFICERS FOR 1986-1987 :
Chairman A. Ring
Secretary M. Eldred

VI. OLD BUSINESS :

VII. NEW BUSINESS :
A. Insurance Plan - Review by Dennis Clare, Attorney
B. Tax Rate for real property for 1986. 8.5%
C. Tax Rate for personal property for 1987. 8.5%

August 14, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY
FIRE PROTECTION DISTRICT NO. 26

AUGUST 14, 1986

The meeting of the Trustees of Jefferson County Fire Protection District No. 26 was held Thursday, August 14, 1986, at 7:30 p.m. at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees Franklin Florence, Sr., John M. Monohan III, Alan D. Ring, J. P. Terry, Faye Ellerkamp, John Barker and Marshall Eldred, Jr. Also present were David Van Gorp the District's accountant and Dennis Clare, the District's attorney. Jeanne Beam and Betty Walsh were present to observe the meeting.

The meeting was called to order by Chairman Eldred and the minutes of the meeting held July 10, 1986, were approved as mailed.

Mr. Eldred tendered his resignation as Chairman. Thereafter, Alan Ring was elected Chairman of the District Board of Trustees.

Thereafter, Faye Ellerkamp resigned as Secretary and Marshall Eldred, Jr. was elected Secretary.

There followed a discussion of the financial condition of the District and an explanation of the balance sheet and statement of revenues and expenditures through July 31, 1986, by Mr. Van Gorp, copies of which are attached to these Minutes.

Chief Florence reported on the following matters:

August 14, 1986, Trustee meeting:

(1) Neighboring fire districts expressed no interest in sharing facilities, including a fire station, in an area that would be convenient to several districts.

(2) He had received no further comment from Jefferson County regarding the availability of land for a fire station on the north side but agreed to continue efforts to obtain either a ground lease or a conveyance of an appropriate site.

(3) Chief Florence described a proposal of the Trustees' Association for each District to contribute funds annually to a Training Facility Fund for a period of ten (10) years and for the Association to employ a fire coordinator/secretary. There followed a long discussion concerning the proposal. The Trustees expressed interest in the concept but did not commit any funds without further discussion and more information. Chief Florence will attend the Association meeting on August 21 and express our District's interest in the concepts as outlined in Chief Florence's memorandum to the Trustees dated August 4, 1986.

(4) Mr. Clare outlined a proposal by Mayor Jerry Abramson for a public liability self-insurance pool for local governments and governmental agencies. The idea is that the various entities would pay approximately 85% of their present liability insurance premium into a trust to be operated for the benefit of the participants. The Trustees expressed an interest in further discussions and directed Chief Florence to contact the Mayor and advise him of our interest in his proposal.

August 14, 1986, Trustee meeting:

(5) There followed a discussion of the tax rate for fiscal year ending June 30, 1987, after which the Trustees adopted a rate of 8.5¢ per $100 of assessed value of all personal property subject to the tax. The rate of tax applicable to real property within the District will be discussed at a special meeting. The Trustees directed Chief Florence to advertise pursuant to KRS 132.023 and to schedule a public hearing to hear comments from the public regarding the proposed 1986-87 tax rates for real property.

There being no further business, the meeting was adjourned. The next meeting will be held on Thursday, September 11, 1986.

Chairman

Secretary

1986

August 14, 1986, Trustee meeting:

To : Jefferson County Fire Protection District 26 Trustees

From : Chief Franklin Florence

Re : Fire District Vehicles

August 14, 1986

The plan for cars and trucks used by this Fire District is as follows :

Cars - Expected economic life is four years. (Includes service truck)
Trucks - Expected economic life is fifteen years. (Pumpers and Rescue-Aerials)

Inventory [August 1986]

Pumpers - 1. 1931 Seagrave - 500 GPM (Antique) [Cost New - ?]
2. 1973 Mack - 1500 GPM [Cost New - $ 75,000.00]
3. 1976 Mack - 1500 GPM [Cost New - $ 95,000.00]
4. 1976 Mack - 1500 GPM [Cost New - $ 95,000.00]
5. 1982 Mack - 1500 GPM [Cost New - $165,000.00]

Rescue-Aerials - 1. 1980 Seagrave [Cost New $150,000.00]
2. 1986 Seagrave [Cost New $260,000.00]

Service Truck - 1981 Ford Van - [Cost 18,000.00]

Cars - 1. 1980 Ford - [Cost New $ 6,900.00]
2. 1984 Pontiac [Cost New $12,000.00]
3. 1985 Chevrolet[Cost New $12,000.00]
4. 1986 Ford [Cost New $13,000.00]

Next Vehicle Purchase - 1987 - Car [Estimated Cost $14,000.00]
1988 - Pumper [Estimated Cost $165,000.00]

1986

August 15, 1986, Letter & Advertisement:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

August 15, 1986

The Louisville Times
525 West Broadway
Louisville, Kentucky 40202

LEGAL ADVERTISEMENT

Please publish the following ad in your Wednesday, August 20, 1986, and Wednesday, August 27, 1986 editions. The ad must be a twelve column inch ad. We prefer that the ad be two columns wide, and the print to be as large as possible within these guidelines.

NOTICE OF PUBLIC HEARING

Jefferson County Fire Protection District 26 (Formerly the St. Matthews Fire Protection District) hereby gives notice as required by KRS 132 et seq that on Wednesday, September 3, 1986, at 7:30 P. M., a public hearing will be held at the District Headquarters located at 4114 Lyndon Way, Louisville, Kentucky, 40207. The purpose of this hearing will be to discuss a proposed resolution to levy a tax rate at a higher rate than the compensating tax rate as defined in KRS 132.010(6). It is hereby further noticed that the tax rate levied in the preceding year was $.085 per hundred dollars of assessed valuation and the expected revenue produced was $659,000.00. The rate proposed for the coming year is $.085 per hundred dollars of assessed valuation and the expected revenue to be produced by that rate is $735,000.00. The compensating tax rate is $.081 per hundred dollars of assessed valuation and the revenue expected from it is $705,000.00. The revenue expected from the new and personal property is $90,000.00. The revenue produced in excess of the revenue produced in the preceding year will be used in the following general areas : defrayal of current indebtedness, new and replacement equipment purchases. This notice and information contained herein is pursuant to KRS 132.023 as required by the General Assembly. All calculations are estimates as the information necessary for exact computation is not available at this time.

Thank you.

Sincerely,
For The Board of Trustees

Franklin Florence
Fire Chief

cc : Mr. Al Ring, Chairman
Mr. Marshall Eldred, Jr., Secretary
Mr. J. P. Terry, Treasurer
Mr. John M. Monohan, III, Trustee
Mrs. Faye Ellerkamp, Trustee
Mr. John Barker, Trustee
Mr. David Van Gorp, C. P. A.
Mr. Dennis Clare, Counsel

August 21 and 28, 1986: ***The Courier-Journal:***

NOTICE OF PUBLIC HEARING

Jefferson County Fire Protection District 26 (Formerly the St. Matthews Fire Protection District) hereby gives notice as required by KRS 132 et seq that, on Thursday, September 4, 1986, at 7:30 P.M., a public hearing will be held at the District Headquarters located at 4114 Lyndon Way, Louisville, Kentucky, 40207. The purpose of this public hearing will be to discuss a proposed resolution to levy a tax rate at a higher rate than the compensating tax rate as defined in KRS 132.010(6). It is hereby further noticed that the tax rate levied in the preceding year was $.085 per hundred dollars of assessed valuation and the expected revenue produced was $659,000.00. The rate proposed for the coming year is $.085 per hundred dollars of assessed valuation and the expected revenue to be produced by that rate is $735,000.00. The compensating tax rate is $.0762per hundred dollars of assessed valuation and the revenue expected from it is $659,000.00. The revenue expected from the personal property and the added new real property, is $100,000. The revenue produced in excess of the revenue produced in the preceding year will be used in the following general areas: defrayal of current indebtedness, new and replacement equipment purchases. This notice and information contained herein is pursuant to KRS 132.023 as required by the General Assembly. All calculations are estimates as the information necessary for exact computation is not available at this time.

1986

August 18, 1986, Letter:

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

August 18, 1986

To : Trustees of Fire District 26

From : Chief Franklin Florence

Re : Special Meeting of September 4, 1986, 7:30 P. M.
Thur.

Our Special Meeting is being held to allow citizens to voice their opinions regarding the proposed tax rate for the year.

The format is proposed by our Counsel, Dennis Clare, and the values are the professional opinions of our Certified Public Accountant, David Van Gorp.

Included with these notes are revenue details from 1985 and 1986, as well as the calculations. As you see, if we receive 99% of the due tax revenue, we will receive approximately $68,000.00 more than last year. This $68,000.00 will help reduce our indebtedness, and replace equipment that has served a useful life. Keeping the same rate as last year is important (.085 per hundred dollars of assessed value).

Should you wish additional details, please contact me.

NOTE
A copy of our advertisement is being sent to each of the Mayors of the Cities within the Fire District, as requested by Trustee Eldred.

This "proof" approved 2:30 P.M. 8/18/86. as required. J. Eldred

TO : J.C.F.P.D. 26 TRUSTEES RE TAX REVENUE DATA

REPORT DATE: 08/19/85 JEFFERSON COUNTY, KENTUCKY PAGE 763
REPORT CODE: PVRFIRE PROPERTY VALUATION ADMINISTRATOR
FIRE DISTRICT: 26 FIRE DISTRICT LISTING

PARCEL ID/DESCRIPTION	NAME/ADDRESS		ASSESSMENTS		CODES
22-2257-0014-0000	CARNEY DAVID M & EVANS		LAND	18,930	CLASS R
1.620 AC	STEPHEN		IMPR	0	FIRE 26
CYPRESS STATION	1820 TYLER LN		TOT	18,930	SEWER
SEC 2	LOUISVILLE KY	40205	AGRI	0	HMSTD
KRESGE WAY					
22-2257-0029-0000	SPANOS & G CONSTRUCTION		LAND	342,000	CLASS R
6.107 AC	1341 W ROBINHOOD DR		IMPR	0	FIRE 26
CYPRESS STATION	STOCKTON CA	95207	TOT	342,000	SEWER
SEC 2			AGRI	0	HMSTD
* * DISTRICT TOTALS * *	9908 PARCELS		LAND	126,600,185	
			IMPR	654,300,168	
			TOT	780,900,353	
			AGRI	549,410	

REPORT DATE: 06/18/86 JEFFERSON COUNTY, KENTUCKY PAGE 773
REPORT CODE: PVRFIRB PROPERTY VALUATION ADMINISTRATOR
FIRE DISTRICT: 26 FIRE DISTRICT LISTING

PARCEL ID/DESCRIPTION	NAME/ADDRESS		ASSESSMENTS		CODES
2-2273-0330-0000	SHERMAN & WITTEN		LAND	16,780	CLASS C
2464.21 SQ FT	4001 KRESGE WAY		IMPR	122,570	FIRE 26
	SUITE 330		TOT	139,350	SEWER
	LOUISVILLE KY	40207	AGRI	0	HMSTD
22-2273-0310-0000					
* * DISTRICT TOTALS * *	10037 PARCELS		LAND	140,611,760	
			IMPR	723,278,960	
			TOT	863,890,720	
			AGRI	504,040	

1985	1986	Compensating Rate
780,900,353.0+	863,890,720.0+	8,643,947.60×
549,410.0+	504,040.0+	0.0762=
002	002	658,668.81*
781,449,763.0*	864,394,760.0*	
781,449,763.÷	864,394,760.÷	
100.=	100.=	
7,814,497.63*	8,643,947.60*	
7,814,497.63×	8,643,947.60×	
0.085=	0.085=	
664,232.30*	734,735.55*	

DETAIL : 1985 & 1986 INFORMATION FOR TAX PURPOSES. As noted, the "TOT" & "AGRI" are combined to give the anticipated income. Although the anticipated income for 1985 was 664,232.30, only 659,000.00 was received. The "Compensating" rate is that rate that produces an income approximately equal to the preceding year. As stated, the .085 rate will produce income to retire debt, & replace equipment.

1986

August 23—21, 1986, Letters:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

August 23, 1986

MEMO TO TRUSTEES

From : Chief Franklin Florence

#1. The Real Property Tax Revenue information, just received, indicates that we will not exceed the guidelines of "House Bill 44" if we use the same tax rate as last year (.085). The data P.V.A. gave us by phone yesterday is as follows : Valuation, after "Homesteads", is $782,653,680.00 ["Homesteads" total $49,282,100.00]. Therefore, the Compensating Rate would be .0842 [$659,000.00 last year] and the meeting planned for September 4, 1986 is not required. Should we cancel the meeting or conduct the meeting ?

#2. The Jefferson County Fire Protection Districts Trustees Association held a meeting 8/21/86 to consider the "Resolution" reviewed by us at our last meeting (copies mailed to you earlier). The "Resolution" "passed". As your representative, I expressed our view of the matter as follows : Although we appreciate the goals of the Association, in these matters, we believe that the "Resolution" contained several different proposals. Also, a more detailed explanation of some of the items is necessary. Due to an emergency call, I had to leave the meeting for a brief period, and during this absence the vote was taken for the passage of the "Resolution". Eleven of the twenty-one Disticts voted in favor, six voted against, and four Disticts did not vote.

Mr. Clark, the Chairman of the Association, and/or other Officers of the Association request an invitation to attend the Board meetings of the Districts who did not vote or voted against this "Resolution", to answer questions regarding the matter. Shall I issue the invitation ?

Clare to Clark letter of 8/21/86 attached, for your information.

LAW OFFICES
NOLD, MILLER, MOSLEY, CLARE, HUBBARD & TOWNES
FIFTH FLOOR
THE HART BLOCK BUILDING
730 WEST MAIN STREET
LOUISVILLE, KENTUCKY 40202

JOHN A. NOLD
EUGENE L. MOSLEY
DENNIS M. CLARE
KYLE T. HUBBARD
J. BRUCE MILLER
W. WAVERLEY TOWNES
LARRY C. ETHRIDGE
MICHAEL R. GREENE
ROBERT A. METRY
VICTOR L. BALTZELL
WILLIAM J. NOLD
CYNTHIA WATTS GREENE
MARK A. SIPEK
ELIZABETH G. SCHMIDT
J. GREGORY CLARE
DOLLY W. BERRY
EVAN G. PERKINS

TELEPHONE 582-3891
AREA CODE (502)
TELEX: 204059
CABLE: NMCHT

August 21, 1986

HAND-DELIVERED

Mr. John W. Clark
3920 Glenn Oak Drive
Louisville, KY 40218

Dear Jack:

Upon my return from vacation the early part of August, this office was contacted by several departments asking me to comment on Resolution No. 1, which apparently was first discussed at a special meeting of the Association on July 27, 1986. Pursuant to their request, I did review Resolution No. 1 and would like to make available to you, the leadership of the Jefferson County Fire Trustees Association and the membership of that group, my thoughts regarding it.

Lest I be remiss, let me extend to the leadership my appreciation of your willingness to respond to the recent action of Jefferson County Government, i.e., the apparent dismissal of Mr. Don Bismeyer as Fire Coordinator, the termination of the Fire Protection Coordinator's Office and the request of County Government for the termination of the quarterly allocation of $450.00 per quarter, per month, per firehouse, to the Fire Protection Districts. Needless to say, that action requires response and reaction by the Fire Service.

COUNTY GOVERNMENT'S ACTION

Prior to discussing the merit of Resolution No. 1, it would appear most important to analyze the action recently taken by County Government. As you are well aware, when I became the Jefferson County Fire Coordinator in 1972, the Hollenbach Administration created the Jefferson County Fire Protection Department as an actual department of County Government with a part-time administrator, a part-time secretary, a budget and furnished that office with necessary office supplies and materials. At that time, the Director's salary was increased

from $6,500.00 per year to $12,000.00 per year. During my tenure as Director of that Department, it is my personal opinion that County Government consistently maintained the same posture towards the Fire Service, i.e., respect, appreciation and concern. That posture was evidenced by the establishment of a life insurance policy and a supplemental health and disability policy on all county firefighters, the County's liberal interpretation of the matching funds provision of the Fiscal Court Resolutions regarding construction of firehouses and purchase of new equipment, County Government's agreement to participate in award ceremonies, both personally and through supplementary funds, and generally an overall system wherein easy access and easy communications were available directly with the County Judge.

At the risk of sounding political, the commencement of the McConnell Administration saw the beginning of the deterioration of the relationship between County Government and the Fire Service. The first two years of this administration produced virtually no communications by this office with the County Judge's office; the result of that lack of communication, although not intrinsically harmful to the Fire Service, did not allow for any progress or maturation of the existing relationship. It did, however, allow the Fire Service to continue to progress and mature as Judge McConnell did favorably respond to all requests made by this office on behalf of the Fire Service and maintained a laissez-faire attitude regarding the appointment of Trustees. After two years, McConnell, as you are well aware, terminated my employment which, in my opinion, he had every right to do and from a political standpoint it was certainly in his best interest. Unfortunately, because of the applicable law, it was necessary for him to do away with the Fire Protection Program in order to fire me and in doing so, he "threw the baby out with the bathwater."

From that point forward, including the Sloane Administration, it is my personal opinion that County Government's attitude regarding the Fire Service continued to be that of the recalcitrant child, rather than the dutiful child. Sloane as McConnell has simply attempted to avoid political confrontation and has done little to assist or support progress in the Fire Service. This is evidenced, in my opinion, by the difficulties which have arisen regarding the appointment of Trustees, the lack of authority given to Mr. Bismeyer, actions taken regarding the Hazardous Material Ordinance and a general disassociation with the Fire Service and its leadership.

The discontinuance of the Fire Coordinator's Office and the elimination of the quarterly allocations evidence County Government's intent to withdraw support of the Fire Service. The only remaining service that I am aware of is the continuing contribution to the health and life insurance program. It is often commented that if you wish to know a politician's goals and objectives, check and see where he spends his money.

Obviously, in light of the above scenario, it was necessary that the leadership of the Jefferson County Fire Trustees Association take some action to counter the actions taken by County Government.

Before discussing the specifics of Resolution No. 1, inquiry is made as to whether the leadership of the Jefferson County Fire Protection District Association has spoken with the representatives of County Government since the commencement of the Sloane Administration regarding said Administration's posture toward the Fire Service, or has attempted to negotiate a resolution of of the recent activities of County Government. Why is it that County Government is terminating essentially all the substantial services provided to the Fire Service and yet maintaining the status quo of services to other agencies? Why is County Government insisting upon controlling, many times without input from the incumbent Board, the appointment of Trustees?

THE ATTORNEY-CLIENT RELATIONSHIP

Another factor which also precipitates some action being taken by the Trustees Association regarding its relationship with this office is the obvious change of personalities which has occurred since our relationship began in 1972. At the commencement of my association with the Fire Service, I was a lawyer of three years in a law firm with four partners, no associates and two secretaries. Presumably, the Fire Service had just begun to receive adequate revenue and was badly in arrears in regard to adequate facilities, equipment, etc. At the present time, this writer is a member of a law firm of seventeen lawyers and other numerous personnel. Although the role of the lawyer in this relationship has remained the same, i.e., (1) to articulate the posture of the Fire Service to third parties, including, but not limited to County Government, Administrative Agencies, State Government, Legislature and the public, and (2), to provide advice to the Fire Service and its

August 23—21, 1986, Letters:

component members regarding the applicable laws, ordinances, regulations and policies, and to establish operational procedures, the manner in which that service is to be performed must obviously change and should be changed.

Whether the Fire Service continues to have a relationship with this office or any other law firm in this community, it is most important that a fully understood agreement be entered into as to the responsibilities of its counsel and the remuneration to be paid to that counsel.

Additionally, it must be remembered that this office was hired by the Jefferson County Fire Chief's Alliance and reported directly to the Chiefs at their quarterly meetings at which there was historically good attendance, a definite agenda, and adherence to the democratic process. During the tenure of this attorney-client relationship that has changed, in that now this office is retained by the Jefferson County Fire Trustees Association and is essentially without a reporting vehicle, receives inquiries from Chiefs, Board members, firefighters, the public, the media and representatives of government, most of which is unbeknownst to the Jefferson County Fire Trustees Association members or its leadership.

Furthermore, lest I be less than candid, there are few issues which have come before the Trustees Association which have evidenced unanimous support of the Trustees and especially in light of economical participation that has created a difficulty for your organization; a difficulty, I might add, which is presently applicable to Resolution No. 1.

During this current term of service, I can personally advise that this office is only contacted for legal services by approximately 60% of your members and, as of this date, has only been paid 87% of the agreed compensation which was due and payable on January 1, 1986.

More importantly, action is being taken by individual departments, individual chiefs, representatives of governmental agencies and members of fire protection districts without the approval and, at times, without the knowledge of the Association leadership and without the best interest of the Association. A recent example is the passage of the Hazardous Material Ordinance, about which this office had no knowledge until after it was adopted by both the City of Louisville, Board of Alderman

and the Jefferson County Fiscal Court, even though apparently representatives acting on behalf of the Fire Service did participate and were aware of the provisions and terms contained therein. This office, therefore, has been required to expend considerable time attempting to make amendments to those ordinances which obviously should have been included prior to passage. (The City Ordinance was properly amended 8/5/86 and the County Ordinance will be similarly amended 9/9/86).

RESOLUTION NO. 1

PROCEDURE

A review of Resolution No. 1 and the Key Points of Joint Trustees-Chiefs Meetings of Sunday, July 27, 1986, present some most interesting comments. From attendance at several Fire District Trustees Meetings subsequent to July 27, 1986, discussion has centered on many of those comments. Inquiry is made for instance as to why Resolution No. 1 must be voted on in its entirety, although it contains two proposals which are totally unrelated. Secondly, inquiry is made as to what occurs if, although Resolution No. 1 is adopted by the Association, it is not unanimously adopted and member districts who oppose the Resolution refuse to pay their proportionate charges. Thirdly, is there any commitment or evidence of commitment by Jefferson County Government of its agreement to pay $60,000.00 per year for the training facilities? Fourthly, can the facilities be built and maintained within this ten year period on the monies appropriated pursuant to Resolution No. 1? And fifthly, has any significant investigation or research been conducted regarding the job description, duties and responsibilties of the Fire Coordinator's position?

As you are well aware, this office has worked with Mr. Terry Sharp since 1972 and has found him to be a dedicatd and loyal servant of the Fire Service. In my personal opinion, whether or not Mr. Sharp is retained for any purpose (and I will not discuss the merit of that decision because I feel it is a personal and subjective decision to be made by each district reflecting the desires of its membership), I am somewhat non-plussed that some consideration would not be given to the purchase of an annuity to financially assist Mr. Sharp in his aged years without so much as a token of appreciation for his almost 25 years of service.

Secondly, because of my experience as the Fire Coordinator and subsequently as counsel for the Fire Service, I do believe some comments regarding the proposed job description of the Fire Coordinator are in order.

In order that these comments not be considered subjective, let me make it perfectly clear that I am not a candidate for the position, nor do I believe that I am capable of performing it.

Prior to July 1, 1986, Mr. Bismeyer, as I understand it, was paid in excess of $30,000.00 and received use of an automobile and typical County Government employee benefits (valued at approximately $40,000.00). In addition, he had available to him the apparent authority of the County Government as its employee.

The proposed job description appears to require the Fire Coordinator to perform all the duties regarding tax coordination (at least the duties presently performed by Mr. Sharp), liaison for the Fire Protection District with County Government and the various governmental agencies, clerical duties for the Trustees Association and, it would appear, the accounting responsibilties of the quarterly returns, tax returns, etc., of his own position. It is most difficult for this writer to visualize an employee willing to undertake those responsibilities and duties, capable of asserting articulately and competently the requests of the Fire Districts and Trustees Association, capable of performing the necessary accounting services incident to his own position and that as tax coordinator, for a salary of approximately $20,000.00 to $22,000.00 (the benefit and withholding constituting approximately $6,000.00) without secretarial assistance or office space.

Finally, it is most naive to believe that the Fire Protection Districts are able to obtain any needed legal services from the County Attorney or the Attorney General. This position and opinion is rendered not in self edification, but merely based on the knowledge of the manner in which both the County Attorney's Office and the Attorney General's Office carry out their duties and responsibilities. As indicative in the name of those organizations, their first responsibility and duty is to provide the County and the State, respectively, with legal advice. There is no obligation, statutorily or morally, to

render any legal services to Fire Protection Districts, unless directed to do so by their client, i.e., Jefferson County Government or the Commonwealth of Kentucky. Finally, and perhaps most importantly, neither of these entities is able to negotiate or represent any entity which has substantial dealings or relationships with its client, i.e., Jefferson County Government or the Commonwealth of Kentucky.

A perfect example of the difficulty arising from legal representation by the County Attorney's Office or the Attorney General's Office is perfectly clear in the problem at hand. Namely, would the County Attorney or the Attorney General be an appropriate militant and competent advocate of the Fire Service in negotiations with Jefferson County Government regarding the recent substantial cut of services?

In conclusion, although I herald your leadership for responding to the actions of County Government, I must take exception to the manner and the content of the specific proposal. I do so, not in the hope that you will not take any action, but in the hope that you will afford each of the Districts an opportunity to review with specificity both the Training Center Proposal and the Fire Coordinator Proposal. Both of these proposals are needed, but at least the Fire Coordinator portion of the proposal is unrealistic and much too ambitious, especially in light of the monies available. Finally, to require the Districts to vote on both proposals only as submitted and without separation requires votes to be cast without obvious intelligent analysis or discussion.

Since none of the information regarding the Special Meeting of the Association of July 27, 1986 or any of the proposed material for the meeting of August 21, 1986 was forwarded to this office, it is assumed that my presence is not requested at the meeting of August 21, 1986 and, thus, I will not attend unless otherwise beckoned. It is requested, however, that my thoughts be shared with the membership as on several occasions these matters have been addressed to me by members of your Association and their concerns should be shared with the entire membership.

If you have any further questions or if I can be of any further assistance to you in this matter, please feel free to call me.

Yours very truly,

Dennis M. Clare

Dennis M. Clare

DMC/trt

cc: Chiefs

1986

August 30, 1986: Two men were forced to jump from a third window as fire destroyed an apartment at 700 Quails Run Road, in Mall Gate Apartments. Two other apartments below the fire received water damage. Nine other apartments received smoke damage.

This photo from Rick Albers believed to be this fire.

1986

September 1, 1986, Training Assignments:

JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

TRAINING ASSIGNMENTS : EFFECTIVE SEPTEMBER 1, 1986

DATE _____ SUBJECT _____

FIRE CHIEF Franklin Florence

ASSISTANT FIRE CHIEF Jack Monohan

STAFF OFFICERS : MARSHAL Marty Kamer, MARSHAL Denny Engnehl, MARSHAL Bill Andriot

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FIREFIGHTER - 3 - PROGRAM : CAPTAIN Sam McCune, Director

2635	2634	2653
CAPTAIN Rick Albers	CAPTAIN Bill Seng	CAPTAIN Keith McBride
SERGEANT Dwayne Reed	SERGEANT John Volkerding	SERGEANT Mike Noland
SERGEANT Ron Unthank	FIREFIGHTER Stuart Monohan	FIREFIGHTER Tom Marshall
FIREFIGHTER Mike Noon	FIREFIGHTER Todd Merkley	FIREFIGHTER Dave Kamer
FIREFIGHTER Don Ryan	FIREFIGHTER Tony Thoman	FIREFIGHTER Jim Gibson

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FIREFIGHTER - 2 - PROGRAM : CAPTAIN Tom Carroll, Director

2657		
SERGEANT Joe Wolfe	SERGEANT Gary Doyle	SERGEANT Hal Clifford
FIREFIGHTER Blaine Bishop	FIREFIGHTER Ed Brown	FIREFIGHTER Dan Doyle
FIREFIGHTER Frank Flynn	FIREFIGHTER Kevil Rice	FIREFIGHTER Mike Willinger
FIREFIGHTER Charles McCune	FIREFIGHTER Dave Dugan	FIREFIGHTER Tom Ulliman
FIREFIGHTER Alan Land	FIREFIGHTER Jim Whitlock	

FIREFIGHTER - 1 - PROGRAM : CAPTAIN Doug Mitchell, Director

2632 & 2636

SERGEANT Charlie Davis	SERGEANT Walter Ochs	SERGEANT Pat Noland
FIREFIGHTER Tom Eifler	FIREFIGHTER Stuart Flowers	FIREFIGHTER Jack Guelda
FIREFIGHTER Tony Glass	FIREFIGHTER Todd Yates	FIREFIGHTER Mark Schroering
FIREFIGHTER Steve Craycroft	FIREFIGHTER Kevin Craycroft	FIREFIGHTER Steve Mattingly

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FIRE APPARATUS & AUTOMOBILE DRIVER TRAINING PROGRAM DIRECTOR, CAPTAIN Ken Strange

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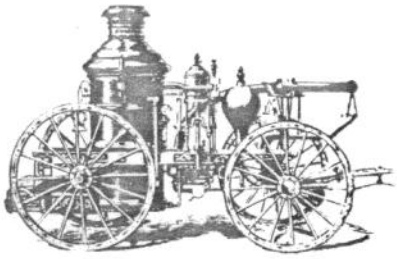
FIRE INSPECTION PROGRAM, CAPTAIN Mike Davis

1986

September 4, 1986, Trustee meeting:



JEFFERSON COUNTY FIRE PROTECTION DISTRICT 26

4114 Lyndon Way

Louisville, Kentucky 40207

September 4, 1986

TRUSTEES - SPECIAL MEETING - AGENDA

I. CALL TO ORDER :

II. MINUTES LAST MEETING :

III. TREASURERS REPORT : (The regular monthly report will not be available until next week. It will be mailed to you.)

IV. CHIEFS REPORT :

A. ADMINISTRATION - Building maintenance projects, begun last year, nearly completed. All other projects are on schedule. There are no unusual activities presently. Career Firefighter "overtime-pay" program is working well.

B. OPERATIONS - There were 48 emergency runs last month. There were no fire deaths. Property loss was within normal limits. A 3:PM-11:PM shift, Career Firefighters, to assure manpower availability, is being used selectively (with present staff).

V. OLD BUSINESS :

A. Public Liability Self-Insurance Pool - We are asked to complete a formal application.

B. Jefferson County Fire Protection Districts Association - "Resolution 1" - Presentation / Q & A - Jack Clark, President of the Association and Maurice Byrne, Executive Committee Member. [will be here at 8:PM, tonite, to asnwer questions & wish to "sell you"]

VI. NEW BUSINESS :

A. Indian Summer in St. Matthews - Advertise in a CJ, special edition ?

B. Real Property Tax Rate (details mailed to you previously) DEADLINE 9/4.

September 4, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF JEFFERSON COUNTY
FIRE PROTECTION DISTRICT NO. 26

SEPTEMBER 4, 1986

The meeting of the Trustees of Jefferson County Fire Protection District No. 26 was held Thursday, September 4, 1986, at 7:30 p.m., at 4114 Lyndon Way, St. Matthews, Kentucky.

Present were Trustees Allen D. Ring, Franklin Florence, Sr., J. P. Terry, Faye Ellerkamp, John Barker and Marshall Eldred, Jr. Also present were four residents of the District.

The meeting was called to order by Chairman Ring and the minutes of the meeting held August 14, 1986, were approved as mailed.

There followed a discussion of the financial condition of the District. Because the meeting was a week earlier than usual, the financial statements were not ready and will be mailed to the Trustees before the next meeting. Chief Florence reported that the District had borrowed $25,000 in August for operations. He also reported that there were no unusual expenditures during the period.

Chief Florence reported that:

(a) new carpet had been installed in the office areas; and

(b) the District now has twelve career firefighters including Chief Florence and thirty volunteers. The overtime

September 4, 1986, Trustee meeting:

pay for the career firefighters would be within the projection of $50,000.

He also reported on the proposal for a public liability self-insurance pool for local governments and governmental agencies. After the last meeting, Chief Florence received a letter from Kevin L. O'Donnell, executive director of the Department of Finance and Budget of the City of Louisville, asking the District to file an application. After discussion, the Trustees expressed continuing interest but did not want to file an application at this time. Chief Florence will ask Mr. O'Donnell if the District would incur any liability should it file an application and later withdraw.

The Trustees decided not to advertise in a special St. Matthews Indian Summer Festival edition of the Courier-Journal because no educational equipment is available during the week of the Festival. The Trustees asked Chief Florence to attempt to reserve the fire safety house during the week of the 1987 Indian Summer Festival.

Those persons in the audience were given an opportunity to comment on the real property tax rate and there was general discussion. Chairman Ring reported that advertisements of this meeting were run in the Louisville Times and letters were sent to the Mayors of all the cities within the District asking interested parties to attend and participate in a public hearing regarding the real property tax rate. After discussion, the Trustees unanimously adopted a rate of 8.5¢ per $100 of

September 4, 1986, Trustee meeting:

assessed value of all real property subject to the tax for the fiscal year ending June 30, 1987.

There followed a long discussion of the proposed resolution of the Jefferson County Fire Protection District Trustees' Association concerning the acquisition and operation of three training sites and the employment of a person to act as coordinator for the Association. Jack Clark and Maurice Byrne discussed the proposal in detail and answered many questions proposed by the Trustees. After Mr. Clark and Mr. Byrne left, the Trustees continued to discuss the proposed resolution. The sense of the discussion was that the Trustees favor creation of training facilities that will be shared by various fire districts but oppose the employment now of a coordinator. The Trustees preferred to defer any employment of a coordinator until the Dictricts can see the effects of closing the County Fire Safety office on December 31, 1986. It may be that other offices of the County will provide the services that would be performed by the new coordinator. Chief Florence will attend the Trustees' Association meeting on September 25, 1987, and vote accordingly.

The next meeting of the District will be held on October 9. There being no further business, the meeting was adjourned.

Al Ryzy.
Chairman

Clarence A Eldred Jr
Secretary

1986

September 12, 1986, Letter: Name Change Again—We never should have changed, Al Ring:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

September 12, 1986

Dear Trustees :

The Firefighters of this Fire District have voted for a change in the name of the Fire District, and have directed their elected Trustees to present the matter to the other members of the Board of Trustees at its next meeting. The vote was unanimous in favor of changing from the present name, back to the previous name, St. Matthews Fire Protection District

This action followed a study of the success of the goal of "unity" and "harmony" among the Jefferson County Fire Protection Districts. County Fire Chiefs consulted stated that the use of "community names" throughout the system enhanced the important aspect of "community pride". The Mayors consulted expressed the knowledge that this "East end area" is commonly called "St. Matthews", and that they did not see a problem with changing the name to St. Matthews Fire Protection District. The third group, Journalists, were consulted because they are pros' in communication. They quickly indicated that the change would be a good thing to do. They use "St. Matthews" regularly.

This note is a follow-up to our phone conversation.

The persons consulted in this research were : Mayor Draut, St. Matthews, Mayor Walsh, Windy Hills, Mayor Juett, Richlawn, Chief Heydt, Harrods Creek, Chief Bosler, Middletown, Chief Gaddie, Jeffersontown, and Journalists Melissa Forsythe, WHAS-TV, Brian Trauring, WLKY-TV, and Greg Donaldson, WAVE-TV.

Personnally, I believe that the name change is the thing to do to enable the County Fire Districts to work more closely together, and at the same time, maintain their individuality through established community identity. This was the goal with the name change to Jefferson County Fire Protection District 26, however, after two years only one other Fire District changed. Now, there is evidence that the main issues may be achieved, and this name change would be a "plus".

All Trustees were consulted in an effort to maintain up-to-date status in significant matters. The response was not unanimous, however, there were no "no-votes", one person wished to wait until the Board meeting to discuss the matter. The others were positive, in favor of the change.

Best Regards,

Franklin Hamel

1986

September 19, 1986, Letter: Name Change Again—We never should have changed, Al Ring:

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

September 19, 1986

St. Matthews
Fire Protection District
240 Sears Ave.
Louisville, Kentucky 40207

To : St. Matthews Firefighters
From : Chief Franklin Florence
Re : Our Name

Effective October 10, 1986, we will begin using our name, St. Matthews Fire Protection District.

Our Trustees have been contacted, informally, and six of the seven have stated that they support the name change. Therefore, the Trustees meeting October 9, 1986 should contain a confirmation of this action.

We will be known, collectively, as "St. Matthews", and the Alarm Office will refer to us as "St. Matthews". The fire station facility will continue to be known as "Station 26".

The name "St. Matthews" will be added to all District vehicles and the proper name will be placed on the front of the fire station.

Firefighters uniforms will reflect both "Jefferson County Fire" - "St. Matthews".

Albers

JEFFERSON COUNTY FIRE PROTECTION
DISTRICT 26
4114 Lyndon Way
Louisville, Kentucky 40207

September 19, 1986

Russell Sanders
Fire Chief
Louisville Division of Fire
Louisville, Kentucky

Dear Chief Sanders :

We are changing our name from Jefferson County Fire Protection District 26 to St. Matthews Fire Protection District. This change is to be effective October 10, 1986.

Please advise your Alarm Office to reflect this change, and if we can be of assistance, do not hesitate to contact us. Also, our new address is 240 Sears Ave.

We request the Alarm Office to dispatch us as follows : "Tone" - St. Matthews - respond to a _____ at _____ .

Sincerely,

Franklin Florence
Chief

St. Matthews
Fire Protection District
240 Sears Ave.
Louisville, Kentucky 40207

1986

October 1 & 2, 1986, Memos:

ST. MATTHEWS FIRE PROTECTION DISTRICT — AUTOMATIC-AID & MUTUAL-AID TO HARRODS CREEK

ALL AUTOMATIC-AID POLICIES NOW IN EFFECT ARE TO REMAIN IN EFFECT, IN ADDITION TO THIS PLAN.

MUTUAL-AID :

OCCUPANCY	ADDRESS	ALARM	ASSIGNMENT
Falls City Boat Works	3015 Upper River Rd.	[2nd]	1-Task-Force
The Temple	5101 U. S. Hwy 42	[3rd] [4th]	1-Task-Force 1-Truck
Northfield Manor	6000 Hunting Rd.	[1st] [2nd]	1-Engine 1-Task-Force
St. Francis In The Fields	6710 Wolf Pen Branch Rd.	[4th]	1-Task-Force
First Christian Church	Wolf Pen Branch Rd.	[4th]	1-Task-Force
River Valley Club	4701 Upper River Rd.	[2nd]	3-Engines
Mrs. Chances School	4200 Lime Kiln Ln.	[3rd]	1-Task-Force
Kingfish Restaurant	3021 Upper River Rd.	[2nd]	1-Task-Force
Locust Grove	561 Blankenbaker Ln.	[1st] [2nd]	1-Engine 1-Task-Force
Louisville Boat Club	4200 Upper River Rd.	[2nd] [3rd]	1-Task-Force 1-Task-Force
The Clenview	5100 U. S. Hwy 42	[3rd] [4th]	1-Task-Force 1-Truck
All Properties	Western part of H.C.F.P.D.	[2nd]	As Specified

Chief Franklin Florence

October 1, 1986

ST. MATTHEWS FIRE PROTECTION DISTRICT
240 Sears Ave.
Louisville, Kentucky 40207

NOTE: New letterhead paper and address change:

October 2, 1986

UNIFORMS

CLASS-A : Issued to Chief Officers and Staff Officers. Shirts, pants, "dress quality", and "pin-on" insignia.

CLASS-B : Issued to Fire-Combat personnel. Shirts, pants, "work quality", and "sew-on" insignia.

CLASS-C : Issued to Fire-Combat personnel. T-shirt and Sweat-shirt, to be used with the Class-B pants, insignia printed on garmet.

The "Jefferson County Fire Protection District 26" badge is the property of the Fire District, and is issued to you.

Chief Franklin Florence

1986

October 9, 1986, Trustee meeting:

✓ 2 OSL Monroe

ST. MATTHEWS FIRE PROTECTION DISTRICT

240 Sears Ave.
Louisville, Kentucky 40207

October 9, 1986

TRUSTEES MEETING - AGENDA

✓ I. CALL TO ORDER :

✓ II. MINUTES LAST MEETING :

✓ III. TREASURERS REPORT :

✓ IV. FIRE CHIEFS REPORT :

✓ A. Administration -

✓ 1. Public Liability Insurance-Pool Idea (Disregard)

✓ 2. Resolution - Name change (PASSED)

✓ 3. Trustee Assn. / Resolution #1 (No Vote Rec'd - MAT'L. Changed)

✓ B. Operations -

✓ 1. Public Education - Fire Safety House - Schools

✓ 2. Inspection - New construction

✓ 3. Suppression - Mutual-Aid Agreement

✓ V. OLD BUSINESS :

✓ VI. NEW BUSINESS :

✓ A. Annual Awards Banquet - December 20, 1986 SAT.

✓ B. Jefferson County Government Conference Annual Meeting October 21, 1986, Hilton East, 6:30 P.M., $15.00 each.

October 9, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF
ST. MATTHEWS FIRE PROTECTION DISTRICT

October 9, 1986

The meeting of the Trustees of the St. Matthews Fire Protection District was held on Thursday, October 9, 1986, at 7:30 p.m. at 240 Sears Avenue, Louisville, Kentucky 40207.

Present were Trustees Alan D. Ring, Franklin Florence, Sr., Faye Ellerkamp, John Barker, John M. Monohan, III, J.P. Terry and Marshall P. Eldred, Jr. Also present was Betty Walsh.

The meeting was called to order by Chairman Ring and the minutes of the meeting held September 4, 1986, were approved as mailed.

There followed a discussion of the Treasurer's report, a copy of which is attached to these minutes. Chief Florence indicated that all expenditures were normal and did not exceed budgeted amounts. He will ask the accountant to clarify the unappropriated fund balance item appearing on page two of the balance sheet. He also reported that the District had borrowed additional operating funds from First National Bank and was indebted in the amount of $200,000.

Chief Florence reported that the Executive Director of the Department of Finance and Budget of the City of Louisville, Kevin L. O'Donnell, advised him that the mere filing of an application for the public liability insurance pool would not

October 9, 1986, Trustee meeting:

impose any liability upon the District if it later withdrew. After discussion, the Trustees instructed Chief Florence not to file an application until the matter could be discussed and investigated further.

After discussion, the Trustees unanimously approved the change in name of the District to St. Matthews Fire Protection District and the address to 240 Sears Avenue and adopted the attached resolution. The name change was in response to almost uniform reaction among residents, politicians, representatives of other cities and others that the District should revive its prior name. The address change was to alleviate the confusion regarding the location of the firehouse. Apparently, many think the firehouse is in Lyndon.

Chief Florence attended a meeting of the Jefferson County Fire Trustees Association on October 16, 1986. The Association voted to rescind the original Resolution No. 1 and appointed three committees to prepare proposed working agreements on training and the fire coordinator job for Jefferson County and the job description for legal counsel for the Association. The Trustees also discussed the questionnaire provided by the Association.

As to operations, Chief Florence reported that the fire safety house was scheduled for demonstration at all six elementary schools within the District. He was pleased with the educational value of the fire safety house and the safety information that it conveyed to the children.

October 9, 1986, Trustee meeting:

He also reported that the inspection program of all new construction and remodeling within the District was proceeding normally.

Chief Florence showed the Trustees a proposed Mutual Aid Protection Agreement which will provide that Districts will respond without charge when a neighboring District, including the City of Louisville, needs help. The Trustees unanimously approved Chief Florence's signing the agreement on behalf of the District.

Chief Florence announced that the annual awards banquet will be held on December 20, 1986, at the Rivermont Holiday Inn on Zorn Avenue. He also announced that the Jefferson County Government Conference annual meeting will be held on October 21, 1986. Although the District is not a member, it has made application.

The next meeting will be held on Thursday, November 13. There being no further business, the meeting was adjourned.

Chairman

Secretary

1986

Unknown date, believe to be late 1986 or 1987, after name and address change:

ST. MATTHEWS FIRE PROTECTION DISTRICT

TABLE OF ORGANIZATION - STAFF OFFICERS

FRANKLIN FLORENCE

FIRE CHIEF

ADMINISTRATION — FIREFIGHTER EDUCATION AND TRAINING

SAM McCUNE	KEN STRANGE	BILL SENG	JIM GIBSON	MIKE NOLAND	JOE WOLFE	DWAYNE REED
CAPTAIN	CAPTAIN	CAPTAIN	MARSHAL	LIEUTENANT	LIEUTENANT	LIEUTENANT
DRILLMASTER. INSPECTOR. COORDINATOR, AIR SYSTEMS, S.C.B.A., AND THE MAINTENANCE OF ALL HAND TOOLS.	DRILLMASTER. COORDINATOR, APPARATUS MAINTENANCE, ALL VEHICLES, HOSE, AND LADDERS. PUMP AND AERIAL TESTING.	DRILLMASTER. INSPECTOR. COORDINATOR, HAZARDOUS MATERIALS TEAM, AND EMERGENCY MEDICAL EQUIPMENT MAINTENANCE.	COORDINATOR, PUBLIC EDUCATION. LIBRARIAN. ADMINISTRATIVE ASSISTANT TO THE CHIEF. COORDINATOR, INVENTORY ACTIVITIES.	DRILLMASTER. INSPECTOR. COORDINATOR, RECORDS. COORDINATOR, RADIO, AND ELECTRONICS SYSTEMS. WATER OFFICER.	DRILLMASTER. INSPECTOR. COORDINATOR, FIRE INSPECTION PROGRAM. C.P.R. TRAINING COORDINATOR.	DRILLMASTER. COORDINATOR, BUILDING MAINTENANCE, PERSONAL EQUIPMENT PROGRAMS, PERSONAL PAGERS, AND TRAINING MANUALS.

ALL OFFICERS ARE EXPECTED TO COOPERATE FULLY IN THE DISCHARGE OF RESPONSIBILITIES, AND RELAY INFO. REGULARLY.
[OTHER CAREER FIREFIGHTERS WILL ASSIST THE ABOVE NAMED PERSONNEL IN THESE ASSIGNMENTS, AS NEEDED]

IN ADDITION TO THE AREAS OF RESPONSIBILITIES LISTED ABOVE:

ASSISTANT CHIEF MONOHAN WILL WORK DIRECTLY WITH CHIEF FLORENCE IN THE AREA OF PLANNING.

IN FIREFIGHTER TRAINING, THE FOLLOWING OFFICERS WILL WORK DIRECTLY WITH CHIEF FLORENCE :

FIREFIGHTER-I - CAPTAIN ALBERS

FIREFIGHTER-II - CAPTAIN CARROLL

FIREFIGHTER-III - CAPTAIN MITCHELL

CAPTAIN McBRIDE WILL WORK DIRECTLY WITH CHIEF FLORENCE, IN ASSIGNED PROGRAMS.

1986

October 10,14, 1986, Letter and memo:

ST. MATTHEWS FIRE PROTECTION DISTRICT
240 Sears Ave.
Louisville, Kentucky 40207

October 10, 1986

Ex. Sec @ Sch. Bd.
Meet 11-13-86

Anthony J. Thoman
3917 Elmwood Ave.
Louisville, Kentucky 40207

Dear Mr. Thoman :

This letter is official notice to you that you are suspended from membership as a Volunteer Firefighter with this organization, pending a hearing before the Board of Trustees, November 13, 1986.

Surrender all Fire District property immediately, and discontinue all membership activity immediately.

This action follows communication between you and the Chairman of the Membership Committee, Captain Tom Carroll, as well as a special hearing with the Fire Chief, Franklin Florence.

Sincerely,

Franklin Florence

Franklin Florence
Chief

cc : All Trustees
All Officers

ST. MATTHEWS FIRE PROTECTION DISTRICT
240 Sears Ave.
Louisville, Kentucky 40207

October 14, 1986

TO : ALL FIREFIGHTERS

FROM : CHIEF FRANKLIN FLORENCE

RE : WEEK-DAY MANPOWER

A LONG-STANDING AGREEMENT WITH THE MEMBERS OF THIS ORGANIZATION POINTS OUT THAT THE COMPANY COMMANDER HAS THE "RIGHT" TO PICK HIS CREW. THIS IS TRUE, AND IT INCLUDES ALL FIREFIGHTERS, AT ALL TIMES; DAYS, NIGHTS, WEEKENDS, HOLIDAYS, ETC.

AS YOU KNOW, OTHER THAN THE CAREER FIREFIGHTERS, WE DO NOT HAVE ANYONE REGULARLY RESPONDING TO ALARMS DURING THE 9:AM-5:PM, M-F TIME PERIOD.

IF YOU WILL BE IN THE STATION FOR A PERIOD DURING THE WEEK-DAY, PLEASE LET ME KNOW AND I WILL CONSIDER YOU FOR AN ASSIGNED POSITION ON THE "FIRST-OUT" COMPANIES.

ALTHOUGH SOME OF YOU DO NOT CARE FOR THE TITLE "VOLUNTEER FIREFIGHTER", I WANT YOU TO KNOW THAT I REGARD THE "VOLUNTEER FIREFIGHTER" AS ONE OF OUR MOST IMPORTANT ASSETS. A FIREFIGHTER IS A FIREFIGHTER WITH THIS ORGANIZATION, AND IT DOESN'T MATTER WHETHER OR NOT HE IS PAID. THE ONLY KIND OF FIREFIGHTER WE HAVE HERE IS THE "PROFESSIONAL FIREFIGHTER".

1986

October 30, 1986, Letter:

ST. MATTHEWS FIRE PROTECTION DISTRICT
240 Sears Ave.
Louisville, Kentucky 40207

October 30, 1986

To : Members of the Board of Trustees

From : Chief Franklin Florence

Re : Ambulance Service

I am a member of the Emergency Medical Service Committee of the Alliance of Jefferson County Fire Chiefs. We are conducting research regarding Ambulance Service for the Citizens of Jefferson County. I would appreciate your opinion in this matter.

As you know, the present Ambulance Service is operated by the Jefferson County Fiscal Court, through the County Police Department, and this system may be discontinued.

Presently, the County Fire Districts provide rescue services (extrication of vehicle accident victims for example) as a part of the Ambulance Service prescribed by state law. Also, many of the Fire Districts provide "back-up" services for the present Ambulance service. As a result, many of the Fire Districts have a number of Certified Emergency Technicians among their regular Firefighters.

This information, along with data and opinions gathered from Fire Service operations in various parts of the United States, indicates that the Jefferson County Fire Protection Districts, along with Jefferson County Ambulance Districts, can deliver the best quality Ambulance Service at the lowest possible cost.

The Ambulance Service should be operated by the interested Fire Districts. It is not necessary for all Fire Districts to operate Ambulance Service. Funding for the Ambulance Service, based on the best information available, should come from a tax structure similar to the fire tax structure. This will enable the community to determine the quality of care for its Citizens. The Trustees of the Ambulance District would deliver service by contractual arrangement with the Trustees of the Fire District, and the Firefighters would perform the care.

Through utilization of human resources and physical facilities existing, I believe that the Ambulance Service can be better quality and lesser cost than other systems.

Examples of details are as follows :
At a tax rate of 5¢ per $100.00 an ambulance staffed with EMT's could be available 24 hours a day, 365 days a year, at the fire station in St. Matthews. This unit would have the other Firefighters and equipment at St. Matthews as a back-up. Other Fire Districts Ambulance Service units would also be available. Essentially, the 5¢ rate would produce the income necessary to employ the Certified personnel, and purchase the equipment.

The Ambulance District can be created in the same manner that the Fire District was created. [St. Matthews Ambulance District]

Considering the demography of the St. Matthews Fire District, the desire of Fiscal Court to discontinue the service, and the superior capability of the Firefighters to perform the needed service, I have concluded that we should take action to create an Ambulance District for our Citizens needs.

PLEASE REVIEW MY THOUGHTS AND SHARE YOUR THOUGHTS WITH ME.
As you see, my research has led me to this conclusion. I need your counsel to prove or disprove this conclusion.

1986

November 13, 1986, Trustee meeting:

ST. MATTHEWS FIRE PROTECTION DISTRICT

240 Sears Ave.
Louisville, Kentucky 40207

November 13, 1986

TRUSTEES MEETING AGENDA

I. CALL TO ORDER

II. ADJOURN TO EXECUTIVE SESSION - FOR PERSONNEL MATTERS.

III. RETURN TO REGULAR MONTHLY MEETING

IV. MINUTES LAST MEETING

V. TREASURERS REPORT

VI. CHIEFS REPORT

A. Trustees Association meeting Sunday, 11/16, 2:P.M., Station 55 : Resolutions 2, 3, & 4 (discussions/vote)
[2.] Training Facilities (Oct Meet. - no reply)
[3.] Fire Coordinator & Tax Coordinator (Oct Meet)
[4.] Legal Counsel - Discuss & Advise, for 11/16 reply.

B. Emergency Medical Service

VII. OLD BUSINESS : 11-25-86

A. Reminder - Thanksgiving Turkeys, Tuesday, 7:00 P.M.
B. Reminder - Awards Banquet - December 20th Holiday Inn
C. Second Fire station (County Quarry ?)

VIII. NEW BUSINESS :

None

November 13, 1986, Trustee meeting:

12:jr:142F
12/7/86

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF
ST. MATTHEWS FIRE PROTECTION DISTRICT

November 13, 1986

The meeting of the Trustees of the St. Matthews Fire Protection District was held on Thursday, November 13, 1986, at 7:30 p.m. at 240 Sears Avenue, Louisville, Kentucky 40207.

Present were Trustees Alan D. Ring, Franklin Florence, Sr., Faye Ellerkamp, John Barker, John M. Monohan, III, J. P. Terry and Marshall P. Eldred, Jr. Also present were Betty Walsh, Jean Beam and several firefighters.

The meeting was called to order by Chairman Ring and upon unanimous vote the Trustees went into executive session to discuss a personnel matter.

At approximately 9:55 p.m., the Trustees returned the meeting to its regular session. Chief Florence reported that the Trustees did not take any official position during the meeting held in executive session but did support Chief Florence in his action based upon the limited facts available to the Trustees. The Board offered Mr. Tholman the opportunity to participate in a hearing pursuant to Kentucky Revised Statute 95. Mr. Tholman advised the Board that he wanted such a hearing to be held. The Trustees, with advice from the Board's attorney, Dennis Clare, will arrange for such a hearing at a time convenient to Mr. Tholman and his attorney.

November 13, 1986, Trustee meeting:

The minutes of the meeting held October 9, 1986, were approved as mailed.

Treasurer Terry gave his report, a copy of which is attached to these minutes. The District is indebted to First National Bank in the amount of $225,000 representing loans for operations. Chief Florence reported that all expenses were in line with the budget.

Chief Florence advised that a meeting of the Trustees' Association will be held on Sunday, November 16, to discuss Resolution #4 as outlined in a letter dated October 15, 1986, from the Legal Committee of the Trustees' Association. After discussion, the Trustees agreed that if the Association employs legal counsel, he or she should be answerable to the Board of Directors of the Trustees Association only and not to individual fire chiefs or fire fighters of any member district.

Chief Florence reported on his research regarding ambulance service in Jefferson County which is presently operated by the Jefferson County Fiscal Court through the county police department. Fearing that the present arrangement may be discontinued, Chief Florence suggested that an ambulance service could be operated efficiently by certain interested fire districts in the county. He estimated that it would cost between $350,000 and $400,000 per year to operate one or two ambulances from the St. Matthews Fire District to provide basic

November 13, 1986, Trustee meeting:

life support service, as opposed to advanced life support service. The operation would require six to eight employees.

After lengthy discussion, the Trustees asked Chief Florence to continue his research so that the matter can be discussed at the next, and possibly subsequent, meetings.

Chief Florence announced that the annual awards banquet will be held December 20, at the Holiday Inn, Zorn Avenue.

He advised that the quarry site which had been suggested as the possible location for a second fire station had been sold by Jefferson County to a private developer.

There being no further business, the meeting was adjourned. The next meeting will be held Thursday, December 11, 1986.

Chairman

Secretary

1986

November 20, 1986, Letter:

LAW OFFICES
NOLD, MILLER, MOSLEY, CLARE, HUBBARD & TOWNES
FIFTH FLOOR
THE HART BLOCK BUILDING
730 WEST MAIN STREET
LOUISVILLE, KENTUCKY 40202

JOHN A. NOLD
EUGENE L. MOSLEY
DENNIS M. CLARE
KYLE T. HUBBARD
J. BRUCE MILLER
W. WAVERLEY TOWNES
LARRY C. ETHRIDGE
MICHAEL R. GREENE
ROBERT A. METRY
VICTOR L. BALTZELL
WILLIAM J. NOLD
CYNTHIA WATTS GREENE
MARK A. SIPEK
ELIZABETH G. SCHMIDT
J. GREGORY CLARE
DOLLY W. BERRY
EVAN G. PERKINS

TELEPHONE 582-3891
AREA CODE (502)
TELEX: 204059
CABLE: NMCHT

November 20, 1986

Mr. Thomas Ruckriegel
3611 Canterbury Drive
Louisville, KY 40299

Re: Jeffersontown Fire Protection District;
Application of Fair Labor Standards Act

Dear Tom:

This is in response to your request for an opinion letter concerning the application of the Fair Labor Standards Act (29 U.S.C. §§201-219) to paid and unpaid volunteer firefighters associated with the Jeffersontown Fire Protection District.

The answer to the first portion of your inquiry is quite simple in that the term "employee" is defined in the Act (29 U.S.C. §203(4)(A)) to exclude:

> ". . . any individual who volunteers to perform services for a public agency which is a State, a political subdivision of a State, or an interstate governmental agency, if--
>
> (i) the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered."

Thus, by definition, the Fair Labor Standards Act would not apply to unpaid volunteer firefighters or those who are simply reimbursed for expenses, given reasonable benefits, or provided with a "nominal fee" to perform the services for which the individual volunteered.

As to the application of the Fair Labor Standards Act to paid employees of a fire protection district, one must look to the November 1985 amendments to the Fair Labor Standards Act and the regulations implementing same. Specifically, the provisions of the Act relating to Maximum Hours (29 U.S.C §207(k)) were amended at that time to reflect that a public agency involved in fire protection activities would not be in violation of the Act if the employees' tours of duty did not exceed 212 hours in 28 consecutive days. This provision has been implemented by Department of Labor regulations (29 CFR Part 553), which are described in detail in the enclosed pamphlet (See "State and Local Government Employees Under the Fair Labor Standards Act"). The information at page 19 and the chart at page 20 of that document indicate that an employee involved in fire protection will not be eligible for overtime pay until he has worked 53 hours in seven consecutive days.

Based upon the fact that the paid employees of the Jeffersontown Fire Protection District are scheduled for 35 hours of work per week, plus training sessions on Wednesday evenings or Thursday mornings, it does not appear that they would reach the 53 hour threshold per seven day work week which would thus entitle them to overtime pay (1 1/2 times regular wages) under the pertinent provisions of the Fair Labor Standards Act and implementing regulations. I hope this letter and the information contained herein directly address all of the questions which you had concerning the Fair Labor Standards Act. If you have any further questions, please do not hesitate to contact me.

Yours very truly,

Dennis M. Clare

Dennis M. Clare

DMC/sas

Enclosure

1986

November 21, 1986, Letter:

LAW OFFICES
NOLD, MILLER, MOSLEY, CLARE, HUBBARD & TOWNES
FIFTH FLOOR
THE HART BLOCK BUILDING
730 WEST MAIN STREET
LOUISVILLE, KENTUCKY 40202

JOHN A. NOLD
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VICTOR L. BALTZELL
WILLIAM J. NOLD
CYNTHIA WATTS GREENE
MARK A. SIPEK
ELIZABETH G. SCHMIDT
J. GREGORY CLARE
DOLLY W. BERRY
EVAN G. PERKINS

TELEPHONE 582-3891
AREA CODE (502)
TELEX: 204059
CABLE: NMCHT

November 21, 1986

Chief Franklin Florence
St. Matthews Fire Protection District
240 Sears Avenue
Louisville, KY 40207

Re: Opinion letter regarding reclassification of City of St. Matthews and impact upon the St. Matthews Fire Protection District

Dear Chief Florence:

This is in response to your request that I perform initial research as to the impact of the reclassification of the City of St. Matthews (4th class to 3rd class) on the fire protection district and the mechanics for the formation of an ambulance district.

As to the first two questions concerning reclassification of the City, the only way a city can be reclassified is by an act of the General Assembly. Before this year, the only guidance in this area were Attorney General Opinions (e.g., OAG 84-350 and OAG 66-115), which held that population classifications were mandatory and they could only be changed by an act of the legislature based upon the last census population. However, effective July 15, 1986, this area is covered by the provisions of KRS 81.032 (copy of same attached hereto as Exhibit "A") which holds that the legislative body of the incorporated area must provide the General Assembly a certified resolution of population data in order to effectuate a reclassification.

In order for St. Matthews to be reclassified from a 4th class to a 3rd class city, it will have to have obtained a population base in excess of 8,000 and less than 20,000 pursuant to Subsection 2 of the above cited statute, and a formal application will have to be made to the legislature.

Therefore, if the St. Matthews City Commission does not make an application to the 1988 General Assembly, then no reclassification of the City can be achieved during that legislative session.

In the event that the reclassification request is made to the General Assembly, the ramifications of that request upon the fire department may or may not be significant depending upon the elections made by the City thereafter. I first refer to the provisions of KRS 90.300 - 90.410, referring to the adoption of a civil service system by cities of the 2nd and 3rd classes (copy of said statutes and updates attached hereto as Exhibit "B"). Please note in KRS 90.310 that the adoption of a civil service commission is optional with such cities. Even if St. Matthews were to appoint a civil service system, a 3rd class city could, by ordinance, designate the classes of employees it desired to include thereunder, explicitly exempting other classes of employees not to be covered by said civil service ordinance (See KRS 90.310(1)). However, this is not the "end of the road" as regards to this problem.

The other statutory sections which come into play involve those found at KRS 95.440 et seq. relating to police and fire departments in cities of the 2nd and 3rd classes. I have attached the pertinent provisions of that statutory scheme for your review as Exhibit "C" to this letter. Note that this statutory schematic sets up a civil service type situation in and of itself for police and fire departments of the 2nd and 3rd classes. This portion of the statutes dealing with 2nd and 3rd class cities covers such matters as discipline of department members (KRS 95.450), appeals of such disciplinary actions to the Circuit Court (KRS 95.460), prohibition of political activity for department members (KRS 95.470), and working hours for firefighters (KRS 95.505).

Further, the thornier issue of a firefighters' pension fund is addressed in KRS 95.520 - 95.620 or an alternative pension fund is provided under KRS 95.621 - 95.629. Finally, disability, medical and hospital plans are covered under KRS 95.850, and the local government pension and investment fund is covered at KRS 95.890 - 95.945.

It would appear that if the City of St. Matthews chose to be reclassified to a 3rd class city, an alternative approach would be for the City Commission to establish a civil service commission and exempt fire service therefrom. If the City chose to follow this procedure, then there is the possibility that it could contract with the existing fire protection district for fire protection services pursuant to KRS 75.050. I make this observation due to the fact that the current fire protection district's boundaries far exceed those of the City of St. Matthews, and therefore the City could indeed contract with the fire protection district for continued services, perhaps through a mechanism of a pass-through of taxes that would otherwise be utilized for the operation of a full-time fire service.

In any event, I think it is first necessary to address the issue of whether or not reclassification will be sought by the legislative body of the City in the 1988 General Assembly, and, if so, what the City's approach will be thereafter towards the creation of a civil service commission. Indeed, the ramifications of the above cited statutes concerning police and fire departments within cities of the 2nd and 3rd classes should be brought to the attention of City officials prior to a request for reclassification.

As to the establishment of an ambulance district, I draw your attention to the enclosed Exhibit "D", which is Chapter 108 of the Kentucky Revised Statutes concerning Urban Services Districts. In particular, the mechanisms for the establishment of an ambulance service district can be found at KRS 108.105 - 108.180. Note that under KRS 108.010, an Urban Services District may be established and operated as a political subdivision, and thus, could be formed in consonance with the existing boundaries of the St. Matthews Fire Protection District.

It should also be noted that, pursuant to your request, all of the above must be considered in light of House Bill 670, which was passed by the 1986 session of the Kentucky General Assembly. Below please find relevant portions of that bill for your review.

"Section 1(4): The trustees of those fire protection districts or volunteer fire department districts whose districts or portions thereof do not receive emergency ambulance services from an emergency ambulance service district or, whose districts are not being served by an emergency ambulance service operated or contracted by a city or county government, may develop, maintain, and operate or contract for an emergency ambulance service as part of any fire department created pursuant to this chapter."

It seems apparent that if Jefferson County provides the service for those areas outside the incorporated boundaries of the City of Louisville, then any city in the county would be precluded from the establishment of an ambulance service. You should realize that even if the County does go out of the business of providing ambulance services, they will in all likelihood subsidize the establishment of some alternative service for at least the indigent population. Furthermore, no "for profit" ambulance service would contract with the County to provide ambulance service without some assurance that the 3rd class cities would be a participant in the program.

In any event, and before going into any further detail due to the extensive nature of the materials attached hereto and discussed herein, I would request that the district first review the enclosures and that we discuss them in light of the alternatives as to reclassification and the establishment of an ambulance district to be consonant with the existing fire protection districts. After you have had an opportunity to review these materials, please contact me so that we can decide what course of action, further research on this issue, and action should be taken.

Thank you for the opportunity to be of service, and I look forward to talking to you soon concerning these extensive materials.

Yours very truly,

Dennis M. Clare

DMC/sas

Enclosures

1986

November 24 & 26, 1986, Letters:

Cypress Pointe

425 Hubbards Lane, Louisville, Kentucky 40207 (502) 893-5632

November 24,1986

To Whom it may Concern:

We would like to express our sincer thanks and appreciation to St. Matthews Fire Department.

On October 13,1986 at 2:00a.m. we had a fire. The courteous, and professional way that everything was handled was much appreciated.

There was very little or no water damage. The building and all contents were covered and sustained no damage.

Thank you very much for all your help and support.

It has been a real pleasure.

Sincerly,

Lynda Lange

Lynda Lange
MANAGER

LSL/lb

JEFFERSON COUNTY 1780 FIRE

ST. MATTHEWS FIRE PROTECTION DISTRICT
240 Sears Ave.
Louisville, Kentucky 40207

November 26, 1986

Anthony J. Thoman
3917 Elmwood Ave.
Lou., Ky. 40207

Dear Mr. Thoman :

You are hereby notified that pursuant to your request a hearing will be held December 11, 1986, at 7:00 P. M., at the Headquarters of the St. Matthews Fire Protection District, 240 Sears Ave., Louisville, Kentucky 40207 to review the charges placed against you and enumerated in the charge letter dated November 17, 1986, sent to you.

The time and date listed above was acceptable to you according to a phone conversation we had Tuesday, November 25, 1986. If you desire an earlier date for the hearing and do not request the revised date on or before December 2, 1986, you will waive any right to a hearing on these charges.

Very truly yours,

Franklin Florence

Chief Franklin Florence
For The Board of Trustees

cc : Trustees
Counsel

1986

Courtesy Nolan Caudill (Lyndon Fire & Rescue) scrapbook: Unknown Date during end of 1986

Don't firefighters care?

An expert's answer gives the inside view

ANN LANDERS
Syndicated Columnist

Dear Ann: I have been a firefighter for five years. I wish I had a dollar for every time I've heard someone say, "It took those firemen 20 minutes to get here." Actually, the average response time in our city is five to seven minutes.

The other famous line is, "Why are those firemen just standing around? Don't they care?"

The fact is we DO care or we would have taken easier jobs. When you see firefighters standing around you can be sure there are plenty of us working inside and taking a beating. Those standing around are there to relieve the ones who drop from exhaustion.

Do you have any idea what it is like to be a firefighter? Let me tell you. You go into a building that may have been torched by some creep who was paid a few bucks by an owner anxious to collect the insurance. Or someone thought it would be a good way to get back at a person he didn't like. Or, even worse, a little kid was left unattended and decided to play with matches.

You get inside after most likely climbing three or four staircases. Sometimes it's eight or 10 flights while wearing 30 pounds of gear. Once inside you search for people. The first place you have to look is where the fire is and you can't see your hand in front of your face. Have you ever been in a room full of fire? I have. The heat is so intense it feels like someone is squeezing your earlobes with a pair of pliers. The temperature is so high you become instantly soaked right down to your shorts.

When you've done the best you can and your body gives out, you have to find the strength to get outside. You thank the Lord that you made it.

Now all those firemen who are "just standing around" take over where you left off, until the job is done. If you're lucky, you don't fall through a floor or have a wall or a ceiling cave in on you.

The worst is when we have to carry out the dead — especially children. It tears the heart right out of you, especially when a parent survives and sees these kids.

I hope you will print this letter in your column, Ann. There's a lot more to our job than sitting around and playing cards. Just sign me — **J. D., NEW YORK**

Dear J. D.: Thanks for a wonderful letter. Recently I saw a Chicago firefighter on the news. He was at the scene of a fire where six people died. The man was sobbing. He kept repeating, "It was awful. There was nothing we could do to save them."

It brought home to me what a difficult job these people have. I say God bless the firefighters all over the world. They are truly heroes — often unsung and underappreciated.

1986

December 10/11, 1986, *The Courier-Journal*, Neighborhoods, by Howard Miller: Overtime ruling put volunteer fire departments in bind—St. Mathews among districts that may owe pay to firefighters.

Overtime ruling puts volunteer fire departments in bind

St. Matthews among districts that may owe pay to firefighters

By HOWARD MILLER
Staff Writer

For 10 of Jefferson County's 21 volunteer fire departments, the solution to dwindling numbers of volunteers has been paid firefighters.

But a U.S. Supreme Court ruling last year has some departments worried that they may have to cut back on the overtime use of their professional help.

The court, reversing an earlier decision, ruled last year that all local government employees are covered by the federal Fair Labor Standards Act, which requires compensation for overtime work.

For years departments had allowed its paid firefighters to volunteer after work hours. Now some departments fear they will have to pay for overtime — and may even owe back pay to firefighters who worked overtime during the last five years.

"It could be quite a serious thing," said Franklin Florence, chief of the St. Matthews Fire Protection District. "It potentially could be very expensive."

Florence estimates overtime will cost his district $50,000 this fiscal year in addition to the $345,000 it pays yearly for regular wages. He said he couldn't yet estimate how much back pay the district might owe to current and former employees for overtime.

Middletown Fire Protection District Chief John Bosler said fire districts could not cover overtime expenses by raising their tax rates because state law prohibits such increases unless overall property assessments in the district go down.

Florence said his department could divert money earmarked for equipment purchases to cover overtime pay.

Lyndon, St. Matthews, Buechel, Anchorage, Jeffersontown and Harrods Creek started paying overtime earlier this year. Other volunteer departments that use paid firefighters are Fern Creek, McMahan and Worthington.

"We hired an attorney to tell us what to do after we heard about the changes," said Dennis Downes, chief of the Buechel Volunteer Fire Department and president of the Alliance of Jefferson County Fire Chiefs. "We're much more careful about keeping track of hours worked now."

Anchorage Chief Dennis Lange, who has five paid firefighters and 14 volunteers, said he is paying overtime rather than cutting back on firefighters' hours. "I would rather pay overtime because I need everybody I can get," he said.

Other departments facing the overtime expense plan to limit their use of paid firefighters, who usually work during the day, when volunteers are scarce.

"We'll only call paid people back in cases of extreme emergency," said Middletown's Bosler. "We've made it clear to our paid people that they are not required to come back after hours."

"All our paid firefighters come from outside our district," said Donald C. Thom, chief of the Worthington Volunteer Fire Department. "We pay very little overtime because they are not expected to come back and work after hours."

Randy Lawson, Jeffersontown assistant fire chief, said limited avail-

See OVERTIME-PAY
Page 2, col. 3

1986

December 10/11, 1986, *The Courier-Journal*, Neighborhoods, by Howard Miller: Overtime ruling put volunteer fire departments in bind—St. Mathews among districts that may owe pay to firefighters.

Overtime-pay ruling worries departments

Continued from Page One

ability of paid firefighters could mean too few firefighters on some runs, reducing the department's effectiveness.

Some departments, including McMahan and Fern Creek, give paid firefighters compensating time off in lieu of overtime pay, but state officials say that practice is illegal. Federal law allows "comp time," but Kentucky law does not.

"Frankly, I don't know what has caused all the furor," said Herbert Segal, a lawyer who has represented public employees in labor disputes. "The feds have always ruled that if state law is more liberal toward employees, state law prevails, and Kentucky state law has said time-and-a-half for overtime since 1974."

There also seems to be confusion over how many paid workers must be employed to require overtime payments.

Officials with McMahan (which is officially known as Jefferson County Fire Protection District 14) and Fern Creek said their lawyer told them they do not have to pay for overtime because they have fewer than five paid firefighters.

Federal law applies the labor act to government entities with five or more paid workers, but state law applies if there is only one paid worker.

Charles E. Ricketts Jr., chairman of the Lyndon Fire District Board of Trustees, said that the law on overtime pay is "odd to me in that it really thwarts volunteerism. A civic-minded person can no longer be a volunteer."

The Middletown Fire Protection District avoids overtime responsibility by listing its paid employees not as firefighters, but as mechanics, inspectors and instructors who happen to answer fire runs when they are on the job.

"Our job descriptions are not as firefighters," said Gary Brunsman, one of 13 full-time employees in the department. Brunsman is officially an assistant to the fire chief, but when he goes on runs he's a volunteer firefighter.

Charles McCoy, director of the division of employment standards and mediation for the state Labor Cabinet, said he didn't agree with what Middletown is doing.

"A true volunteer isn't paid for hours worked," he said. "We'd have to look at each individual worker to see exactly what they do."

McCoy said his department would not investigate Middletown unless it received a complaint from a worker.

According to state law, firefighters could ask for back pay for up to five years — the statute of limitations for such claims. But so far, there has been no rush to file for back pay.

Clare, who is an attorney for the Jefferson County Fire Protection Districts Trustees Association Inc. and several fire districts, said he knew of at least one firefighter who is asking a district for back overtime pay, but declined to identify the person.

Florence said that a former paid firefighter from his department made formal inquiry about back pay on Nov. 20, but also declined to name the employee. No other inquiries have been filed.

1986

December 11, 1986, Trustee meeting:

Monoh

ST. MATTHEWS FIRE PROTECTION DISTRICT

240 Sears Ave.
Louisville, Kentucky 40207

December 11, 1986

TRUSTEES MEETING AGENDA

I. CALL TO ORDER :

II. MINUTES LAST MEETING :

III. TREASURERS REPORT :

IV. FIRE CHIEFS REPORT :

A. Administration

1. Ky. Labor Cabinet – D. CLARE

2. Trustees Association – FURNISH OFFICE SPACE

B. Operation

1. Special Hearing – THOMAN DISMISSED

2. Firefighter of the Year - Jim Gibson

3. Massie Ave. Training

V. OLD BUSINESS

A. County Quarry

B. EMS

C. Other DISCUSSION ON CITIES RE-CLASSIFICATION & FIRE SERVICE.

VI. NEW BUSINESS

December 11, 1986, Trustee meeting:

MINUTES OF MEETING OF
BOARD OF TRUSTEES OF
ST. MATTHEWS FIRE PROTECTION DISTRICT

December 11, 1986

The meeting of the Trustees of the St. Matthews Fire Protection District was held on Thursday, December 11, 1986 at 7:55 P.M. (following Personnel Hearing) at 240 Sears Avenue, Louisville, Kentucky 40207.

Present were Trustees Alan D. Ring, Franklin Florence, John Barker, John M. Monohan III, J. P. Terry, Faye Ellerkamp and Deenis Clare, Attorney for the District.

The meeting was called to order by Chairman Ring.

The minutes of the meeting held November 13, 1986 were approved as mailed.

Treasurer Terry gave his report, a copy of which is attached to these minutes.

Chief Florence stated the hearing, pursuant to KRS 95, requested by Firefighter Tony Tholman was held at 7:00 P.M. prior to the regular meeting, and Mr. Tholman was advised of the Board of Trustee*s conclusion and statement.

Chief Florence advised that the St. Matthews Kiwanis Club honored Jim Gibson, who serves as the District's Public Safety a nd Education officer, as "Firefighter of the Year."

Chief Florence reported that live firefighter training was conducted at an old house on Massie and St. Matthews Avenue.

Chief Florence reported to the Trustees Association that our District could not agree to share in the cost of hiring an Executive Fire Secretary; however, we could offer office space. Nineteen fire districts voted in favor of the resolution #3 to hire an "Executive Fire Secretary" for the Jefferson County Fire Trustees Association. St. Matthews is being credited with furnishing office space.

December 11, 1986, Trustee meeting:

Dennis Clare explained the Fair Labor Standards Act and the Kentucky Wage and Hour Provisions: If someone is a paid firefighter and he returns to perform on a volunteer basis, the District is required to pay him time and one-half. A former St. Matthews firefighter has made a formal complaint. Chief Florence and Mr. Clare will meet tomorrow with Dennis Langford of the State Labor Cabinet to begin an audit of the St. Matthews District records.

Chief Florence has been advised that the County Quarry property at Hubbards Lane has not been sold.

The County EMS and Anchorage ambulance district systems were discussed. Chairman Ring suggested that Chief Florence share articles with the Trustees and other information from research for Fire District EMS operations.

Chief Florence suggested the possibility of the City of St. Matthews being reclassified as a 3d-class city merits thought and study because of ensuing problems with fire protection responsiblity.

The next meeting will be held January 8, 1987.

Meeting adjourned at 10:18 P.M.

Chairman

Faye Ellerkamp

Secretary (Acting)
Trustee Faye Ellerkamp

1986

December 17, 1986, Letter:

LAW OFFICES
NOLD, MILLER, MOSLEY, CLARE, HUBBARD & TOWNES
FIFTH FLOOR
THE HART BLOCK BUILDING
730 WEST MAIN STREET
LOUISVILLE, KENTUCKY 40202

JOHN A. NOLD
EUGENE L. MOSLEY
DENNIS M. CLARE
KYLE T. HUBBARD
J. BRUCE MILLER
W. WAVERLEY TOWNES
LARRY C. ETHRIDGE
MICHAEL R. GREENE
ROBERT A. METRY
VICTOR L. BALTZELL
WILLIAM J. NOLD
CYNTHIA WATTS GREENE
MARK A. SIPEK
ELIZABETH G. SCHMIDT
J. GREGORY CLARE
DOLLY W. BERRY
EVAN G. PERKINS

TELEPHONE 582-3891
AREA CODE (502)
TELEX: 204059
CABLE: NMCHT

December 17, 1986

Chief Franklin Florence
St. Matthews Fire Protection District
240 Sears Avenue
Louisville, KY 40207

Re: Application of Kentucky Wages and Hours Laws to Paid Professional Firefighters

Dear Chief Florence:

You have requested our opinion on the applicability of the Kentucky Wages and Hours laws to paid professional firefighters employed by fire protection districts. In preparing our opinion we rely on the following facts.

Facts - For a number of years volunteer fire departments have been requiring their paid firefighters to work 35 to 40 hours per week and then to attend a number of hours of mandatory training after hours. In addition, many departments permit (or encourage) their paid firefighters to answer calls after normal wroking hours as "volunteers". On occasion some employees have been required to eat lunch on the premises while standing by for fire calls.

Discussion and Opinions - The following discussion and opinions apply the provisions of the Kentucky Wages and Hours Law (KRS Chapter 337, especially KRS 337.285), Kentucky Labor Cabinet Regulations (803 KAR Chapter 1), and reported case law to the assumed facts.

Firefighters are covered by the provisions of the Kentucky Wages and Hours Law and have been since its passage in 1974. The case of Kentucky Municipal League v. Commonwealth, Department of Labor, Ky., 530 S.W.2d 198 (1975) upheld KRS Chapter 337 as it relates to "firefighters and other municipal employees engaged in work of state-wide concern." Associated Professional Firefighters of Kentucky joined in that action

as a plaintiff. State law requires the payment of overtime at the rate of one-and-one-half times the regular pay rate after 40 hours of work in a week and does not permit substitution of compensatory time. KRS 337.285 provides for some exemptions from its coverage, none of which apply to your situation.

Although federal Fair Labor Standards Act (FLSA) coverage was extended to firefighters in a 1985 amendment (effective April 15, 1986), with provisions for a limited exemption for overtime pay (permitting time to be calculated on the basis of seven to 28 consecutive workdays), it had no effect on Kentucky because of existing state law. [The U.S. Supreme Court ruled in June 1976 that FLSA did not apply to firefighters (National League of Cities v. Usery, 426 U.S. 833), but reversed itself in Garcia v. SAMTA on February 19, 1985.]

Any person who is not an "Employe" within the definition of KRS 337.010(2)(a) because he is an "individual employed in a bona fide executive, administrative or supervisory" capacity, would be ineligible to receive overtime pay. Generally, these are people who are salaried decision makers, who perform office or non-manual work or who supervise at least two other employees while performing negligible amounts of labor themselves (less than 20% of their time). This determination goes beyond job descriptions and requires examination of each individual employee. This exception probably affects only a small percentage of potential claims.

According to 803 KAR 1:065, Section 2, compensable "work" includes that which is "not requested but suffered or permitted" by the employer. This section covers the "volunteer" duty after regular working hours, which is work for overtime purposes. Federal regulations under NLRA provide that a firefighter cannot volunteer as a firefighter for the same public agency which employs him. Another regulation, however, permits such volunteer work for another political subdivision. In other words, a firefighter cannot "volunteer" within his own district, but can serve voluntarily with another district.

Training programs would not be included as working time if attendance is outside regular working hours; attendance

is voluntary; the course is not directly related to the employee's job; and the employee does not conduct any productive work during attendance. You must meet all four conditions to earn the exclusion. Attendance is not voluntary if required by the employer or if the employee is led to believe that non-attendance would be detrimental to his employment. Training is directly related to an employee's job if it is designed to make him handle his present job better as opposed to preparing him for another job. Under the circumstances, it appears the district's mandatory requirement that a firefighter undergo training directly related to his job would be counted as work time.

With respect to lunch periods, 803 KAR 1:065 further provides that waiting time during which an employer requires an employee to stand by on call on premises is compensable working time. For meal times to be counted as time off, the employee must be completely relieved from duty. Thirty minutes is considered a reasonable lunch time, but may be shorter under special conditions. If a firefighter has no freedom to leave the premises during lunch because of his standby status, that time would probably be compensable.

The Kentucky Labor Cabinet processes overtime pay claims and conducts investigations on behalf of claimants. Following the investigation and findings by the Commissioner of workplace standards, either party may appeal to a circuit court. Protracted contest of overtime claims could bring a stiff penalty on an employer's failure to reverse an adverse ruling. KRS 337.385(1) provides for liquidated damages to be paid to an employee who prevails in a court action in an amount equal to (and in addition to) the unpaid amount of wages and overtime compensation, unless the court finds that the action was in good faith and that the employer had reasonable grounds for believing it did not violate the law.

State law establishes a five year statute of limitations for collection of past due overtime wages which includes for our purposes claims from 1980 to the present. KRS 337.320 requires you to keep employment records on file for one year after entry. This one year period, however, is not a limitation on the Commissioner's right to inspect employment records.

Conclusions and Recommendations - A successful defense against claims for back overtime pay would be limited to establishing an exception from the definitions of "employee" and "work" on an individual, case by case, basis. Executive, administrative and supervisory personnel are not entitled to overtime pay. Mandatory or job related training periods, "standby" lunch periods and after hours fire duty for the same district are all compensable work time. Since each claim affects an individual employee and since we are currently under examination by the State Labor Cabinet, we recommend an early in-house determination of who may be entitled to overtime pay and which situations we may seriously contest.

Yours very truly,

Dennis M. Clare

DMC/sas

1986

December 18, 1986, Letter:

LAW OFFICES
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TELEPHONE 582-3891
AREA CODE (502)
TELEX: 204059
CABLE: NMCHT

December 18, 1986

TO: Jefferson County Fire Protection Districts
Chiefs and Chairmen

Gentlemen:

As the year comes to an end, it does so with controversy and excitement. As members of the fire service, however, you are used to both.

Recently, an article appeared in the Neighborhood section of The Louisville Times regarding the payment of overtime pay to paid career firefighters of numerous fire protection districts within Jefferson County; a photostatic copy of that article is enclosed for your review.

As you are aware, the issue of overtime pay surfaced in the latter part of 1985 with amendments to the Fair Labor Standards Act. In an effort to comply with that law, I met with both the chiefs and chairmen and advised of its application. Enclosed please find a photostatic copy of correspondence under date of November 20, 1986, from this office to Mr. Thomas Ruckriegel, Treasurer of the Jeffersontown Fire Protection District, commenting solely on the application of the Federal law to paid career firefighters of the Jeffersontown Fire Protection District.

Also enclosed for your review is recent correspondence from this office to Chief Franklin Florence of the St. Matthews Fire Protection District under date of December 17, 1986, regarding the application of the Kentucky wage and hour provisions to paid volunteers. As you will note from that correspondence, every fire protection district is required to pay time-and-a-half for any hours worked by a paid career firefighter over 40 hours in a seven-day work week, including training time and time put in responding to emergency calls after his normal work day. This has been the law since 1974, and you should make every effort to examine your payroll records and your procedures to make sure that you are complying with the applicable laws and regulations of the Kentucky Revised Statutes and the Kentucky Administrative Regulations, which supercede the Federal law in this area.

Finally, it has come to my attention that several cities within Jefferson County are concerned about their present classification status in that they may be required to change their status (city of the first, second, third, fourth, fifth or sixth class) pursuant to KRS 81.032. Changes in the class of cities, of course, have further ramifications in that cities of the third class are required to maintain a full-time paid police and fire service. It would be appreciated if you would review the enclosed photostatic copy of correspondence from this office to Chief Florence (under date of November 21, 1986) regarding this matter, and advise of any difficulties which you anticipate in regards to your particular fire protection district.

If you have any questions regarding any of the matters addressed above, or if I can assist you with any other matter, please feel free to call me; otherwise, it is hoped that you and your family have a most Merry Christmas and a Happy New Year!

Yours very truly,

Dennis M. Clare

Dennis M. Clare

DMC/sas

Enclosures

1986

Total number fire runs:	510
Total working fires:	7
Number of A.M. runs, 12:01 a.m. to 11:59 a.m.:	182
Number of P.M. runs, 12:00 p.m. to 11:59 p.m.:	328

Number of responses made by fire apparatus:

8801:	410	Chief Franklin Florence
8802:	239	Assistant Chief Jack Monohan
8803:	118	
8804:	1	
8811:	7	
8816:	22	
8832	136	
8834:	232	
8835:	415	
8836:	74	
8853:	232	
8857:	179	
8898:	8	

Types of fire runs:

House:	119
Commercial:	236
Automobile:	65
Field & Trash:	19
Miscellaneous:	70
Malicious false:	0
Back up City of Louisville:	1

Working Fires:

January 3, 1986:	4001 Springhill Road	House fire.
April 8, 1986:	6314 Shadowwood Drive House	(Harrods Creek area)
June 21, 1986:	5100 U. S. 42 – Glenview A.	Apartment fire (Harrods Creek area)
July 13, 1986:	3813 Ormond Road	House fire. (Rescue)
August 30, 1986:	700 Quails Run	Apartment fire.
November 3,1986:	5025 Shelbyville Road	Children's Palace. (Warehouse fire)
November 14, 1986:	425 S. Hubbards Lane Bldg. 32	Apartment Fire.

1986

Board of Directors

John Barker,, start July 1986
Marshall Eldred Jr.
Faye Ellerkamp
Franklin Florence
J. M. Monohan III
Al Ring
Ken Ogden. End June
J. P. Terry

Officers

1986

Chief Franklin Florence (p)
Assistant Chief Jack Monohan
Captain Rick Albers
Captain Tom Carroll
Captain Mike Davis (p)
Captain Keith McBride
Captain Sam McCune (p)
Captain Doug Mitchell
Captain Bill Seng
Captain Ken Strange (p)

Firefighters

Sergeants:
Hal Clifford
Charlie Davis
Gary Doyle
Mike Noland
Pat Noland
Walter Ochs
Dwayne Reed (P)
Ron Unthank
John Volkerding
Joe Wolfe (P)

Staff Officers, Marshals:

Marshall Bill Andriot
Marshall Denny Engnehl
Marshall Jim Gibson (P)
Marshall Marty Kamer

Firefighter:

Blaine Bishop
Ed Brown
Steve Craycroft
Daniel Doyle
Dave Dugan
Tom Eifler
Stuart Flowers
Frank Flynn
Tony Glass
Jack Guelda
Alan Land
Dave Kamer
Charles McCune
Tom Marshall
Steve Mattingly
Todd Merkley
Stuart Monohan (P)
Mike Noon
Don Ryan
Mike Schroering
Tony Thoman
Kevil Rice
Tom Ulliman
Jim Whitlock
Mike Willinger
Todd Yates