

CITY OF FALCON HEIGHTS
Special Meeting of the City Council
City Hall
2077 W. Larpenteur Avenue

DECEMBER 4, 1996
A G E N D A

- A. CALL TO ORDER: 7 P.M.

- B. ATTENDANCE: GEHRZ___GIBSON TALBOT ___ HUSTAD___JACOBS ___
KUETTEL___HOYT___
ASLESON___ATTORNEY___ENGINEER___

- C. COMMUNITY FORUM

- D. PUBLIC HEARINGS:
 - 1. 1997 Budget and Taxation Hearing

- E. POLICY
 - 1. Report from the EMS task force on the city's emergency medical services
(Chair Jacobs)

 - 2. Report from the Falcon Heights Fire Department on the plan to implement
a call schedule (Fire Chief
Nick Baumann)

ADDENDUM

**Consent
12/4/96
Item: 1**

***CITY OF FALCON HEIGHTS
CONSENT ADDENDUM
December 4, 1996***

ITEM DESCRIPTION: Accept voluntary resignation of city accountant, Joe Rigdon

SUBMITTED BY: Joe Rigdon, City Accountant

REVIEWED BY: Susan Hoyt, City Administrator

EXPLANATION/SUMMARY:

The city accountant, Joe Rigdon, recently accepted a position with the auditing firm of Kern, DeWenter, Viere, Ltd.

Joe will be resigning from city employment as of January 5, 1997. However, he will return on an hourly basis as-needed in January to complete the city's yearend financial work.

Arrangements for a temporary accountant are being made at this time.

ACTION REQUESTED:

Accept resignation of city accountant, Joe Rigdon, with last day of employment January 5, 1997

PUBLIC HEARING
12/4/96

ITEM: Presentation and public hearing on the proposed 1997 budget and related taxation

SUBMITTED BY: Susan Hoyt, City Administrator

REVIEWED BY: Joe Rigdon, City Accountant

EXPLANATION/DESCRIPTION:

The city council takes the opportunity to explain its proposed budget to citizens and to answer questions and take comments in December of each year.

- Total proposed 1997 budget \$3,963,879
- Proposed 1997 general fund to cover operating expenses \$1,209,143

(This is a 3.2% increase over the 1996 budget not including the operating transfers and a 6.6% increase over the 1996 budget when including the operating transfers.)

- Proposed levy increase is 5% or \$28,228

There will be summary budget information available at the budget and taxation presentation.

ATTACHMENT:

1. Outline of 1997 Budget and Taxation Presentation

ACTION REQUESTED:

Proposed 1997 budget presentation by Administrator Hoyt and Accountant Rigdon.

Questions and discussion.

City of Falcon Heights
Outline of 1997 Budget and Taxation Presentation
4 December 1996
7:00 PM

(estimate 20 to 30 minutes of presentation)

- I. Purpose of the presentation
 - to explain the city's share of the tax bill
- II. Budgeting process
- III. The type of city influences service needs and expenditures (very brief review of city information)
 - inner ring suburb
 - demographic description
 - land use description including residence by housing type
- IV. The goals that guide the budget
 - brief overview again
- V. The budget itself
 - total expenditures by fund type
 - the general fund expenditures
 - revenue sources
- VI. The property tax levy
 - what it is
 - how it changed
 - impact of market value
 - comparisons with similar cities
- VI. Questions

(Items V and VI will comprise the major portion of the presentation)

ADDENDUM

**Consent
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Arrangements for a temporary accountant are being made at this time.

ACTION REQUESTED:

Accept resignation of city accountant, Joe Rigdon, with last day of employment January 5, 1997

POLICY
12/4/96
Item: 1

ITEM: Report from the EMS Task Force on the status of emergency medical services in Falcon Heights

SUBMITTED BY: Councilmember Sam Jacobs, EMS Task Force

EXPLANATION/DESCRIPTION:

On September 30, 1996 the city added medical dispatching with pre-arrival instructions and Advanced Life Support (ALS) services to its emergency medical service delivery through a cooperative arrangement with the City of St. Paul. It is time for the EMS task force to report on the status of this arrangement.

GOAL 1: To protect the public health and safety.

ACTION REQUESTED:

Report and discuss the city's emergency medical services.

ITEM: Report from the Falcon Heights Fire Department on the plan to implement a call schedule

SUBMITTED BY: Nick Baumann, Fire Chief
Greg Peterson, Assistant Fire Chief
Greg Fuller, Assistant Fire Chief

EXPLANATION/DESCRIPTION:

The city council asked the administrator to communicate the necessity for the fire department to implement a call schedule effective on or before January 15, 1997.

In sum, the call schedule will:

- guarantee a minimum of two Falcon Heights firefighters responding to BLS calls
- guarantee a maximum of four Falcon Heights firefighters responding to BLS calls unless the EMS incident requires more BLS assistance
- guarantee a minimum and a maximum of two Falcon Heights firefighters responding to ALS calls until the city receives an ALS license at which time no Falcon Heights firefighters will respond to ALS calls unless requested to do so by St. Paul Fire

GOAL 1: To protect the public health and safety

ATTACHMENTS:

- 1 Memo from Mayor Gehrz to Administrator Hoyt
- 2 Memo from Administrator Hoyt to fire chief and assistant chiefs

ACTION REQUESTED:

Report from the fire department
Discussion



CITY OF
FALCON HEIGHTS

2077 W. LARPEUTEUR AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (612) 644-5050 FAX (612) 644-8675

MEMORANDUM

DATE: 18 November 1996
TO: Susan Hoyt, City Administrator
FROM: Sue Gehrz, Mayor
RE: Call schedule for Firefighters responding to EMS calls

Over the past six months, the city council and the EMS task force discussed the need to accomplish the following three objectives.

1. To arrange for St. Paul Fire to provide medical dispatching with pre-arrival instructions and to provide ALS service from the point of the 911 call.
2. To develop an EMS response model that more closely resembles the EMS response used in other Ramsey County cities. These cities typically have a police squad(s) as the first responder followed by one EMS ambulance crew. If the situation warrants it, more EMS help is called.
3. To control expenditures in the rescue fund by limiting the number of firefighters responding to EMS calls.

The first objective has been accomplished. St. Paul Fire is the city's ALS provider now and it will be into the foreseeable future.

The second and third objectives require attention from you and the fire department. Therefore, the council is directing you to ask the fire department to prepare a call schedule for responding to EMS calls that will begin on or before January 15, 1997. The call schedule should include a minimum and a maximum number of firefighters responding as follows:

1. A minimum of two firefighters and a maximum of four firefighters shall respond to all BLS calls. If the situation warrants it, additional firefighters may be called.

2. While the ALS license is being processed, two Falcon Heights firefighters shall respond to ALS calls unless St. Paul Fire requests more Falcon Heights assistance.
3. After the ALS license is approved, no Falcon Heights firefighters shall respond to ALS calls unless St. Paul Fire requests Falcon Heights assistance.
4. In the case of a cardiac arrest, St. Paul Fire personnel determined that both St. Paul Fire and Falcon Heights Fire shall respond. This shall require a minimum of two and a maximum of four Falcon Heights firefighters unless St. Paul Fire requests more Falcon Heights assistance.

The council has allocated up to \$250 to the fire department for the purpose of setting up the call schedule. These funds can be used to hire assistance or to purchase software for this task. Please make the city's clerical staff available for support too.

To assure the council that this assignment is moving forward, the city council is requesting Fire Chief Baumann, Assistant Chief Peterson and Assistant Chief Fuller to report on specifically how they plan to accomplish this task at two upcoming meetings. The first report will be at the EMS task force meeting on December 2, 1996 at 7:00 PM. The second report will be at the city council meeting on December 4, 1996 at about 7:45 PM. The council meeting will also include an update from the EMS Task Force and from St. Paul Fire on the EMS arrangement with St. Paul.

Please pass on the councilmembers' and my own thanks to the fire department personnel for undertaking this challenge and implementing it within the scheduled time frame. Finally, if the fire department personnel believe they cannot devote the time necessary to develop a call schedule within the allotted time period, you will be asked for your recommendations on how to accomplish this task.



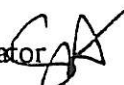
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2077 W. LARPELLEUR AVENUE FALCON HEIGHTS, MN 55113-5594 PHONE (612) 644-5050 FAX (612) 644-8675

MEMORANDUM

DATE: 19 November 1996

TO: Nick Baumann, Fire Chief
Greg Peterson, First Assistant Fire Chief
Greg Fuller, Second Assistant Fire Chief

FROM: Susan Hoyt, City Administrator 

RE: Call Schedule for Responding to EMS Calls

On behalf of the city council, Mayor Gehrz has directed me to assign you the task of preparing an EMS call schedule effective on or before January 15, 1997. This is discussed in detail in the attached memo to me from Mayor Gehrz.

I understand that you have two questions related to a call schedule. These are the necessity of being paid for responding to EMS calls and for being on call. I asked the city attorney, Ellen Sampson, to research these questions for the city (see attachments). In summary she finds:

Question 1: *Can volunteer firefighters respond to calls and not be paid for their response to some of these calls (ALS) and not others?*

Opinion 1: *Volunteer firefighters cannot respond to and receive payment for some calls and not receive payment for other calls of a similar nature. Therefore, if firefighters wish to not be paid for calls, they must ask to have the city policy changed so they are not paid to respond to any calls for service.*

Question 2: *Is the city required to pay volunteer firefighters who are 'on call' for the 'on call' time?*

Opinion 2: *Volunteer firefighters who are 'on call' are not required to be paid for the 'on call' time unless they are required to be located at the fire station or another specified location during their 'on call' status.*

Using a call schedule will require a change in the departmental operating procedures so this should be addressed in the near future.

c:Mayor and Councilmembers

NO Pity

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November 19, 1996

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GEORGE B. LEONARD (1873-1966)
ARTHUR L.H. STREET (1877-1991)
BENEDICT DEINARD (1895-1998)
AMOS S. DEINARD (1900-1967)

SIGNEY LOHREY
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WRITER'S DIRECT DIAL NUMBER

(612) 335-1698

Via Facsimile

Susan Hoyt, City Administrator
City of Falcon Heights
2077 West Larpenteur Avenue
Falcon Heights, MN 55113-5594

Dear Susan:

THE ISSUES

You have explained to me that until recently Falcon Heights Volunteer Firefighters have responded to calls for emergency medical services ("EMS") with the City. Those firefighters have been paid at the rate of \$8.75 per hour for their time.

The City has now added Advanced Life Support ("ALS") to its EMS service delivery model. The ALS service will be provided by the St. Paul Fire Department paramedic units. St. Paul Fire will decide if ALS or Basic Life Support ("BLS") is needed; it will send its paramedic units to all ALS calls and will alert Falcon Heights' Firefighters to respond to BLS calls. In the case of cardiac arrest, both a St. Paul and a Falcon Heights unit will respond.

Falcon Heights Firefighters are asking if they can continue to respond to all calls (ALS as well as BLS) if they do not receive payment for ALS calls when they would not otherwise be required to respond. The question of compensation for public employees such as firefighters, volunteer or otherwise, is addressed by the Federal Fair Labor Standards Act ("FLSA") and numerous regulations and Department of Labor opinion letters which expand upon the FLSA.

Susan Hoyt, City Administrator
November 19, 1996
Page 2

THE LAW

The Department of Labor has issued opinions as to whether public employees can volunteer in whole or in part. The basic guideline is "where an employee of one agency 'volunteers' to work for a different agency of the same government, it is necessary to determine if the agencies constitute separate employers; otherwise the voluntary 'work' must be properly compensated under the FLSA." (See W.H.Adm. Op. Oct. 10, 1985).

In an opinion signed by Wage Hour Administrator Paula V. Smith, dated September 3, 1986 (after some 1985 amendments to the FLSA went into effect), the Department states that "we recognize that the responsibility for public fire protection is often undertaken by volunteers in their communities. However, an employee of a public agency employer . . . cannot be both a paid employee and an employee 'volunteer' while performing the same type of services which the individual is employed to perform for his or her employer."

In my judgment, Falcon Heights cannot permit its firefighters, who are volunteer firefighters, but are also employees of the City when they respond to EMS calls and to fire calls, to respond to the same calls as unpaid volunteers. To do so may well violate the FLSA.

OTHER POLICY ISSUES

In addition to the legal issue outlined above, there are various public policy reasons for not allowing firefighters to voluntarily appear at ALS calls. Too many responders may create confusion about who has authority and may create undue publicity and stress for an individual or family already facing a medical crisis. There may also be insurance implications for the City if "volunteers" were to create some potential liability.

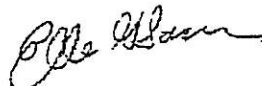
CONCLUSION

My advice is that volunteer Firefighters report to fire and EMS calls to which they are summoned and for which they will be paid and that they not respond to any calls with the intention of not requesting payment.

I hope that this advice is helpful.

Very truly yours,

LEONARD, STREET AND DEINARD

By 
Ellen G. Sampson

EGS/abr

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Via Facsimile

Susan Hoyt, City Administrator
City of Falcon Heights
2077 West Larpenteur Avenue
Falcon Heights, MN 55113-5594

Dear Susan:

You asked me whether city firefighters must be paid when they are "on-call" but not actually providing services. Firefighters, as we understand it, carry pagers and are expected to respond when paged. In the absence of any emergencies, however, they are free to attend to their personal business.

Under these circumstances, it would appear that the City need not pay its firefighters when they are "on-call" but not actually working. This principal holds true even if the firefighters elect to spend their "on-call" time at the fire station. Wage and hour regulations state that pay is appropriate for an on-call employee only when "the employee is unable to use the time effectively for his own purposes." Courts have looked at numerous factors in determining if an employee can use on-call time for personal purposes. Among the factors are whether there was an on-premises living requirements; whether there were excessive geographic restrictions on the employee movement; whether the frequency of calls was unduly restrictive; whether a fixed time limit for response was unduly restrictive; whether the on-call employee could easily trade on-call responsibilities; whether the use of a pager could ease restrictions; and, whether the employee had actually engaged in personal activities during on-call time.

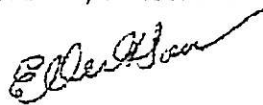
Given that the firefighters carry pagers and appear to have only minimal restrictions on their on-call time, it is our judgment that they need not be paid for that time.

Susan Hoyt, City Administrator
November 19, 1996
Page 2

Please feel free to call me if you have comments or questions or need additional information.

Very truly yours,

LEONARD, STREET AND DEINARD

By 

Ellen G. Sampson

EGS/kbr