

Improving the Efficiency of Fire Services in Seven Southwestern Cuyahoga County
Communities

A Joint Project of Area Majors and Baldwin-Wallace College

Legal Team Meeting

October 13, 2006

Attending Meeting: David Akers, Jim Astorino, Tim Dobeck, Eric Fingerhut, Kim Lammers, Mary Pisnar-Sweeney, and Tim Potts.

At the end of the last Legal Team meeting it had been decided that the team would do some data gathering with phone surveys.

Chief Potts gave a brief synopsis of his surveys. Madison was the oldest fire district with 35 years. They achieved all of their goals for regionalization including limiting funding, needed equipment replacements. However, they seem to be coming full circle with some of the same problems. The fire departments seem to be more health care driven. The fire services are suffering at the costs of EMS.

-From a union perspective the area is not financially struggling as the administration feels and this area does not do any EMS billing.

This seems to be a positive report in that all of their objectives were achieved and it has worked for over 35 years.

Q: Has anyone regionalized to our extent?

A: No, and they are interested to see how we will do it.

There is a pamphlet called "Making the Pieces Fit" from a city and their regionalization process.

Many chiefs did not know how assets were transferred, some of the regionalization happened many years ago. One city does lease their fire house to the district for \$1 per year. A lot of the districts do not use any EMS billing and a lot of the districts are creating EMS services. A lot of the chiefs reported that the board was an honored position that members of the community wanted to be apart of.

Q: How did they choose their board?

A: Members were appointed from the community.

There is a lot more flexibility for the chiefs with a board both financially and operationally.

Q: In what ways could we appoint or elect our board? There are 9 board member seats; could the seats be proportional to the size of the cities?

A: Yes, the agreement would describe how we choose the members and how the proportions would be determined. The board could be appointed and we could limit public officials from being members of the board. There may even be ethical discrepancies with elected officials being on the board. A board member would have fiduciary responsibility for the entire district rather than be a city representative.

We could weight the votes, for example, Parma could have 1.5 worth of a vote and Brook Park .75. The board should not recognize geo-political position if we want what is best for the district, not what is best for an individual city. Cities could nominate members of other cities because they feel that they would best serve the district.

Q: Do the cities have to make the appointment, or could it be commissioners, the college, business, etc? Could we make it a competitive position?

A: Yes, it could be any of that as long as we stated it in our agreement.

There could be a nominating committee that screens the applicants and gives the mayor or city council 2 options to each spot that needs to be filled. In that way they still have some control, but the nominating committee would be the ones narrowing it down.

The nine members on the board need to have strong expertise in a variety of areas including legal, financial, etc. The professionalism of the board will affect the bond ratings that the district gets.

Health care costs are only going to go up; a regionalized district will help. A lot of runs are non-emergency runs, there could be some transportation issues that could or should be worked out through demand management.

What other issues will we be facing?

A major problem is the identity crisis; firefighters associate themselves working for certain fire houses.

We will have to make it financially even for the voters, the cities will have to cut back on taxes as we put on levies.

Instead of the district owning they should lease. What activities should the fire district do in house? For example: the federal government pays a fee every year to a company to ensure that their roof does not leak or have any problems. The company replaces the roof when needed and keeps it in good shape. This way the government never has to worry about the roof and every few years they are not give huge bills for replacing the entire roof. Like the example the district could pay a certain amount each year for their equipment and the company would be responsible for the upkeep and the district would not have to worry about it. When leasing, if at any point you are unhappy with the service the district could fire the company and hire a new one. Most the fire chiefs would rather lease than own.

Q: Right now, we feel we want to go toward a district but in 6 months we may go a different direction. What would our objectives be if we went this route?

A: We would have to show improvement in equipment and efficiency.

One concern is that this is privatizing the fire services; we will need to put in the agreement that areas within the district can not be out sourced.

Q: When the district is formed will the jobs still be classified as civil service?

A: Yes, if we want to we can draft a clause for that in the initial agreement.

Issues to clarify before making final recommendations:

1. Selection/ make-up of the board and their qualifications
 - a. Proportionality
 - b. Financially solvent
2. Transfer of assets
 - a. Joint meeting with the Finance Team
3. Protection of public employee/ civil servant
4. If there was an income tax would the tax payers be paying more or less?

Q: What are the concerns with civil service?

A: Protection, it states how to hire and promotions. In the district the individual would no longer be a firefighter but an employee of the district.

Merger of collective bargaining agreements

- Add clauses to the bargaining agreements that would deal with the event of a district or add clause to district that by entering the district it terminates all other agreements.
- The collective bargaining agreements are actually quite similar.
- There may be a short-term loss, but overall there will be long-term benefits.

A: Do other departments do things for the fire departments currently like the finance or service departments?

Q: Yes, but they bill their services to the fire department so they are still separate entities.

We will need to develop a structure of firefighters, chiefs, etc.

Q: When should we hire a legal consultant?

A: We are close to that now. We will need to hire someone for a draft document for recommendations.

Q: What kind of lawyer would we use?

A: We would need a bigger firm that has more leverage.

Q: What is the process of hiring legal council?

A: Look for expertise and send RFQs to those firms. This opportunity will give the firms experience so that when other communities regionalize they will be the firm that those cities will contact. Tim will create an RFQ with a list of 6 or more firms. There would be an open meeting for questions and answers to these firms. The panel would include Tim, Eric, the unions' lawyers, and the cities' law directors.

The RFQ would state what expertise we are looking for. The firm would need to tell us what questions we need to answer and draft legal documents.

The project will have to plan for a transition period so to create the board and select the chief. The cities we surveyed were much smaller and they on average took a year to transition; for seven cities it will be much longer.

Actions for the next meeting:

1. RFQ-Tim
2. Options of boards- Chief Potts
 - a. Look into port authority
 - b. School boards

The next Legal Team meeting will be with the Finance Team on November 10th at 11:30am in the Colony Room.

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