

City Council Meeting Minutes
November 21, 2009
Special Session
9:00 a.m.

The Xenia City Council met in a Special Session on November 21, 2009, at 9:00 a.m., in the City Council Chambers, City Hall, with the following members present: William R. Miller (arrived at 9:10 a.m.), Dale Louderback, Patricia L. Felton, Phyllis A. Pennewitt, and Dennis R. Propes.

John Caupp and Jeanne Mills were absent

Departmental Overview. Mr. Percival said the Fund 270 discussion would begin on page 73 in the budget books (270-1221 - Police Division). He then invited Chief Person to address Council.

Chief Person said several weeks ago, Councilman Louderback pointed out that there was a difference of \$485,000 in the base personnel cost and total personnel cost of the Police Division. He postulated that if the Police Division's overtime was cut in half, they could bring back a number of police officers. He spoke with Chief Leaming and Mr. Percival and they agreed that Council (especially the new members of Council) need to know exactly how overtime works for the Police Division. He then proceeded with his PowerPoint presentation.

Public Safety Salaries and Overtime

- ✓ Public Safety is a 24/7 operation and as such has certain pay requirements that are governed by Federal laws, State laws, and collective bargaining agreements.
- ✓ Each of these requirements boosts the base pay of each of the public safety employees and would not be reduced even if more employees were added to the authorized strength of the public safety forces.
- ✓ This includes Holiday Pay, Training Pay, and Court Time Pay

Chief Person said they have been involved with the State of Ohio's Collective Bargaining Laws for almost 30 years. They do not really control holiday, training, and Court time pays.

Public Safety Salaries and Overtime – Hours we generally cannot control

- ✓ Holiday Pay (K & L codes)–Because Public Safety Personnel, Police Officers, Firefighters, and Dispatchers are required to be on duty 24/7, they are compensated differently than regular Monday through Friday City Employees.
- ✓ Regular employees are given Holidays off and city offices are closed for Holidays. Thus the total hours paid does not change for regular city employees.
- ✓ Public Safety services are not “closed” for Holidays and we have to compensate those employees who work. They get eight hours holiday pay like every other employee and then they are paid time and a half for actually working which we code as Holiday 2.5

For example, if regular city employees are off for a holiday and city offices are closed, they get 72 hours of regular pay and 8 hours of holiday pay on their paychecks, which equals 80 hours of pay. There is no real additional cost because those employees are paid at their base pay. Police officers don't work that way because they have to work on that holiday. A Police Officer gets 72 hours of regular pay and 8 hours of holiday pay. However, the police officer must be

compensated for having to work, so he gets paid time and a half for those 8 hours that he works. Because of the holiday pay and the time and a half, they call that Holiday 2.5 or Holiday double time and a half.

Councilwoman Felton asked what would happen if the police officer takes off on the holiday. Chief Person said they don't take off. If it is a regularly scheduled day off, they would get 8 hours of holiday pay because they have to be compensated for the holiday. If they try to give the police officer another day off other than the holiday, they would need additional manpower to cover those extra days off. Councilwoman Felton said if a regularly scheduled police officer was granted leave for the holiday weekend, they would pay another employee extra money to cover his shift. Chief Person said he would not pay that officer anymore than he would have paid the first officer. The second officer would still be paid time and a half for being called in. Generally, police officers do not call in because they like making the extra money for holiday pay.

Hours we generally cannot control (Cont'd)

- ✓ Training Pay (F code) – Public Safety Personnel are required to meet minimum training hours each year. For police there are minimum training hour requirements each year for firearms, use of force policy, pursuit policy, child abuse/sexual assault and other continuing education requirements as determined by the State of Ohio. About 75% of the training we do is mandated.
- ✓ Command Staff and Detectives can generally do this training during their normal working hours. Officers assigned to street duty must normally do this on an overtime basis as we do not have sufficient manpower to release officers for department wide training.

Chief Person said one good example is their SWAT Team. They schedule 80 hours a year for SWAT Team training, which is the minimum national standard to maintain a SWAT Team. Because the current SWAT Team is experienced, they reduced the team's training hours to 48. Eleven (11) SWAT Team members times the reduction of 32 hours results in a significant reduction of total hours.

Councilwoman Felton asked if there were new people on the SWAT team. Chief Person said it depends on what attrition he has during the year. He learned last week that two SWAT team officers are being looked at by the U.S. Marshall's Service, so there is a chance they may lose one or two officers by next summer. One of the officers stated his decision would be based on where he would be assigned.

Hours we generally cannot control (cont'd)

- ✓ Court Pay (Z code)– When officers make arrests they must appear in court to prosecute the case. We have greatly reduced the number of court hours with the help of Ron Lewis in that most of the time Officers do not appear for pre-trial hearings unless there is a specific reason for the officer to be there.
- ✓ Command Staff, Detectives and day-shift can generally make required court appearances during their normal working hours. Officers assigned to night and evening shift generally must do this on an overtime basis.

Chief Person said if they made a DUI arrest when he was a police officer, they would go for a pre-trial hearing, determine the need for a suppression hearing, and a second pre-trial hearing based on the results of the suppression hearing. They would then show up for the trial, which

was generally postponed three to four times. They would make six to eight appearances for one Court case. Over the years, they have gotten more control over that. The average court time appearance for officers is less than two hours per Court case. Councilwoman Felton noted officers are still paid a minimum number of hours for Court appearances. Chief Person agreed, but that minimum is usually less than two hours per Court case because officers do not appear on every case.

Public Safety Salaries and Overtime – Overtime we do somewhat control

- ✓ Overtime Hours (O, 1 code) – This is the overtime that most people think of when referring to overtime. There are four basic reasons for regular overtime:
 1. Late Calls – If an officer responds to an injury accident, OVI arrest, or other late call they are required to complete that call. Dispatch is authorized to hold minor calls for the oncoming shift.
 2. Major crime incidents, or accidents requiring the call-in of specialized personnel.
 3. Manpower Shortage – Overtime generated due to sick leave which takes manning below a safe level.
 4. Special Events – Old Fashioned Days parade or other parades or special events, such as a drug round-up

Controlling these types of overtime

1. Late Calls – Best practice is that all paperwork is completed before officers goes off duty. Current tweak – minor reports can wait until next day if not on days off.
2. Major crime, incident, or accident – Manpower determined by size of incident. Current tweak – Supervisors try to maximize available resources with minimum call-ins when possible.
3. Manpower Shortage – We have the most control over this type of overtime and is based on our minimum manning requirements. Current tweak – supervisors may go below minimum manning for up to four hours dependent upon expected call load.
4. Special events – Old Fashioned Days parade, or other parades or special events such as a drug round-up. Current tweak – try to handle with available manpower.

Chief Person said anything that is called in within the last 30 minutes of a shift that can wait is held for the next shift to handle in order to not generate overtime. If an officer responds to an injury accident or someone gets a DUI (which takes 3-1/2 hours to process) in the last half hour of their shift, it will automatically generate overtime and there is no way to avoid that. They paid just over \$10,000 for overtime during the three-day Old Fashioned Days event. Councilwoman Felton noted much more overtime was paid in the past. Chief Person agreed; this year overtime was reduced by \$6,000 to \$8,000 over past years. The event this year was smaller, and they cut back on security. The biggest single expense is the parade because everyone on the department handles traffic control for that parade.

Overtime we do somewhat control (cont'd)

- ✓ Comp Payout (X, Y code) – All public safety personnel have the option to take any of their Holiday, Training, Court, or Overtime as Compensatory time. This time may be used as time off during the year or may be paid out towards the end of the year.
- ✓ Positives for the City:
 1. Comp time taken as time off generally cannot generate more overtime. That is comp time cannot be taken if it will take a shift below minimum manning.

2. Comp payout is considered a lump sum distribution by Police & Fire pension and does not require the 19.5% police or 24% fire pension payment.
- ✓ Negatives for the City:
1. We currently do not track on an annual basis where Comp time is generated so that we cannot tell how much comes from Holiday, Training, Court time, etc.

Chief Person said they do not track comp payout through the payroll system individually so he cannot say how much of the payout is holiday pay, overtime pay, training pay, or Court pay. Councilwoman Felton thought they should know how much comp time was paid. Chief Person said they know the hours but they do not know where it originally generated from because they do not track that as a separate code (known as a “little C” code). Councilwoman Felton clarified they do not know in which year the comp time was paid or what the employee’s base pay was. Chief Person said they know the year and the base pay, but they don’t know how much of the comp time was due to training, court, etc.

Vice President Miller said once the money is put in the bank, it’s there, whether it came from five years ago or yesterday. Councilwoman Felton said the difference is the payout because that is paid out on the higher salary. Chief Person said typically payout is 3% in most years. There are two things with comp time. Employees are only allowed to take comp time if there is sufficient manpower. If an employee is taking a comp day and the department ends up being short staffed, the employee gets called in, comp time gets cancelled, and the employee must come in. They do not allow comp time to generate additional overtime, which is a rule they have had for a long time. The second thing mentioned were employees being paid at a higher rate. Comp time is paid as a lump sum. By State of Ohio law, lump sum distributions are not figured into the pension. Because of that, the city does not pay the 19.5% police or 24% fire match for pensions. Last year, they paid \$120,000 in comp time. Had they paid that throughout the year as it was earned, it would have cost the city \$164,000. They saved \$44,000 by allowing comp time to accumulate. The 3% is certainly offset by the 19.5% they saved because they do not have to pay into the pension fund. Councilwoman Felton asked if that was State law. Chief Person said yes. Within the last three years before retirement, officers will not bank their comp time because they want to count those dollars for their pension. Usually there are a few officers doing that.

Public Safety Salaries and Overtime (1221 Police Dept.)

		2009 YTD thru Oct.	2008	2007
Y	Comp Pay Out	\$4,315.18	\$120,518.40	\$108,818.56
X	Comp Pay - PERS	\$856.84	\$1,184.90	\$604.22
1	Overtime - DTF	\$5,964.30	\$16,129.77	\$13,381.53
K	Holiday Regular	\$26,178.37	\$29,066.86	\$30,062.28
O	Overtime	\$76,867.63	\$102,893.66	\$116,268.65
L	Holiday Double	\$91,108.16	\$107,918.50	\$93,259.45
F	Training Pay	\$40,315.60	\$48,942.13	\$39,998.16
Z	Court Time	\$22,890.98	\$31,995.85	\$27,465.80
b	S/L Incentive	\$0.00	\$0.00	\$515.84
h	Plus Rt-Pol-OT	\$0.00	\$20.40	\$42.08
		\$268,497.06	\$458,670.47	\$430,416.57

Councilman Louderback clarified \$120,518.40 in comp time was paid out in 2008. Chief Person said that was correct. Councilman Louderback noted the chart shows \$48,942.13 was paid for training pay in 2008. Chief Person said if they were tracking comp time in the different categories, it may be that training pay was really \$62,000 and Court time was \$48,000 which is included in the \$120,518.40. They do not know in which category that portion of the \$120,518.40 was paid. Councilman Louderback clarified the amounts for other types of pay shown above (training, court time, etc.) are not in addition to the \$120,518.40 Comp Time payout. Chief Person said that was correct.

Vice President Miller said when the employee is paid comp time and it is shown as a “little C,” Chief Person would know what the pay was at the time it went in. Chief Person said that was correct; they have a computerized paper trail. Councilwoman Felton said employees are paid at the new rate. Vice President Miller agreed. Chief Person said employees are paid 3% more but the 3% is offset by the 19.5% they do not have to pay into the pension fund. Vice President Miller agreed as long as the employee takes the payout. Chief Person said if the employee uses comp time, it has to be to their benefit because comp time cannot generate overtime. Vice President Miller asked if the Fire Division can generate overtime with comp time. Chief Person said the Fire Division works a little differently, which is something Chief Leaming can address during his presentation.

Chief Person said they can control the costs shown in red on the above chart versus the green that they really do not control, and the yellow is a combination of both. Overtime Drug Task Force varies quite a bit. They are probably going to be at about \$8,000 for the 2009 total. Councilwoman Felton asked how much money they got from the Drug Task Force. Chief Person said that depends on the case. The bigger cases require more overtime, but it also generates more income. It is a quid quo pro for basically one or two officers. They have a tenfold amount of money coming in as opposed to what they spend on those cases.

Chief Person said overtime to date is \$76,867. He looked at how much it costs them to cover manpower shortages. Because of one of the contract rules, they have to offer overtime due to manpower shortage equally, so they track that. Year-to-date, they have used 393 hours of overtime for officer shortages and 102 hours of overtime for sergeant shortages. Some officers are at the top salary range; therefore, the costs in overtime this year were \$21,607. **The actual overtime they would save by going to a lower manning level only amounts to \$21,000, which would not cover the salary of hiring additional officers.** The other \$55,000 is due to late call-ins because of emergencies, which just happens, but they still have to cover the shift. Captains generally will pick up \$1,500 in overtime yearly due to emergency call-ins.

Councilwoman Felton asked if the captain’s contract still states they do not get a lunch hour. Chief Person said that depends on whether the captain takes a lunch hour. If they work their lunch hour, they do not get charged. If they take a lunch hour, then they have to take time. Vice President Miller asked if that was up to the captain’s discretion or up to Chief Person. Chief Person said it is up to the captains but he will call them on it if they disappear for an hour and he does not know where they went. Councilwoman Felton said the captain’s original contract stated they would work 7:30 a.m. to 4:00 p.m. with no lunch. Chief Person said the captain’s contract states they will work an 8-hour shift. Councilwoman Felton said she caught some captains going to lunch one day and she asked them about it. They said they were working until 4:30 p.m., but

when she calls the Police Division at 4:30 p.m., Chief Person is the only one answering the telephone. Chief Person said he works until 5 p.m.

Mr. Percival said there is a significant number of dollars we pay out in extra pay, which includes the overtime Chief Person detailed that we can control. The large majority of those things going into that extra pay (holiday pay, training pay, Court pay, etc.) we can't control regardless of what we do. There are ten holidays times 39 officers, so that is 390 times 8 which equals 3,120 hours, and does not take into consideration [the additional] time and a half [if they work on the actual holiday]. Those are things that show up in that overtime number as additional pay going to the officers, sergeants, and captains, but we cannot control those payouts. Employees accumulate comp time through October, but when that is paid out, we do not pay the extra 19.5% pension on it, which saves us \$20,000 on a \$100,000 payout. It is a good deal for employees because they can accumulate comp time and get a one-time payout near the end of the year.

Mr. Smith asked if the extra pay could be considered as a holiday premium. Mr. Percival said their contract states they can bank those comp time hours; they do not have to take them as pay. For example, if he gets comp time for July 4th, he can bank those hours and get paid for them in November. Mr. Smith said he understood that, but citizens may not understand why so much money is being paid in overtime. Mr. Percival agreed, which is why they wanted to explain it today and so everyone could see the actual numbers.

Councilman Louderback said he understood the [requirements of the] contracts. His question was about what is controllable. He understands that Chief Person and Chief Learning control the overtime in their divisions. He wondered if there was a way to cut back on the overtime hours that are not contractual. Chief Person said he tried to show that there was only \$22,000 paid to cover manpower shortages.

Councilman Louderback asked if the chart showed the overtime paid year-to-date. Chief Person said yes. The total to date is \$268,497.06, of which \$76,867.73 is actual overtime. Councilman Louderback asked to what Chief Person attributed the difference between overtime in 2008 as compared to 2009. Chief Person noted the overtime figure shown in 2009 is through October 31st, not the end of the year. Mr. Duke said that was before they paid comp time, which was just paid in November. Chief Person thought comp time would be \$114,000 by the end of the year. If you add \$114,000 to \$268,497.06, the total would be \$382,497.06 by the end of 2009, which is still less than the overtime paid in 2008.

Mr. Percival noted overtime was reduced during Old Fashioned Days. They used police officers on duty for security but did not bring in additional staff. Chief Person noted SWAT training was also reduced.

Councilwoman Felton asked if the 27th payday was figured in the chart. Chief Person said not in the overtime chart. Mr. Duke said they would pay employees for the 27th pay; however, the chart shows what was actually paid in overtime to date. Mr. Percival noted the 27th pay would not be shown as overtime because it is a regular payday. Councilwoman Felton said she understood that but they will have salaries and overtime. Mr. Bazalak said showing the 27th pay would skew the figures because they would be comparing 27 pays in 2009 and 26 pays in 2008, depending on what the overtime is on that 27th pay. Councilwoman Felton said she understood that.

Vice President Miller said even if they included the 27th pay, as Chief Person stated, they are still lower than they were last year. It would look good to him if they were on the same baseline as last year even with 27 paydays. Chief Person said it represents a 4% savings. Vice President Miller agreed.

Councilwoman Felton said the numbers are so off. Chief Person said the numbers are only for the first three quarters; the last quarter is not included because they do not yet have those figures. Councilwoman Felton asked why Chief Person did not estimate what the total figure would be by the end of 2009. Chief Person said he used the figures that Mr. Duke shared with Council. Mr. Percival estimated they would be \$20,000 less in 2009 for all the overtime figures. All the overtime figures will be less in 2009; however, with the 27th pay it may end up being a wash. Councilwoman Felton noted police personnel did not receive a raise this year and will not get a raise next year. Mr. Percival agreed that police personnel will not get a raise through January 11, 2011.

Mr. Smith asked if the chart is how other cities spread it out. Regardless of where, Mr. Percival said most police contracts are similar. The overtime pay is mandated by the federal government; staff is paid time and a half for any hours over 8 or 40 hours in a week. Mr. Smith asked if the headings were similar. Mr. Percival said headings such as holiday doubles, training pay, and Court time pay are pretty standard for any police department. The Greene County Sheriff's Department uses almost the exact same headings.

Mr. Percival said the FOP has done a very nice job of keeping the majority of their contracts in southwest Ohio **very** similar. He said the Fire Division contract dictates that they pay EDOs (Earned Days Off), and the only reason they pay EDOs is because the City of Dayton pays EDOs. When they negotiated the City of Xenia Firefighter Contract, the firefighters said they needed the same thing. The City faces that situation often, except if they say "no" in Police, Fire, and Communications contracts, it goes to binding arbitration; it does not just go to a mediator or a fact-finder. Councilwoman Felton asked how many people sit in on arbitration. Mr. Percival said one person. Once they get to binding arbitration, it is not "*Okay, the City offered three and the officers wanted six, so we'll split it in the middle and go 4-1/2.*" That is not how it works. You pick one or the other. President Propes asked what the success rate was for municipalities that go to binding arbitration. Mr. Percival said the success rate is very poor.

Mr. Smith asked what the minimum staffing level is in the Police Division. Chief Person said typically the minimum staff level is four officers and a supervisor. They do allow them to go below that minimum for up to four hours. For instance, if an officer goes home sick, the on-duty supervisor will decide if they can go below four officers based on current activities. Councilwoman Felton thought that was not enough staff during busy times. Chief Person said Xenia falls within the bottom 1/2 to 1/3 when compared to what 25 other similar size cities pay police personnel. Regardless of the ranking, Xenia police officers are compensated fairly. Councilwoman Felton thought Xenia was safer than many other cities. Mr. Percival agreed. He also agreed with Chief Person that police personnel are compensated fairly, even if they are not at the top of the pay range of other communities.

Mr. Percival invited Council to turn to page 75 in the budget books (Fund 270-1221 - Police Division). He noted that Mr. Duke extrapolated the old General Fund numbers into the account so Council can see how those accounts compare to previous years and copies were shared with

those present. The information shows how past years compare to 2010, since some of the funds were changed. The budget for the Police Division is less in 2010 than it was in 2009 and 2008 (actual dollars).

Public Safety – Police. Chief Person said when he prepares the budget he looks at where he has shortages and increases those lines and decreases areas where he has overages. He does not do it by adding additional monies to the budget, which is how they were able to reduce the budget. Council will see a percentage increase in some lines and an equal percentage of decreases in other lines.

Councilwoman Felton asked Mr. Bazalak if the 2008 numbers [that Mr. Duke shared] could be included in the 2009 budget sheets. Mr. Percival said since there are new funds in the 2010 budget [Police & Fire Fund 270 and a new 911 Fund], they cannot show 2009 numbers on the spreadsheet, which is why Mr. Duke prepared the comparison sheets for Council. Mr. Bazalak said as they move forward and have expenditures in 2010, those figures can be compared against the 2011 budget. Since they are going through the 2010 budget process today, staff decided to prepare the comparison sheets from previous years.

Fund 270 – Police Division, Dept. 1221

Object Code	Detail/Amount
53772	VEHICLE REP – MUNICIPAL GARAGE @ \$195,500

Councilwoman Felton referenced line item 53772 on page 76 of the 2010 budget sheets. Mr. Bazalak noted the comparison sheets on page 25 show the figures from 2007, 2008, and 2009, shown below:

Fund 270 – Police Division, Dept. 1221, object code 53772

Year	Detail/Amount
2009	VEHICLE REP – MUNICIPAL GARAGE @ \$195,555.00
2008	VEHICLE REP – MUNICIPAL GARAGE @ \$198,220.88
2007	VEHICLE REP – MUNICIPAL GARAGE @ \$173,468.56

Councilwoman Felton noted the Police Division spent \$195,555 in 2009 thus far and \$198,220.88 in 2008, but Chief Person is only budgeting \$195,500 in 2010. Chief Person said they spent more money in 2008 because gasoline was almost \$4.00 a gallon. Mr. Percival said they were mainly able to reduce the amount in 2010 because of the current lower price for gasoline.

Councilwoman Felton clarified no new police cars are budgeted in 2010. Chief Person said that was correct. Councilwoman Felton said the Fleet Management Report shows that several police vehicles have 75,000 to 80,000 miles on them as of August 2009. They just got new cars that we ordered a year ago. Based on that and the costs associated with those cars, in order to keep the fleet halfway decent, they should try to find the money to order new cruisers next year so they arrive in the fall again to get them ready for the following year. They are running nine to ten months behind. We have a piece of fire equipment that will be paid this year. She asked if that money was rolled over in 2010 because they are not buying fire equipment this year even though they need one piece. She asked if they could finance or lease three cars for three years because purchasing them would cost more than \$85,000 once they are equipped.

Mr. Percival said the capital dollars that are coming off are being used to balance the overall debt service for Capital Improvements. However, rather than order cars in the spring and get them in the fall, he would prefer to order them in late summer and get them right after the first of the year. Councilwoman Felton did not think they could do that. Mr. Percival said he did not check on that. Chief Person said new car models come out in August and September. Typically, they can order cars in September or October for delivery in March. Councilwoman Felton said that is not what Chief Person said last spring when they did the paperwork. Chief Person said last spring he said they did not want to order cars early because they knew they were not getting new cars this year, so they wanted them to come in late. They ordered new cars in March so they would come in September. Councilwoman Felton said someone had a deadline. Chief Person said they met the deadline for ordering. If they order cars after August 2010 when the new models come out, they will get the cars in the first quarter of 2011. However, if new cars are not budgeted in 2010, they cannot be ordered. Councilwoman Felton said that does not solve the problem with the high mileage vehicles and maintenance costs for 2010. Mr. Percival noted Crown Vics will no longer be made. Chief Person agreed that Crown Vics will be discontinued as of 2010. Ford is launching a new police interceptor model and Chevy is re-launching the Caprice in 2010.

Mr. Percival agreed with Councilwoman Felton that they need to be very diligent on the maintenance because the longer they go without purchasing new vehicles, the more it costs for maintenance (brakes, rotors, etc.) on the existing fleet.

Councilwoman Felton said she would rather buy or lease cars than trucks. The trucks in the City Garage may have to be shifted or modified. She knows there is one truck they must have for sludge, but she would rather see the rest of the trucks modified for a year. The Code Enforcement Officer drove her "blue bomb" for years while everybody else got new cars. Other City staff can keep driving what they have for another year in order to get new police cars and then they can look at the Fire Division the following year. Vice President Miller said he would much rather see a police officer drive a new car as opposed to a 'pothole manager'. Councilwoman Felton said she is concerned with the safety of police officers driving older model cars.

Mr. Bazalak said they could lease vehicles, but when they look at the analysis, they look at it in two particular ways: (1) Does it save money when dealing with the budget. The answer to that is "yes"; (2) Does it make financial sense. If they don't have the balances to make it a financial benefit, then the only reason to lease cars is to have the payments made in the future rather than having to spend the cash now from a budget constraint standpoint. As they look at the citizen surveys, have focus group meetings, and look at a potential future levy, they need to have a capital component with the Police and Fire in mind as well as an operational component to make sure they are covering both operations and capital.

Councilwoman Felton said when she looks at the money to be transferred from the General Fund to the Capital Fund next year, they are only looking at transferring \$200,000 in 2010, based on the numbers staff provided. Mr. Bazalak said at this point, it would be hard to say what that number will be. Councilwoman Felton said it would not be \$800,000 or \$900,000 like they transferred in the past. Mr. Bazalak said the number will be a lot lower; there may not even be

any money transferred, or they may be able to transfer \$200,000. Councilwoman Felton said a monthly report she received stated the city was down 7% to 8% in income taxes, revenue, etc.

Councilwoman Felton asked if the Police Division can use drug money to buy cars. Chief Person said no, not directly. Two confiscated cars are being used in the detective fleet. Councilwoman Felton asked if any Drug Task Force vehicles are stored in the City Garage. Chief Person said no, not right now.

Mr. Percival said he will look at all the things they are purchasing. If something can be removed from the 2010 budget in order to purchase one or two cruisers, they will do that. The longer they delay purchasing a vehicle, the more the maintenance costs will be. It may be possible to take the purchase of those vehicles and push them back so they show up January 1st, so they can spread the budget years out and still meet the requirement that Councilwoman Felton referenced. Councilwoman Felton said she did not personally think the economy will get much better.

Councilman Louderback asked how many marked cruisers the City has. Chief Person said they have 12 marked cruisers. Councilman Louderback thought they were going to replace cruisers every three years. Chief Person said for years they purchased three cruisers on a four-year replacement. They did buy three marked cars every year so every four years older vehicles were replaced. They are not doing that in 2010. Councilman Louderback noted Councilwoman Felton said some of the police vehicles have high mileage. Chief Person said the three year old vehicles have 60,000 miles and the four year old vehicles have 90,000. Councilman Louderback agreed with Councilwoman Felton that those vehicles are unsafe for police officers to drive. Mr. Percival said they knew they were going to try to stretch out the dollars in 2010, but there may still be a way to purchase a few cruisers to meet both needs. Chief Person said if they can order cars for delivery in early 2011, they will be okay, but if they cannot order cars until 2011, they would be in a critical situation.

Councilman Louderback asked how many towing companies the Police Division needed. Chief Person felt they only need two towing companies. Four companies are appropriately zoned, allow the storage of towed vehicles, and meet the requirements of the City. He agreed to allow all four companies to be on the rotation for next year to see how it works. If they do not perform, they will be dropped. Councilwoman Felton stated Chief Person should not have done that because Council has not yet voted on the two-year towing agreements. Chief Person said the contract would come before Council for approval on November 24th. Councilwoman Felton asked if Chief Person committed to something that Council has not approved. Chief Person said no. President Prokes clarified that Chief Person was willing to go with four towing companies. Councilman Louderback thought two of the towing companies did not meet all of the City's zoning requirements. Chief Person said all four companies now meet the zoning requirements, which was required before they could bid on the contract. Councilman Louderback asked if all the towing companies could pick up semi trucks. Chief Person said only Moorman's Towing can tow semi trucks.

Councilwoman Felton asked if all the towing companies had their yards in compliance. Chief Person said yes, which Ms. Simpson verified. Mr. Percival said one company had until December 31st to meet the zoning requirements. Councilwoman Felton said not really –

Mr. Percival extended the deadline. Mr. Percival said he did not extend the deadline. Councilwoman Felton said somebody extended the deadline.

Mr. Percival said Councilman Louderback's question was 'Does the City need four companies that can tow semi trucks?'. He thinks they need one full service towing company, which is Moorman's Towing. Prudence would dictate that they have a second company that is able to tow in the event there is a snow storm and Moorman's is busy. No, they don't need to have four towing companies because that dilutes it so much that nobody is doing well. Councilman Louderback may want to ask the Law Director how the City can legally say "no." Councilman Louderback said he is struggling with the idea because he believes in the free enterprise system.

Councilman Louderback said he heard a couple of the businesses could not meet the requirement of having a minimum enclosed space to store 50 cars. Chief Person said he could not say specifically, but they asked Ms. Simpson and Mr. Ziegler to make sure all the companies met the zoning requirements. Traditionally, they have had towing agreements with three local companies. Councilman Louderback heard a fifth company (Hollis Towing) was coming; this could go on and on. Chief Person said once Council approves the towing agreement contracts, those four local companies are locked in for two years.

Vice President Miller said he wanted to ensure they have the proper coverage. If a company can tow a semi truck, that should be the first item on the list. Even though the company can tow a semi, they might not be able to handle a rollover. Chief Person said the majority of tows are the result of accidents with passenger vehicles. Vice President Miller said he understood that, but they need to protect themselves. Mr. Percival said there is only one company that can do everything. Vice President Miller said they need to have a tier; some kind of level for response time and quality that they can provide for the City, and that needs to be built into the contract. He does not want to have only one towing company. If they have two or three companies that is fine, as long as we are securing a quality company that meets our contract requirements. We need to build the contract so it protects our police officers, our firefighters, and our citizens to ensure they are getting quality coverage. The towing contract can be built to ensure companies that do not meet the requirements are not considered. He wants to ensure that the company has a secure lot, the vehicles are secure after being towed, the company can handle the vehicle they are towing, and that everything is in order as it should be.

Chief Person said one of his requirements is that the company must have an office in the City of Xenia. Vice President Miller said one of his requirements would be that the company has to own the property in Xenia, not just rent or lease it, because it could be a fly-by-night company.

Councilwoman Felton said there is more to it than that. The city dispatches for other people. On U.S 68 South last year, companies were called that could not handle towing a semi. The individual called a company from Vandalia to do the towing, and that is not right. She recognized that has been corrected. She also felt the cancellation clause needed to be real strong, which is what she said for the grass cutting contracts because the cancellation clause is not strong enough. President Propp noted the towing agreements are on the November 24th Council agenda.

270-1222 – Dispatch/Communications. Councilwoman Felton asked when the contract would be settled. Chief Person said fact finding is underway. Councilwoman Felton asked if dispatchers understood they may also get hit with layoffs. Chief Person said absolutely. Mr. Percival said he was not sure the dispatchers understood that before, but they do now. Councilwoman Felton said she did not want to layoff anybody.

Council took a break from 9:50 a.m. to allow Chief Leaming to set up the computer for his PowerPoint presentation. The meeting reconvened at 10:05 a.m. with the same members present. (Vice President Miller returned to the meeting at 10:10 a.m.)

Public Safety - Fire/Rescue. Chief Leaming used PowerPoint to discuss the City of Xenia Fire Division’s 2010 Budget.

Fire Division Budget

	2010	2009	2008	2007
Personnel:	\$3,848,870	\$4,083,032	\$4,012,309	\$3,814,348
Operating:	491,376	599,782	516,001	519,192
Capital:	<u>577,378</u>	<u>927,728</u>	<u>566,427</u>	<u>346,044</u>
Total Budget:	\$4,917,624	\$5,570,542	\$5,094,737	\$4,678,583

Note: 2010 & 2009 reflect budget dollars; they do not reflect actual OT or capital dollars spent.

Chief Leaming noted Capital expenditures have been reduced to only debt services. The safety trailer they just took possession of will reduce the Capital Budget by \$340,000.

Fire Division Budget

Personnel:	\$4,083,032	2009	
	- <u>\$3,848,870</u>	2010	
	(\$234,162)		5.7% reduction
	\$117,161	5% pay reduction	\$234,162
	+ <u>55,355</u>	Loss of secretary	- <u>172,516</u>
	\$172,516		\$ 61,646 projected Personnel budget shortfall for 2010

Chief Leaming said employees voted to take a 5% pay reduction. Councilwoman Felton noted Fire Division staff got a 3% raise in January. Mr. Percival said it is semantics. Chief Leaming said they saved \$172,516 due to the employee’s 5% reduction in pay and one layoff, which will also affect the comp time payout. They will be forced to watch every dollar spent.

(Vice President Miller returned to the meeting at 10:10 a.m.)

Councilwoman Felton asked about the 5-Year Capital Improvement budget. They are starting to delay replacing fire apparatus. They should be replacing a medic unit this year. Chief Leaming agreed, but the money is just not there.

President Propes said in Sharonville, they starting replacing chassis on medic units rather than buying new units. He asked if Chief Leaming investigated that. Chief Leaming said absolutely. It was not cost effective to replace the chassis; it was more cost effective to buy new equipment. The last medic unit purchased cost \$185,000 completely ready. The actual chassis costs around

\$40,000 and the cost to switch it out is an additional \$50,000. The medic unit shown in the budget is a 2003 model and is a decent reserve piece of apparatus. The 1998 vehicle continues to be serviced and pumps water, but it is used as a reserve unit. In the past, units were replaced on a five-year rotation basis; however, they realize with the current economic times, it will be difficult to replace vehicles.

Vice President Miller asked if there was any company building an apparatus with the change out chassis. Chief Leaming said they use Horton Emergency Vehicles, which is a proprietary company. It would be possible to change out the chassis, but that is not currently offered by Horton. Deputy Chief Riggsby said it would be more cost effective to do a box change at five years.

Chief Leaming noted the 1995 safety study projected that the City would need a Fire Station in the north end of Xenia. However, the growth has been in the west end of Xenia. He felt they should consider a merger with Xenia Township since they already have a fire station on the north side of Xenia. Xenia Township Trustees will tell you they would like to relocate their station because it is located in a flood plain. He would move the fire station closer to Kinsey Road.

Councilman Louderback asked how the SAFER (Staffing for Adequate Fire and Emergency Response) grant will affect the budget. Chief Leaming said there is a ranking (NFPA 1710), but they would not meet that. Departments who laid off people due to economic constraints are considered first. The City will be in the third tier. Deputy Chief Riggsby said the majority of the grant goes to bring back employees who were laid off between January 1, 2008, and October 31, 2009. Councilman Louderback asked if the former Fire Division secretary would qualify to be rehired under the grant. Chief Leaming said no. Deputy Chief Riggsby said it is a 3-year grant with 100% payment for *firefighters'* salaries. Councilman Louderback asked if staff would write the grant. Chief Leaming said staff is in the process of doing that. Chief Leaming said it is an all or nothing grant award. Mr. Percival suggested they request a grant for three positions instead of six.

Five-Year Capital Improvement

	Fund Source	Object Code	2010	2011	2012
2010					
Land Purchase Southwest	361	55101	\$ 100,000.00		
Construction of Station #2	361	55251	\$ 3,000,000.00		
Replace 3 Lifepack 12 monitors	361	54249	\$ 95,000.00		
Replace Medic 33	361	55403	\$ 195,000.00		
Replace Engine 33	361	55403	\$ 550,000.00		
Replace Rescue tools	361	55332	\$ 25,000.00		
Construction of Training Facility	361	55251	\$ 300,000.00		
Replace the fire safety house	361	55499	\$ 25,000.00		
Repl Fire Hose & Misc. Equip	361	55331	\$ 7,500.00		
Replace Medical Equip	361	54299	\$ 7,500.00		
Replace Staff Vehicle	361	55403	\$ 35,000.00		
Total Capital			\$ 4,340,000.00		
2011					
Replace Medic 31	361	55331		\$ 200,000.00	
Replace Staff Vehicle	361	55401		\$ 35,000.00	
Replace Fire Hose & Misc Equip	361	55331		\$ 7,500.00	
Replace Air Recharge system	361	55331		\$ 35,000.00	
Replace Computer Equip	361	55304		\$ 11,000.00	
Repalce Medical Equip	361	54299		\$ 7,500.00	
Total Capital				\$ 296,000.00	
2012					
Construction of Station 3	361	55251			\$ 4,000,000.00
Replace Engine 31	361	55403			\$ 750,000.00
Replace Fire Hose & Misc Equip	361	55331			\$ 7,500.00
Replace 5 Portable Radios	361	55334			\$ 18,000.00
Replace 2 Mobile Radios	361	55334			\$ 8,000.00
Replace Computer Equip	361	55304			\$ 12,000.00
Building Improvements Sta #1	361	55252			\$ 60,500.00
Total Capital					\$ 4,856,000.00

Chief Leaming said they need a different funding structure because they will have rolling costs. The Division's operating cost is so close to the revenue, they know they will be unable to budget capital money, because they simply don't have it. Councilwoman Felton agreed. Chief Leaming said they brought in revenue because of the EMS billings (around \$1 million), which allows them to replace equipment.

Vice President Miller asked how far the ladder truck reaches. Chief Leaming said the truck reaches 102 feet. There are communities that only have a 2-story ladder truck. The ladder truck purchased in 2003 cost \$678,000. Vice President Miller said he wanted citizens to understand that the city had to purchase that specific ladder truck because of John Sale Manor and Xenia Towers. If they have to buy a new ladder truck, it will cost \$1 million. Chief Leaming said they are on a 15-year rotation; therefore, it will be due for replacement in 2016.

Councilwoman Felton thought it would help if more commercial and residential properties had sprinkler systems. Chief Leaming agreed. Communities that have required commercial and residential properties to have sprinklers have seen a growth spurt. Our community could require that no buildings could expand without installing sprinkler systems but it may take 100 years for every building to be in compliance. Their National Code Committee adopted that requirement but it is now up to local communities to adopt it. We need to make our homes as safe as possible. An ordinance requiring sprinkler systems would be helpful. He estimated it would cost \$1.60 per square foot for new construction or roughly \$1,700 to add sprinklers to a 1,200 square foot home.

Vice President Miller asked Chief Leaming to bring copies of sprinkler ordinances from other communities for Council to review. Chief Leaming said he would do that.

Debt Service

Vehicle	Type	Year	Purchase Price	2010	2011	2012	2013	2014
L 31	Ladder	2003	\$768,612.88	\$ 87,069.50	\$ 87,069.50	\$ 87,069.50		
E32	Engine	2006	\$321,757.62	\$ 63,967.81	\$ 63,967.81	\$ 63,967.81	\$ 63,967.81	
M 32	Medic	2007	\$180,630.18	\$ 40,928.41	\$ 40,928.41	\$ 40,928.43		
	SCBA	2009	\$172,234.94	\$ 40,993.36	\$ 40,993.36	\$ 40,993.36	\$ 40,993.36	\$20,496.74
Totals:				\$ 232,959.08	\$ 232,959.08	\$232,959.10	\$104,961.17	\$20,496.74

3rd Quarter Comparison

Dept.	Code	September		Difference	%
		2009	2008		
Fire Div	comp bal	4,155.80	4,384.80	(229.00)	-5.22%
	7	\$97,240.79	\$129,112.81	(\$31,872.02)	-24.69%
	8	\$31,632.42	\$19,050.01	\$12,582.41	66.05%
	4	\$3,269.55	\$3,954.30	(\$684.75)	-17.32%
	term	\$0.00	\$0.00	\$0.00	0.00
Total Fire		\$132,142.76	\$152,117.12	(\$19,974.36)	-13.13%

Chief Leaming said Code 7 is overtime pay (down 24.69%). Code 8 is training and will fluctuate year to year based on approved trainings. Code 4 is Officer Working out of Rank, which is when a firefighter is paid \$1.50 extra per hour for covering as a lieutenant. Overall, they are down 13.13% from last year. Mr. Percival noted the same thing that Chief Person discussed earlier about holiday pay also applies to the Fire Division. Chief Leaming said the next slide discusses that.

Contractual Pay Issues

Holiday Pay	\$100,000 on average 4.8% above base rate Comp time vs. Holiday
Personal Leave	24 hrs. per employee \$37,000 approximately
Training Pay	Eligible for one-half continuing required Education hours as overtime/comp time

Chief Leaming said they have no control over the \$100,000 in overtime for holiday pay. They have ten holidays and 24/7 operations. Two of the shifts working will get paid 7.5% of their 28 day salary. The shift that is not on duty will get paid 5% of their 28 day salary, which equates to 4.8% above their base rate for holiday pay. In 2006, firefighters negotiated to take their holiday pay as comp time or overtime. The next slide will show how that is playing out. It is a plus if firefighters take the pay as comp time. As Chief Person indicated, the Fire Division saves 24% on the lump (accumulated) payout instead of 19.5% that the Police Division saves.

Chief Leaming said due to late contract negotiations, another thing that was negotiated was personal leave. Each employee can take 24 hours of personal leave (which comes off their vacation accrual) but employees will only use personal leave if they can't get vacation leave. With their ten person staffing, if they fall below that tenth person, vacation is not allowed. If they approve personal leave, they would have to bring in a firefighter to cover that minimum staffing level, which equates to approximately \$37,000 for 24 hours of personal leave on an annual basis.

Chief Leaming said per the contract, employees are required to have 96 hours of continuing education for their paramedic recertification. By contract, they are eligible to go offsite for half of that training. Fortunately, not a lot of employees do that because they are offered enough training in-house. However, it is in their contract so they could get 50 hours of training offsite over a 3-year period and it would be an overtime situation. That is one reason the training pay amount has increased.

Additional Pay Issues

Staffing	13 assigned / minimum of 10 5 at each station: 2 Engines, 2 Medics All but 25 days a year one employee is on SDO (Scheduled Days Off [or EDOS]), must make every effort to allow for 2 to be on vacation Sick leave & Injury leave Call back procedure
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Chief Leaming said in 2003, they had 14 people assigned. He knew everyone was looking at their overtime expenditures for the year. In 2002, they had a minimum staffing of 12 and overtime was in excess of \$700,000. They were in the middle of contract negotiations and in the middle of a transition period, which is when he became the Fire Chief. They had to bite the bullet on SDOs. Those SDOs are to reduce the employee's FLSA overtime. There were three shifts in that 28-day period. Two shifts will be scheduled 216 hours of work time and one shift will be scheduled 240 hours. If employees use sick leave or vacation, that reduces the hours. They potentially have to pay firefighters overtime whenever they exceed 212 hours in a 28-day period. Firefighters were given eight (8) SDOs yearly and those are scheduled on days without holidays. They also take 25 days in the middle of summer, when they know they will have a lot of people on vacation, and do not schedule those SDOs. In essence, 25 days a year is the only time they will have 13 people on duty. They will normally only have 12 employees on duty because of the SDO situation. By contract, they have to make every effort to allow two employees to be on vacation, which is how they reach that 10-person minimum. He has had several conversations with the City Manager that 10 firefighters is their bare minimum. That would put three people on the engine at Station #1 and Station #2, and two people on the medic units, so it is really five and five, which is the staffing level they were at prior to 2002. More often than not, they exist at that 10-person minimum. The reason they would fall below that is due to sick and injury leave, which is totally out of his control. Currently, there are three employees out on extended injury leave.

Mr. Percival said they are working with the Human Resources Department on a return to work/light duty/work hardening program for firefighters on long term injury leave to return to work doing something rather than just being off. Currently, one employee had back surgery and a neck injury. There is no way they can control the number of injuries. Each firefighter gets 41 days of injury leave. If the employee is off 41 shift days, it automatically reduces that particular shift by one person for those 41 days.

Chief Leaming said he knew Council was concerned about their call back procedure. Their call back procedure is a policy that is locked into the contract. He was questioned about how a fire captain or lieutenant can work as a firefighter. As Chief Person indicated, his overtime is offered equitably, as is the Fire Division's. If an employee calls in sick at 6 a.m., by contract and by their policy, they will first call back firefighters. There is a rotating list that is based upon their accumulated overtime for the year. The individuals that are called first are those on a three-day break that are actually off, and they can work the entire 24 hours. With 13 people assigned, they first call the firefighters, then they call the next shift firefighters, and then it goes to the fire officers. More often than not, they have found that fire officers have been taking that overtime. This is contractual. They would love to be able to pay officers at the firefighter rate, but the contract does not allow for that. They would be called back on an overtime basis and paid at their officer rate. This is where Councilman Caupp raised concern about why we are paying our officers so much. If you look at why officers will take the overtime, first of all, those are employees in their "twilight years" of employment who are looking at increasing and boosting their pension. Pension is based on the last three earning years. They are also employees who do not have childcare issues and do not have other part-time employment. Junior firefighters that have other commitments decline the overtime unless it is convenient for them. In an emergency callback, if they suddenly have someone leave or if they have a structure fire or a sudden need, they page that out to everybody. The first person who responds gets the overtime because they

have historically found that they need that person immediately and they come in and work the shift or whatever the desired need is. It all falls back to that tenth person and minimum staffing. When they lowered the staffing levels from 12 to 10, it did a lot to their inability to provide that third medic unit, and the \$750,000 ladder truck that is never staffed now. They can only use the ladder truck if the medics leave the medic and jump on the ladder truck and take it, which leaves the medic out of service. At the end of the presentation, he would like to discuss an opportunity to try to create a new situation where they can staff the ladder truck.

Fire Division Budget

	2010	2009	2008	2007	2006	2005
Regular Time			2,447,259.71	2,300,060.70	2,251,228.11	2,206,482.65
Holiday Pay			26,416.00	28,371.59	61,788.26	100,680.92
Overtime			165,000.78	181,469.69	127,705.37	127,330.57
Training			36,846.06	29,870.31	26,250.80	38,507.25
Comp-Time			146,176.22	138,781.77	68,256.90	39,443.24
Longevity			720.00	680.00	640.00	600.00
Termination Pay			6,476.09	4,533.76	12,198.99	13,364.28
Total Pay	2,644,332.00*	2,874,922.00*	2,828,894.86	2,683,767.82	2,548,068.43	2,526,408.91
Personnel Costs	3,848,870.00*	4,083,032.00*	4,012,309.00	3,813,348.00	3,782,200.00	
Operating Budget	491,376.00*	559,782.00*	516,001.00	519,192.00	480,699.00	
Capitol Budget	577,378.00*	927,728.00*	566,427.67	346,044.09	667,308.89	
Total Budget	4,917,624.00*	5,570,542.00*	5,094,737.67	4,678,584.09	4,930,207.89	
*2009 & 2010 numbers are as budgeted, not actual						
\$40,000 of this overtime reimbursed by USAR Task Force						

Chief Leaming noted in 2005, holiday pay was at \$100,680.92 and was reduced to \$26,416 in 2008. As he noted in 2006, they had the contractual issue where firefighters could take holiday pay as comp time, which accounts for the \$75,000 shift on the holiday pay. The comp time payout in 2005 was \$39,443.24, and in 2008 it was \$146,176.22. He noted \$40,000 of the \$165,000 in overtime was reimbursed by the USAR Task Force when two employees were deployed to assist with Hurricane Katrina. One was a lieutenant and the other was a captain. FEMA pays them hour for hour while they are gone and for the City to backfill their positions. Councilwoman Felton asked if the City had received the reimbursement from FEMA. Chief Leaming said yes; the money was reimbursed last year. The biggest cut in 2010 will be in personnel services.

President Propes said when you look at the regular pay, it increases at a nice steady rate, but everything else jumps all over the board. Chief Leaming agreed. President Propes said firefighters and police officers are going to bleed cities dry, which is not unique to Xenia. Those are important jobs, but there is only so much cities can give to firefighters and police officers. Their unions have municipalities over a barrel. Staff keeps getting more time off, more scheduled days off, and more holiday pay, and it has to stop. Chief Leaming said absolutely. We live in a universe where all those organizations have full time, paid employees. The Firefighters Union was the only union that took a 5% reduction. President Propes said he understood that. His statement was a generalized statement. Although police and fire services are probably the most essential services provided, they are making it cost prohibitive, as are their suppliers. The companies that make fire trucks know they are the only show in town, and they

can charge whatever they want for a ladder truck. One year they can charge \$200,000 for an engine unit and the next year charge \$380,000. It is ridiculous.

Outside of contractual overtime, Councilman Louderback asked Chief Leaming if he had figures on how to save money. He noted Chief Person stated the Police Division would save \$21,000 next year. Chief Leaming said he did not have a figure. They do not travel outside the community, but he does not have a dollar amount on how much that was reduced by saying “no.” They are struggling just to provide that base level of service. The overtime dollars they are spending on a regular basis, not just during this financial crunch, has been to cover extra duty. He recognized that Deputy Chief Riggsby was paid a lot of overtime last year due to his work on the New World [software] project. He has been promoted and is no longer eligible for overtime. Councilman Louderback said he was just trying to find ways to save money. They spent \$873,000 for overtime for police and fire personnel. He just wondered what they could do outside the box to save money. He has a union background, so he understands unions.

Chief Leaming said discretionary overtime is at zero. They are not allowing anybody, other than what is contractual, to work overtime. The only thing they can control is that minimum staffing level. The reason they are at that position is because in 2003 they had a buffer of a 14th person, but they lost that due to the financial crunch and reduction in force in 2003. They do not have that third medic in service, which brings up a potential opportunity.

Vice President Miller said before Chief Leaming brings up the potential opportunity, he wanted to respond to what President Propes and Councilman Louderback said. As President Propes stated, firefighters and police services are burdening municipalities, which is something Chief Leaming or Chief Person cannot control because there are some State mandates and contractual obligations that the unions have created. Councilman Louderback wants to think outside the box, is fishing for dollars, and wants them to understand the City is getting bled dry. He asked what would happen if everybody sat down and realized, *“If I didn’t make so much money, there could be another person on staff and it would help out with manning.”* What would happen if everybody did not make so much money and went through this union contract and said, *“Do I have to make more money than the average City Manager in the surrounding communities? What would happen if my gross income actually reflected the fact that I wanted to take the chance to ensure the manning for the City of Xenia is increased because I don’t make so much money?”*.

Chief Person said both of their unions did that this time. Police officers took a zero percent raise. They did exactly what Vice President Miller said. They looked at the overall needs versus their personal needs and agreed to the wage freeze so they would not have to lay off people. A gym teacher who lives across the street from him made \$15,000 more than his average police officer made last year, so it is relevant in terms of what they are getting paid, etc. He is not going to argue about whether or not police officers are overpaid. Vice President Miller said he was not saying police officers are overpaid. If the City had more money, he would give them more money, but that is not the case.

Chief Leaming said it is a struggle for anybody to take a reduction in pay because we are all living paycheck to paycheck. However, the union knows they will win (during arbitration).

President Propes noted because of labor negotiations, the city matches 19.5% for police and 24% for firefighters for pensions while the rest of city's employees are getting 14%. Chief Person said labor negotiations have nothing to do with the 19.5% and 24%. When the State took over all the private pension systems, that was what they needed over a 30-year period. Chief Leaming said the State Legislator just took it to 25% for both. Chief Person said they don't negotiate that.

President Propes said in every contract he saw there was an increase in scheduled days off, an increase in the uniform allowance, an increase in the accrual rate of sick time, and it goes on and on with the Police and Fire Divisions. Every time a contract expires, they want more of everything in the new contract. He knows uniform prices go up and a little adjustment is fine. The rate of accrual for the rest of the employees in the City for sick leave does not increase. The vacation accumulation is different for police and fire than it is for the remainder of City employees. It is an imbalance, but that is just the way the unions work unfortunately.

Councilman Louderback asked what the union could do with \$873,000. Wouldn't the union rather see more people hired than for employees to work overtime? Chief Leaming said Councilman Louderback was looking at the \$873,000 as being overtime but a lot of that is not overtime. Councilman Louderback said he was just asking about the concept, not about any number specifically. Chief Leaming said the union wants it all. Councilman Louderback said they can't have both in contract negotiations. Somebody has to ask which they would rather see, one guy making \$125,000 or to hire two employees. President Propes said the union is only concerned about employees that are currently union members.

Mr. Percival said the question is how do we increase our Fire Division revenues but not increase our costs more than our revenues. About 180 times a year, they use an external (mutual aid) ambulance to take ambulance calls. Some of those calls are for major accidents where five ambulances are needed. Several ambulance runs that we did not cover but were covered through mutual aid were because they are staffed at ten and they cannot staff the third ambulance. They discussed having staff that are assigned to the engine take the third ambulance call to bring in that revenue that averages \$320 per call. They miss bringing in \$320 for every ambulance call that they cannot cover. How do we bring that revenue in, not miss those calls, but still not have two more full-time/24-hour a day employees. They discussed having a program where two firefighters who are off would carry pagers. When that third ambulance call came in, the guys on the truck would take the ambulance out, and they would pay the two guys that are off to come in and back fill the truck until the ambulance came back. The numbers show that the worst case scenario is we break even. The best case scenario is that we make somewhere between \$10,000 and \$15,000 on the deal. The other positive is that we are covering more of our own calls. Some of our mutual aid partners do not want as many calls as they are being asked to cover. Councilwoman Felton noted most of the townships have volunteer firefighters. Mr. Percival said 20% of Xenia Township's calls from June through September were calls to the City of Xenia.

Councilman Louderback thought 80% of XFD calls were EMS calls. Mr. Percival said the figure was closer to 90%. Councilman Louderback asked if a fire truck goes out on an ambulance call. Chief Leaming said in a critical care patient (cardiac, threat to life, or stroke), rather than having two employees dispatched, they will dispatch five. If it is an immediate threat to life, they can pull an employee off the fire engine to assist with care in the ambulance during transport. If the medics are out of the station and the medic from Station #2 is on another call,

they will send the first vehicle (engine) to render care until the medic unit arrives. Many times their fire engines are already on medical assist. Councilman Louderback asked if that was State mandated. Chief Leaming said no, but they want to give the best care possible. They are in the process of reviewing that right now.

Councilman Louderback said he has seen fire trucks dispatched on what he considers a minor car accident but maybe somebody was seriously hurt. Chief Leaming said they do not know the level of care needed in a car crash and they cannot let citizens decide if there is a fire hazard due to leaking fuel. Therefore, an engine will go on any crash where there is a potential for personal injury. Councilwoman Felton noted the fire truck will clean up the chemicals on the street. Chief Leaming agreed. Councilman Louderback asked if it would be a risk to public safety if they did not send a fire engine to a car accident. Chief Leaming said he did not know if they could have a screening process in place where they could define a "minor" accident. When they have a car accident, they are often dealing with more than one injured person. If they just send two employees in the medic unit, they cannot manage that scene. They cannot do patient care, screen all the other individuals, and take care of any potential fire hazard and fluids, which is why the engine is dispatched. Councilwoman Felton said the Police Division also does not just send one car, they send everybody. Chief Leaming said they use the engine to control and redirect traffic around the work zone, which is an extreme priority for them.

Deputy Chief Riggsby said they are evaluating the process. Over the past year, they tremendously reduced the number of times the engine goes out with the medic unit on medical calls. The ProQA (Emergency Medical Dispatcher software package) they use through the dispatch center screens the calls. They had issues this year with getting everything up and running the way it should be. They have been listening to the calls in-house and making the decision to not dispatch an engine. They recently discussed reducing it even more to try to keep that engine off the road. If it is one of those questionable calls, the engine responds, but not with lights and sirens, to try to reduce that liability.

Councilman Louderback agreed public safety has to be our top priority, but he is fishing for dollars. If he is in an accident and having a heart attack, he wants the best care. It is a tough decision. Deputy Chief Riggsby said they are trying to do everything they can to get this program to work. They based it off what Huber Heights does, which is basically the same thing. The only difference with Huber Heights is they have a lot more administrative staff on duty throughout the 24-hour period, and Huber Heights has a medic at both stations. Whichever station receives the call, they take the medic and the engine goes out of service.

Councilwoman Felton asked if there was a reserve medic unit at Station #2. Deputy Chief Riggsby said no, they just have the one reserve medic unit, which is kept at Station #1. Chief Leaming said there is not room at Station #2, because that is where the reserve engine is kept. Chief Person said if the primary medic unit at Station #2 is gone, there are two engine guys there and a second medic calls comes in, they have to take the engine because there is no reserve medic unit sitting at Station #2. Chief Leaming said at one time, they had four medic units but they had to sit outside.

Councilwoman Felton asked how many calls they were getting related to the flu situation. Deputy Chief Riggsby said thus far, the flu situation has not impacted them greatly like they thought it would. They have the ability to enact a pandemic flu protocol into their CAD system, but they have not yet enacted that because they are only getting two to three flu calls a day. President Propes said southwest Ohio has been particularly affected. Councilwoman Felton thought emergency rooms were swamped. Deputy Chief Riggsby agreed, but they are not getting the calls that they anticipated. They do have protocols in place if they need them.

Councilwoman Felton asked if all firefighters got their flu shots, and if not, why not. Chief Leaming said they cannot force employees to have a flu shot if they do not want one. All employees were offered the opportunity to have a flu shot. Councilwoman Felton said then she does not want to pay employees overtime if they get the flu. Chief Leaming said they cannot do that. Deputy Chief Riggsby said all firefighter personnel have been trained to give flu shots and six firefighters recently volunteered at Xenia High School to assist in giving flu shots.

Councilman Louderback asked if the three people on extended leave are EMS personnel. Chief Leaming said absolutely. They can either function as a paramedic or a line firefighter. Depending on what their doctors will allow, if they could do administrative duties or inspections, that would help him and Deputy Chief Riggsby, which is what they are advocating be done. The transition to work process through HR would get the employees back to full duty, and they advocate doing that.

Mr. Percival said data shows that the sooner you get somebody into transitional work, the quicker they will get back to being a full-time, fully functional employee. It also gives the City the opportunity to make the decision much sooner if that employee will ever be able to come back or if that individual needs to go on disability. He is now an advocate of light duty. There was a time when he was not an advocate of it for several reasons.

Councilwoman Felton asked if the City's or the employee's doctor makes that determination. Mr. Percival said the City's doctors make that recommendation. We have to use our doctors. Councilwoman Felton asked what would happen to people who come back on light duty that have second jobs. Deputy Chief Riggsby said in the past, people who have second jobs like teaching, if they have a broken arm, they have to produce documentation stating they can do the teaching job. Chief Leaming said the physician of record receives the employee's expectations for the job (lifting, crawling, etc.). If they cannot meet those expectations, they cannot work fully functional for the City. If the doctor determines they can drive and teach, they have no control over those kinds of activities outside of City employment.

Councilman Louderback asked if light duty would have to be negotiated [in the contract]. Chief Leaming said yes. Mr. Duke was involved in direct negotiations last time, but he was not. In the last round of negotiations, both parties did not agree to put it into the contract that expires in 2011. They would have to reopen the contract or create an MOU (Memorandum of Understanding). President Propes said if they ask for that, the union will ask for three more days off. Councilwoman Felton thought that was part of management's rights. Mr. Percival thought they could get an agreement to start a transition-to-work program. Chief Person said they already have that program in the Police Division. Chief Leaming said the last contract that was

signed did not allow for more days off, and there was a reduction in the uniform allowance. He realizes it is easy to chastise the unions.

President Propes said the Police and Fire Division contracts for days off, sick leave, vacation leave, scheduled days off, etc., do not compare to other departments in the City. Chief Leaming agreed, but when they compare their contract to other Universal Life Agencies, they are at the bottom. President Propes said the FOP and Firefighter's Union have done a tremendous job for their employees. Chief Leaming said Dayton firefighters receive 17 days off. President Propes said it is a burden for every municipality.

Councilwoman Felton said they are not discounting the fact that police and firefighters put their lives on the line every day. They are just looking at a financial crisis, which is the reason she was so upset with the contracts.

Mr. Percival said he would like to try the pager program for one quarter and then come back to Council to show what it generated in revenue, what it cost, and then decide if they want to continue to move forward. They predict they will be able to cover the third medic and generate additional dollars for the City over and above what it will cost. Chief Leaming said they had eight situations just this week that would have allowed them to dispatch the third medic unit. Mr. Percival they would only employ the program from 7 a.m. to midnight; they will not cover the midnight to 7 a.m. hours because statistics show that the likelihood of needing the third medic during those hours is low. They would like to try the program for three or four months, and then come back to Council and report whether it has been an effective program.

Councilman Louderback asked if the people on light duty could cover the third medic unit as the third person on the call. Chief Leaming said no; the employee must be fully functional according to State guidelines. Even if the employee could drive, they would be unable to lift, which is the primary function when moving patients. If the employee cannot lift, they would just be a third wheel and it would not be conducive to have them as part of a three-person crew. They have to have three people on the call, but a person on light duty could not be used to replace an employee who is fully functional because of the lifting requirements.

Deputy Chief Riggsby said one employee is currently on sick leave and they would not fall under the transition-to-work program. Mr. Percival said a person with an off duty injury is not someone they want to engage for the transition-to-work program. Deputy Chief Riggsby said they did an MOU when he tore his Achilles tendon that covered him when he returned to work on light duty. However, the full transition to work was not set up at that time. The therapist comes to the work place and works with you on the job that you do. The therapist also follows you to your doctor appointments. You actually do your physical therapy in your place of employment so you are trained back on the equipment you will be working on [aka, work hardening]. He thought it would be a great program to have in place.

Mr. Smith clarified the city would be paid \$380 per ambulance call. Mr. Percival said the city is paid \$320 per ambulance call. Mr. Smith wondered when the city got reimbursed for those calls. Chief Leaming said that is a good question; there is always a four- to five-month lag time for insurance, Medicare or Medicaid to reimburse the city, which is one reason they want to try the new program for four to five months to see if it pans out.

Vice President Miller said it used to be 30, 60, and 90 days for EOB's (Explanation of Benefits). Because health care has even more control than unions, it now takes 90 to 180 days for reimbursement. Mr. Smith wondered who paid for the uninsured, which he assumed was Medicaid or Medicare. Chief Leaming said those are the calls they are averaging, and they have not seen any dollars. Vice President Miller said it is not just Medicaid or Medicare. It also involves United Health Care and all major insurance carriers who pushed out their rate of return much longer than any bank would ever allow. Deputy Chief Riggsby said they have a scale for three levels of payment from insurance companies. The lowest rate is the Medicaid rate at \$340 but the top rate is over \$900. The average reimbursement amount is based more on the Medicaid rate.

Mr. Smith asked if the majority of patients are transported to Greene Memorial Hospital (GMH). Chief Leaming said 80% are transported to GMH. They have a new set of protocols where someone with a stroke, traumatic injuries, pediatric trauma, or burn patient has to go to the Dayton facility. That has changed some of their responses. Most of the time, GMH is acceptable, and they will transport patients to that facility. It keeps the vehicles in service in town. Mr. Smith asked if patients can ask to be transported to the hospital of their choice. Chief Leaming said since they started charging for EMS services, they have been more customer service friendly. If the patient says they need to go to a Dayton hospital because of their doctor/patient relationship, they have been doing that. Current economic times may not allow for that. If patients can be treated at GMH and transported later, they have been doing that. They generally will not transport a patient to a hospital simply because they do not like a certain facility. Mr. Smith asked if children were transported to Children's Medical Center. Chief Leaming said yes, per protocol, unless it is something that is minor, but most of the time children are transported to the Children's Medical Center.

Councilwoman Felton said years ago they changed the training philosophy of the firemen, EMS, and paramedics. Chief Leaming said they put a lot of requirements on their employees and have a highly trained workforce. Not only do they do fire, EMS, and inspections, but they have a whole gamut of requirements—not only internally but also state mandated training they must receive. They have no control over that and they must meet those hours. Fortunately, they have in-house trainers for both fire and EMS that do 85% to 95% of the state mandated training in-house. As he stated earlier, not many firefighters go offsite to receive the state mandated training, although their contract states they can receive up to half of their training outside of our agency.

Councilwoman Felton asked if trained employees are hired. Chief Leaming said they used to only hire trained employees. However, because they could not find a lot of applicants who had both fire and EMS certifications (which takes three years to get on their own or as a volunteer), it was difficult to find new employees. Now they go with the Civil Service "rule of ten." They will look at hiring the employee that best fits their needs of the ten applicants on the eligibility list. If they can find individuals with their EMS certifications, they can save \$20,000 if they hire them. It takes two years of schooling for an employee to be fully functional as a paramedic. In those two years, they go to school and get overtime, which is projected to cost \$20,000. The last few employees hired were fully trained. Councilwoman Felton clarified EMS training is the largest burden. Chief Leaming said that was correct.

(Vice President Miller left the meeting at 11:05 a.m.)

Mr. Percival thought they would save approximately \$30,000 now by hiring certified employees. Chief Leaming said getting certified as a paramedic requires 1000 hours of training. Deputy Chief Riggsby said they mainly try to hire paramedics. If they have to send them to fire school, that takes three months, but paramedic training takes two years.

Mr. Percival said they would continue to look at any possible ways to reduce pay, to save dollars, and/or to increase revenue.

Councilwoman Felton did not know how else they could raise money without a levy, and she does not know how to sell the levy due to the current economy. The levy may need to be a combination of police, fire, and streets. Her challenge is to find a way to sell that levy. With FICA (Federal Insurance Contributions Act) going up, insurance rates increasing, and people losing their jobs, she does not know how they can do that. In a recent meeting, she learned that insurance premiums were going up 5% to 8% which goes directly to the federal government to pay for everybody else who is not insured or to increase the Medicaid rolls. People who are age 40 to 50 are not going to get mammograms, and others may not be allowed to have other screening tests, like for prostate cancer.

Councilwoman Felton said she reads the information she receives, but Council needs to make a decision on how to pass the levy. If we don't get off our butts and start selling it *immediately*, the levy will not pass. Mayor Pennewitt agreed. Councilwoman Felton said they cannot have any infighting within the City on how to do that. Council may disagree but when we go out, we have to support the levy as one body. She knows it is a big challenge. They need to know the data or know who to call to get the data. We are all going to have to work together to get it done. She wants actual numbers. She wants the truth and does not want to hedge on projections. Historically, income taxes have gone down every year, which will probably happen again next year. Mr. Percival disagreed; income taxes have only gone down for the last two years, not historically. He hopes that will not continue. Councilwoman Felton said she does not see it changing, but she has to be able to sell the levy to citizens. Mr. Percival said he could not argue with that. She did not think what she was asking everybody to do was unreasonable.

Councilman Louderback agreed, which is why he and Councilman Caupp had questions on the overtime. You hear at Linda's Restaurant that police and fire spent \$1 million in overtime. If we are trying to support a police and fire levy, how are we going to explain that to people? After today, he understands that most of the overtime is contractual, which he presumed it was going to be. There is not much they can do [about overtime] unless they reopen the contracts.

Chief Leaming agreed they need to be unified, but they just need to make a decision. That is one reason they are doing the focus group and survey. They need to be unified, know the dollars they need to generate, the funding source, and whether it will be an income tax increase or a levy. Mr. Bazalak, Mr. Percival and staff have been keeping abreast on that. Once they decide on what it is, he knows that police and fire will get behind the levy 100% because they know what is at stake if they do not get something accomplished.

Chief Person said he spoke to the Rotary Club on the positives and challenges facing the City since 2003 with the reduction in staff, and what they are currently going through. As he speaks

to different organizations, he and his staff are planting that seed about a possible Police and Fire levy or other ways to increase revenue, such as an increase in income taxes. Councilwoman Felton thought those organizations understand economics, but the average citizen and senior citizens may not, and that's who you have to sell it to.

Mayor Pennewitt thought it was not only beneficial but a *necessity* that once they decide to go for a levy, every member of Council needs to support it. If Council makes that decision, they all need to abide by it. It is extremely important and she hopes everybody realizes it. Don't back out.

Those present had a brief conversation about a Police Division employee who is currently on Military Leave.

Councilman Louderback asked if the Police Division had any employees on leave. Chief Person said currently he has one female officer on light duty due to a pregnancy, and he has one officer who just had shoulder surgery. The officer [that had the shoulder surgery] was due to return to work in March [2010], but he came back on light duty this week. They put him in the records section doing year end records preparation for microfilming. He came back three days after he started that assignment and his doctor said he can now come back full time in January. Councilman Louderback clarified the Police Division has a light duty policy but the Fire Division does not. Chief Person said they have had a transitional work program for two contracts.

Councilman Louderback noted Chief Leaming mentioned a need in the future for a fire station in the north end of Xenia. It seems to him that most of our population is moving to the west end of the city. If a fire station was put in the north end, he wondered about annexation with Xenia Township.

Chief Leaming said Councilman Louderback was referring to the 1995 study that looked at our future growth. The study projected our future growth would be to the north. His first priority would be to relocate Station #2 further west where the population is actually growing. He has always advocated that they work more closely with Xenia Township. He thought it was ridiculous for Xenia Township to have a station just down from our service area, and that we are not working in conjunction with their staff. He has advocated in the past to merge our fire services. He did not know if Council or the Xenia Township Trustees would agree, but for them to have to travel through our community to get to their service area seems ridiculous. Just because there is a line in the sand, as far as the service boundary or Township boundary, he advocates sending the most appropriate, closest available unit. The current north end station is located in the flood plain and needs to be relocated. Councilwoman Felton noted Xenia Township also has a fire station located on U.S. 68 south. Chief Leaming agreed there are Township fire stations on both ends of U.S. 68. Councilwoman Felton asked why they would have to come through town. Mr. Percival said Xenia Township only staffs one station.

Chief Leaming restated his highest priority is to relocate Fire Station #2 to where it is in its service district. He thinks they need a joint station with Xenia Township so that the fire station is not in a flood plain and they are closer to "their population" of Amlin Heights. Councilwoman Felton said they would not need to relocate Station #2 (other than to have more space) if they had

money to put the road through off Second Street. Chief Leaming said Station #2 was located on W. Second Street in 1971 because of train traffic. He did not know if just putting in that cross section of road would allow them to provide service further west. If the Gerdes property is ever developed, they are still looking at eight-minute response times in that area. Even if they had a crossover to get to Bellbrook Avenue, it would not allow them to tremendously improve that response time.

Councilman Louderback asked if Chief Leaming was suggesting that Xenia Township relocate their fire station just because it was built in a flood plain. Chief Leaming said he was referring to the 1995 study that said they should have three stations. If Xenia Township rebuilt their fire station out of the flood plain, they should jointly staff it and they need to make sure it is attractive for Xenia Township to relocate that station where it would also be beneficial for the City of Xenia. Councilman Louderback asked where that location would be. Chief Leaming said the ideal location would be somewhere at Hollywood Boulevard and N. Detroit, but he was not sure there was any [available] land there. If "Under One Roof" had passed, they discussed using the bus barn facility [behind Xenia High School] as a potential location. Mr. Percival said if the northwest connector ever gets built at Hawkins School House Road and Fairground Road, it would connect Hollywood Boulevard to Progress Drive, which would be an ideal location for joint operations. Councilwoman Felton agreed but only if the population is growing north. Mr. Percival said that is what the 1995 study suggested.

Mr. Percival said the 1995 study suggested that Station #1 be moved to Black's Furniture on U.S. 42 and that Station #2 go to where Wade's Woodworking is on Lower Bellbrook. Councilwoman Felton thought Station #1 was supposed to stay downtown in that circle, based on the fire study. Chief Leaming said the 1995 study suggested that Station #1 be moved to Black's Furniture on U.S. 42, but he would be opposed to that. The central business district is still their highest potential fire threat. Station #2 being relocated to Lower Bellbrook was because of the west end growth, which is why they advocate for a sprinkler ordinance to negate some of that. Mr. Percival said if Council desires to have a residential sprinkler ordinance, now is the time to do it.

Councilwoman Felton said she was tired of fussing over the laws in this city. The sign ordinance gets violated even by candidates running for Council. Signs cannot be put in the right-of-way and have to be a certain size. Then lawyers come in and think they can make any rules they want. There are zoning issues that nobody pays any attention to. It depends on who you are and what you want. If we are not going to follow the law, then do away with them. She is tired of getting complaint calls. She received a call from a lady who has no money and lives in an Arrowhead house with a gravel driveway. Our law says the driveway must be paved. She turned it over to Ms. Simpson and Mr. Ziegler. This is a lady we can't help. Then she gets a businessman who was given time by this Council to do required work and it is still not done and he gets an extension because he yells loud. We need to start looking at those because she is tired of hearing that we are such bad people. If we require residential properties to have sprinkler systems when nobody else has them, people will scream and will not move to Xenia because of our strict rules. When she checks the laws in Oakwood, Centerville, and Beavercreek, our laws are not bad, but we have to consistently enforce them for everybody. If it is sign location for something that does not fit, then you take it to BZA. She does not ever give anybody permission to do any of that; she sends it to Mr. Percival, who has to make sure the laws are followed. In

the 17 or 19 years she has served on Council, those laws have been bent. She is tired of it and would like to see something done. If they are not going to follow the laws, then get rid of them. There is no point in Council and staff getting upset and Mr. Percival being in the middle.

Mr. Percival asked if Councilwoman Felton really wanted to revisit the sign ordinance. Councilwoman Felton said she would prefer to do away with it and let everybody do what they want. Mayor Pennewitt said she could not believe what occurred this year in regard to the signs. Mr. Percival said based on the First Amendment, people can post a sign **now** on private property for the 2012 election. Councilwoman Felton agreed, but the sign cannot be any bigger than the sign ordinance allows without a building permit. Mr. Percival said he would have to ask the Law Director. Councilwoman Felton said Ms. Duteil is always picking up signs that are in the right-of-ways. Mayor Pennewitt said many candidates' signs were in the right-of-way. Councilwoman Felton agreed.

Councilwoman Felton said they always had a policy that if you work for the City, you cannot get involved in Council elections, but it happened. She sees a breakdown every year with laws being bent or totally ignored and she does not think it is right. Mayor Pennewitt said they must support the Planning and Zoning Department. Councilwoman Felton said if they are not going to follow the laws, then let's do away with them and lay off the staff.

President Propes entertained further questions. None were presented. The Special Session was adjourned at 11:30 a.m.

Michelle D. Johnson, Clerk
Xenia City Council

Dennis R. Propes, President
Xenia City Council