

**MEETING OF THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE GOVERNING BODY OF FIRE DISTRICT #1**

REGULAR MEETING

DECEMBER 17, 1997

The Regular Meeting of the Board of County Commissioners of Sedgwick County, Kansas, Sitting as the Governing Body of Fire District #1, was called to order at 11:11 a.m., Wednesday, December 17, 1997, in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman Thomas G. Winters, with the following present: Chairman Pro Tem Paul W. Hancock; Commissioner Betsy Gwin; Commissioner Melody C. Miller; Commissioner Mark F. Schroeder; Mr. William P. Buchanan, County Manager; Mr. Jarold D. Harrison, Assistant County Counselor; Mr. Rich Euson, County Counselor; Mr. Gary Curmode, Fire Chief; Mr. David C. Spears, P.E., Director, Bureau of Public Services; Mr. Fred Ervin, Public Affairs Officer; and Ms. Linda M. Leggett, Deputy County Clerk.

ROLL CALL

The Clerk reported, after calling roll, that all Commissioners were present.

NEW BUSINESS

A. FIRE DEPARTMENT.

**1. MEMORANDUM OF AGREEMENT WITH LOCAL 2612
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.**

Mr. Jarold D. Harrison, County Manager's Office, greeted the Commissioners and said, "You have before you today a memorandum of agreement by and in between yourselves as the governing body of Fire District #, and Local 2612 the International Association of Firefighters. We began the negotiation process in the spring of this year and have concluded with the agreement that is before you today. If I might, I'd like to talk about a few of the significant changes between this and the previous agreement. The previous agreement was a three year agreement, this is a one year agreement, so there are changes in language throughout where we don't need to reopen the language in a one year agreement that you normally have in a longer term agreement. In Article 14 under Compensation, we have arrived at a 2% cost of living increase for the union membership for 1998. Under Article 15 under Longevity Pay, we have effected a change which would grandfather all existing employees hired before December 31, 1997, under the old system and all employees hired after January 1, 1998 would be under the new system which doesn't begin longevity until ten years, which is similar to the system the County adopted at budget time.

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“Article 16 incorporates the compensation plan change that we made a little over a year ago when we did a new pay plan. That is incorporated in the language in the proposed contract. Article 17 has recognition of part time employees, which is a new piece of language in the contract. It was a separate addendum to the prior contract, it is not incorporated as part of the contract language. Article 18 has to do with overtime and call back. While we retain the right to determine when we do call back, we have specified in the contract a procedure to be used for calling back Fire District employees. Finally, Article 37 has to do with substance abuse testing. The Fire District was . . . union representatives were very helpful in reviewing this policy and helping us clarify some language in this policy and incorporating that into the current collective bargaining agreement. Those are the major changes between last years contract and this contract. The negotiating team for the Fire District is here, Chief Curmode, Chief Masters, Bob Overman and myself. Be glad to answer any questions you may have. The union representatives are here. Jeff Cowley would also like to address you before you take any action on the contract.”

Chairman Winters said, “Okay. At this time I see no questions for you. I think you have kept us advised on the process so right now I see no questions. Thanks Jerry.”

Mr. Harrison said, “At this time I would like to introduce Jeff Cowley who is the President of Local 2612.”

Chairman Winters said, “Okay, welcome Jeff. Please state your name and address for the record.”

Mr. Jeff Cowley, 1638 N. Westridge, Wichita, KS, said, “Chairman Winters, Commissioners, good morning. I would like to not try to make a slide presentation today. I’m the President of Local 2612, your Sedgwick County Firefighters. I’d like to take this opportunity to thank you for your consideration and hard work on this contract involving Local 2612 Sedgwick County Fire District #1. I assume that you have had an opportunity to read the letter that a retired brother of ours sent to each of you. Please take the time to look that over because there is a lot of truth to that letter.

“We also have a deep concern about our staffing levels. At times, we have been reduced for rescue squads up to 50%. Three out of seven of our squads have been unstaffed or understaffed. This also means that our stations are understaffed as much as 33% of the time. All this time we are putting not only the firefighters, at risk we are putting the tax payers at risk for the emergency assistance that they might need. All these staffing shortages came before the opening of the Andale station, Station 31, of next year.

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“We would like to present you with our staffing in 1990, November. We lost a brother, Todd Colton, out of that, there were some task forces created. What you have is a staffing task force that was created, along with a video that was created also. We would like for you to look through those. The last five pages of the document you will find the presentation document for the video. If you have any questions over those I’d be happy to come back at any time and answer those or possibly Chief Curmode or his staff. Thank you for your time. I’d like to thank also the Fire District #1 administration working on the contract. We were able to get this resolved with some give and take on both sides and move on to the next negotiating session. Thank you.”

Chairman Winters said, “Thank you Jeff. Commissioner Miller has a question or comment.”

Commissioner Miller said, “I don’t have a question. This is going to be a comment.”

Chairman Winters said, “Thanks very much Jeff, appreciate your comments. Commissioner Miller.”

Commissioner Miller said, “The comment that I have and it is not to question the firefighters at this time but we’ve discussed it before, but with Item 2 being the actual deletion of three firefighter positions and basically putting in the three Captain positions in order to enable the Andale station to run appropriately. In the midst of listening to the staffing problems and shortages, I just question what we’re doing here. If anyone wants to comment, I’ll just open that up.”

Mr. Harrison said, “What we are doing is creating three Captain positions, three supervisory positions at the Andale station in Item 2.”

Commissioner Miller said, “I recognize that, but my comment was further than that. What are we doing in terms of recognizing that we do or do we recognize that we have staffing shortages?”

Mr. Harrison said, “If you will recall, when you adopted the Fire District budget in August of this year, there was a discussion about staffing. The Manager’s Office was directed to come back to you in January to talk about staffing. We’re in the processing of finalizing the data sets that we need to discuss that with you.”

Commissioner Miller said, “So is the deletion . . . it kind of seems like it is semeiotics or kind of like a technicality that we do, we’re deleting the firefighter positions and we’re adding the three Captain positions and this is in order to enable this Andale station to be staffed appropriately. Is that what it is for?”

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Mr. Harrison said, "It is for the supervision of the Andale station."

Commissioner Schroeder said, "We're not losing any positions."

Mr. Harrison said, "No, we're just changing the titles, that's what it amounts to."

Commissioner Miller said, "Kind of the rhetorical question that I'm not going to get an answer to at this moment I can see is I'm hearing that we're already short in staffing and that we're going to deal with that come January 1, 1998, is that what I'm hearing?"

Mr. Harrison said, "We've been instructed to come back to you with information on staffing so that we can have a discussion about staffing in the Fire District."

Commissioner Miller said, "So we're going to discuss how we're going to work with the proposed questioning of staffing shortages at that time."

Chairman Winters said, "That would be my understanding. Remembering back to our budget discussion, there was more than one Commissioner that had questions about staffing. We started tinkering around with this and that and looking at equipment, et cetera and thought better of that at the time that we did the budget, but I was pretty clear I think that we said come back to us in January and we want to talk about what is going to happen when this Andale station opens. I think that discussion is not complete yet. That would be my understanding."

Commissioner Miller said, "Okay, very good."

Chairman Winters said, "Thank you. Commissioner Hancock."

Commissioner Hancock said, "Thank you. I just want to take the time, I think the firefighters should know, it is my ninth year on the Commission and I don't know, the third negotiation of a firefighter contract."

Mr. Harrison said, "At least."

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Commissioner Hancock said, "We're looking at probably the most frustrating individuals as far as Commissioners are concerned and probably I get the loudest and noisiest during the discussion, but I just want to thank you this year for the contract that you've agreed to. Jeff, you and your people did a great job this year. I think all the requests that the Local made were reasonable and certainly we were glad to accommodate every one of them that we could. It seems like the things that we ask of you, you went the extra mile trying to accommodate the District also. We really appreciate the give and take in the process this year. It really occurs every year but it just didn't seem like that at the time usually. You've been very good about it and we're really proud of the Local here in the County and our firefighters. Thank you very much from the hardest of the Commissioners when it comes to this issue. You really made me happy this year and we're very proud of our whole group that worked on the project. Thank you very much."

Chairman Winters said, "Jerry, do you have anything else?"

Mr. Harrison said, "Sir, we recommend that you approve the Contract and in this case you all sign, not just the Chairman."

MOTION

Commissioner Hancock moved to approve the Memorandum of Agreement and authorize the Chairman to sign.

Commissioner Schroeder seconded the Motion.

There was no discussion on the Motion, the vote was called.

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you. Next item."

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2. DELETION OF THREE FIREFIGHTER POSITIONS FROM, AND ADDITION OF THREE CAPTAIN POSITIONS TO, THE FIRE DEPARTMENT STAFFING TABLE.

Mr. Gary Curmode, Fire Chief, greeted the Commissioners and said, "I would recommend that you approve this and go ahead and vote on it."

Chairman Winters said, "Chief, you certainly heard the discussion for the other item. You were certainly here when we talked about it at budget time. I think you would agree too that we still need to have some discussion about this issue."

Chief Curmode said, "Yes sir. We've been diligently working at that and I think yes it is not closed yet."

Chairman Winters said, "Okay. Do we have a Motion?"

MOTION

Commissioner Hancock moved to approve the deletions and additions to the Fire Department Staffing Table.

Commissioner Miller seconded the Motion.

Chairman Winters said, "Commissioner Miller."

Commissioner Miller said, "Chief, regarding the participation of the actual staff of the actual firefighters, how do you see their participation? How do you see their input . . . I've heard from the President today, how do you see their input in terms of the discussion that we're going to have regarding staffing?"

Chief Curmode said, "Commissioner, if I may. I think it is vitally important. We try to take input from everyone, all our stakeholders, and then make a joint decision that is best. I guess we look at two areas here. All of us in all occupations are risk managers to some degree and in our occupation it is very high. I look at it as we have danger to the firefighters and we try to deal with that through standard operating guidelines, physical fitness training, strong instant command systems, so forth, and structure, and management of our fire stations. Second is a danger to citizens and what is danger. Again, and we've tried to turn over every stone there is to look at the most innovative ways.

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“I’ve had great help from the management staff, my bosses, to look at things from around the country that they have been able to interface with different departments. Then I contacted my peers and said here is what we’ve done in the three years that I’ve been here, our whole staff has looked at it, including labor has looked at these issues. Is there anything that we have not overturned? Am I missing something, am I not seeing it? At that point, I met with one of my peers that I’m on a committee with, Chief Brunacini from Phoenix. Their city was voted under the Carl Bertlesman Award as the number one city in the United States. Their County is in the top two. He is the top fire chief in my opinion, he is a role model for me. I showed him this extra board program a year or two ago and he thought that was very innovative and he said keep me attuned of how that is working. Yet we still have some areas that I’m frustrated with, so I’ve been meeting with my bosses to say what else can we look at and so forth. So as I put the words out to the peers in the United States from other fire chiefs that are well respected and we’ve looked at everything.

“Now we’re looking at an issue where we can use some type of flexible staffing plan. That is what we’re working on real hard so we can maintain 100% efficiency for the citizen and the best interest of the Commission, best interest of the Manager and the Fire District as a whole. Again, their input is vital, to sum it up.”

Commissioner Miller said, “Thank you. I needed to hear that. Thank you. Thank you Mr. Chairman.”

Chairman Winters said, “Thank you Commissioner. Commissioner Gwin.”

Commissioner Gwin said, “Thank you Mr. Chairman. Bill, I guess this is for you and Jerry as well as the Chief. As we go forward and talk about this issue, I’m sure there will be a great deal of discussion and some possible disagreement as to what the solution might be. I think it would most benefit us if we can be the beneficiaries of both sides of an argument if you will. I don’t mean that we get out in front of the courthouse and fight each other in public over it, but as far as decision making and trying to allocate tax dollars and those kinds of decisions that this Board has to make, I think the opportunity to hear your discussions and or disagreements on this issue and others, it will be very helpful to me in my decision making process. I am going to tell you that I expect to hear that. I hope my colleagues ask for that too, because we know as adults and people looking at an issue from all different sides, that we are not always at first chance anyway going to agree upon what the right answer is. But I want to hear both sides or three sides or however many sides to that discussion there are so that I can best weigh which one that I think is the most compelling. I hope my colleagues ask for that kind of open discussion and communication too. I think it serves the tax payers very well if we’re able to do that. Thank you. Thank you Mr. Chairman.”

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Chairman Winters said, "Thank you. Commissioner Schroeder."

Commissioner Schroeder said, "Chief, as one of your five bosses, I'm going to be looking very hard at that staffing issue. I'm hoping that come January, we'll be able to bring this issue to a closure. I'm sure we're all concerned about it just as you are, just as the public is, and the Manager's Office. I hope this isn't a long drawn out issue and I think we'll be able to resolve this pretty quickly with the help of you and your staff and our staff. Hang in there and I guess we'll see you back here in January sometime. Thank you."

Chairman Winters said, "Thank you. Commissioners, we have Motion and a Second on our Item A-2. Is there any other discussion? Seeing none, call the vote."

VOTE

Commissioner Betsy Gwin	Aye
Commissioner Paul W. Hancock	Aye
Commissioner Melody C. Miller	Aye
Commissioner Mark F. Schroeder	Aye
Chairman Thomas G. Winters	Aye

Chairman Winters said, "Thank you Chief. Is there other business? I'll make just one final comment. I have appreciated seeing a number of you here who are with the Local Union of Firefighters attending our Meetings. One, I think it is beneficial for you to see what we do in the Fire District and I think it is beneficial for all of us to hear what is going on all over County. I appreciate your coming to these meetings. Is there any other business to come before the Fire District #1? Seeing none, this meeting is adjourned."

B. OTHER

C. ADJOURNMENT

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There being no other business to come before the Board, the Meeting was adjourned at 11:30 a.m.

**BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS**

THOMAS G. WINTERS, Chairman
Third District

PAUL W. HANCOCK, Chairman Pro Tem
Second District

BETSY GWIN, Commissioner
First District

MELODY C. MILLER, Commissioner
Fourth District

MARK F. SCHROEDER, Commissioner
Fifth District

ATTEST:

James Alford, County Clerk

APPROVED:

_____, 1998