

Personnel Committee Minutes

Honorable Council
City of Newark, Ohio
August 11, 2015

There was a meeting of the Personnel Committee in Council Chambers on Monday August 10, 2015 following the Service Committee with these members in attendance:

Carol Floyd, Chair	Marc Guthrie
Ryan Bubb	Alex Rolletta
Doug Marmie	

We wish to Report:

1. **Ordinance 15-21** amending the position authorization tables of the City of Newark Division of Fire by creating the position of part-time Firefighter/EMS was considered.

Mrs. Floyd- because of the way the minutes were written we need a vote to take this off the table.

Motion by Mr. Guthrie to bring Ordinance 15-21 off the table, second by Mr. Rolletta
Motion passed by a vote of 5-0.

Mrs. Floyd- I think that it was said that we were bringing it to this specific meeting but it wasn't reflected in the minutes that is why we had to do that.

Motion to send to full Council by Mr. Bubb, second by Mr. Marmie

Mr. Guthrie- Chief I first want to say that I appreciate you and I appreciate the leadership that you are providing. You are a loyal soldier. What we have here is what I think is a difference of opinion in our philosophies as public officials and also what I think can be safely argued a discrepancy in how we come to a conclusion that there is if we would go down this part time plan so to speak that it would produce a significant cost savings to the city without hindering public safety. I guess one question I would ask you Chief is do you sincerely feel that going down this path would clearly be in the interest of public safety and the future of our city?

Chief Connor- I think during our many conversations over the last few weeks with several Councilmembers, we have met as a group, I surveyed several Chiefs from around the state, the information just isn't consistent, and it is very department specific whether the part time program could work here. I can't in my heart of hearts answer whether it is a slam dunk for the City of Newark or not. It is something that would have to be tried to see if it could work here. There is so much information out there and the dynamics of each city or townships Fire Department are so different in the way that we operate. The last time we met was very confusing for a lot of people about our schedules and a lot of things we do here. Every Fire Department is a little bit different

and every organization. Some of those things play into that specifically part timers would be that as well. I can't answer whether that is going to happen or not.

Mr. Guthrie- have you seen or has anyone provided you any specific evidence that would show us this would provide us a cost savings?

Chief Connor- we have discussed cost savings; it is cheaper for a part time employee because you are not paying benefits. The amount of part timers we would need I am concerned that in the end the money it would take to pay those part timers is a significant amount of money to staff what we would currently request. Where that money comes from will be decided upon Council if this were to pass. When I came last time to this meeting it was a potential solution to a problem that we have. Clearly I have a problem with staffing. I don't think anybody disputes it they would like more firefighters on the street in any city across America. Right now I have a budgetary constraint. I am trying to find solutions to put more people on the street. I know that the situation can be controversial but I as Chief want more people on the street and it is a potential solution. We have had several community meetings were people are bringing some ideas to the table but nothing has come to fruition or is a concrete method of trying to bring more money in as revenue or more people on street. Clearly I just need more funding to do it. Either way full time or part time it is going to cost money.

Mr. Guthrie- I think that it was Chief Rittler from Piqua because I know you are well read on this issue and several others that you probably read the Piqua study right?

Chief Connor- I did

Mr. Guthrie- can you give me your assessment of that study which resulted in them not going with part time?

Chief Connor- I think just to be fair there are as many research papers and studies that are done on part time firefighters or anything there are as many negative as there are positive. Specifically the Piqua study talks about turnover, two to three year turnover. It talks about the inexperience, once a firefighter is turned over you have to hire another inexperienced firefighter in and there is a tangible thing in that study that they tried to show. There is a level of experience in this job as a firefighter where you progress, learn more things become more certified to do a job and make decisions on a very quick basis. The Piqua study basically spells out the two to three year turnover where part time firefighters tend to leave.

Mr. Guthrie- my last point then I will let other folks do their thing here but I may want to chime in again. Chief at one stage I think the Fire Departments overtime was nearly a million.

Chief Connor- correct

Mr. Guthrie- in 14 it was 235,000. I believe that these numbers came from the Auditors office. In 2013 it was 180,000 and this year is going to exceed last year and it only seems logical to me that that overtime is going to go up as long as we are not filling vacancies and hiring fulltime firefighters. Do you agree with that?

Chief Connor- yes absolutely. No matter how much money or how many people we hire in Newark or any city there is an overtime budget that has to be there. We have fires that happen an hour before roll call and there's training. There will never be a no

overtime budget I want to make sure that everybody is clear of that. I have cut many, many different things currently. I have reassigned my Training Officer from 40 hours to back on to shift. I reassigned a Prevention Officer back on to shift to try to cover the runs that we currently have and reduce overtime currently. We are always talking about ways to be more efficient and as I look through some of these statistics I ran we have been 1.3 million dollars efficient in the last 5 years and still operating however we have cut everything to this point now we are down to staffing, it is starting to fall. There will always be an overtime budget there will always be money that has to be allocated there. Specifically if we spent \$250,000.00 in overtime this year it is still a significant reduction that we had years ago. We are attempting to be the most efficient as possible.

Mr. Guthrie- thanks Chief and the only other thing that I wanted to add on that subject is I found out today that our neighbor to the south the City of Heath which is considerably smaller than we are certainly population wise and force wise their overtime last year far exceeded ours.

Chief Connor- as ugly as this situation has been in the media lately I do want to make a statement in regards to I feel that comments in the paper, some of the headlines, some are not as accurate as they could be but I do have a problem with some of the public comments in regards to our firefighters. There has been a lot of public records requests on my cart on part time jobs and all the things that happen to where to me it seems to be becoming a personal attack on our firefighters and I don't like that. I want to publicly say that here. I think that some of these people who make these comments don't see the great work that our firefighters do every day. I have seen it every day for 23 years. I am impressed that with our reduced staffing currently that they continue to do the good work that they do. I would say that 99% of our public is pro fire department and loves all the Fire Department it is all of the very loud 1% right now is trying to get most comments out there and effect the public interest. With that being said I just want everybody to know I do support the firefighters here they are very good at what they do so don't believe everything you read in the paper.

Mr. Cost- for the last few weeks we have heard a lot of discussion about looking at all possible solutions to the firefighter issue. I want to say up front I am not sure I can support part time firefighters. I think most of us if we want to honest would say we prefer to keep our firefighters full time however the reason I am not sure is because I haven't seen an actual proposal from the administration on the issue. I am of the opinion with a matter of this importance we should examine every possible solution. We have all been through a number of meetings that has presented pluses and minuses to full time, hiring full time, hiring part time and dealing with overtime. To me a detailed proposal of part time staffing needs to be presented to full Council for our consideration for an up or down vote. My biggest concern is that a few years from now if we don't have an improved economy and we don't make some changes that we are going to find ourselves in this same spot again.

Dave McElfresh, 153 N 39th St- speaking as President of the Local IAFF Local 109. I would like to thank the members of City Council who have taken the time to research the part time issue there has been a lot of good discussion and information shared including

facts, figures and studies from other municipalities as well as a lot of citizen input. The fact is the part time firefighters are not the answer to the city's budget and staffing problems. Even with that all being said the other fact remains that we originally shared with this Council the recent so going that this is a negotiable item. This administration and this Council can't replace bargaining union members with non-bargaining unit personnel without negotiating to do so we believe is an unfair labor practice. The SERB case that I mentioned was given to Council and if you don't have it I still have more copies. It was the City of Green and the conclusion in the case was the City of Green violated the Ohio Revised Code 4117.11 and some other alphabet when bargaining unit work performed exclusively by fulltime firefighters was assigned to part time non-bargaining unit firefighters. So if the city insists on perusing what we feel is a bad idea then contract negotiations is the appropriate forum for that to take place. So based on all the strong facts and the studies that we have looked at I stand strongly opposed to any ordinance that brings part time firefighters into our department.

Mark Sanders- I am the President of the Ohio Association of Professional Firefighters which serves nearly 13 firefighters across this great state, nearly 300 jurisdictions. Just here tonight to offer my nearly 30 years of experience having been through this. I was a firefighter in Marion Ohio 1983 laid off for nearly a year, closed two of our three firehouses. All of our firehouses are back up to staff and open. I am a firefighter in Cincinnati after being laid off for a year. We recently went through what every municipality including Newark is going through. We cut 8 firehouses today in Cincinnati, nearly 20% which is probably about the same level you all are dealing with here in Newark. The message is how we got in this position is debatable. Certainly 75% local government cut across all of our mid majors as I call them have been impacted the most. I am not aware of one jurisdiction for various reasons that the Chief alluded to, that President McElfresh alluded to, I am not aware of one jurisdiction that has replaced full time firefighters with part time firefighters. We are getting through these times if you will. I think that Councilman Cost had a great idea and I think that it was echoed by the Chief and President McElfresh, the best place to have these discussions is in a forum that you can talk about some of the questions that Councilman Guthrie was asking and you can get to the bottom of some of these thorny issues. Until that time I will just give you these words, you have gotten Safer Grants. I am a peer viewer; I was on the NFDA Committee that set standards for staffing and deployment. We have a lot of resources in this state and in our National Firefighters Association so I am here to offer any of those resources to help you develop models using full time firefighters being efficient and effective. I know when you get down to where you are counting those pennies I would offer up those services and resources we have. I know you were awarded the Safer Grant. I come from a City that has put on over 100 firefighters through Safer Grants and I know it is not in our nature it is like borrowing on a credit card and say "what are we going to do in three years" but I am here to tell you that we have had over a hundred million dollars in the State of Ohio come in to hire firefighters across this state to get through the issues with budget cuts and the recession we have been through since 2008. I know you got 3 and you probably need to put in for 10 but I know there is hesitation with that especially after hearing some of the comments from the Finance

Director tonight. I can tell you that it works to get you over the hump. It allows you to have the discussion you are talking about and also in a city of nearly 50, 0000 there are a lot of things that can go wrong and the Fire Chief has talked about that. You all are the decision makers to keep the citizens safe. I will end my remarks with whatever resources the Ohio Association of Professional Firefighters can bring or whatever I can bring personally with my experience with working with jurisdictions all across this state to do the same thing you are doing I would love to do that.

Mr. Rath- Mr. McElfresh made some statements earlier about the legality of the issues and if our Law Director would be willing to give his opinion on that matter if it is ok with the Chair.

Law Director- quite frankly madam chair I don't think that this is the appropriate forum for Mr. McElfresh and I to debate SERB rulings and I would defer.

Mark Fraizer, 20 W North St- I want to start by saying that I don't think this discussion is to replace full time firefighters at all but to offer an alternative model in which we can staff our firefighters. I also see our detriment coming if we don't pass this. Madam Chairperson and members of the Personnel Committee I come before today after much soul searching about how best to address this committee and their proposal about hiring part time firefighters especially with one Council member already opposing this proposal openly prior to this meeting. Bearing witness as I have to the ongoing theatre of members of this Council to propagandize this issue they have attempted to divide our community among political, occupational and ideological differences using the partisan politics they claim to oppose to promote partisan inaction.

I want to start by quoting Philippians 2:3-4, Do nothing from rivalry and conceit, but in humility count others more significant than yourselves. Let each of you look not only to his own interests, but also to the interests of others. The part-time firefighter's proposal is one of public safety through and through. Newark is currently staffing a 14 Firefighter minimum for a city of 47,000, we have 72 citywide firefighters including the chief, we are closing/ browning out our East Main Fire Station more times than we are occupying it, and we have spent the entirety of the overtime budget by May and we are on-pace to spend the same amount by October. What we need is more firefighters plain and simple, well maybe not simple. The cost of a full time firefighter is approximately \$67,000 a year and the city administration could not bring itself to hiring 3 more firefighters (as appropriated in the budget) just to lay them off with continuing astronomical overtime expenses (not budgeted for). We will hire three more firefighters with a grant the administration received, but the remaining staffing of 9-14 firefighters remains unseen. We do not have the \$600,000 - \$1,000,000 to staff these numbers of full-time employees, and to blindly state that Full-Time Firefighters is the only solution puts our city in an even more of a precarious situation. With the 2016 fiscal year requiring an additional pay period, although some full-time firefighters may partially ease the situation in the short-term, next year's budget would more than likely result in their termination. Ephesians 4:25 "Therefore, having put away falsehood, let each of you speak the truth with his neighbors; for we are members of one another." Voting No on the Part-Time Firefighter Ordinance would continue the minimal staffing levels we have and continue the public safety crisis facing this body. To maintain these minimal

staffing levels in the face of the only tangible solution is unconscionable. If this is not the solution what do you propose shall we do one of the following:

Do Nothing - Maintain low staffing levels while maintaining unsustainable high overtime expenses; Raise Taxes - Require additional taxes from citizens to fund an outdated exorbitantly expensive staffing model; Layoffs and Shutdowns - Permanently close the East-End Fire Station and layoff firefighters in 2016 because of lack of adequate funding in the face of mandated raises and extra pay periods. So no to this proposals means that you stand squarely in the corner of demanding additional taxes for citizens to spend on Full-Time Overtime Expenses (or not providing any solution as your citizens and positions demand), all-the-while detrimentally hurting our citizen's safety and crisis response times. Part-Time firefighters would bring exceptional individuals into our department and would move it forward not backwards. As Heath utilizes volunteers and Westerville employs 18 part-time firefighters, this is not a new staffing model that some members allude to for its merits. Our population and the physical size of our city, makes it is vitally important to have adequate staffing. I take my role as a citizen and a candidate for City Council very seriously, I am asking you to vote yes on this proposal or risk the safety and security of our citizens. Financial implications are cut and dry, you can't afford full-time staffing at the levels the city requires. The solution is in front of you, hire part-time firefighters to cover sick days and vacations to limit overtime expense (if they are not needed don't use them). I hope that you will act with you integrity as representatives of my hometown, I ask you to vote for this necessary proposal despite your close questionable relationship with the IAFF Union funding some members' campaigns is directly what I am requesting. Mr. Rolletta, after reading your infuriating misrepresentation of the facts in your article, I wanted to leave you with this piece of advice, Let no one despise you for your youth, but set the believers an example in speech, in conduct, in love, in faith, in purity. (Ephesians 4:12) My issue with you and your article stating that \$500,000 would be spent in 4 months is not mathematically possible for this year; a 20%-40% risk of employees not remaining can be mitigated through contractual agreements to have no negative financial impacts to the city for equipment. By making a 24 month contract in which \$200 per month of the equipment is reduced from the \$5,000 and if leaving prior to the 24 months the remainder is due to the city and the alternative of no firefighters or the crippling expense of additional full-time firefighters is a greater public safety hazard then part-time firefighters could ever hope to pose. I unashamedly support firefighters and the important role they play in keeping our citizens safe. It is a misrepresentation of character to say that the Mayor, Public Safety Director, or members of Council do not support firefighters by supporting a resolution to ease the constraints on them. This Ordinance 15-21 will enable them to keep their jobs and maintain the staffing our city needs. I will continue to pray for you as you make this decision, but I beg you to make the only decision that will protect Newark's Citizens. Do not be politicians bought and paid for by unions for a bargain discount price, but be the leaders our city needs, because if you won't I will. God Bless. Once again full time firefighters are the best option we have. There is no reason to get rid of full time firefighters with part time firefighters that's not what this is. When you have sick time, disability and vacations to have overtime firefighters come in for three

times the cost of a part time firefighter doesn't make financial sense in these hard times that our city is facing. If we allow this to continue to 2016 this issue will come up again and again and again and we will not have a solution as we have not had in the past.

Rhonda Loomis, 870 W Church St- I really wasn't going to say anything but Chief Connor got up and made a comment about the 1% and I am the one who comments the most on the Advocate website. I commented on Mr. Rolletta's letter where he took offense to the young Rolletta, again I didn't mean anything by it but your mentor threw a fit. I also commented on the Advocate which I felt like at least they understood we have increasing expenses and decreasing revenue. I looked at the Piqua and also the Kettering because Mr. McElfresh kindly sent it to me. You have to admit that group had volunteers and on calls that they didn't figure into it. They were going to replace their full time with part time. The City of Kettering Fire Department replaced their volunteer program and they supplemented their full time staff with part time. To me there is no way that you are comparing the same thing in these studies. It goes back to what Chief Connor said, it is hard to do you can't compare because everybody is different and a lot of these have volunteers and on calls. Chief Connor when I met with you I in no way shape or form was trying to say that what the fire department does is a bad thing or that there are bad employees but you specifically told me that you have 312 unscheduled call offs and that you have difficulty filling those positions with the overtime budget. Those 312 unscheduled call offs are not your 2 days you are allowed to have by contract vacation which in my opinion if we are short deny vacation. Just because it is in the contract and they can have it doesn't mean they should get it. You have the right to deny vacation. I don't think that it is being disparaging to the men and women who work in the fire department to say that 312 unscheduled call offs are hurting our budget. And when I asked you what was the day called off the most you told me Saturday. I never said that in public before tonight but you told me it was a Saturday that was a problem. I am not trying to say that our fire department employees are horrible, I am saying we have a problem with unscheduled call offs and the overtime at time and half or double time for that 12 hour shift versus using a part time at a lower rate which he said up here the last time that he would not hire unqualified folks. In the meantime we have our folks working part time at other fire departments to which the Chief of Alexandria's Fire Department said at Mr. Blake's meeting part time persons can get hurt and it's not fair they don't have the benefits yet they are utilizing our fire department personnel that could get hurt while on a fire in Alexandria. Just because it is a dinky city or village doesn't mean the fires aren't big. If they were to get hurt we are still a man down because they work somewhere else and got hurt somewhere else. If I am the 1% I apologize. I am hard on Mr. McElfresh, I am hard on the Union, I am not exactly pro union but for the rest of the firefighters I think they do a great job. It's not easy to walk through a group of firefighters after what I have said but I do it. If I am the 1% I apologize but I will not change my mind on unscheduled call offs. Mr. Rolletta you said you trust a man at his word you are old fashioned that way and when the administration said they would staff the fire department to a certain degree you expected it. Well you know what the budget for overtime was \$150,000.00 so there is 312 by June unscheduled call offs. I would kind of expect on the other side they would

keep their word on that too. If they could make that work then maybe there could be a place to meet in the middle. The Safer Grant is helping but you can't throw mud at the administration in a political move and not expect someone like me not to say something because I think that is horrible. I don't find any of the two sides coming together. I saw Mr. Cost shaking his head when Mr. Fraizer was speaking. I find that horrible, I absolutely do. It is disrespectful. So I would ask that you at least put it to full Council. Maybe you don't have enough information. Maybe you still want to keep digging into it but to say no before the proposal came out alarmed me and you do represent me. I can speak to you because you represent me just as I represented you before. I treated you with respect I expect the same thing from you.

David Green, 1791 Olympic Court- I wanted to reinforce what the Chief said in terms of the quality of the workforce. I know that most people in Newark see the firefighters and the EMTs as people who they can depend on. It is very important for a lot of people. It is important to put that forward to recognize that we trust people to do the work they are doing and we trust people to develop a commitment. My experience with the fire department has been that they are very committed to doing excellent work, professional work, and responsible human work. I think it is important to say that because the image the public and community has about firefighters and other workers in the community needs to be honor. It doesn't need to be finding fault with everything you can find fault with because you are put in a budget crunch. It needs to be still respecting human beings. I took a look at different studies of other fire departments and I am sure you all have read more. One that caught my attention and seemed to represent a number was a study done in Illinois. Some of the points they made have been raised by the Fire Chief and other people along the way was that they have a problem with retention with part time firefighters because the benefits and pay are lower and they don't get as much work. In the study they did it indicated that the overtime had actually increased dramatically with part time workers. I think that is important in looking at this thing. I would encourage the Council Committee not to send this to full Council. It is an issue for collective bargaining. It is an issue that requires a concrete proposal, a very specific concrete proposal with costs that other people pointed out. The workforce is going down because everybody knows because of budgets and attrition. Minimum staffing has gone down which a lot of people are expressing concern about. I am not sure of these numbers but somebody can correct me. Somewhere around the 20's last year, 19 early this year, 16 then 13 and 14 it is now and occasionally the numbers are even lower than that. I think that is a serious question for health and safety. I said in the meeting at the library that I thought this was not negotiable and what I meant was not that it shouldn't maybe be in contract negotiations but that it shouldn't be compromised. Some of the articles written say fire and police as well are sacristans meaning you don't mess with them because that is your protection, this is what gets you out of a jam, gets you to a hospital, gets you protected. I thought that the study was important. I think it is very important that we say or I say and other people I know say not a volunteer fire department, not volunteers in the fire department, not part time firefighters, not low wage and benefit as much as possible that you can protect it so people want to stay in the fire department and can stay there

and that they aren't forced to move on. I think that it is really important that we not demean firefighters that we hold them up and say not that they are super people, not that they are above everybody else but that they are human beings doing important service that we can't make a bargain about in terms of saying we don't want it.

Mr. **Marmie**- I believe a failure to act is a downward spiral as far as our public safety and it is harming our public safety. I am not even going to talk about firefighters right now. I am going to talk about factory workers. I am going to talk about any kind of workers in any kind of a business. Whenever you increase overtime in any type of business environment that increase stress on that individual increases absenteeism. Just the additional stress to the family, to the actual individual as far as sleep deprivation and even Mr. McElfresh has indicated the safety of the firefighters because of the overtime issue. It does increase absenteeism so there is where the downward spiral comes. The more and more that we push an employee to increase their hours their need for that time off or calling off or just the breakdown of their body because you do create more sickness when you are more stressed and sleep deprived. You can't just say I am going to sleep and not pay attention to your family. Everything starts to increase and increases and it catches up. What I am hearing from the administration or from the Chief is that he is trying to propose something to just decrease the overtime of our firefighters. He has indicated he is not looking at a cost savings he is looking at something that will better our overtime issue. The issue of full time I think he has made it clear and the administration has made it clear yes Mr. Green we would love to have them but unfortunately we can't afford them. We can't afford but a certain number at this point. There are a number of reasons why that has occurred and the gentleman with the Firefighters Association has indicated but you know what it is a moot point. What has happened in the past has happened. We have to deal with the cards we have been dealt and we have not been dealt a very good hand right now but we have to play that hand. We have to make sure the public safety of these citizens is first and foremost and that is ensure we have as adequate of staffing as possible without taxing our firefighters even further than what they are already being pushed so that the safety of our citizens are the number one issue. I do know a failure to act could result in it just being the worst situation in the future. Mr. Cost I agree I am looking forward to seeing the detailed proposal and I think that is what this is intended to do, to make sure we get this. We still have a no vote if you want a no vote later on because no money has been budgeted for anything. Why would the administration bring a detailed proposal when they are hearing negativity as far as we are not going to support part time firefighters? Somebody has got to make a move and I hope that it would be this committee that would make a move and be as bold as to say yes we want to hear more, we want more, we want something better. If somebody comes up with something better in the meantime, great. What a huge problem we would have deciding upon two solutions or three or four. That would be horrible, yes I am being sacrosanct. I urge everyone to move forward, let's move this city forward and let's do something, let's act. Let's support this, please.

Rusty White, 1409 Residence Dr- I was at the meeting at the library and I was disappointed by the number of attendees from the city, I was disappointed by the

number of firemen present and the number of members of City Council in attendance especially the Republican side because I understand that there was only one there. For a meeting like that I would have thought more Council members, more firemen and more citizens would have shown up. We don't have a whole lot of citizens here but it is what it is. After the meeting I remarked to one City Council member there must be a lot of cities going through what we are going through, budget cuts and budget problems. Then I asked if anybody had talked to any other cities to find out if they have found any solutions or have any ideas? I heard no and I can't understand that. It is a phone call you don't even have to travel anywhere. We sit around and talk a lot but we're not doing a lot. We are not going to come up with solutions by just sitting around talking about it. Firemen have to take some responsibility in this. By calling in and saying I am not coming to work that is not acceptable. If you are scheduled to go to work, go to work. If you work by the hour you don't get paid if you don't show. You need to make them show up for work. They need to take some responsibility of their life because this is part their problem. The other part of this about all the overtime they are costing the city, they are costing jobs. They are costing Union jobs because now the money is going into overtime instead of hiring. They could have more people in their Union; they could have a stronger Union if they showed up for work. Now I realize there are going to be times when they fight a fire and are going to be stressed out and have spent a lot of hours and so they are going to call in the next day, understandable. St. Louisville has over 40 volunteers. I know you don't want volunteers and you don't want part timers but that is a section of the problem. A part timer could go to a full timer because they are already trained; they have already been out there fighting fires and they are still coming into the firehouse. If I am in a fire I hope it is a full timer that comes to get me because I don't want someone looking at a clipboard to figure out what to do. I want someone who has been trained, somebody who is going to be there, I want a fireman. I don't want a volunteer, I don't want a part timer, and I want a fireman to come drag me out. We have to get up and go do something to get the answers. Maybe some of the firemen have the answer but they just haven't spoken up or maybe somebody out there has an answer but hasn't spoken up because it is not easy getting up here. You have to do what you got to do and if it is part timers, I don't like it at all but it is what we have to live with because budgets aren't going to get any easier.

Mr. Guthrie- I want to touch on something that I think is really important from a financial prospect for our city. Earlier this evening our HR Director came to Finance Committee and asked for dollars, a good portion of those dollars, we don't know exactly how much nor does he at this stage are for outside legal counsel. In the last several years the city has spent a lot of money on outside legal counsel, sometimes warranted, sometimes not in my opinion. There has been reference to the SERB opinion that was the City of Green, a city of 25,000 in Summit County I believe. The SERB opinion is very clear I think on what you cannot do and what you cannot do is what this legislation is doing. Not only did SERB rule on this the city went to court and the court ruled on it and it upheld SERB's decision that you could not do what we are talking about doing in this piece of legislation. Now let's say ok we are the City of Newark and we are going to consider that SERB decision and that court decision which votes that precedence

irrelevant. What kind of sound financial decision is that on this Council's part to ignore both that SERB decision and that court decision? You can smile Mr. Fraizer if you want but those who are going to accuse us of not making sound financial decisions, this my friends is not a sound financial decision for us to send this city down a path that could cost us thousands and thousands and thousands of dollars and very likely lose based on the precedence set by these opinions. Folks that just want to make this a personal thing and I know you are tired of hearing this but you won't hear it much longer because I will be gone come January, 41 years I have been running for elected office and in that entire 41 years as a County Commissioner, as a State Representative and City Councils of Newark and Heath I have never seen it get so personal. The most personal I have ever heard and it was actually humorous was my friend Doug Smith ran against me when I was a County Commissioner running for re-election and he went to a meet the candidates and he said in Marc Guthrie my friends we have a big problem. I thought it was a little humorous, Doug and I laughed about it. That is probably the most personal I have seen this get. There are all kinds of personal attacks on these blogs towards people. Why can't people have a philosophical difference because to me that is where we are here? We have philosophical differences. I am going to throw a couple of things out here that people are going to view as personal and they are not personal. I sort of feel bad throwing them out but I am going to do it anyways because people say that folks like me haven't proposed any ways of saving money. Speaking for myself I certainly have. I know that I was a voice in the wilderness with this fire station. I voted against it because of the payoff, the payoff of \$300-350,000.00 a year for probably a couple of decades, money that could have gone to hire full time firefighters. We could have just made the necessary improvements to an outdated station. Was it outdated; there was no doubt about it but we make these kinds of judgements. I consider Dave Rhodes a personal friend, the Service Director. I think because other communities are doing it I think it is time to start looking at merging our Service and Safety Directors positions. I think it is time for our Director's to be sharing secretaries. We can do some things through attrition. We have an election this fall, in January whether Mayor Hall is re-elected or someone else is elected we have a window and now is the time for this Council to make decisions, some cost saving decisions. Why is it we always want to save at the bottom? Why do we always want to save by cutting jobs of the workers of the city? It has happened time and time again since I came on this Council 10 years ago. It is time for us to start cutting at the top. I don't like it because I admire some of these people, some of these personalities. I went to the administration and I think I mentioned it to Carol that I proposed when the new Democrat majority came on Council that we make the Clerk's position part time, save some money, no bad idea. I am just telling you folks we need to turn every stone and not just blame this on one element of City Government. It's almost like we should have a yard sale. Dave you are doing a good job of that which is helping out the General Fund a little bit. To me we have to deal with this challenge in a holistic way. I know that we can work together and do this but I am going to tell you these personal attacks are not going to get the job done. I pointed out tonight and I really admire our Fire Chief and I think he is doing a good job. Our Police Chief is doing a good job; the Mayor did a good job when he hired

these two people and I admire them both but sometimes we just have philosophical differences but that does not mean that I don't have deep admiration for that Chief and for the Police Chief.

Mr. Bubb- to your point Mr. Guthrie about cutting from below I would remind you one of the last cuts we had in the city was to the Assistant Traffic/Street Superintendent. There has been a cut from the top, I believe the Parks/Recs department I think they put that gentleman back out in the field as well, he is not doing as many event coordinations. If I could ask a question of the Law Director. I won't ask you to debate the SERB ruling but with the ordinance that sits in front of this are you ok with the legal correctness of it?

Director Sassen- suffice it to say Mr. Guthrie and I have a difference of opinion on the application of the Green case situation because the facts are significantly different. I don't know that Mr. McElfresh and I disagree terribly although we really haven't debated the issue in depth. The issue raised in Green was the absence of a process. The key word used in Green was unilateral action. This piece of legislation before you tonight is just the very first step in a process that will have to go through between the City, the Union and the Finance Committee of this Council before if it meets Council's approval it could ever come to fruition. This is really just the first step in a process where in Green you actually had unilateral on the part of the administration. I think that is the key difference. I think Mr. McElfresh and I may debate what that process should look like but it is a process.

Mr. Cost- I was shaking my head in agreement with Law Director Sassen, I suppose I shouldn't do that. There are times I shake my head in disagreement with something, there are times I shake my head in amazement. I guess there are days it is just a subconscious movement. I think the biggest thing that makes me shake my head is when someone decides to take a city issue and turn it into a partisan division. Because I am a Democrat it is presupposed that I will vote a certain way. I am offended by that. I am voting in a way that I feel is in the best interest of the city every time, it is that plain and simple.

Mark Fraizer- Mr. Guthrie I apologize for smiling, Mr. Cost I meant no offense to you. What I expect is the right decision to be made and I wish you all the best and I apologize if I offended you Mr. Guthrie on your continued service, I would never do such a thing. I wish you all the best in finding the right solution for our city.

Mrs. Floyd- first of all I am sorry that this has become so personal. I have always thought in the whole time that I have been on Council that we each have our own opinion about things and you can respect someone's opinion without agreeing with them. My line has been you can agree to disagree but not be disagreeable and unfortunately I have seen some of that not come true tonight and I find that unfortunate. I have been a Democrat all of my adult life but I am not a them and us person, I never have been. I am not them the bad guys, us the good guys whomever that may be whether it is someone in church or whether it was an issue when I was teaching school that is not the way I think. I find it very unfortunate that it sort of has become that in the city. I knew when this came forward I was going to be the swing vote up here; I knew that I have known it for months. I have known for years this part time issue was going to come to Newark. This is

one of the most difficult decisions that I have ever made. I have spent many sleepless nights or awake from 2-4 in the morning and this stuff rolls over in my head. I do both sides. I have written out arguments on both sides. I have read studies, gone to all of the meetings and I have listened to what everybody has said. I have read as many materials as I can. I like Bill when I vote I don't vote as a Democrat, I don't vote as a Union person, which I am because I was a teacher for 30 years in the Union. I vote because that is what I feel is in the best interest of the City of Newark. I don't vote with any one group whether it is the Union or the administration or the Democrats or whomever that group may be. So this decision has been very tough for me. I am one of those people who can often see both sides. As I sat at that meeting at the library and listen to all of the arguments I could understand the different points being made. When I sit at the meeting we were invited to by Bill Spurgeon with Chief Connor and they explained the situation and went over all of the issues I listened to everything. I will say that there has been nobody in this whole thing that has tried to twist my arm and make me vote a certain way. Not anybody in this room or anybody outside this room. I just live down the street. I live in an older area of the city. I have seen the top of the house across the street from me burn down at one point then the bottom of it burned. I have had former students come pounding on my door because 2 houses down from me someone had fallen asleep upstairs smoking and they came and stayed in my house while I called the Salvation Army for them after I had dialed 911. The Fire Department came to my house 22 years ago the day that my husband died and I see fire trucks go by my house every single day many times, late at night. I have had people come to my house and say how do you stand all of this noise? When you have lived there 52 years you don't hear it anymore. As I studied this issue and if I were voting on this because I am a Democrat or because I am a Union person I would have made this decision weeks ago. It would have been real easy for me if I had made the decision then. Because this is such an important issue that is not the way I thought, it is not the process I go through. I agree the Piqua study doesn't fit us. It gave some pros and cons but I know that doesn't apply to us. Many departments like the small ones out in the county started out as volunteer departments then they hired some part time and then eventually some full time and hopefully they finally get to full time because I think most of us in here agree that we would all like to have a full time fire department. Actually we would like to have a full time fire department of 85-90 people. There isn't anybody on Council who don't think we need more firefighters and more police officers. I truly believe that. Unfortunately the money is not there. It truly is not. I have heard all of these statistics about how much money is there for this and how much money is there for that. Thank God we got the Safer Grant. I have prayed to God a lot in the last few days that is for sure. It was probably the middle of last week that I finally pulled some thoughts together and I will be voting no on this issue tonight for several reasons. Number one I think that it would be a long process to hire part timers to go through the procedure, to go through all the things that Chief Connor and his Assistants would have to do to come up with a proposal. I think the startup cost for next year and we all know next year is a tough year. Next year we are going to get the income tax change in 2016 which is going to cut our income. We are going to have 27 pays; I don't think anybody knows how that is going to

exactly affect us. I think just the \$5,000.00 per person to have the equipment plus the amount it would cost to hire them plus I don't know what all else. I assume the same testing and physical that everybody else would go through as we heard tonight from Director Buskirk how much that was going to cost. I have nothing against part time firefighters. I know a number of our firefighters work part time somewhere else. I don't know this for sure but my guess would be that many of them work part time in a fire department that is smaller where they are not as busy. Our fire department has over 10,000 calls a year. That means if somebody has worked over 24 hours someplace else and then they are hired part time here and they are coming to work here they are tired and to go through a bunch of runs in a day that would be very, very difficult for them. The issue that came up over and over in many of these issues was the fact that many part time firefighters are not always available. If I am a part time firefighter here and full time somewhere else or have another full time job and I had a chance to work extra at my full time job I am going to do that instead of coming in here to fill in for a Kelly day or something of that sort so that to me is a concern. I have talked at nausea to my friends and family going through every reason I should vote for it and every reason I should vote against it. I really envy those people for whom it was an easy decision because it would have saved me a lot of tough times the last few weeks. With that I will be voting no.

Motion to send to full Council failed by a vote of 2-3 (Mrs. Floyd, Mr. Guthrie, Mr. Rolletta)

2. **Ordinance 15-22** amending the position authorization tables of the City of Newark Division of Fire by creating the position of part-time Life Safety Inspector was considered.

Chief Connor- I think that I addressed earlier with the staffing problems that we currently have I had reassigned some administrative staff to shift work where they are responding to calls. This leaves our prevention staff slim, with one person. I think that I explained it at the last meeting as well that we have around 1100 buildings that need to be inspected every year and that is not going to happen with one person. I have asked the Union Collective Bargaining members three times to bid one of those positions and they have not chosen to do that thus leaving it vacant. I have done everything I can to get somebody in that position but that is a catch 22 because I do need those people out making responses right now. One of our top priorities is responding to the calls we currently have however the safest fire you could ever have is the one you prevent to begin with. I would be looking at the potential part time program for a Safety Inspector. It would allow someone to work about 30 hours a week inspecting, they would not be fighting fires and they would not be making emergency medical runs. They would be in buildings making inspections, keeping our community safe in that regard. I propose that we do allow us to hire part time Prevention Officers to help get out in our community and make it safe. It's not really acceptable in my eyes to not look at these buildings once a year; everything should be looked at once a year. We have a decent sized city with a lot of school buildings that need inspected. We have a lot of children that can't protect themselves; we have senior living facilities where they need instruction once a year and we just don't have the man power to do it.

Mrs. Floyd- how many would you hire to begin with?

Chief Connor- I would hire one to begin with to get the program started and get them trained then move forward with that. Obviously money is tight I know the authorization that we put in the ordinance was for three but we will start with one to be efficient as we can. If the money was there to increase that we would. I measure everything. I think that a lot of you see the data and statistics I put out on the website. I am constantly looking at numbers. We will measure the effectiveness of that person and move forward.

Mrs. Floyd- what kind of qualifications would someone have to have to apply for that position?

Chief Connor- a State Certified Fire Safety Inspector and we have a job description written already.

Mr. Guthrie- what kinds of things need to occur as part of negotiations next year to allow you to fill this with a full time firefighter? I have thought about maybe this position should be an AFSCME position. What is the down side of that? If it is going to be part of the Firefighters Union what then would need to be done as part of negotiations to provide incentive for firefighters to serve in these positions. One of the things that is not in question in my opinion is that firefighters are very qualified to do this work so what do you think?

Chief Connor- currently our administrative staff does not get the incentive that the firefighters get on the street that rides the trucks. There is a contractual difference that they get. If you go to an administrative position, specific administrative positions, and this one specifically, prevention you lose 7% pay so it's not as attractive as others. You also go to a 40 hour schedule which is different from the schedule they have worked maybe for 20 years. There is not much incentive to do this job and I understand that. That's why when I advertised for this position and tried to find someone who wants to do this position that is trained and qualified and you have to have a passion to do some specific jobs and do it right. Forcing somebody into that position is not something I want to do because if somebody doesn't want to be there they are not going to do a good job. I want to hire a part timer in there that has the certifications and is looking for 30 hours a week to come in and inspecting our buildings. It is very difficult to get someone to transfer from shift work to the 40 hour position.

Mr. Guthrie- seems to me that 7% isn't an enormous fix. Why can't we fix this? Is that not something that can be done without going through the collective bargaining process?

Chief Connor- that will have to be bargained in the next process if possible.

Dave McElfresh- my statement is the same as earlier and I am not trying to act like an attorney in no way shape or form giving legal opinions. The Fire Inspectors positions have historical been bargaining unit positions. We had three in there, one retired, one the Chief put back on shift to fill some gaps. One small correction if you may, we did have one gentleman under the former Chief that wanted to move into that position but he did not bid it appropriately and the former Chief denied him that spot because he was looking for a spot to work 40 hours. We have had some interest but the Chief is correct it is not a desirable position most of the time. Without going on and on back to the same thing, these were bargaining unit positions. Most recently three of them held by our members and then for the City and this Council to look at replacing them with outside agencies or part timers to do a job that our members have been doing historical for years we are certainly against that and without playing attorney we feel that it is something that must be bargained.

Motion by Mr. Bubb, second by Mr. Marmie
Motion passed by a 3-2 vote (Mr. Guthrie & Mr. Rolletta)

Carol Floyd, Chair