

Sedgwick County

525 North Main Street 3rd Floor
Wichita, KS 67203



*Sedgwick County...
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Meeting Minutes

Wednesday, June 8, 2016

9:00 AM

BOCC Meeting Room

GOVERNING BODY OF FIRE DISTRICT #1

Pursuant to Resolution #007-2016, adopted by the Board of County Commissioners on January 20, 2016, members of the public are allowed to address the County Commission for a period of time limited to not more than five minutes or such time limits as may become necessary.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Sedgwick County, should contact Crissy Magee, Sedgwick County ADA Coordinator, 510 N. Main, Suite 306, Wichita, Kansas 67203. Phone: 316-660-7056, TDD: Kansas Relay at 711 or 800-766-3777

Email: Crissy.Magee@sedgwick.gov, as soon as possible but no later than 48 hours before the scheduled event. Please include the name, location, date and time of the service or program, contact information and the type of aid, service, or policy modification needed.

ORDER OF BUSINESS

CALL MEETING TO ORDER

MEETING OF THE BOARD OF COUNTY COMMISSIONERS
SITTING AS THE GOVERNING BODY OF FIRE DISTRICT No. 1

REGULAR MEETING

June 8, 2016

The Regular Meeting of the Board of the County Commissioners of Sedgwick County, Kansas, was called to order at 9:50 a.m. on June 8, 2016 in the County Commission Meeting Room in the Courthouse in Wichita, Kansas, by Chairman James M. Howell, with the following present: Chair Pro-Tem Commissioner Richard Ranzau; Commissioner David Unruh; Commissioner Tim Norton; Commissioner Karl Peterjohn; Mr. Michael Scholes, County Manager; Mr. Eric Yost, County Counselor; Mr. Michael North, Assistant County Counselor; Mr. Chris Chronis, Chief Financial Officer and Ms. Laura Billups, Deputy County Clerk.

Guests:

*Mr. Matt Huntsman, Attorney, Overland Park
Mr. Dave Thompson, President, Local 2612 International Association of Fire Fighters
Ms. Marcy Gregory, 11 Hopper Court, Goddard
Mr. Jeff Cowley, 1638 North Westridge, Wichita*

ROLL CALL

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

PUBLIC AGENDA

CONSIDERATION OF MINUTES

- A [16-357](#) REGULAR FIRE MEETING MINUTES OF MAY 11, 2016.
All Commissioners were present.

MOTION

*Commissioner Ranzau moved to adopt the Fire Meeting minutes of May 11, 2016.
Commissioner Unruh second the motion.
There was no further discussion and the vote was called.*

VOTE

*Commissioner Unruh Aye
Commissioner Norton Aye
Commissioner Peterjohn Aye
Commissioner Ranzau Aye
Chairman Howell Aye*

Chairman Howell said, "Madam Clerk, next item, please."

NEW BUSINESS

B [16-366](#)

CONSIDERATION AND ISSUANCE OF DECISION SETTLING THE IMPASSE BY AND BETWEEN FIRE DISTRICT NO. 1 AND I.A.F.F. UNION LOCAL NO. 2612 WITH REGARD TO A 2016-2017 MEMORANDUM OF AGREEMENT.

Presented by: Michael L. North, Assistant County Counselor.

RECOMMENDED ACTION: Discuss positions of the parties as presented in the public hearing of May 11, 2016, update status of negotiations after May 11, 2016, and adopt proposed Memorandum of Agreement as presented.

Mr. Michael North, Assistant County Counselor, greeted the Commissioners and said, "I'm here today to talk about continued negotiations and potential resolution of the agreement between Sedgwick County Fire District No. 1 and the local bargaining unit. We have to present to you today. I've not included this in the agenda because we were still working on it as late as yesterday, but we have proposed contracts that we would like to hand out to you today. I will be discussing those in some degree of detail during my presentation. I'll add I have no overheads at this point, and I expect that what I've got to say will take approximately 12 minutes. That's a prediction. It's not a promise, because I am a lawyer after all, but to go through what we believe agrees with what we have before you today, the changes that we have from the agreement that was in effect 2014 and 2015, and I certainly will be here to enjoy any questions that you may have to present my way.

"The last time that we had this item up before us with was on May 11th, and that's when we had a formal hearing that is dictated by statute, that if the Union and District continue to be at an impasse, we have to have a public hearing, which we had May 11th, and I do not intend to reenact that hearing. I think both sides discussed in a great amount of detail what their positions were regarding that matter. Since then, I've had conversations with the Fire District and other relevant departments, including Personnel and Finance concerning the contract, and we've also met with Executive Session with the Commission to try to get some idea about what direction we should go on this contract. I think it is fair to say that we have no unanimity of opinion about what needs to be done on this, but I think there are some items that are a consensus, that can be worked out as a consensus, and that's essentially what I'm presenting to you today in this contract, this proposed contract.

"This essentially is sort of the middle position of all of the actors on the District Court District side that have discussed this issue, and so I'm going to walk through those and tell you this is what I'm proposing, understanding again as I pointed out on the May 11th hearing, this is of my authorship at least in consultation with our legal department, other departments with an interest in this at the County and District Court level, but this is what I have put together. Any blame on this certainly needs to be directed at me and not anybody else.

"We are still at impasse with the bargaining unit, and by statute, that means that the Governing Body of the Fire District [No. 1] is authorized under Kansas law to take whatever actions it deems to be in the public interest. It is important to point out that includes the interest of the public employees involved as well. There are several options that the Commission has that as a result in my presentation and the other discussion of other people that are here to talk about this issue are.

"Among these, the Commission, the Board, has the right to adopt the contract in its entirety, integrating all the suggestions that I have made. As an alternative, should there be provisions in here that the Commission does not agree with and thinks ought to be changed, the Commission can adopt the contract with whatever changes get directed by the Commission for legal staff to integrate at a later time. That would include the option of choosing the compensation alternatives that have been suggested by the Union in the past as well.

"The third alternative is that this Commission could order the Fire District and the Union to continue, can order us to continue negotiations with the Union, and finally, of course, we could pass the item for consideration at a subsequent meeting. I'm sure there are probably other options that I have not been wise enough to be able to suggest to you, but these are what we have before you in terms of alternatives at this juncture.

"We've have some attachments to the agenda item. The District attachment essentially was the proposal that I'd included as a preface to the May 11 public hearing. That included the proposal that the District was suggesting in terms of compensation. That again was before May 11th public hearing. Since then, the Union has submitted in writing their proposal. That was by correspondence by Mr. BuKaty, who was here to present the Union's position at the May 11th hearing, and had an outline of what the bargaining unit was suggesting in terms of a compensation package, as well.

"This is an outline of the changes that we're talking about. The first one, of course, gets to the core issue of compensation, and as a result of the conversations that I've had with both staff and Commission that I think we are in a posture of wanting to adopt the recommendations that were made by the District on the May 11th hearing. Just briefly, these are covered by articles 14, 15, and 16 of the agreement. I'm going to walk through these briefly to again go over what we're suggesting in terms of compensation under the new agreement. That is that we would return to the 2012 pay plan. The 2012 pay plan was amended for the agreement that was put into effect in 2014 and 2015. A return to that will increase more compensation to the Union members. According to the calculations and figures that we have put together, approximately two-thirds of Union employees will get a raise between 1.8 percent and 3.7 percent. There will be about a third of the Union members that do not get immediate raise under going back to the 2012 plan, and so we have suggested a one percent bonus for those individuals as part of the plan as well.

"Then we're suggesting a two percent bonus to all Union employees in 2017. One point that I want to make on this that is important, the difference in what I was suggesting to you back on May 11th is I was suggesting that we go to a three-year contract. As a result of the discussions that we've had with many individuals, we are uncomfortable doing that. I think the consensus seems to be that we would rather have a two-year contract rather than a three-year contract. So that is what you have before you. It is not the three-year contract that I suggested back in May. It is a two-year agreement, and that is why, when we talk about bonuses to all Union employees, that would be for 2017, the second year of this agreement, not going forward to 2018, is what I discussed before.

"At that point, all step increases are frozen. Once we go to the 2012 pay plan, we are freezing any pay increases. The only increases will be increases in compensation according to the bonus payments that we're paying in 2017. Longevity pay, this is covered in Article 15 of the agreement. That will remain frozen for duration of the agreement, the two years that this agreement is in effect. Article 16, when it talks about the compensation structure within range salary increases, there will be no step

increases within that range. The step increases are, again, frozen for the duration of the contract.

"Now, briefly this is in comparison with the Union's plan. They have suggested again and I think there's not much difference between the two proposals in this respect of again going back to the 2012 pay plan, that the Union's proposal is that if we reinstate the 2014, 2015 pay matrix, which means we go back to the three percent step increase we had before in contrast to freezing the step increases, which is suggested by the District. They also were talking about a 2 percent cost-of-living raise or wage increase for both 2016 and 2017. The Union's proposal was for three years, and that two percent wage increase and also the three percent bump in the steps would be applicable to 2018 as well.

"That essentially covers the difference in the compensation, other than the fact that we reduced the term of the agreement from three years to two years, it pretty much mirrors what I had suggested back in May when we had the public hearing. There are other issues involved in this. The first one is that we are suggesting again, a two-year contract. We think legally that we can do this. We think we can go longer than one year. We do not think we can go longer than three years, but the term of the contract is one of the issues, as well.

"There are two other provisions, however, that are a change from the agreement that we have in effect 2014 to 2015. These are found in articles 17 and articles 17A. They deal with the role of part-time employees, and it also has a creation of a new provision for volunteer and reserve Fire Fighters. Just in bullet point form, this is what the changes are in article 17 that are the provisions that apply to article 17, that there is a pool of qualified personnel that may be used as regular part-time employees. They are able under the contract, if they meet the qualifications to be hired, to be able to perform any and all work covered by the bargaining Union agreement with the District.

"Third, part-time employees may be used as a pool from which to hire regular full-time employees. The Fire Chief has the sole discretion to determine compensation for part-time employees and in terms of benefits, while they are to be paid for their services at the level of compensation to be determined by the Fire Chief, part-time employees are not entitled to any other benefits. The essential difference between this and the agreement that we have now is that it really deals with a couple of areas. Under the old agreement, there was always a provision that would allow us to retain part-time employees.

"The question is it's important to what circumstances can you do that. Under the former contract, the contract said you can hire part-time employees primarily but not exclusively to assist in seasonal staffing, staffing shortages, or in cases of hardship. What we're proposing is a little wider than that. While that provision did not say that you are limited to those circumstances and being able to use part-time employees, I think the language we have is clearer that you can use them in circumstances in the discretion of the Fire Department Administration.

"The second one deals with compensation. Under the old contract, the Fire District, if it did hire or utilize part-time employees, it was determined that they will compensate those employees under the article, under the agreement at the step 1A range 19 compensation level. Essentially the agreement said you will compensate people at the beginning entry level point, Fire Fighters have it under the step matrix. Under the provision, we again give the Fire Chief more flexibility. He can pay part-time employees less money if they can be hired for less than that or if circumstances exist where they have to pay more money to make that part-time position attractive to

somebody, they have the discretion to do that as well. Those essentially the differences in article 17, the deal with part-time employees.

"We've also added a provision, and this is article 17A. It deals with volunteer and research Fire Fighters. We had no such provision in the prior agreement that allowed us to use these types of individuals if needed by the Fire Department. We've added article 17A in and it essentially says four things.

"First, the Fire District has the right to develop, maintain and make use of a volunteer reserve Fire Fighter force. Secondly, the force shall have the ability to perform any and all work covered by the contract, covered by the bargaining agreement between the District and the Union. Third, members of the force shall be fully qualified as determined by the Fire Chief or his delegated representatives in the Fire District, and the members of the force are not entitled to any compensation or any benefits.

"These are strictly a volunteer force. They would utilize if necessity existed. This is not unheard of in terms of the endeavor of having a Fire Fighter District. There are many volunteer Fire Departments that exist in smaller towns, townships, communities, here and elsewhere. Essentially, those are the agreements. Those are the provisions that we are suggesting that are different from the existing bargaining agreement that we have in effect. Again, they primarily deal with the compensation issues but deal with a couple of other issues concerning part-time and volunteer Fire Departments.

"That is what I am suggesting that the Commission adopt here today, but, of course, as I've already indicated, there are alternatives that you have as a bargaining unit. With that said, I'm open to any questions that you may have with us on this issue."

Chairman Howell said, "Thank you so much for the presentation. What I'd like to do at this point. Let me ask just a quick question. Members of the audience that are interested in this, do they have access to that document right now?"

Mr. North said, "We've got copies. I think we have passed them out. I'm certainly happy, if it's from permission of the Chair to give as much time as people need to look them over."

Chairman Howell said, "What I'd like to do, because this is a fairly large document, although most of the items that you presented today are the items we've been discussing both at the hearing and I think every time this has come up. Most of the topics are kind of old topics. There is some new stuff in here that you just presented. So I think it would be reasonable for us to give audience members an opportunity to read through this document or to review the document, the things that you've just discussed, and so with that, I would like to motion that we would recess this meeting for 15 minutes. It is 10:07 on my clock. So we would come back here at 10:22 to reconvene the meeting here."

MOTION

*Chairman Howell moved to take a 15 minute recess.
Commissioner Peterjohn seconded the motion.
There was no further discussion and the vote was called.*

VOTE

*Commissioner Unruh Aye
Commissioner Norton Aye*

Commissioner Peterjohn Aye
Commissioner Ranzau Aye
Chairman Howell Aye

The Board of County Commissioners recessed from 9:50 a.m. and returned at 10:23 a.m.

Chairman Howell said, "A few folks did sign up on the public comment sheet. Now that they've had an opportunity to hear the proposal presented by Mr. North. I'd like to recognize a few people and have them come to the podium. Please state your name and address and I'll give you up to five minutes to say whatever you need to say. Then I think again for the attorney for the Union contract, I'd like to give him as much time as he needs, if that's okay. If anybody needs more time, please let me know. I'd like to try to stick to five minutes if possible on the other speakers. With that, would it be okay, Matt Huntsman, do you want to go first?"

Mr. Matt Huntsman, 10975 Benson, Overland Park, greeted the Commissioners and said, "I just want to discuss the proposal submitted by Mr. North as well as the Union's proposal. I'd like to start by, I'll start with discussing the compensation proposal made by Mr. North today to you. He recommended that bonuses be applied to the Fire Fighters in both 2016 and 2017 while returning them to their appropriate steps but then freezing the steps again under the 2012 pay plan. He did not, however, discuss the Union's proposal in great detail. I'd like to kind of just flesh that out for you a little bit.

"The Union also wants to return to the step pay plan, which I believe was what Mr. North was referring when he said the 2012 pay plan. However, the Union would like to unfreeze the steps so that every year or every 18 months, Fire Fighters who are eligible for a step increase can move up in their pay.

"Now, there was testimony at a fact finding hearing held on the issue of compensation, which went to impasse that established that step pay plans don't actually increase the cost to the Fire District. Whenever somebody tops out and leaves, somebody new comes in, it eventually balances itself out, so there is no real increase in cost.

"Now, the other proposal that the Union submitted, and I believe that was when Mr. BuKaty was here on their behalf, was a two percent across the board pay increase for all Fire Fighters, and this was actually last proposed to go into effect in 2017 and 2018. There would be no across the board increase for this year. Under that proposal, Mr. York, the economist, who has been doing this for 30, 35 years, he determined that that would be, well when it was originally a 2.5 percent increase, he determined the county or the Fire District would incur a cost of 260-ish thousand dollars each year for that two percent increase, and to fix the steps, it would be a one-time cost of \$48,000 to the county with no additional costs to be incurred. Longevity was also on the table at the time. We have since agreed that could be frozen and we could accept a proposal.

"So obviously a two percent across the board increase in 2017 and 2018 would be even less than Mr. York testified that it would cost the Fire District. Now, there has been some question as to whether the Fire District can actually afford all of this, and based on what Mr. North said today as well as in the past, he paints a picture of gloom and doom that the Fire District simply can't afford to pay for these increases and that it will be broke in like, five years. That is simply untrue based on the numbers that Mr. York provided at the fact finding hearing and that have been provided to this Council on numerous occasions.

"There is also the question of revenue from the Kansas Star Casino. Mr. York mentioned in his paperwork provided with the agenda that there are legal barriers to transferring that money. However, he did not provide any legal authority to support that position today, nor did he in his paperwork submitted to you with the agenda. It's my position that there are no legal barriers that would prevent any money being transferred from the County to the Fire District, especially when the Fire Fighters of local 2612 provide fire protection to that casino, which is not located in Sedgwick County. He also noted that there were philosophical and practical problems with transferring money from the County to the Fire District, but again, that was not addressed in his presentation, and as I see it, I really see no philosophical problem with providing money to Fire Fighters to respond to calls at a casino.

"Lastly, in his documentation provided to you with his recommendation today, Mr. North indicated that there would be no increased turnover if the proposal he has submitted were accepted by you Commissioners. Obviously he has no way to guarantee that there wouldn't be increased turnover. However, I can say after speaking with these guys yesterday and again today there are a lot of grumblings from the younger Fire Fighters who aren't going to see a pay increase with the exception of a bonus, which would be taxed at a bonus rate for five years, so they would remain at the base salary all the way through until, well I guess with a two-year proposal, it would be until 2018, assuming negotiations were successful at that time.

"That being said, it is my position and the Union's position that its proposal is more than reasonable. It is the appropriate amount of money to provide to these guys, and it is more than affordable for the Fire District as a whole.

"Now, the other topic I want to address is the inclusion of articles 17 and 17A within the proposed contract. These articles were not agreed to during negotiations. They were proposed and they were rejected. We did not reach impasse on these articles. So quite frankly to bring them up at this point is really a clear violation of PEERA (Kansas Public Employer – Employee Relations Act). We can only reach this stage if you go to impasse, go to fact finding or the issues, meet and negotiate, have the public hearing that was held on May 11th and then reach this stage where you decide what is in the public's interest. These issues weren't on the table then. There is absolutely no reason that the board should be ruling on these two articles today. That is a clear violation of the law, and I.A.F.F. (International Association Fire Fighters) 2612 is prepared to take legal action should this board approve those two articles today.

"The last thing that I want to address is the length of the proposed contract. Now, Mr. North noted today that he has reduced his proposed contract length from three years to two years. I assume this is in an effort to dissuade the Union from filing any kind of legal action for yet another violation of PEERA. However, the fact remains that a unilateral implementation of a collective bargaining agreement, a contract, a MOA (Memorandum of Agreement), whatever you want to call it, must be limited to one year. There are explicit laws on the books that state that a municipality can incur a debt years into the future, however, under PEERA you can be excluded from that.

"Now, Mr. North, in a letter to me last week, he relied specifically on a case from Lawrence, Kansas, a city which is not under PEERA, in which a court of appeals held that a two-year agreement didn't violate the cash basis law. However, I strongly disagree with his analysis of that case. PEERA is extremely applicable here. You obviously fall under PEERA. There is no reason that case would be applicable. It is 26 years old, and 2612 (I.A.F.F.) would be happy to challenge that ruling hopefully in the spring board should you agree to implement this two-year agreement.

"With that, I would recommend that this board either accept the Union's proposal or order that we negotiate further or postpone this until a later date. Thank you for your time. If you have any questions, I am happy to answer them for you."

Chairman Howell said, "Commissioners, do you have any questions for Mr. Huntsman?" Commissioner Ranzau."

Commissioner Ranzau said, "I think the County, correct me if I'm wrong, throughout this process has offered four different proposals prior to today. Can you tell me how the Union voted on each of those proposals?"

Mr. Huntsman said, "I believe that the Union voted no on those proposals, and if I remember correctly the only difference in those proposals was the timing of a bonus. They were either spread out across three years or lumped in one year, or some other variety of that."

Commissioner Ranzau said, "Are you saying the whole Union membership voted on these and if so do you have those results?"

Mr. Huntsman said, "I do not have them with me. It was the Executive Board that voted on the issues."

Commissioner Ranzau said, "So the membership did not vote on any of the four proposals?"

Mr. Huntsman said, "No. I will let Dave correct me if I am wrong. I believe the Executive Board has to approve the proposal before it reaches the entire membership. It helps to streamline the negotiation process."

Commissioner Ranzau said, "Right. But they didn't allow the membership to vote on any of them."

Mr. Huntsman said, "That is correct."

Commissioner Ranzau said, "Thank you."

Chairman Howell said, "Any other questions? All right, thank you, Mr. Huntsman. If you need a second bite of the apple later on because of your position, I don't necessarily mind recognizing you again."

Mr. Huntsman said, "Thank you, sir."

Chairman Howell said, "I would recognize Dave Thompson. Please come to the podium, state your name and address for the record."

Mr. Dave Thompson, President, I.A.F.F. 2612, greeted the Commission and said, "To address Mr. Ranzau's question to our attorney, no, our membership had not voted on this, because we haven't gotten a viable contract in which we would present to them that would equally and unilaterally benefit them in the future. Anything and everything you have proposed to us actually damages their future, and does not benefit them at all. I can't imagine that anyone in my Executive Board or negotiating team would approve anything that would take a brand new Fire Fighter based upon what you have proposed, and would not see a pay compensation raise for up to four years based upon if they started after 2016."

"So with that, I stand in front of you saying, you say you support Public Safety in the media that sits back here, and in front of the cameras. You applaud the Sheriff when he stands here and says I need four percent or eight percent because I don't want my Deputies, my Commission Staff, to go next door or across the street to WPD (Wichita Police Department). We have got a lot invested. You stand up there and you say great job, Sheriff, way to take care of your people. Yet we're the ones for the Fire District standing here saying we are in the same boat. His graphs and charts he presented to you were the same graphs and charts that Matt Huntsman created, and the I.A.F.F and DC supported that we presented you. They look almost identical to the Sheriff's graphs and charts and pay. I don't see any of our Chiefs up here supporting us like the Sheriff supported his people. That's the Union's job. That's where we come in.

"From the standpoint of what has been talked about today and the contract in which has been proposed as an alternative, I've got four people out here in the audience going through it, and most of the items in there were not what we tentatively agreed to. Not at all. As a matter of fact, one item in there is only what we tentatively agreed to, and that was increasing the ability for our members to buy a personal Firefighting tool with their clothing allowance, from \$75 to \$100.

"The only thing we found that we tentatively agreed to as labor and management. Everything are else that is in that contract is what management proposed to us, and it is not what we agreed to. Not at all. We had great compromising discussions within those articles, and we made great strides on those articles, but nothing in that contract is what we agreed to, except for spending \$100 on a piece of Firefighting equipment. I'm standing here so frustrated right now with the labor-management initiative that is based upon what's happening today. We should not be negotiating a contract on the steps of this building. We never have, and we shouldn't be doing it now.

"Article 17 and 17A. Article 17 presented to us in negotiations, we did not budge, we did not move. We are not willing to stand for part-timers standing next to us with less training, less experience, less knowledge when our lives are on the line and our management staff along with this Fire District Board runs us short. Makes or reduces our manpower in the station to provide for our people, our citizens, and our communities. We don't train with these people. We don't know where their backgrounds are. We don't know what their education is, and they don't work with us enough to say we can trust them or count on them. I can tell you every man in this room I've worked enough with, and I trust them when I walk out the door and there is a car accident across the street, because I know what they are going to do. I worked with them that much.

"We tentatively agreed to take part-timers off the table in negotiations between labor and management. It's in this contract. It's being forced down our throat, and under PEERA, you are only allowed to discuss and rule on the three items that went to impasse. Pay compensation, step increases, longevity. That's it. You can invoke a one-year contract under PEERA, that's it. That local through Steve BuKaty, into the I.A.F.F. in Washington, DC, prepared to go all the way, because this changes PEERA law. If you do anything outside of PEERA, it changes PEERA in the State and sets a precedent, and we are not going to sit idly. I stand for any questions."

Chairman Howell said, "Thank you, Mr. Thompson. I would like to recognize Marcy Gregory. Please come to the podium, state your name and address for the record, please."

Ms. Marcy Gregory, 11 Hopper Court, Goddard, greeted the Commissioners and

said, "I appreciate your time this morning. I have many friends and family that are Fire Fighters, as a matter of fact, my father-in-law was retired Captain, Bill Spurrier, Sedgwick County Fire Department. He spent over 25 years on the Fire Department. Very proud of his service. I'm here because he is not able to be, he would be able to be here if he hadn't passed in 2004.

"These gentlemen are a brotherhood, and he would be very upset knowing the fact that a lot of them are answering calls knowing that full well they might not return from those calls and haven't had a pay increase since 2014. He would be very upset with that fact. And I urge you, I know most individuals, I am speaking from a layperson, citizen standpoint, we really don't appreciate them until we need them, but, boy, when we need them, we want them well trained, well educated, and I personally want them well compensated. So I would urge you to, when you are making decisions on their behalf, realize, recognize that you are sending them a message how great a value place you on them, and their service. I thank you for your time, and if you have any questions, I would be happy to answer."

Chairman Howell said, "Thank you, Ms. Gregory. I would like to recognize Jeff Cowley. State your name and address for the record."

Mr. Jeff Cowley, 1638 North Westridge, Wichita, greeted the Commissioners and said, "I'm currently the third in seniority in our department. I am the highest ranking Fire Fighter, been a local 2612 member since 1985, been the President for nine years. Currently a Shift Vice President within the local, and also on the Executive Board and Negotiating Committee. In my 32 years in the Fire District, this is the worst I have ever seen. It's just beyond comprehension.

"President Thompson has stated he's short staffing us, we've got two outlying stations you took one man away for every shift. You continually give away our department gives away our services to non-paying taxpayers. We go into other Fire Districts, other volunteer departments, because volunteerism is so great, why are we emptying three stations to go into the townships and City of Clearwater?

"What does that say to every one of your constituents, when their house comes in on fire, it's going to take 25 minutes for the next closest truck to respond to that address. The City of Wichita apparently we don't make them hold to their agreement, because all we get is a squad outside the line of death, is what we call it. They only have six squads in the City of Wichita. If we get a squad, you know where it comes from Central and Elder, Station 8.

"We've been down this road before with part-time people. We proved in the past that it was not cost-effective. Not only do you have the training, and in the training itself, you are not talking about fire training, you are talking about extrication, EMT (Emergency Medical Training), the State is looking at imposing an increase in hours for EMT's for recertification every year, for every two years. We're having difficulty keeping up with our people today. You put a pool of individuals, whatever that is, in the past it was 20, and getting those people to their training is nearly impossible.

"We have been down this road. The cost of those people, got to have physicals for them, you got to buy gear for them. We don't have extra gear for everybody in the world. To outfit those people in personal protective equipment is over \$3,000 apiece. Easy math. Okay? Pay freeze. I'm topped out. I have been there 32 years. I have been topped out for 15, 17 years. Every one of these guys back here has five years of seniority or less. City of Wichita is hiring. KCK (Kansas City, Kansas) is hiring. They got a five percent increase. Topeka, they're hiring, too. Derby is hiring.

"There are a lot of departments that are coming up and being big players in the game. Send the wrong message to every one of these guys back here, we're the ones that are supporting the department. We're the ones that are out there every day, doing what we do, and we do it on our days off also.

"Let's talk about the casino. You say there's no statute that says that you can give that to us. It also says that there is no reason you can't give it to us. Without Station 34, with quint 34 being a ladder, that's why they need us, because their insurance rate will go up if they do not have an aerial device responding to that business. Not in the Fire District, but it was my understanding from Fire Prevention that we went through their plans of their building also, and assisted them. I don't think COMCARE or Public Works, or anyone else is down at the casino when something happens. We are the ones that are there. Period. We're helping them.

"Overtime, like I said, you shorted us. The Goddard station, they have days they run with three instead of five. Before that it was Maize, they ran short three to five. So this is just a bad, bad idea. I understand doing this, you are ultimately responsible for everything that happens to this Fire District. In my career, I have buried two brothers. I am retiring in two days. I'm not going anywhere. Still here. Because they need me. Thank you. Any questions, I will be happy to answer them."

Chairman Howell said, "Thank you Mr. Cowley. All right. Is there anybody else in the audience who wants to speak that did not sign up? All right. Seeing none, we'll bring it back to the Board. Commissioners, any comments or questions? Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I would like to ask if Mr. Chronis or somebody could give us a financial analysis of this proposal or speak to that issue."

Mr. Chris Chronis, Chief Financial Officer, greeted the Commissioners and said, "We estimate that the 2016 cost of returning to the 2012 pay structure will be approximately \$109,000.00 providing a one percent bonus to the roughly third of the members who would not have their pay increased by that return to the 2012 structure, would add another \$22,000 of cost in 2016. We estimate the cost of the two percent bonus that is proposed for 2017 would be approximately \$198,000.

"As you know, the financial forecast for the Fire District, with or without the adjustments that we are talking about here pursuant to this contract, the financial forecast is for the District to incur deficits, operating deficits for each of the five years of the financial forecast, and those deficits will be funded by draws by reductions of the fund balance throughout the five-year period."

Commissioner Ranzau said, "Thank you."

Chairman Howell said, "All right. Commissioners, any other questions or comments? Okay. I am closing the public comment portion, because there's nobody else left to speak here. We are back to the Board. Commissioner? Would you like to say anything, Commissioner Norton?"

Commissioner Norton thanked the Chairman and said, "I will start it off. First of all, I have Station 34 right in the heart of my District. I am very proud of it. It is a brand new facility. It has great Fire Fighters that work out of there and serve the south side very well. So I'm very proud of that. As I've been on this Commission over the years, the thing I understand is there is a three-legged stool to providing great fire service. Facilities, equipment, and personnel.

"Over the years we've invested dramatically in facilities. The Mayor of Goddard can talk to that. The Mayor of Maize can talk to that. The Mayor of Haysville can talk to that. Brand new stations that serve big populations that find themselves out in the county. Yes, they are in municipalities, but they are not part of the system of the City of Wichita. We've invested in great equipment. We do have a quint in Haysville. I am very proud of that big piece of equipment.

"We've invested in hazmat equipment that is second to none, and the training that goes with it, because in my District, you have an Oxicam, you have an Air Products, you have a DeBruce Grain Elevator, and you know, we've had problems. Hopefully we don't ever have them again. By the way, we are fraught with things like tornadoes. I have suffered with those in my District, too. I am proud to say that first on the scene was Sedgwick County Fire Fighters along with Sedgwick County Sheriff. So over the years we've invested heavily in facilities, brand new ones, worked hard to figure out where to put them, how much to spend on them.

"We've invested in great equipment and training, and now it's time to discuss personnel. It's critical. You can have all these other good things that we've already done, and if you don't have dedicated, highly educated, knowledgeable, highly compensated, motivated Fire Fighters with good protocols and disciplines under their belt, all that other doesn't matter. And I personally do not believe today that we have done enough to finish these negotiations off and make sure that we come to a good agreement of what we want as a Commission, and what the folks that deliver the services, boots on the ground, are needing to stay motivated and educated and dedicated to the citizens of this community. I could probably live with one year contract if we had to. I think that would give us some time to start negotiations again. Get at the table and figure this out. Now that's not the optimum for me, I would say let's try to sit down now and try to get this resolved before the Budget season's over with.

"I don't particularly like the idea of volunteers. Although some small towns have volunteers and that's okay. But I certainly agree, that volunteers may not be as highly trained as that I think they could be, and they're not quite as motivated in my mind. I'd rather have a wage increase as opposed to a bonus. I think that's prudent. I think we've postponed this, pushed it down the road. Kicked the can and we've not compensated our Fire Fighters at certain levels like we should. We need to figure out, just like we do in our general population, in our Public Safety Groups, in other areas, parity in the marketplace. We have studied it and studied it and studied it. All the studies show that there is not parity. And we need to figure that out. We are struggling with that on the general government side right now. Its big dollars. We don't like to talk about it. But it's a reality. It's the elephant in the room. It is with the Fire District, too. So we are going to have to deal with it, and for me, we've got to get along with parity in the market.

"I'm not so sure I like the idea of the Chief being able to decide on the pay for part-timers. It should be built, hard-wired into a personnel policy, not you can say this part-timer will get this much money and this part-timer will get this much money. Seems like as I see the simplicity of how this is written, that's what can happen. I don't believe that's prudent. We are going to have part-timers, I don't advocate for them, but if we are going to have them, there should be a pay scale for them just like anybody else based on their resume, what they know, what hours they can work, and how they contribute to the safety of the citizens of Sedgwick County.

"So as of today, I know we've looked for consensus. I'm not warm to this agreement with some of these caveats. If it were up to me, we would continue to negotiate until

we come into something. Now, the other thing that nobody ever wants to hear is the reality. That someday we are going to have to deal with this, and it may mean a small mill levy increase. Do I like that? No. But that's part of the reality. Costs go up, compensations go up, and in my District, medical calls and fire calls are huge. It may not be, I want to be sure I'm true, but I think Station 34 is either the first or second highest call volume station in the District. I want it to be right. I want us to get this right and make sure that the folks that serve my District on the south side are taken care of, motivated, and dedicated, so I'm not particularly warm to this today. I will be glad to hear more conversation as we move along. Thank you, Mr. Chair."

Chairman Howell said, "All right, I'm developing a lot of comments and questions myself. Let me just, I'll continue doing that. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I will just say a few things. I'm very concerned about the financial situation of the Fire District. I think in the past I had voted for some Fire District budgets, and voted against others because of my concern that I didn't think we were addressing the long-term issues of the imbalance, and the fact that we are using deficits. Throughout this process, kept that in the back of mind as far as the long-term liabilities of this District. Looking for solutions that would give us long-term viability. I don't think we've found that yet. Every proposal that was out there, ours or the Union and this would include causes deficits and eventually insolvency of the District. We still have a lot of work as we move forward. I believe that the Board of County Commissioners negotiated in absolute good faith. We made several proposals. Disappointed that the Union members didn't have the opportunity to vote on any of them."

"We also wanted to clarify the language on part-timers and volunteers. I think as well as we would also like pay for performance. The Union refused both of those issues. We decided to stop negotiating on those issues for a while. In a step of good faith and hope that the Union would come in our direction and understand the financial issues we were having, but they did not. I am very disappointed. It's also very disappointing to hear people prejudge the idea that we can have part-timers. First of all, we already can. We just want to clarify that language."

"The President of the Fire Fighters Union was a part-timer, and yet he wants to criticize giving the Fire Chief options to manage the Fire District in a fiscally responsible manner. That's what we are trying to do. Many of the things that were provided in the testimony from Mr. York are not credible, and there's so many things being said that are incorrect, or deceptive, or just tells part of the story, I don't have time to address it all."

"Regardless of what contract we come up with, this one, one of the others, or something else, we have significant financial issues with the Fire District and we are going to have to address them sometime. I would argue even if we propose this one, if we would continue this one indefinitely, it would still lead to insolvency, or any of the other ones discussed about. There's got to be some honest and open dialogue with alternatives on how to reduce costs. Unfortunately, we have not been able to have that conversation. I hope that changes as we move forward regardless of what we do here today. That's all I have for now, Mr. Chairman."

Chairman Howell said, "Thank you for your comments, Commissioner. Commissioner Unruh."

Commissioner Unruh thanked the Chairman and said, "We are approaching a decision point here, and I just wanted to weigh in with where, the conclusion that I'm arriving at on this decision. I appreciate the comments of both of my colleagues. I

think they are both accurate in what they say, but as I try to understand this, we've got two big issues, one, we have an issue with revenue for the Fire District that has not been growing, and yet we still have to keep the Fire District solvent. We have a problem with staffing, and seems to me like the solution using part-time Fire Fighters is a solution at least in the short-term.

"We have to come up with a way to solve the structural imbalance that we have, and as Commissioner Ranzau said, this particular contract will not solve that, so our work is not done. But in the short-term, in order to resolve the issue, and put us back to work finding a long-term solution, which very likely is going to have to have us consider a mill levy increase in order to fund the services of the Fire District. I mean, if we continue on this path, even with this contract, we're still going to use our reserves and become insolvent in the very near future. So our solution this is not really a solution, it's just a pause in the negotiations while we try to work on a further solution. To me, this is a better move than just continuing without a contract. So I'm going to be, I think, in favor of moving forward with this, until we find a better solution. That's all I have."

Chairman Howell said, "Thank you for your comments, Commissioner Unruh. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "I will say I am willing to consider additional proposals, if Commissioner Norton has a proposal he would like to put forward that he thinks might be better than this, I'm certainly willing to entertain that."

Chairman Howell said, "Thank you, Commissioner Ranzau. Any other comments? All right. Let me make a few comments myself. I would like to clarify a couple things. Mr. North, do you have a moments to answer a few questions regarding the casino revenue. Can you please remind us of your opinion regarding the reason why that revenue is not available to be used the way it is by the Union? Please tell me your perspective."

Mr. North said, "Our perspective is we can't use it, we are legally prohibited from use casino revenue. That's a question I wasn't as prepared for as I thought I would be. Basically it comes down to this: the statutory, it was a statutory system set up for certain people to be within gaming Districts. Sedgwick County is within the gaming District that includes that of Sumner County, which would include the casino down close to Mulvane. The statute that specifies gaming District only talks about counties, it does not talk about being able to allocate revenue to Fire Districts, or to any other governmental entity."

"Also tied in with that is the issue, okay, even with, if the gaming District statutes don't address that issue about whether Fire Districts should be paid that money, is there some other mechanism that simply goes to the county and transferring that over to the Fire District. Our opinion is, and I think I have the support of other legal staff here that talks about this, you cannot do that, because the Fire District is set up as a special fund. We have a number of different funds. EMS, for example, has a fund, noxious weeds has a fund, and there is a General County fund. There are a lot of other funds that I am not bright enough to remember as I sit here and talk to you here, but statutory prohibitions keep one from going into another fund."

"The reason for that, there are specific tax allocations that go to these governmental services. A certain amount of our property tax money goes for general operations in the county, but it also goes to EMS, it goes to noxious weeds, and it also goes to Fire District for those citizens in Sedgwick County that live within the Fire District. But,

statutory prohibitions are set up so you don't have one fund because of whatever political realities may exist out there, or political pressures may exist from dipping into another fund.

"We tax for certain governmental function. That is addressed by fund, and it is specifically to stay there. That is why we simply cannot get casino money that is not specified in the gaming statute that goes to any other fund other than the county to go to anyplace else. We couldn't give it to EMS, we couldn't give it to anybody else and that's why our opinion, we feel very strongly the reason the casino revenue is not the option here.

"As you may recall, there were a couple of other arguments I made there, is the issue of what do we cut, because that money is committed to other programs and how much, when the Fire District does essentially only four percent of what the general revenue is, and that wouldn't even dent what we're talking about in terms of Union's proposal in terms of a contribution. Those are all political and practical realities. We think there are legal prohibitions and we firmly stand by that opinion"

Chairman Howell said, "Very good, thank you for that explanation. I would also remind you, the casino sits inside Mulvane, although it seems like its five miles from the part of Mulvane, there was an annexation that brings it into the city limits of Mulvane. We have an agreement with Mulvane with respect to mutual aid or automatic aid, I believe probably mutual aid. They actually go inside Sedgwick County to help assist with our calls, and I think we also go into City of Mulvane when needed to provide some assistance to them when we are called. So I believe that agreement is in place. Also I believe we have an agreement with the City of Peck, I believe it is. Yes, go ahead."

Mr. North said, "Our agreement with the City of Mulvane Fire Department. Their Fire Department will go to the City of Peck and cover structural fires. That is in exchange for our Fire District going in and covering any structural fires in the casino area. It is a mutual agreement. I assume it is based on geography and resources available within a reasonable distance."

Chairman Howell said, "One more question on that. I think I heard this before, but please remind me, we have responded to a casino in the past, we had at least, been open I believe since 2010, I believe."

Mr. North said, "2010, my understanding, and I of course rely on other people, that I think in 2013 we responded to a vehicle fire, and I believe that's the only time we've ever responded. I think early on, we did have people going down there inspecting, fire prevention systems. I think maybe we had got paid a fee for doing that, as I remember it, but as I understand it, that one call is all that's ever been brought to my attention."

Chairman Howell said, "Very good, thank you so much for the answers to my questions. Couple other comments. I believe the Fire District represents about 85,000 people who pay taxes. Of course, it's property tax-funded, so although 85,000 people may live in that Fire District, that's not 85,000 independent payments to the Fire District each property owner pays into the Fire District. I believe it's around, a little more than 18 mills property tax, comparing that with Sedgwick County government, there's about 508,000 people inside Sedgwick County government paying similarly into the Governing Body of Sedgwick County, and that's about 28, 29.3 mills, I guess.

"So it's roughly two-thirds of the, you want to compare those things, two-thirds. But

we only have about 1/6th of the population. Also, because of the nature of the Fire District, it is a shrinking tax base. Over the years, our responsibilities seem to be level or go up, however, the number of people paying taxes into that goes down. So with that I would like to ask Mr. Chronis one quick question. Could you please remind me, or if you can guess, hopefully closely guess to the answer, how much has the revenue gone up in the Fire District as a result of increases in assessed valuations?"

Mr. Chronis said, "My recollection is that in 2013 the increase in the tax base was about 1.6 percent. Thank you, Lindsey. A 1.2 percent, excuse me, in 2014 it was 1.8 percent, in 2015, it was .9 percent. We have forecasted in that long-term forecast that I described to you earlier, we have forecasted future growth of the tax base at approximately 1.5 percent, a little bit less than that."

Chairman Howell said, "Very good, thank you. So if we approve this contract, it includes increases that are above those numbers, so that actually sets us up for additional insolvency. These are facts, I understand that both sides estimated these numbers independently and they somewhat disagree on the projections. However, I think the past numbers are hard facts we ought to be looking at. I believe that speaks volumes to me, that we are continuing to spend more than we take in, which is why we continue to run on deficit, which means our budget is not balanced. If it wasn't for a fund balance to carry to budget forward, we would be insolvent already. We are going to cross that threshold in the future, especially if we pass any increases, even as described by this proposal today. Couple of other comments. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "Because staff was kind enough on the finance end to provide data and they went back, I am not sure why they went back to 2003, but I looked at it two ways, because I wasn't here in 2003. Came on board in 2009. And I looked at the data and analyzed it, both from when I started, and as far back as I could go with 2003. And from looking at the data, the real problem we've got, and this is going to be a continuing challenge, because the boundaries of the Fire District are flexible. Anybody who has watched us has seen the items come up on the agenda. People, some folks want in, other folks want to get out. We also have municipal annexations. We have a lot of municipalities in the Fire District.

"Bel Aire, Haysville, Goddard, Garden Plain, just to name some, and others are outside. The bottom line, City of Wichita has, that's not in the Fire District, City of Derby that's not in the Fire District, if they annex, we have a fire station, we had a county fire station inside the City of Derby. Fortunately we were able to come up with a new facility, and we have got a plan that's been in place for many years to build new fire stations, including I think the most recent one built in my District was in Goddard.

"But I point out the challenge and the difference we have, you know, property taxes were raised between 2003 and 2009. Since 2009, mill levies have basically been flat. Here's the real killer. The assessed valuation growth. In 2003, we have got 56 percent increase in assessed valuation between 2016 compared to what it was in 2003. Since 2009, 13 percent. Property tax levied had grown from 2003 to the present, increased 85 percent. Since 2009, it's grown just under 13 percent. So we've got a challenge in front of us. If you want to raise taxes, and the challenge I hear from and the folks who contact me said, look, I am in the City of Wichita, paying a little over 30 mills in City property tax, and they've said, I've got, I'm not in the City of Wichita, I am in another city, plus I've got the Fire District mill levy on top of it, and sometimes that's a good deal more.

"The challenge we've had is make Sedgwick County as competitive a place as we can to do so, and we've got a commitment for fire safety. I think this discussion would be remiss if at least someone from up here didn't point out, so I am going to do it, that the new agreement that we have for fire training in place with the City of Wichita is going to give us an unprecedented opportunity for facilities that we've never been able to utilize in the past. I think it will be a big plus going down the road for the community overall.

"We've had some talk about part-timers. Part-timers in a number of the departments around here, and I think we have a commitment to try and come up with the best way to keep this community safe at a reasonable cost as possible. I realize that's a subjective statement, but we're trying to protect this community and do so at the best price, and proceeding in a way that we have to live with within those realities.

"Tax base has not been growing. That's a county wide problem. Actually, it is a nationwide problem. Statewide problem, and Sedgwick County is not immune to it and the Fire District is not immune to it. But it is a reality, and it can be ignored, but in the long run it cannot be denied. That's why, my opinion we're in the situation we're in today. I agree with Commissioner Ranzau. There's plenty of cases in bargaining units where members get a say, and sometimes executive committee may say, we don't get this contract and send it to the membership that way. I have heard that on many occasions.

"For us to propose multiple agreements and none of them ever go to the rank and file to have input, it makes me struggle because when I combine that with, you know, I could ask the County Counselor the question, I already know the answer to it, Mr. County Counselor, or Mr. North, tell me about the county's agreement with the Kansas Star Casino. Well, there is none. Never has. Unless something significantly changes, I don't think there will be. I think that's been it a distraction from the reality of the situation we face today.

"This is a property tax-funded entity, and we have got mutual aid and automatic aid agreements with basically every adjacent Fire District. In some ways that's going to pull us into neighboring counties like Mulvane was mentioned, but it's far from alone. We've got others that would take us out of county under mutual aid and automatic aid, and that's going back to the criteria I've placed here, trying to keep the community safe for as reasonable a cost as possible. In my opinion, that's how we got here. Thank you, Mr. Chairman."

Chairman Howell said, "Thank you again. I would like to, Marcy Gregory, you mentioned earlier, you would take a question. Would you mind doing that still?"

Ms. Gregory said, "Sure."

Chairman Howell said, "Okay. I appreciate the sentiment, you said some nice things. I agree with the things you said. I have a question for you, because you are to be clear, you are the Mayor of the City of Goddard."

Ms. Gregory said, "That's correct."

Chairman Howell said, "In fact, you are also hoping to be on Sedgwick County Commission at some point, which means you would be in this position. I think you have a perspective that I would like to understand better. Do you have any solutions that you are offering? You talked about, you know, providing pay increases. I love the idea, but what is your solution? Are you advocating for a tax increase? How are you going to solve the problem?"

Ms. Gregory said, "Well, Commissioner Norton and Commissioner Unruh said that would possibly be a consideration. I believe your fact finding study actually pointed out a couple of other alternatives. I think a mention of a 911 charge. I'm be drawing a blank, it's been a while since I read that. I thought she offered two or three different options, and I think those should all be on the table for consideration."

Chairman Howell said, "Just for clarity, do you understand the Fire District is a separate governing body?"

Ms. Gregory said, "Yes."

Chairman Howell said, "In other words, we can't tax people across the county and provide revenue to the Fire District specifically, because it is a different governing body, it's a different jurisdiction."

Ms. Gregory said, "Yes, yes."

Chairman Howell said, "Okay. So other than the 911 potential tax."

Ms. Gregory said, "I am saying I believe there are other options, but excuse me. There were at least two or three that were brought up in that, and, again, a mill levy increase is a possible option of one of several. Again, I don't think it's been thought through maybe well enough."

Chairman Howell said, "So would you prefer that? Is that what you would like us to do today?"

Ms. Gregory said, "Again, I am not in the capacity, I would want to be able to have conversations with everyone to make the best decision for the entire population."

Chairman Howell said, "Thank you. You may have a seat. Appreciate your input on that. Dave Thomas, would you be willing to, Thompson, Dave Thompson I am sorry, would you mind answering a couple questions, please? Commissioner Ranzau made a point a minute ago, I would like to have you speak to it. Confirm or deny, were you in fact hired by Sedgwick County Fire as a part-timer?"

Mr. Thompson said, "I was, in 1996, I was a part-time employee called extra board. We were hired for \$7.99 an hour with no benefits, no retirement. That was our only way to get hired as a full-time employee of Sedgwick County Fire District No. 1 under a complete separate management, and different governing body than we have today."

Chairman Howell said, "Okay. I don't know the answer to this question, but I calculate the numbers, maybe my numbers are incorrect, but how many Fire Fighters do we have actually serving as Fire Fighters within Sedgwick County? Looking at all departments. Do you have any idea about how many Fire Fighters we have in Sedgwick County total?"

Mr. Thompson said, "Sedgwick County Fire District 1 or total?"

Chairman Howell said, "Entire county. Wichita included, and others."

Mr. Thompson said, "I can give you a roundabout number between Wichita and us, as far as department size."

Chairman Howell said, "Sure."

Mr. Thompson said, "I wouldn't be able to give you a volunteer status, because in the areas in which I serve, nine times out of ten they don't respond."

Chairman Howell said, "So I have a number in my head. What number do you think?"

Mr. Thompson said, "I couldn't go there. Because I don't train with them, I don't see them, and they don't respond to most of the alarms that I go on in the county."

Chairman Howell said, "It's interesting you say you don't train with them. When you show up to a fire call, do you not work with the City of Wichita and other Fire Departments?"

Mr. Thompson said, "Again, I asked for clarification. I can give you City of Wichita, but volunteer organizations, I don't have their numbers."

Chairman Howell said, "But Sedgwick County responds to a fire call, and alongside of them is the Derby Fire Department, or Mulvane Fire Department, or Wichita Fire Department for example."

Mr. Thompson said, "Correct."

Chairman Howell said, "Mulvane or Wichita. Those Fire Fighters are qualified Fire Fighters." Do you feel they are putting you, Sedgwick County Fire Fighters at risk in any way?"

Mr. Thompson said, "Between the entities you just described and that we respond with and train with, absolutely not."

Chairman Howell said, "And I would not think so as well. I think they are very good Fire Fighters across the county. I wanted clarity there. I believe there is around 400 Fire Fighters across this county, maybe my numbers are incorrect. That's a quick calculation, counting the number of Fire Fighters that work inside the City of Wichita and other departments across the county, I believe there's 400 or so. Would you agree with that number, approximately?"

Mr. Thompson said, "I would say it is low."

Chairman Howell said, "I am a little low?"

Mr. Thompson said, "Yes."

Chairman Howell said, "Okay. That's important, because, again, one of the contingents I've heard is that we've got to train Fire Fighters if they want to be part-time in our department. We have to provide training as if they have never been a Fire Fighter. I would wonder whether or not those other Fire Fighters, you know, roughly 260, 280 Fire Fighters across the county would want to have opportunities to fill some of the part-time positions, should that become available."

Mr. Thompson said, "I think on a philosophical note you touched on something, but I think on a deeper level you haven't hit the core, and that has to do with how do you mitigate the issues that go around part-timers or volunteers. How do you mandate them to work. How do you discipline them when they violate policies, procedures, guidelines or laws? Those are huge items that we deal with in Public Safety every day. And you can't mandate a volunteer to do anything. You can't even have them

shave their face."

Chairman Howell said, "My final question for you is, have we had any Fire Fighters that have left Sedgwick County Fire District No. 1 and moved over to Derby or Wichita?"

Mr. Thompson said, "Yes."

Chairman Howell said, "How many folks have we had that have done that over what period of time?"

Mr. Thompson said, "I can give you rough estimates, but I know names. I know faces, but time frames, it shrinks on me because I have been here 20 years."

Chairman Howell said, "It is an important point, because, again, the arguments are that we've got a huge, the Sheriff is talking about lateral transfers. Chief Ramsay potentially is going to open up lateral transfers and he's concerned about losing some of his staff to jump over to Wichita because the pay structure being so much different. It's an important point to note"

Mr. Thompson said, "Correct."

Chairman Howell said, "Chief Ramsay is potentially going to open up lateral transfers. He's concerned about losing some of his staff to just jump over to Wichita because of the pay structure being so much different."

Mr. Thompson said, "Yes."

Chairman Howell said, "That's an important point to note. Again, I don't think the Sheriff actually presented any data to say it's happened up to this point, but he's concerned about the future. Right now, do we have, you said it has happened. Can you describe to the best of your knowledge how many folks and over what period of time has it happened?"

Adopted

Mr. Thompson said, "I would tell you probably in the last five years, close to one a year, if I was to give you an estimate on an average. Now, that average is being talked about going up, and I can tell you in conversation that I have had with Matt Schulte, who is the President of Local 135 (I.A.F.F) behind Chief Ramsay possibly doing the open door lateral transfer, I'm actually in Matt's ear saying I hope your Fire Chief does the same, because I've got some very confident and qualified men and women that would like that possibility, coming to your department as things like this come out of our Commission."

Commissioner Ranzau said, "Excuse me. Let me clarify. So you as the President of the Union are actually encouraging the situation that would lead to Fire Fighters going from the Fire District to the Wichita Fire Department?"

Mr. Thompson said, "I am actively advising our members as they come and ask about the future of the Fire District and how..."

Commissioner Ranzau said, "No, no."

Mr. Thompson said, "I am answering your question"

Commissioner Ranzau said, "I'm asking, you went to the Fire Fighters Union of Wichita, you said you hope you do the same thing?"

Mr. Thompson said, "If you have the ability, if Wichita Fire (Department) has the same ability..."

Commissioner Ranzau said, "Did you say that? Did you say that?"

Mr. Thompson said, "If Wichita has the same ability..."

Commissioner Ranzau said, "I don't have any other questions for you."

Mr. Thompson said, "Good. Thank you."

Chairman Howell said, "You may have a seat, thank you. Another couple comments. This issue of part-time is a discussion that we've had since I have had since I've been here. Mr. Thompson and I spoke in my office about the issue of part-time Fire Fighters when I first came here. This has been a topic that's been in front of the Commission for a long time."

"One of the challenges of course, is we need a structural solution. We don't have a long-term solution to the insolvency of this Fire District. In approving this contract today actually makes our situation worse because we are committing more funds to something that's already upside down. So we need a structural solution. I look to the Fire Union for legitimate legal solutions and so far they've not presented something that is agreeable to Mike North our expert attorney from the Sedgwick County Governing Body (Fire District No. 1). He's presented in his opinion that the proposals given to us so far are not legitimate things we can do. We've got a challenge in trying to find a structural solution to insolvent Fire District. So far neither side has actually found an answer to the question."

"Part-time Fire Fighters in my opinion is part of the answer. It's been something we've talked about in the last year, it continues to come up over and over again. The idea that is brand new today is simply false. I will recognize Commissioner Ranzau for a moment. I will wait for just a moment here. Mr. Chronis pointed out our revenues are going up slowly. What we have right now is a situation where the Fire District continues to take on more and more responsibility."

"We continue to spend a lot of time inside the City of Wichita. We have placed our Fire Stations in such a place, according to call volume, but not necessarily geographically. So that we can reach people with the majority of the calls as fast as possible, which sounds like a great idea. The reality is, we're spending a lot of time in the City of Wichita, and they don't actually provide funds to the Fire District."

"It is obviously a debate where we should place fire stations. We've already invested many millions of dollars to provide fantastic fire stations. Most of them are close to urban centers, especially City of Wichita, and so we've got a tremendous obligation and responsibility that we don't have a tax base to support it. It is a structural challenge, and it is not easy to solve. Down the road we have to make hard decisions. Potentially a mill levy increase, which I don't think I could support at this point. I don't see me doing that in the future. Other solutions will be very difficult in terms of manpower, and stations, and where they are located and whether they can continue to exist, and levels of manning. Who knows where this is going to go. We

have got to find some structural solutions to the problem."

"I think part-time help, especially if they've got skills already has got to be part of the answer. Let me point out there are EMS services, regularly uses part EMT's (Emergency Medical Technician) and so I don't think anybody argues we don't have good quality first responder services from our EMS system. Even though they utilize part timers right now. So again, I think part time has got to be part of the solution.

"I might also say I appreciate Commissioner Norton, he made some very nice comments but I will tell you that he's not really been an active participant in the discussions in our Executive Sessions regarding these issues. I think every Commissioner has given an opinion on ways to solve this problem, and Commissioner Norton has been mostly silent. I wanted to point that out because it's easy to sit back and be critical and not provide ideas on how to solve the problem.

"This is a very complex issue today, and it is not easy to talk about it, to come to a solution or conclusion. I wanted to make that clear. It is easy to sit back and be critical. It's hard to come up with solutions. Someone needs to solve the problem. Someone needs to lead. I wanted to make that point. I don't have anything else to say. Commissioner Ranzau."

Commissioner Ranzau thanked the Chairman and said, "Very disappointed that we are at the point where we are here today. As I said earlier, for the last several years I have stressed that we need to address the long-term issues of the Fire District. We have not done that, and I don't think that this contract does it either, as I have already said. I am supportive of the part-time language and the volunteer, but that's really overall a small issue. It is not going to solve, let's make this very clear I am not saying, or anyone up here is saying some of this language on part-timers is going to solve the financial issues. It is not.

"It gives the Chief more flexibility should he deem it appropriate or necessary or fiscally responsible. That being said, we've got to do something. We could keep negotiating, but I don't believe the leadership of the Fire Union is interested in reaching a fiscally responsible solution. We have offered many proposals, none of which have been voted on by the Union members. You have offered alternatives, everything we want to do, part-timers or anything that's seen as a help is bad-mouthed.

"Recently we did an agreement with the City of Wichita to work at the Regional Fire Training Center. That idea was bad-mouthed by Union leadership. It was actually opposed on Facebook that said they did not support the partnership. That is unconscionable to say they don't support a partnership with the City of Wichita to training our Fire Fighters. And to pretend there's not an issue is deceitful. And now we have Union leadership admitting that they are actively working with leadership of another Union to do things that would bring harm to the District.

"I think all of these things in concert demonstrate that the Union leadership has not negotiated in good faith. And I don't think they would if we postponed this another week, month, or several months. It is very disappointing. You can't deny the reality of the fiscal issues in the Fire District. Something is going to have to change, and I would hope we could partner in some solutions to this.

"To this point there's been reluctance on the part of the Fire District, or Fire Union leadership. I hope that changes, but I think we need to solve this, at least temporarily, provide some certainty for the next year or two as we continue to address these very difficult issues. Chairman Howell is right, it's easy to go out in the media and say a

bunch of stuff, most of which is false or misleading, knowing you are not going to be fact-check on it. It is very different to sit down and have to govern and make these difficult decisions, and take into account all people's opinions out there."

MOTION

Commissioner Ranzau moved to make a motion to adopt the proposed contract as presented.

Chairman Howell seconded the motion.

Chairman Howell said, "Again, I say that because I don't believe there's any good answer, no matter what we do, it's going to be criticized. It is not comfortable to do so, but somebody needs to govern, somebody needs to pass a contract. Time for us to move forward. This gives us two years, I guess, to work out structural solutions, which I have no doubt we will continue to work. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I will just point out, I mean, my understanding of what we have before us, this will cover a period of time from January 1, 2016 through December 31, 2017. So it is a two-year agreement, but we are already for all intents and purposes a year and a half into it. It is going to cover basically a year and a half. We're already six months, almost six months in. So in terms of the duration of the agreement, the idea that we are going to basically, what was proposed to us, basically we would be in perpetual negotiation, and I don't think that's helpful or productive at this point, so I find myself in the same situation some of my colleagues have described.

"I know I have heard the argument in terms of we should have a six-month agreement in effect is what we are talking about going forward. I think a year and a half agreement to December 31, 2017 is a better time frame. Frankly, we've had some discussions, at least I have, about going out to two and a half years, and that would be too long. So the duration of this agreement, I want to get that on the record. It is effectively a little over a year and a half. Thank you."

Chairman Howell said, "Thank you for your comments, Commissioner Peterjohn. Any other comments? Commissioner Norton."

MOTION

Commissioner Norton moved to make a substitute motion to look into this contract with the caveat that it is one year, and eliminate articles 17 and 17A from the contract, giving six months to negotiate.

Commissioner Unruh seconded the motion

Chairman Howell said, "We have a substitute motion to accept the contract with the exceptions of, make it a one-year contract and delete articles 17 and 17-a; is that correct?"

Commissioner Norton said, "Yes."

Chairman Howell said, "All right. I would like clarify since we are going to draft that, Commissioners. Do you want us to still leave the compensation for 2016 as we've put it, and simply not do the 2017?"

Commissioner Norton said, "Yes."

Chairman Howell said, "We have a motion and second. Further discussion, Commissioner Ranzau?"

Commissioner Ranzau said, "That would put us, that wouldn't change a whole lot. We would continue to be negotiating. Leadership I think is not interested in negotiating truthfully."

Chairman Howell said, "All right. Any other discussion?"

Commissioner Ranzau said, "Beyond that, I think this is a pure political movement, just to make a particular Commissioner say he had an alternative. I am very disappointed at some of the things that were done here today. To politicize an important issue like this, in the manner that's happened here today is very disappointing."

Chairman Howell said, "Further discussion from Commissioners? I will not support the motion. We talked about this when we started negotiations, it's been a very long time. We have given at least four opportunities for the Fire Union to provide information to the Fire Fighters and asking them for feedback, we've received none. It's been a tremendously difficult process to get to this point. I think we need some time to find structural solutions to the Fire District, and I think just to pass a one-year contract in my opinion doesn't solve anything. We need some time to solve it structurally, so one and a half year moratorium, if you will, between now and when the next contract needs to be signed gives us that opportunity. I can't support the substitute motion. Commissioner Peterjohn."

Commissioner Peterjohn thanked the Chairman and said, "I'll stand by my comments in terms of this would basically be a six-month agreement. My other comments in terms of duration stand. I won't be supporting, either."

There being no further discussion a vote was called on the substitute motion.

VOTE

Commissioner Unruh	No
Commissioner Norton	Aye
Commissioner Peterjohn	No
Commissioner Ranzau	No
Chairman Howell	No

Chairman Howell said, "We are back on the original motion."

There being no further discussion a vote was called on the original motion.

VOTE

Commissioner Unruh	Aye
Commissioner Norton	No
Commissioner Peterjohn	Aye
Commissioner Ranzau	Aye
Chairman Howell	Aye

Chairman Howell said, "All right. Thank you. If I am correct, that takes us to the end of the Fire District agenda. With that I would like to adjourn the meeting of the

Governing Body of Fire District No. 1 and call back to order the regular business meeting of the Board of County Commissioners.

ADJOURNMENT

The Meeting for Sedgwick County Fire District No. 1 was adjourned at 11:37 a.m.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS

*JAMES M. HOWELL, Chairman
Fifth District*

*RICHARD RANZAU, Chair Pro Tem
Fourth District*

*DAVID M. UNRUH, Commissioner
First District*

*TIM R. NORTON, Commissioner
Second District*

*KARL PETERJOHN, Commissioner
Third District*

ATTEST:

Kelly B. Arnold, County Clerk

APPROVED:
