

# KETCHIKAN CHARTER COMMISSION

## AGENDA STATEMENT

NO       H-2 (a)      

MEETING OF July 23, 2004

ITEM TITLE Amend Article XII, Sections 12.02 and 12.03, establishing fire and EMS powers as areawide. SUBMITTED BY John Harrington, Rich Leipfert and Steve Schweppe
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### SUMMARY STATEMENT

In an effort to establish equitable services and charges for fire and EMS services within the new municipality, Commissioner Harrington met with City Public Safety Director, Rich Leipfert and City Attorney, Steve Schweppe, to formulate changes to the Charter document to reflect these powers as being areawide rather than nonareawide by service area. Mr. Schweppe indicated at a Commission meeting that there will never be a better time to accomplish this task than during the consolidation process. Once consolidation is passed, whatever good intentions about eventually melding the current departments into one will require a much greater process and will probably never be accomplished. Chief Leipfert, speaking personally, indicated that a new areawide department would more than likely effect greater efficiencies and the probability of cost savings would be realized. (Note: A spreadsheet and memoranda are included in the agenda packet for reference while considering these changes.)

#### **Rewrite:**

#### **Section 12.02      Mandatory Areawide Powers.**

In addition to all other powers that the Municipality may exercise on an areawide basis, the following powers shall be exercised on an areawide basis:

(a) The power to dispose of solid waste, whether through recycling, landfilling, shipping, or any other means, and the power to operate, maintain, monitor, remediate, repair, or remove landfills, including those previously owned or operated by the City of Ketchikan, whether or not such landfills were in operation or were closed on the effective date of this Charter;

(Summary Statement continued page 2)

#### **RECOMMENDED ACTION:**

"I move to make the suggested changes to Charter Article XII, Sections 12.02 and 12.03, establishing an areawide Fire and EMS Department within the consolidated municipality. With this action, the necessity of the North Tongass Fire & EMS Service Area would be nullified and that issue will be addressed should this current action take

place in the second reading.”

(b) The power to provide public libraries, civic centers, museums, and associated services;

(c) The power to provide emergency medical and fire fighting services.

~~(e)~~ (d) The power to provide for hospital and public health services, including, but not limited to, those services formerly provided by the City of Ketchikan's Gateway Center for Human Services. ~~The power to provide emergency medical services shall be exercised as provided in Section 12.07;~~

~~(d)~~ (e) The power to provide public parks and recreation facilities and to provide recreational activities;

~~(e)~~ (f) The power to provide port and harbor facilities and services;

~~(f)~~ (g) The power to provide cemetery and mausoleum services;

~~(g)~~ (h) The power to provide 911 emergency dispatch services;

~~(h)~~ (i) The power to provide public transportation systems, including, but not limited to, airports (including airport police, fire fighting, and other auxiliary services), and public mass transit;

~~(i)~~ (j) The power to provide animal control;

~~(j)~~ (k) The power to provide economic development; and

~~(k)~~ (l) The power to provide disaster planning, emergency communications and emergency response.

### **Section 12.03 Services Provided by Service Area**

(a) The following powers shall be exercised only through service areas:

(1) The establishment and operation of police departments, the hiring of police officers, or the contracting for the services of police officers;

~~(2) The establishment and operation of fire departments, the hiring of firefighters, and the contracting for fire fighting services;~~

~~(3)~~ (2) The collection, but not disposal, of solid waste.

Nothing in this Charter, except Section 12.02, prohibits the municipality from exercising any other power on a non-areawide basis or through service areas. No areawide power shall be interpreted to include or authorize any of the powers described in (1) and (2) ~~through (3)~~ above. ~~Dispatching services for fire and law enforcement may, however, be provided areawide and shall be provided areawide for emergency 911 dispatching.~~

**[Note: This would also require the dissolution of the North Tongass Service Area.]**

# Memorandum

**To:** Charter Commission  
**From:** John Harrington  
**Date:** 7/3/04  
**Re:** Fire and EMS powers.

Attached are two of my drafts of the charter (Section 12:02 and 12:03). One with fire and EMS powers designated as areawide; and another with them designated as nonareawide. The language appears to be simple, but the ramifications of either definitely need thoughtful consideration. Also attached is a financial spreadsheet of the current budgets, with some possible funding alternatives if the decision is made to make the powers areawide.

If the decision is to go areawide, then we will need to address the concerns and cautions in the application and transition plan, so that we maintain the current *esprit de corps* of the volunteers. An effort should be made to bring the fire fighters and EMT's onboard now so that these changes will not backfire to the detriment of charter passage.

# Memorandum

**To:** Charter Commission  
**From:** John Harrington  
**C.C.:** Mr. Schweppe, Chief Leipfert, and Chief Hull  
**Date:** 7/16/04  
**Re:** Areawide Fire and EMS powers.

Attached is my draft of language for the application regarding the uniting the Fire/EMS departments. It is rough and needs work. However, before I spend any more time working on it we need to determine whether to proceed.

Regarding the question: "Can the Departments be successfully unified; and still maintain the current volunteer organizations?" The answer is a qualified "Yes," but... The history of the city takeover of Shoreline, and a vision (shared by many of the rural fire fighters) of a huge urban department, swallowing up two small rural organizations is the major problem facing a successful unification.

Realistically, the rural areas **MUST** have a cadre of volunteers if we are to have an efficient and cost effective rural service. Therefore, it is essentially up to the volunteers whether we can successfully move toward areawide powers. If the volunteers will accept an areawide department then we can draft a plan. If the volunteers are adamantly opposed to the idea and would choose to drop out under a new plan, then we can ill afford to unify the department.

**It is just that simple.**

Even a small exodus will adversely affect the departments. Therefore, we have a question to ask any volunteer EMT or Fire Fighter who will be at our next meeting.

Also, I am asking each of you to seek out a volunteer EMT or Fire Fighter and discuss the issue with him or her.

## **Plan for the Transition to and Implementation of Area-Wide Fire Fighting and Emergency Medical Service Power**

Transition Plan: During the first year of consolidation the Borough Manager will direct the Fire Fighting/EMS department staff to prepare a transition plan for merging the Fire Fighting and Emergency Medical Services into a unified department. During the second year, the public will have the opportunity to review, and recommend changes to the plan. The unification of the department would happen in the third year following consolidation. In that third year, a one-half percent city non-areawide sales tax will become areawide and will assist in the funding of the Fire and EMS program. If for some reason the implementation plan were unacceptable to the borough assembly then the areawide power would continue to be exercised through the service areas until an adequate plan is developed. The following items need to be included in the transition plan.

- 1.) Level of Staffing: The expectation is that the current levels, both rural and urban, will be maintained. At this time, the community can not afford the city's staffing level throughout the rural areas. Therefore, the expectation is that the current level will continue (both volunteer and paid). Significant increases or significant degradation of staff levels will have negative consequences. Arguments that suggest that because the service is areawide the staffing should be equal areawide are just not persuasive. It is not affordable for the rural areas to have that increase, and it is unacceptable to the city to have service significantly inferior to the current level.
- 2.) Maintenance of three volunteer organizations: There are currently three volunteer departments each with its own history, culture and esprit de corps. Consolidation of the departments seriously threatens the make up of these three departments. Any transition plan must take into account the value of these three groups. Historically, one need only look at the demise of the Shoreline Volunteer Department to see what will happen if planning is not thorough and protections established for maintenance of the organizations. The creation of three battalions or similar grouping each with its own fire and EMS Lieutenant and volunteer organization is quite feasible. During planning several areas should be considered in order to maintain the three groups.
  - **Agility testing and requirements for volunteers:** The city's current agility tests are too demanding for the cadre of rural fire fighting volunteers. To use the city's agility test would adversely affect the fire protection in rural Ketchikan.
  - **Local Involvement:** To promote a local grassroots support each battalion would need to have a separate volunteer organization. Each with separate meeting schedule.
  - **Equipment Disposition:** The North Tongass area has spent a fortune purchasing new fire equipment. And the new ambulances both north and south are objects of pride. There is a fear that if the departments are consolidated that all this new equipment will be moved into the city. Any plan should specifically address these concerns.

- 3.) Funding: Current funding of the departments is through property taxes, fees and sales taxes. The millage level varies between 1.37 and approximately 2.0 mils. With the advent of the areawide   % sales tax, the property tax rate should be approximately 1.7 mils.

Email from Steve Schweppe [STEVES@city.ketchikan.ak.us](mailto:STEVES@city.ketchikan.ak.us)

Here are my comments on the proposal for a phased in implementation of the area-wide fire and EMS. It seems as if you have a dilemma. Without service areas, how do you justify the differing tax rates in the first three years especially as in the case of North Tongass the debt payments will be an areawide obligation? If however you establish service areas for the first three years you run into AS 29.45.460 which requires voter approval to eliminate a fire protection service area. What happens if:

- 1) The 1/2% sales tax is made areawide immediately and applied to areawide fire and EMS? There should be some increase in revenue over the City's current    % since the tax would apply to sales outside City limits.
- 2) The transition plan states that for the first 3 or so years the current service area boards for fire protection will retain the authority they currently have and that fire services in the current service areas will continue to have their own fire chiefs and other independent authority subject however to the conditions in 3) below;
- 3) While the 3 fire departments will continue to act autonomously for the transition plan all decisions as to purchasing, training and facility locating will be determined by the assembly, applying areawide considerations. The benefits in avoiding duplication in training, incompatibility or duplication in equipment and poor areawide planning of facilities should be obtained immediately. The outlying area could receive a guarantee that their fire halls will be maintained for a period of years.
- 4) EMS should be able to become areawide quickly, since it is nearly areawide south of town already. That doesn't mean that volunteers won't be used. Under the City's agreement with South Tongass, South Tongass is the first responder. They turn over the patient to the City when the City's full time EMS personnel arrive. If the fire service is areawide then the disruption caused by areawide EMS is lessened.
- 5) The separate volunteer organizations could remain indefinitely, however at some point an areawide fire chief would need to be appointed.
- 6) Agility standards could be implemented for new recruits with current members exempted. If the standards apply to the City's volunteer firefighters then it would make sense that eventually they would work for volunteers outside the City.
- 7) The current assignment of fire trucks would remain for a period of years. This would assure outlying areas that the trucks they bought will remain in their area for the immediate future even though they no longer have to pay for those trucks by themselves.

8) The planned savings from a consolidation must be pressed aggressively. I was disappointed in hearing that the commission seemed about to abandon the savings aspect of consolidation. It is only through such savings that you can get to the point of showing some tax reductions and have some money to smooth over the immediate impacts of such things as an areawide fire service. The new assembly as well as the commission should not accept no as an answer in determining staff reductions as a result of consolidation. The new assembly is going to have to hire people on the basis of whether they will make such changes and then hold them to that promise. The more savings you can squeeze out of the consolidated government the more justification you have for the consolidation and the more money you have to apply to help passage. If the transition plan just assumes that current staffing will remain and that additional personnel may need to be added to aid in the transition, then you have sent a message that status quo will remain and that ways of doing business will not need to be re-examined. At that point you will have lost an important goal of consolidation.

[>>> "John Harrington" <[johnharrington@kpunet.net](mailto:johnharrington@kpunet.net)> 07/13 10:26 AM >>>

Greetings:

Please review this. If you have any major objections let me know and I won't give it to the Charter Commission. But Time is passing, and I feel the need to give the Commission something.

John

(The memo and plan above followed this note.)]



PRESENTED TO THE COMMISSION AT THE 7/7/04 MEETING

July 5, 2004

To: Consolidation Committee Members

**From: David Hull, Chief**  
North Tongass Fire Department

RE: Consolidation position

Due to recent events regarding consolidation committee meetings and the possible effects on the North Tongass Volunteer Fire Department, I would like to present my position on the issues discussed both at the joint service area board meeting and the most recent meeting of the Consolidation Committee in which KFD Chief Leipfert attended. This last meeting apparently caused a cosmic stir in stellar rift that already exists between all four area departments because of this whole idea of consolidation. The end result of all of this is an uncomfortable feeling of what the future holds and this has an inescapable effect on the members who, expressively or not, are asking the same question we all are, "What is going to happen?"

With this in mind, I wish to officially position myself, and as such the North Tongass Volunteer Fire Department on the following questions regarding what SHOULD happen.

1. Can the area departments exist in their current configurations? YES

There is no reason to believe that the recent advancements in the relationship between the departments will change regardless of the outcome of the consolidation issue. All the departments, including NTVFD, are well established and functioning at a level that is appropriate for the area being protected. Nothing is the consolidation process in and of itself should change this, at least not with out intense pressure to do so.

2. Can the area departments come together under a consolidated format that essentially makes them one department responsible for the entire island and airport? YES

This issue becomes a little more complicated in my view. We can look to our good friends to the north of us, Juneau, as a great example of how not to do this. Bringing different departments together under one chief with a committee to manage the day-to-day issues is simply not good business practice. If the committee chooses this option then position the new head of the area-wide department appropriately and let him/her manage the new department as any manager should be able to. Do not hinder this person with a "management by committee" format. That will only serve to send all departments backwards, not forwards.

It is my personal opinion that this option will not fly in any event. To do so would mean the entire area picking up the costs currently incurred by the North Tongass Fire and EMS District. While this would most certainly benefit the NTVFD and my job, I doubt the rest of the voting public would see that as an advantage to them personally. Although one can always hope.

3. Could the issue be simplified by separating Fire and EMS powers? NO!

Regardless of the outcome of this whole issue, bring Fire and EMS together, not separate. To do so will only serve to hinder the personnel involved by dividing both the manpower and the financial needs between the two entities instead of allowing one to compliment the other. With the right manager at the helm, this ship can sail even the most troubled waters with safety. With the two separated this voyage becomes more tedious and will become much more inefficient and unnecessarily costly.

In conclusion:

- You can choose to leave the departments in their present configurations and allow the service areas to continue to manage the operations. There is no reason to believe that the departments will do anything but to continue working closely together to deliver the best possible coverage possible for the entire area.
- If you choose to make the departments one through the consolidation process then make it one department with one department head to manage it, don't turn it into a "management by committee" department.
- Finally, **DO NOT** separate Fire and EMS regardless of the consolidation choices made. To do so will do more damage to the area-wide public safety than any good that might be perceived from it. We are just too small and economically challenged to separate these administrative areas.

PRESENTED AT THE 7/7/04 CHARTER COMMISSION MEETING

June 28, 2004

**Charter Commission**

Ketchikan, AK. 99901

Dear Charter Commission Members,

I am responding to your questions of the meeting on June 25, 2004 concerning area-wide Fire and EMS powers and plan. Mr. Harrington did forward a copy of the potential revisions to the charter that would allow for area-wide Fire and KMS powers. I have reviewed the budgets of the 3 departments and have gathered some information on sales tax revenue that may be helpful to review. These numbers are simplified for expedience sake and were obtained from the City and Borough finance departments.

Ideologically and operationally it is still my opinion that one department area-wide is best for the community. Unfortunately as I reviewed the economics of the situation there are some significant issues that need to be considered before deciding to incorporate an area-wide Fire and EMS department in the charter.

Current Budgets	NT	ST	City
	\$417,112	\$233,601	\$2,458,000
Current Revenue Sources			
Mil Rate	1.4+100	1.9	1.37 General Fund
Mil Rate Revenue	\$437,112	\$ 233,603	\$804,892
Sales Tax .5%			\$1,115,000
Ambulance Revenues			\$325,000
Public Works Sales Tax			\$130,000
Grants			\$83,130
Total budgeted expenses for all departments last year is			\$3,128,715

Consolidated funding.

A 1.37 Mil Rate Borough-wide will bring in \$1,246,700.

To keep the same sales tax rate with in the city by having a police sales tax of .5% and adopting a Borough-wide Fire and EMS sales tax of .5% will allow for an additional \$1,200,000 in revenue for the department. Included in the revenues would be the Ambulance returns and the grants from the City.

Total revenues based on this method as discussed in the meeting would be \$2,854,830. This falls \$273,885 short of meeting the current expenditures.

As you can see that by looking at just these preliminary numbers and then if you take into account the debt service of North Tongass estimated at \$118,000 annually, there are significant issues beneath the surface that will cause difficulties in the consolidation effort. Which entity would pay more than they are now? How to charge a flat rate without some entity paying more? Can one service area be

charged more than others even after consolidation?

One question asked about the resources currently funded and deployed by each entity prior to consolidation and how would they be used. If a consolidated Fire and EMS department is chosen then there should be some protection for the service areas written into the charter for the resources currently funded and paid for by those areas to remain in those areas for primary responses.

While I believe in an areawide system, after reviewing the fiscal information, I feel that the Charter should allow for the continuation of the services areas, as they exist. This will allow for services levels and fees to remain consistent within each area. This should be done without restricting the new Assembly from effecting a transition into an area-wide service if they deem necessary after the consolidation. This may be the most efficient method to provide for consolidation and still leave future options available. It will also allow for the continuation of services without major disruption during a time when the new Assembly will have a significant amount of transition to deal with.

On a final note, I do not think it wise to move forward with area-wide EMS and separate fire service areas. Resources are extremely limited and separation of these resources will significantly weaken both fire and KMS services within the respective service areas.

Sincerely,

Rich Leipfert  
Public Safety Director  
City of Ketchikan