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Urban Affairs Committee
February 05, 2008

[LB1056 LB1096 LB1101]

The Committee on Urban Affairs met at 1:30 p.m. on Tuesday, February 5, 2008, in Room 1510 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on LB1096, LB1101, and LB1056. Senators present: Mike Friend, Chairperson; Amanda McGill, Vice Chairperson; Abbie Cornett; Ray Janssen; Steve Lathrop; Kent Rogert; and Tom White. Senators absent: None. [LB1096]

SENATOR FRIEND: I wanted to welcome everybody. I know the weather is horrible. Thank you for coming all the way down, and some of you have traveled long distances. We really appreciate that. My name is Mike Friend. I'm from northwest Omaha, District 10, and this is the Urban Affairs Committee. And I wanted to...a lot of senators--don't be offended; they're offering bills in other rooms and doing things, so if you see somebody leave, certainly don't take offense to that. I will start quickly, to my right. Senator Amanda McGill from Lincoln, and she is the Vice Chair of the committee. She is here today. To my right is Bill Stadtwald; he's the legal counsel for the Urban Affairs Committee. To my left is Beth Dinneen; she is the committee clerk. And Senator Abbie Cornett is moving toward her seat; she is from Bellevue. And Steve Lathrop, to her left; Steve is from Omaha. And Kent Rogert, to Steve's left, is from Tekamah. And Ray Janssen and Tom White, I'm sure they're around. I saw them earlier and will probably be joined by them shortly. I wanted...again, to start off real quickly, I know, (a), you're all really, really busy. You've got better things to do than be down here doing this type of stuff, even though this is important. Also the weather. We're going to expedite this. I want to make sure that we get all the pertinent information, but we're going to make sure that you also get out of here, at least so you can see some daylight if possible. That said, if you would bear with us, I'm going to give you all the testifiers--particularly on the first bill; the second two bills I'm not as concerned about--all the testifiers, if we can keep it to five minutes or less. I know five minutes doesn't seem like much since you've traveled so far, but believe me, I think it will be appropriate, and especially I think if you look around, keeping the testimony to that degree, I think you're all going to be thankful in the end one way or the other, so. I won't just say stop; I won't cut you off; I may ask you to wrap up if we're approaching that time frame. I would ask, right now, if you would turn off all the cell phones and pagers, we would appreciate that. Everything is transcribed--or at least silence them--everything in this room is transcribed. Those wishing to testify on a bill, you can kind of make your way to the front of the room. I don't know how we've got all this laid out. I'll start with the proponents of bills, then we'll move to opponents, and we can go in that order. But if you make your way to the front of the room, get ready in the on-deck circle to move in; we would appreciate that. If you do not wish to testify but you'd like your name entered into the official record as being present at the hearing, there is a form by the door that you can sign, and that will be made a part of the official record for the hearing. This year we're using a computerized transcription program, and it's very important to complete the green sign-in sheets before you testify. And if you're testifying on more than one bill, you'll have to fill out a

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couple of them. I think that's about it. I would ask you, because of the transcription, if you could spell your name; state your name and spell your name for the record. We would also appreciate that. I will...not to be rude, but I will stop you, too, and not force you but ask you kindly, hopefully, to go ahead do that before you get started. The page here can...Molly Keenan, she's a marketing student at the University of Nebraska at Lincoln; she's been helping us all year. If somebody really desperately needs some water or if there's some issues, if you could alert the page or alert one of the Red Coats at the doorway, we would appreciate that. With that, I have the first bill. I think some of you here probably to speak to that, so we'll just get started. And again, I'd be happy to...there probably will be a lot of questions back and forth, but if you could work your testimony in around the five-minute mark, at the most, we would appreciate that. So we can go ahead and get started with LB1096. The committee has been joined by Senator Tom White from Omaha, and also Senator Ray Janssen from Nickerson. Senator McGill has the chair. [LB1096]

SENATOR FRIEND: Senator McGill and members of the Urban Affairs Committee, my name is Mike Friend. Again for the record it's F-r-i-e-n-d, and I'm from District 10 in northwest Omaha. This legislation, LB1096, proposes to continue the search for a resolution to the public safety issues raised, to a certain degree, by LB607 in the 2007 session. That bill was indefinitely postponed. LB1096 is divided into two parts. Sections 1, 2, and 3 deal with the proposed requirement that first-class cities with a population in excess of 20,000 people be required to hire a career fire chief, and that basic data on volunteer performance be gathered by that chief and annually reported to the city council, with a public hearing held on the report. The intent is to facilitate the local dialogue on a paid department by...excuse me, by gathering basic data and requiring an annual public hearing and discussion of the issue. The second part of the bill, found in Section 4, proposes to amend Section 35-901 to require volunteer fire departments with trust funds which experience financial activity in excess of \$50,000 annually, to report that fact to the city, village, or fire protection district they serve, and would authorize those subdivisions to audit the trust fund books. This bill only mandates the hiring of a paid...or a career fire chief, excuse me, with appropriate training, credentials, and experience, to have the immediate superintendence of the city's emergency response equipment and services. It does not require the creation of a paid fire department but rather establishes a process, in a lot of ways, to gather the necessary information to enable the decision to be made locally. Furthermore, it does not require an audit of volunteer fire department trust funds: it merely authorizes the city, the village, or the fire protection district which is served by the department to review trust fund books when the level of financial activity exceeds \$50,000 in that given year. The bill does not make trust fund money "public funds" nor does it empower the city to direct expenditures from the fund or expend funds on its own account. I would just add something, and it's going...I don't want it to be redundant. This...we've all received a lot of feedback, and some proponent feedback, some opposition feedback. And I understand that. I wanted to have a dialogue here that tried to, in my view, transcends or moves past some of the

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rhetoric that we've heard in the past. Some of you that have been on the committee for awhile have heard the rhetoric that I'm talking about, and I don't want to remove the idea that there is local control in force here, because there is. One of the conversations that I had was, well, LB607 was the answer. LB607 was not workable. And maybe this isn't either. I seem to be saying that a lot lately about my bills. But...and I don't mean to make light of this; there's a lot of people in this room--hardworking people. They understand this business a heck of a lot better than I understand it, but I do know one thing, and that is that first response is, to a certain degree, of state import. I mean, we have some legislative say in how first response occurs in this state. So, that being said, I am going to swing back around. I am not going to participate...I'll say right out front, I'm not going to participate in the question and answer here. But I very much look forward to the proponent and opponent testimony so that we can move forward in this discussion. And with that I'd be happy to answer any questions that anyone might have. [LB1096]

SENATOR MCGILL: Thank you, Senator Friend. Any questions from the committee? Seeing none, thank you. The first proponent who would like to testify? Any proponents? No proponents, right? There's one. [LB1096]

DAVID ENGLER: Hello. [LB1096]

SENATOR FRIEND: Welcome. [LB1096]

DAVID ENGLER: Well, thank you. My name is Dave Engler. I am the vice president of the Nebraska Professional Firefighters Association. [LB1096]

SENATOR FRIEND: Could you spell your name, Dave, for the record? [LB1096]

DAVID ENGLER: Yes. It's E-n-g-l-e-r. [LB1096]

SENATOR FRIEND: Okay. [LB1096]

DAVID ENGLER: All right. The Nebraska Professional Firefighters...unfortunately we had some other people that were going to be here to testify today, but obviously, because of the weather, they will be submitting theirs in by written testimony. We're here in support of this. We feel that this is an important first step to improving public safety. Obviously, we don't feel this is an issue, volunteer versus paid, but we do feel that in cities of this population it is important that we have someone that spends full-time administrating the various activities of the department, which includes everything from training to response times, to just monitoring the level of activity. And what that does, is that offers justification to continue on as they are if everything is working well, or to change the strategy. Response times are a very important component of what we do. Training is a very important component of what we do. And I know from being in this career for over 15 years, that it takes a substantial amount of time and documentation

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and monitoring to make sure all those things are done, and done correctly, and maintained. So with that, I did have a rather lengthy testimony, but I am going to try to keep it short. I will answer any questions. [LB1096]

SENATOR FRIEND: Thank you. Thank you, Dave. And it's Chief Engler, right? [LB1096]

DAVID ENGLER: No. Vice president. [LB1096]

SENATOR FRIEND: Sorry. [LB1096]

DAVID ENGLER: Yeah. That's a heck of a promotion. (Laughter) [LB1096]

SENATOR FRIEND: Any questions from the committee for Vice President Engler? Senator White. [LB1096]

SENATOR WHITE: Yes, sir. One of the things we've talked about is response times. And last time, a lot of testimony came forward that the Bellevue Volunteer Fire Department has effective responses in certain amounts of time. Subsequent to the hearing, there became concerns raised, to me at least, that a response doesn't mean the same thing in all situations. You may have a police officer on site, but if it's a fire, that police officer can't go in. The first firefighter may be on site, but that firefighter can't go in until there are enough people properly, so they can go in safely. Can you please tell the ladies and gentlemen of the committee what is a response time as you understand it, and is there an accepted definition across departments? [LB1096]

DAVID ENGLER: Yes, there are. And first of all, I want to make it clear I'm not here...I'm not familiar with the operations of the Bellevue Fire Department, and I believe that anyone that puts themselves out to do the job that we do, whether paid or volunteer, should be admired for it. And so I will speak to response times. I won't speak specifically to any other departments because I'm not familiar with the exact response time. But response time is basically from the time you get the call to the time you arrive on the scene. And the national standard is, is that in order for us to be effective, we really have to be able to respond and be on scene within five minutes 90 percent of the time, is the current goals that we try to strive for. [LB1096]

SENATOR WHITE: If you respond and you only have one firefighter and no equipment, they're on scene in that five minutes; is that a response within the time or not? [LB1096]

DAVID ENGLER: I would say that you have to have the equipment and the personnel to do the job. And there are national standards that cover that. I'm familiar with the standard for paid professional firefighters, which is in NFPA 1710. It says that basically we have to have a minimum of four personnel that initially respond. I know the American

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Heart Association, in situations of medical emergencies, require that at least two people be there to provide medical care. But as far as my experience in firefighting and national standards, you will not be effective with less than four; and four, you may or not be effective with that, but that's a start. There are separate standards, I believe it's in NFPA 1720, that deal with the response of volunteer fire departments. To be honest with you, I'm not familiar with that standard, and I certainly don't want to speak on something I'm not familiar with. But essentially, in order to be successful at an emergency scene, you do need to have the equipment, you do need to have the trained personnel there, and the right amount of personnel there to effect a positive outcome. [LB1096]

SENATOR WHITE: Thank you. [LB1096]

DAVID ENGLER: Yes. [LB1096]

SENATOR FRIEND: Thank you. Senator Janssen, you had a question. [LB1096]

SENATOR JANSSEN: Yes, sir. Thank you for being here today. Now, what fire department are you representing? [LB1096]

DAVID ENGLER: I'm employed as a captain with the Lincoln Fire and Rescue. [LB1096]

SENATOR JANSSEN: Okay. You're familiar then with the rural fire protection districts? [LB1096]

DAVID ENGLER: Yes, vaguely. [LB1096]

SENATOR JANSSEN: Um-hum. Well, you know...and you say you're response time is five minutes. I don't believe there is a rural fire protection district in this state that could possibly make it to a rural fire if that department or their equipment is located in a small town, in five minutes. Would you agree with that? [LB1096]

DAVID ENGLER: I would agree. Again, I'm not terribly familiar with the operations of other departments, but. [LB1096]

SENATOR JANSSEN: I'm sure there is someone here today who will be representing them. [LB1096]

DAVID ENGLER: I'm sure there are quite a few. However, I will say to that, that having personnel that are in charge of managing as this bill, and we're kind of talking about response times, because it does talk about watching over response times and determining response times. Having a person that can manage that, you can...it will enable them to actually take a look at the various challenges that each district has in their responses, and hopefully, as a result of that, will be able to formulate some plans

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to improve response times. So I think this bill actually, having a paid fire chief for those districts, will help with the response time issue. [LB1096]

SENATOR JANSSEN: Thank you. [LB1096]

SENATOR FRIEND: Thank you, Dave. Are there any other questions from committee members? Seeing none, thanks for the testimony and thanks for coming down. [LB1096]

DAVID ENGLER: Well, thank you. [LB1096]

SENATOR FRIEND: The next proponent. [LB1096]

DAVID HOGELIN: Good afternoon, senators of the Urban Committee. My name is David Hogelin, H-o-g-e-l-i-n. I am a professional firefighter in the city of Columbus. I'm also the president of the Firefighters Association in Columbus there. First off, I'd like to thank Senator Friend for introducing this bill. I believe its time has come. I see that the Legislature is definitely realizing the fact that there is a problem out there and that this obviously needs to be taken care of. Right now, as it stands in the city of Columbus, to be the fire chief you have to be in the department for three years. You have to be a volunteer for three years. That is the requirement. The professional staff is not allowed to participate in this. They are not allowed to be in that position. They are not allowed to run for that position. It's voted on once a year by the volunteers themselves, and more or less rubber-stamped by the mayor and city council. The technology and the speed at which things move anymore is just...it's beyond somebody being able to do that in a part-time capacity. You would have to devote full-time to it. Even being on staff and doing the job every day, it's very hard to keep up with the technology. The fire chief in Columbus handles about a \$2 million budget. That's a lot of money. That's equipment and that's also wages and staffing and different things, but that's a lot of money in anybody's book. I'm sure that they're going to come in here and they're going to talk to you about unfunded mandates by the state; you know, telling the city they have to do something and not give them funding to do it. You know, there's grant money out there available to help with things like this, to get programs like this started. There's just a lot of different ways to go about this. And emergency service, like Senator Friend said, is vital to a community. We are the first responders. We are on the front line. The city came to us with a letter, and they estimated approximately \$100,000 to hire a fire chief and an assistant. But they also came in the second year, and they're going to probably...I would suspect you will see this number 2; they were talking of over a million dollars in the second year. They attributed this to the fire chief is going to want to hire staff and put on firefighters. It kind of looks to me like they realize there's a problem there. They're saying they need money to do this, but they don't want to address it. And they could possibly come here and say this is just a personality conflict. Well, it's not. This is a serious thing. It's got to do with the safety of citizens, and it's got to do with the

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safety of the firefighters on the fireground, and it's just time to be addressed. This...in Columbus, this has gone...it's been this way since 1940, or before. It's like, well, you know, I guess if you drove a Model A in 1940, maybe it's not good enough today. You know, you're going to want a better car. You're going to want a better system. You're going to want a better way to do things. I appreciate your time and that's...I will keep my...I had a few more comments but I'll keep them short. And if you have any questions, I'll address them. [LB1096]

SENATOR FRIEND: Thank you, Mr. Hogelin. Senator Janssen has a question. [LB1096]

SENATOR JANSSEN: Thank you for being here. Now, the city of Columbus, do you also have a volunteer...a rural fire protection district? [LB1096]

DAVID HOGELIN: Yes, sir. Yes, we do. [LB1096]

SENATOR JANSSEN: Now, do you house the equipment in the same building? [LB1096]

DAVID HOGELIN: We house and staff the rural equipment; yes, we do. [LB1096]

SENATOR JANSSEN: Okay. Now, do you provide mutual aid back and forth then, with the rural and the city? [LB1096]

DAVID HOGELIN: To the rural fire district? We actually...the rural fire district does operate out of our city station. [LB1096]

SENATOR JANSSEN: Yes. Uh-huh. But now do you call on the rural fire protection, rural firemen to help you when you run into a big problem? [LB1096]

DAVID HOGELIN: When we go outside the city limits, yes, we do. [LB1096]

SENATOR JANSSEN: You'll go outside the city...? Will you... [LB1096]

DAVID HOGELIN: We cover...Columbus...the city...actual city firefighters in Columbus cover about 100 square miles. [LB1096]

SENATOR JANSSEN: Okay. So you do work very closely together then, the paid and the rural, right? [LB1096]

DAVID HOGELIN: Yes, we do. [LB1096]

SENATOR JANSSEN: Or the volunteers. [LB1096]

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DAVID HOGELIN: Well...and we also have city volunteers. [LB1096]

SENATOR JANSSEN: Okay. What's the ratio of the volunteers within the city with your paid? [LB1096]

DAVID HOGELIN: We have 12 career professional firefighters, and they run about 60-65 volunteers. [LB1096]

SENATOR JANSSEN: Sixty to 65 volunteers? [LB1096]

DAVID HOGELIN: Volunteers; yes, sir. [LB1096]

SENATOR JANSSEN: Okay. Thank you. [LB1096]

SENATOR FRIEND: Thank you. Are there any more questions from committee members for Mr. Hogelin? Seeing none, thanks for coming all the way down. [LB1096]

DAVID HOGELIN: Thank you. [LB1096]

SENATOR FRIEND: The next proponent. Welcome. [LB1096]

DARREN BATES: Good afternoon, senators. Thank you. My name is Darren Bates, D-a-r-r-e-n B-a-t-e-s. I'm the president of the Omaha Professional Firefighters. I'm also a captain and a paramedic on the Omaha Fire Department; a special operations technician. I've been to the fire protection degree program; emergency medical services degree program; and I have been a practicing first responder for over 15 years. Like thousands of other firefighters in the state of Nebraska, I have spent my career trying to improve my profession. It is my profession. I'm not wearing my uniform here today, and I don't want to belittle anybody who...their bravery, their commitment, or their dedication, who's a volunteer firefighter. But I do want to point out that this is my profession, and other than a few people wearing a uniform in this room today, that's a rarity. And I ask you to ask those people who might be wearing uniforms today, what their profession actually is. There is a significant difference between volunteers and professionals. It would be like gathering together on a Saturday to play football, compared to a team that there is a minimum requirement to get on, a physical, testing. There is a major difference between professionals and volunteers. Again, I don't want to degrade their dedication or their bravery. There is a significant difference in response times in the way that we do things. Volunteers can be considered on scene when somebody is on scene. When professionals are on scene, there is an apparatus there, ready to perform all functions. There are countless accounts when firefighters have been on scene, that they didn't have the proper equipment or apparatus to do the job, being asked by neighbors, will you do something, and having to wait while something tragic may be happening

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while they're standing outside the door. There are several needs of a first-class city that need to be considered. There is an infrastructure whenever you get to a city of a certain size. There are occupancies and assemblies that need to be inspected on a regular basis. These include day cares, community centers, care facilities, schools with larger populations, large warehouses that hold many different hazards than in small communities, especially when there is manufacturing involved. Larger cities, just by the population alone, brings with it certain hazards: traffic, businesses, equipment, chemicals, larger fireloads that can be in the small cities. You also have larger events and gatherings. These are things that have to be planned for. As it was pointed out before, many of the volunteer organizations' ranks are decided by elections. Professionals are a testing procedure--a rigorous testing procedure. We believe that open disclosure of any finances that are debt services to taxpayers, that may be funded by taxpayer money, there should most definitely be an open disclosure of all those monies so that somebody can't have a slush fund for their social clubs. One of the main priorities, we believe, of government, is to provide for the public safety. What I'm asking you today is to consider establishing a minimum standard that will reduce the loss of property, and most importantly, reduce pain, suffering, and needless loss of life. Thank you for your time. [LB1096]

SENATOR FRIEND: Thank you, Firefighter Bates. Senator Rogert had a question. [LB1096]

SENATOR ROGERT: Captain Bates, thanks for coming down today. [LB1096]

DARREN BATES: Thank you. [LB1096]

SENATOR ROGERT: You mentioned instances in a larger city, such as day cares, community centers, warehouses, nursing homes, that need inspecting. Do volunteer fire departments, in your experience, perform those inspections regularly at any level? [LB1096]

DARREN BATES: I can't speak to what a volunteer does. I can speak to the fact that professionals have a minimum standard. They're sent to schools for that. Everything is done on a regular, annual basis. There is paperwork that is followed up; permits that are given and followed up on; and regular inspections, especially by the companies in those areas. [LB1096]

SENATOR ROGERT: Okay. You also mentioned, in regards to Senator White's question earlier, there are actually two different definitions for response time,... [LB1096]

DARREN BATES: Without a doubt. [LB1096]

SENATOR ROGERT: ...one being, anyone on site counts; the other one being, having

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apparatus and the proper equipment and personnel on site counts. [LB1096]

DARREN BATES: That is correct. There have been times that have been documented. When it was an on-scene time, but yet that person didn't have breathing apparatus to go into a smoke-filled room; they didn't have ladders; they didn't have hoses; they didn't even have a fire truck. There was merely that first responder on scene, which stamps it from a dispatch, that time. I challenge any time to look at the radio traffic, the difference between on-scene time and entry time to the...especially on a fire scene. Entry time is a big difference. Professionals, when they show up on scene, they're inside the building or should be ready to attack the fire within a minute, because the team is there and assembled, ready to go, fully equipped. [LB1096]

SENATOR ROBERT: First-response time on the other instance could be 5-10 minutes' difference between entry time, I assume. [LB1096]

DARREN BATES: Documented even higher, in times, to actually...especially for entry time. [LB1096]

SENATOR ROBERT: Thank you. [LB1096]

SENATOR FRIEND: Thank you. Are there any more questions for the captain? I see none. Thanks for coming down. [LB1096]

DARREN BATES: Thank you, Senator. Thank you, committee. [LB1096]

SENATOR FRIEND: Are there any more proponents? No more proponents. We'll start on opposition. Just don't be shy. Come on up and get in line. Welcome. [LB1096]

JOSEPH BOCKMAN: Thank you, Senator. [LB1096]

SENATOR FRIEND: (Exhibit 1) By the way, before you start, as Captain Bates mentioned, we are taking letters--a lot of folks couldn't show up today--letters. We will go ahead and read those into the record. One of the ones while we were still, I guess, on the proponents, was a letter from Michael F. McDonnell, acting fire chief, city of Omaha, in support of the measure. So now we start with opposition, and welcome. [LB1096]

JOSEPH BOCKMAN: Thank you, Senator. My name is Joseph H. Bockman, B-o-c-k-m-a-n. I'm president on the Nebraska State Volunteer Firefighters Association, and here to tell you that we, as firefighters across the state, volunteer firefighters, are opposed to this bill, LB1096. We feel that this bill is a local issue, that it could create great hardship on communities across the state. I've talked to fire chiefs from both paid and volunteer fire departments. They also think it's a local issue. Senators, I think the

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state of Nebraska has other issues that they could be working on, and this type of legislation, like most senators say, is something--that I've talked to--say that they think it's a local issue. Some of the major problems that the senators say in Lincoln, and they've talked to me about it, is water problems, education, and road issues. They feel that the volunteers in the state of Nebraska are professional, and we take a proactive role. And believe me, they know when they need help. And I thank you for allowing me the time to speak in front of you, and I'd be happy to answer any questions I could. [LB1096]

SENATOR FRIEND: Thank you, Chief. Are there questions for Chief Bockman? [LB1096]

JOSEPH BOCKMAN: I'm sorry. I'm not a chief. I'm president of the Nebraska State Volunteer... [LB1096]

SENATOR FRIEND: You were chief though, weren't you? [LB1096]

JOSEPH BOCKMAN: I wore a lot of hats throughout the years; yes, sir. [LB1096]

SENATOR FRIEND: Senator White. Thank you. [LB1096]

SENATOR WHITE: Thank you. And I want to, on behalf of all the people that you represent, I want to thank them, okay? But I want to make sure that we're all on the same page as to what this proposed bill would affect;... [LB1096]

JOSEPH BOCKMAN: Yes, sir. [LB1096]

SENATOR WHITE: ...only two cities. Do you understand that? Kearney and Bellevue. [LB1096]

JOSEPH BOCKMAN: Yes, sir. [LB1096]

SENATOR WHITE: So the impact will be limited to two city jurisdictions; not statewide in terms of cost, nor does it require anybody else to take any action with regard to that. [LB1096]

JOSEPH BOCKMAN: I understand your point, Senator, and also a point that the firefighters throughout the state make, is it's a start. You know, they wonder, if something like would happen at a population of 20,000, would that change? Would it go down to 10? I mean, where does it start and where does it stop? [LB1096]

SENATOR WHITE: One other question is, certainly the people in Columbus, which is my hometown, have functioned very well with cooperation between professional

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firefighters and volunteers. The professionals couldn't possibly do the job without the volunteers. [LB1096]

JOSEPH BOCKMAN: I understand that. [LB1096]

SENATOR WHITE: There's no problem essentially between professionals working with volunteers hand-in-hand, in which volunteers' bravery, dedication is wholly appreciated and supported, is there? [LB1096]

JOSEPH BOCKMAN: No. And, Senator, you take me back on your language that you're using, between professional and volunteers. We're all professionals. [LB1096]

SENATOR WHITE: I understand that. How about paid? There are paid staff and then there's volunteer staff, and they've worked successfully together, not just in Columbus but other cities across the state. [LB1096]

JOSEPH BOCKMAN: Sure. And, Senator, on that level, you're saying the difference between paid and volunteer or career. And some people will stand up here and they'll talk about different issues such as a fatality and so on and so forth. And you can look at the paper and you can look at the best fire departments in the country, and once in a while, and we hope it never happens again, you're going to see a problem; you're going to see a fatality; you're going to see a malfunction. And we hope it never happens. We, or all firefighters, whether they're career, whether they're volunteer, or whether they're paid, we all work together, and we're all trained to solve these problems. These problems are not just going to pop up today and be gone tomorrow. We're working in a proactive role. Our volunteers, our career people, we train together. There's not anything that we won't do to work the problems out. [LB1096]

SENATOR WHITE: Well, I appreciate it, but just so we're clear. Paid and volunteer firefighters work successfully together in a number of communities in this state, correct? [LB1096]

JOSEPH BOCKMAN: Yes. [LB1096]

SENATOR WHITE: Thank you, very much, and for everything you do, thank you. [LB1096]

JOSEPH BOCKMAN: Thank you. Any other questions? [LB1096]

SENATOR FRIEND: Senator Lathrop has a question. [LB1096]

SENATOR LATHROP: I do, and this is really basic. What's the, volunteer fire department, what's the definition? Is it all the people that are a part of that fire

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department are all volunteer? [LB1096]

JOSEPH BOCKMAN: A volunteer is a person that...the definition is a person who is giving of their time freely, whatever it takes. [LB1096]

SENATOR LATHROP: Are they giving of their time freely but still being compensated, or giving of their time freely as in not being compensated? [LB1096]

JOSEPH BOCKMAN: Senator, not all volunteers are compensated in any way, shape, or form. [LB1096]

SENATOR WHITE: Well, I'm just wondering if any of them are compensated. I don't know the answer to this. I'm not trying to ask a silly question. [LB1096]

JOSEPH BOCKMAN: Sure. [LB1096]

SENATOR WHITE: I'm trying to get to the...are volunteer firemen just, as the term or the phrase who imply, volunteers, and not compensated? [LB1096]

JOSEPH BOCKMAN: Some are compensated, some are not. To what monetary value, I would not be able to answer that question today, but I would be able to get you the answer. [LB1096]

SENATOR WHITE: Okay. The volunteer fire department, I have Ralston in my district, they do a terrific job in Ralston. But are they a part of the city, necessarily, or are they independent of the city? [LB1096]

JOSEPH BOCKMAN: I would say they are part of the city. They work under the city. But they are all volunteer. [LB1096]

SENATOR WHITE: Okay. The equipment...well, you said you're the president of the association. Is that yes? [LB1096]

JOSEPH BOCKMAN: Yes. [LB1096]

SENATOR WHITE: Okay, because the recording doesn't pick up your nodding head. You're the president of the association. [LB1096]

JOSEPH BOCKMAN: For the Volunteer Firefighters. [LB1096]

SENATOR WHITE: Okay. Does your association have standards that govern volunteer fire departments across the state? [LB1096]

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JOSEPH BOCKMAN: Our Nebraska State Volunteer Firefighters Association, we are like a lot of different organizations. We look to build throughout our organization with volunteer firefighters, and with that, we assist them in their training. In fact, we just got completed with a training school in Omaha a few weeks ago, trimutual aid training, today we call it. We train with Omaha, with the best of the best, and that's part of our organization. EMS, the same thing out of Lincoln. Through our national standards and so on and so forth, we train with them. But do we have a standard, you're saying? [LB1096]

SENATOR WHITE: Yeah, yeah. Like the fire department, Omaha for example, is governed...they have standards for conduct, standards for maybe their response times, maybe their what to do in a particular situation. Do the volunteer firemen and your association, are they governed by a standard? [LB1096]

JOSEPH BOCKMAN: We're not so much governed by that standard, but we try to meet NFPA 1710. That's a fire standard. What you have on an apparatus, what hose, what equipment, what manpower, level of training. That is a goal that we all try to reach. [LB1096]

SENATOR WHITE: Okay. And the NFPA 17, that governs volunteer firemen, in particular. [LB1096]

JOSEPH BOCKMAN: All firefighters. [LB1096]

SENATOR WHITE: Okay. Now let me ask you this one. Is there an NFPA standard for response times? [LB1096]

JOSEPH BOCKMAN: Yes. [LB1096]

SENATOR WHITE: Is there a standard for what response times means? [LB1096]

JOSEPH BOCKMAN: Without being an attorney, I would ask... [LB1096]

SENATOR WHITE: Oh, I don't want you to think I'm...(laugh). [LB1096]

JOSEPH BOCKMAN: That could be answered a lot of different ways, Senator. [LB1096]

SENATOR WHITE: Okay. Then that's the concern I have. I'm trying to figure out exactly what the standard is for a response time. [LB1096]

JOSEPH BOCKMAN: And I'm not trying to dance around the question. [LB1096]

SENATOR WHITE: Oh, I don't have that sense that you are. You've been helpful and

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thanks for the answers to the questions. [LB1096]

JOSEPH BOCKMAN: And we appreciate your time too. [LB1096]

SENATOR WHITE: Okay. Thank you. That's all I have, Mr. Chairman. [LB1096]

SENATOR FRIEND: Thank you. Thank you, Senator. Senator White. [LB1096]

SENATOR WHITE: I need to correct something. I misspoke. Columbus would be affected by this bill, as well. Even though they have paid firefighters, their chief is not paid. [LB1096]

JOSEPH BOCKMAN: Yes. [LB1096]

SENATOR WHITE: But any other cities where, of 20,000...Bellevue, for example, does not have paid firefighters who are career firefighters, correct? [LB1096]

JOSEPH BOCKMAN: Yes, they do, Senator. [LB1096]

SENATOR WHITE: So they're paid, and career firefighters? [LB1096]

JOSEPH BOCKMAN: They're not paid in our department but they're paid where they work in another position. [LB1096]

SENATOR WHITE: I guess paid for fighting fires. [LB1096]

JOSEPH BOCKMAN: Right. Some of them belong to our brothers to the north, south, east, and west. [LB1096]

SENATOR WHITE: So there would be three cities that would be affected--Bellevue, Kearney, Columbus--by this bill. [LB1096]

JOSEPH BOCKMAN: To my knowledge, yes, right now. [LB1096]

SENATOR WHITE: Okay. Thank you very much. [LB1096]

JOSEPH BOCKMAN: Thank you. [LB1096]

SENATOR FRIEND: Senator Cornett, first. [LB1096]

SENATOR CORNETT: Mr. Bockman, I just wanted to clarify something that the committee might not understand. If someone works for the city of Bellevue, and they are a volunteer firefighter, if they receive a call they are paid by the city while they make that

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call. Am I correct? [LB1096]

JOSEPH BOCKMAN: That is correct. Did that help you some? [LB1096]

SENATOR CORNETT: I don't....I think that's what Senator White was trying to maybe partially get at. [LB1096]

JOSEPH BOCKMAN: I'm sorry. Senator Cornett, I didn't realize if you were talking about...like, we have volunteer firefighters that are also in the sense of the word, professional firefighters that work, you know, like in Omaha, Lincoln, Grand Island, so on and so forth, and that's what... [LB1096]

SENATOR WHITE: And then they volunteer... [LB1096]

JOSEPH BOCKMAN: Yes. [LB1096]

SENATOR WHITE: ...in their home area... [LB1096]

JOSEPH BOCKMAN: Right. [LB1096]

SENATOR WHITE: ...which is something that's of great benefit to everyone. [LB1096]

JOSEPH BOCKMAN: Yes, it is. [LB1096]

SENATOR WHITE: Thank you. [LB1096]

SENATOR FRIEND: Senator Rogert had a question. [LB1096]

SENATOR ROGERT: Mr. Bockman, thank you for coming down, and I have about a dozen volunteer fire departments in my district, and they're superb groups of individuals. One thing that we're not addressing here is the second part of this bill that has the issue of disclosure. Do you, as a president of your association or as a member of your volunteer fire department district where you are at, have issues with this disclosure issue? [LB1096]

JOSEPH BOCKMAN: No, I do not. [LB1096]

SENATOR ROGERT: Thank you. [LB1096]

SENATOR FRIEND: Any other questions from committee members for Mr. Bockman? I don't see any. Thanks for coming down. [LB1096]

JOSEPH BOCKMAN: Thank you. [LB1096]

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SENATOR FRIEND: You're welcome. The next opponent, please. Welcome. [LB1096]

BILL BOWES: (Exhibit 2) Thank you. Senator Friend, Mr. Chairman, thank you for giving me this opportunity to speak with you today. My name is Bill Bowes, B-o-w-e-s. I am the fire chief of the Papillion Fire Department, and here representing the city of Papillion. Senator Friend, in his introduction to the bill, stated that the state has an interest in public safety in this state. There may be some philosophical differences there, but if we use that as a starting point, that will be my takeoff for my comments this afternoon. I would encourage the members of the committee to take a look at the, particularly the reporting requirements of the bill. There are some requirements in there that would, in effect, hamstring and inhibit my job as the fire chief for the Papillion Fire Department. One of the things where Papillion is probably ahead of the curve, is that we haven't reached that 20,000 population threshold yet. But the city deemed it necessary to hire a paid chief, and that would be myself at the present time. There are some provisions in the bill that we would like to see addressed as far as policies and procedures that are a little limiting in...would be limiting my ability to do my job. Most of the communities that reach a population of 20,000 by this point have policies, procedures, in place for running a fire department. And I would ask that the committee would allow those cities to operate under their own rules, just as there may be a police department, a public works department, in the city. Let the fire department be truly a city department, not subject to state rules and regulations that are different from other departments within the city. Senator White brought up, a little bit earlier, the idea of response times. That's going to affect me, in particular. The Papillion Fire Department serves not only the city of Papillion, but also the Papillion Rural Fire District, which is about 44 square miles. In the reporting of response times, about 35 percent of our calls are outside of the city, and therefore take longer for us to reach. If we're required to report response times, then I would ask that since this bill is aimed at municipalities, that we report only response times for the city itself. That seems to be a fair request because of the target of this bill. In addition, response times, there's been a fair amount of talk about that already, and I'm sure you'll hear a little bit more of it, but I would ask the committee, in the bill also, to be very, very specific on what response times are you looking for. Define everything from when is that response time received, to when is somebody on location and who is that somebody, what type of person, what vehicle are they in, how many do they have. If you ask me for a response time, I may give you my time. If you ask my neighbor what his response time is, he may give you a different time, and we may be using different standards. And I would ask that all those standards would be the same, and the response time, so that we're all talking about an even picture as far as that goes, right down to the type of emergency response vehicle that's included in that response time. I have a summary of my handouts; thank you for picking those up. If you have any questions I'd be glad to entertain those now for you. [LB1096]

SENATOR FRIEND: Thank you, Chief. There are questions. We'll start over here.

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Senator White. [LB1096]

SENATOR WHITE: Thank you, Chief. The statute states the city council may specify any additional information to be gathered or collected by the fire chief or as the fire chief may recommend. For example, would it satisfy your concerns, which seem to me to be very legitimate, about response inside the city and outside, if for example the city council simply said, here's a response inside of the city limits, these are responses outside of the city limits. [LB1096]

BILL BOWES: That would, yes. [LB1096]

SENATOR WHITE: So that everybody would understand. And then the second question is, would this make sense, as a definition of a response time: A response time is that point in time when the appropriate vehicles with the appropriate number of personnel arrive so they can intervene in an emergency situation. [LB1096]

BILL BOWES: It would, to a point. Then I would ask you to define what is appropriate personnel and equipment. [LB1096]

SENATOR WHITE: Well, and we could, I suppose defer to various standards promulgated by the National Fire Board, for example. And it would depend on the situation. Obviously, if it's a simple heart attack, one paramedic may be sufficient to intervene and respond, or it may be four, or it may be they need an EKG or they might need a defibrillator, you know, but at some point when you would have enough people and the right equipment that you can intervene in the situation. [LB1096]

BILL BOWES: Yes, sir. [LB1096]

SENATOR WHITE: Would that generally be workable? Because it's not fair, you're right, to have different definitions flying around. [LB1096]

BILL BOWES: Um-hum. I believe that would be workable. [LB1096]

SENATOR WHITE: Thank you, and I appreciate everything you do. [LB1096]

BILL BOWES: Thank you. [LB1096]

SENATOR FRIEND: Thank you. Senator Rogert. [LB1096]

SENATOR ROBERT: Thanks, Chief. Would you elaborate a little further on the 35 percent of the calls that are without the city limits? Does that mean that those are covered by other fire protection districts, or if those are just your district outside the city limits, and are you assisting other calls for other districts? [LB1096]

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BILL BOWES: Okay. Yeah, thank you for giving me the opportunity to explain that. A few...several years ago the city of Papillion and the Papillion Rural Fire Protection District reached an agreement on essentially sharing a fire department. So we provide services to both those organizations, and they contribute towards our budget. Right now, our one fire station that we operate out of, we have a combination of departments so we have career staff and volunteers, is located in downtown Papillion. So just geographically, we're going to get to a scene in the city of Papillion much quicker than we will to any part of our fire protection district. And statistically, that's just where the numbers fall, that 65 percent of our calls were in the city and 35 percent outside, not counting any mutual aid or anything like that. [LB1096]

SENATOR ROBERT: Okay. I'm going to further elaborate a little bit on Senator White's question about defining response time. Could we simply it and just use time of entry? [LB1096]

BILL BOWES: It's not that...time of entry is not a time that's typically recorded right now by dispatch. There's a dispatch time and arrival time. [LB1096]

SENATOR ROBERT: Okay. Thank you. [LB1096]

SENATOR FRIEND: Thank you. Senator Lathrop. [LB1096]

SENATOR LATHROP: I do have a question. Well, first of all, in the response time, it's not just that at the end when you encounter the emergency, but it's also at the beginning. I mean, we sat here last year and there was some concern about when they started the clock, and that is when everybody is on the fire truck, or does it start when the call comes in? Is there a standard for that? [LB1096]

BILL BOWES: If we even step back one step farther from there, you call 911, you're going to be connected to a dispatch center, whether it's a 911 center or a sheriff's office in the more rural areas. That really is your entry point into the emergency services area, because we, certainly in Sarpy County, don't have any influence on when Sarpy County 911 receives that call. Their national standard is they should be able to turn that call around in one minute and make that dispatch. Sometimes it works, sometimes it doesn't. So as a fire chief, I would prefer my time to start from the moment they dispatch me until I get the appropriate personnel on scene. [LB1096]

SENATOR LATHROP: But the time to start isn't when everybody gets in the truck,... [LB1096]

BILL BOWES: Correct. [LB1096]

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SENATOR LATHROP: ...but it's when the call comes into the firehouse and they say get over to 111 Jones Street. [LB1096]

BILL BOWES: Right. That's more of a nationally recognized standard. [LB1096]

SENATOR LATHROP: Okay. I do have another question, and maybe...and I appreciate that I might be putting you on the spot, but you are...you were in front of Judiciary last week, and so I asked you some questions then, I think on fireworks. You're a paid fire chief at La Vista. [LB1096]

BILL BOWES: Yes, sir. Papillion. [LB1096]

SENATOR LATHROP: Oh, pardon me, Papillion. Are you the very first paid fire chief? [LB1096]

BILL BOWES: To my knowledge, the second. [LB1096]

SENATOR LATHROP: The second. How long has Papillion had a paid fire chief? [LB1096]

BILL BOWES: The city...since the city and the rural fire district came to an agreement and established an MFO; since 2002. [LB1096]

SENATOR LATHROP: Since 2002. Tell us what you see to the be advantage in... [LB1096]

BILL BOWES: I'm sorry; I should correct myself there. They've had a career paid fire department since 1996, is when the private corporation that ran the fire department back then hired their first firefighters. And then 2002 is when the city hired its first chief. [LB1096]

SENATOR LATHROP: And do you have...? Is yours strictly voluntary or a mix of volunteers and paid staff? [LB1096]

BILL BOWES: It's a mix. We have 24 career staff and 12 volunteers. [LB1096]

SENATOR LATHROP: Okay. What's the advantage to a community in having a paid fire chief? [LB1096]

BILL BOWES: I think the time commitment, alone. I can...I have an awful lot of respect for those of my compatriots in Sarpy County who are volunteer chiefs, on how they hold down a regular job and then do the volunteer fire chief in addition to that. They have to have very understanding wives and families. My job alone, you can ask my wife,

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probably takes 55-60 hours a week of my time. I can't imagine trying to do it on a volunteer basis. [LB1096]

SENATOR LATHROP: But aside from the family considerations and the time, do we get faster response times? Do we have a more professional crew with a paid chief? [LB1096]

BILL BOWES: You are putting me on the spot here a little bit. [LB1096]

SENATOR LATHROP: I am; I am. [LB1096]

BILL BOWES: You have somebody who is able to dedicate their full resources to their fire department. That's not to say that I do any better job than the fire chief in Gretna who does it on a volunteer basis. I won't even make that comparison because I think he does an excellent job, and there are volunteer fire chiefs who dedicate themselves to the fire departments and they do an excellent job. I consider myself fortunate because I get paid for doing that. [LB1096]

SENATOR LATHROP: I did put you on the spot. I think that'll do for an answer. Thank you. [LB1096]

SENATOR FRIEND: Thank you. Senator Rogert. [LB1096]

SENATOR ROBERT: Chief, I'm not going to let you off the hook that easy. I'm going to elaborate just a little further. Give me a couple examples of things that you do as a career fire chief that you wouldn't be able to do or would not be doing if you were a volunteer chief. [LB1096]

BILL BOWES: I think, largely, it would be getting involved in the workings of the city. Since I am a department head in the city of Papillion, I'm able to interact with department heads, so I am truly a part of the city because I have the time to devote to that. I have the time to not only be involved with my fire department, but I can also be involved in, I'll call them bigger picture items. The Omaha area is part of an...as an example, an urban area security initiative grant, and I've been able to devote a fair amount of time to that, which does, in turn, benefit those of us in Sarpy County, as well. [LB1096]

SENATOR ROBERT: Would you have more availability, and do you think that maybe you do spend more time inspecting facilities within the city that need that attention--day cares, warehouses, nursing homes, those things? [LB1096]

BILL BOWES: That's going to be a little bit of an exception to the rule for us because we still rely on the State Fire Marshal's Office to do those investigations for us. [LB1096]

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SENATOR ROBERT: Fair enough. Thank you. [LB1096]

SENATOR FRIEND: Thank you. Are there any other questions from committee members? If you would allow me, I am going to violate my earlier...just one quick. You had mentioned right out of the gate, in Section 4 was the section that dealt with the expenditures. [LB1096]

BILL BOWES: Um-hum. [LB1096]

SENATOR FRIEND: Can you tell me how...? You alluded to almost an idea that you're doing that now. I mean, you're...it sounds like you're auditing the expenditures, correct? I mean, that's your job, to report to the city council. [LB1096]

BILL BOWES: Correct. [LB1096]

SENATOR FRIEND: Is that...? You said that that would be problematic. Would you have a recommendation as to how that particular section could be changed to make it less? [LB1096]

BILL BOWES: Oh, no, I didn't make any reference to that section. I was more referring to the philosophy of is this a local issues or is it a state issue as far as the paid fire chief idea. [LB1096]

SENATOR FRIEND: Okay. It might have been someone else, or I just dreamed it last night. I don't know. Okay, well, thank you. Senator Cornett had a question. [LB1096]

SENATOR CORNETT: On the 12 paid fire...or volunteers you have. [LB1096]

BILL BOWES: Yes. [LB1096]

SENATOR CORNETT: Are they paid or compensated in any way? And do you have a pension plan set up for them? [LB1096]

BILL BOWES: No, they are not paid in any way or compensated. The private corporation that formerly ran the fire department before the city and the rural district combined to take it over and run it, did have something in the works, and to be honest, I haven't really concerned myself with that end of it. [LB1096]

SENATOR CORNETT: Thank you. [LB1096]

SENATOR FRIEND: Are there any other questions from committee members. I don't see any. Thank you, Chief. [LB1096]

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BILL BOWES: Thank you. [LB1096]

SENATOR FRIEND: The next opponent. [LB1096]

DOUG KINDIG: (Exhibit 3) I am Doug Kindig, K-i-n-d-i-g. I want to thank the senators for the opportunity to speak at your committee hearing this afternoon. I am the mayor of the city of La Vista, and I'm here representing the United Cities of Sarpy County, which is a coalition of the five municipalities in Sarpy County: Bellevue, Gretna, Springfield, Papillion, and La Vista. Our coalition is working together to foster cooperation and assure the effective delivery of municipal services. Today I am here to voice our opposition to LB1096. We believe that public safety resources are best determined by local jurisdictions. That being said, I think we all understand the purpose of this bill, and to that end we encourage you to work with the jurisdictions in question to ensure your satisfaction with the fire and emergency services they provide. Our concerns with regard to LB1096 are not about the reporting and disclosure concepts; rather it is the process outlined for staffing and funding. Specifically, Section 2 states, "The city shall provide the fire chief with such clerical personnel as he or she may require to fulfill the duties and obligations of the office." This could be interpreted to be at the discretion of the fire chief, not the governing body. Our most significant concerns relate to Section 2...Section 3, subsection 2 (3), which identifies when and how staffing recommendations are made. When staffing and funding recommendations are made at the department-head level, overall municipal budget implications are overlooked. While it may be unintended, this legislation would appear to set the fire department apart from other municipal functions and departments, giving considerable discretion and capacity to the fire chief to influence the decisions of the governing body. This has the potential to be disruptive to overall municipal operations and hinder the ability of elected officials to make organizational decisions in the best interest of their respective communities. In La Vista, we strategically plan for all major organizational program and staffing initiatives. Our planning is comprehensive and balances the needs of all municipal operations in order to provide the most efficient and effective public services. We accomplish this effort through our strategic planning workshops, budget workshops, and budget hearings. All of these meetings are open to the public. As local elected officials, we are charged by our constituents to provide quality and affordable public safety services, which I believe that La Vista does extremely well with a volunteer fire department. As a result of our strategic planning efforts, La Vista recently hired a paid fire chief. The city council and I determined that this was the right time for our community to pursue a paid chief position, with the full intention of maintaining our all-volunteer department. We are currently in the process of developing an operational plan to ensure our continued success. In conclusion, I would like to reiterate how strongly the United Cities believe in the capability of jurisdictions to be solely responsible for determining and providing public safety services. I appreciate your consideration and would be happy to answer any questions. And I do have a handout

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that I'll give the page. [LB1096]

SENATOR FRIEND: Thank you, Mr. Mayor. Are there questions from committee members for Mayor Kindig? Senator Lathrop. [LB1096]

SENATOR LATHROP: I do have a few if I can, and thank you for coming down here. It's a pleasure to see you again. You said that the city of La Vista has elected to go with a paid fire chief? [LB1096]

DOUG KINDIG: Yes, sir. [LB1096]

SENATOR LATHROP: What was the rationale for the decision to have a paid fire chief? Well, first of all, how many people in La Vista? [LB1096]

DOUG KINDIG: We're probably approaching 18,000 with our current annexations. [LB1096]

SENATOR LATHROP: So you're a little bit behind Bellevue in terms of population. [LB1096]

DOUG KINDIG: Uh-huh; yes, sir. [LB1096]

SENATOR LATHROP: Okay. Tell me what the rationale was for the folks in La Vista to hire a paid chief? [LB1096]

DOUG KINDIG: I think that the city council, when we do go into our retreat, we identify our priorities for our community. And obviously, public safety is one of those that we've identified, along with the help of staff, we moved forward with a consultant, which helped us determine if there was a need for our city to have...to study our fire services, to look at response times, to look at buildings, to look at trucks. With that information, then we put it together, and I agree with Chief Bowes, is that the time commitment, and our city determined that a paid chief was necessary because of our growing community and because of the challenges we face, so. [LB1096]

SENATOR LATHROP: You called it a priority, which was interesting, but...and I appreciate that, that you looked at all the needs of the city of La Vista, and decided having a paid chief was a priority. [LB1096]

DOUG KINDIG: Exactly. [LB1096]

SENATOR LATHROP: Tell us what you think you're going to get with a paid chief that you didn't have before you hired a paid chief. [LB1096]

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DOUG KINDIG: We just opened up our second fire station, and I think the one thing that the paid chief can do is he can help keep things organized, especially when there's two stations. I also believe that we're implementing some innovative ways to make sure that our volunteers are there to answer calls and to provide that safety. One thing is schedule times for them, even some sleep-over time. We have quarters for them that they can sleep over. The paid chief would be in charge of keeping that schedule and making sure that people are on duties, and stuff. He is also a department head with us, and he can then interact with city hall as far as personnel decisions, and have all the support. So that's what we get out of paid chief. [LB1096]

SENATOR LATHROP: Okay. A couple more questions just to get a sense of a neighboring community and one that's not that much smaller than Bellevue or Columbus. Are the firefighters purely volunteer? [LB1096]

DOUG KINDIG: Yes, they are. [LB1096]

SENATOR LATHROP: You don't have any paid folks. [LB1096]

DOUG KINDIG: Only the paid chief and then he has a...then we do have a paid administrative assistant. [LB1096]

SENATOR LATHROP: Do you have a retirement program for these firefighters or are they truly volunteers? [LB1096]

DOUG KINDIG: No. At this time we don't, but I can tell you that that is something that the firefighters and the city are looking at, of some type of forum. I myself am in favor of some type of compensation or retirement plan. We haven't worked through that process yet and got the blessings of council. [LB1096]

SENATOR LATHROP: Okay. I have to excuse myself to introduce a bill, but thank you so much. I appreciate that. [LB1096]

DOUG KINDIG: Okay. You bet, Senator. [LB1096]

SENATOR FRIEND: Thank you, Senator. Senator White has a question. [LB1096]

SENATOR WHITE: Mayor, thank you for coming. Did the city of La Vista take advantage of any federal grant money to help hire the paid fire chief and make that transition? [LB1096]

DOUG KINDIG: No, we didn't. [LB1096]

SENATOR WHITE: Are you aware of if any such money does exist? [LB1096]

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DOUG KINDIG: I would have to check with my city administrator on that. I know the one thing about grants, and that I'd heard one of the other testimonies mention that the grants are out there, and that is fine. Grants are usually for a one- and two-year time frame, so. [LB1096]

SENATOR WHITE: I had heard but have not seen it in writing, a program describe where 90 percent of the salary would be paid first year, and it would decline over five years, where it would help the...and, but that's not something that La Vista took advantage of. [LB1096]

DOUG KINDIG: Not to my knowledge; no. [LB1096]

SENATOR WHITE: The other thing, Mayor, is if for example...I saw your concern about the fire chief getting to demand resources in this bill. If we used language to scale that back that such shall be reasonable...any reasonable demands made, and then those resources should be made available, would that help? [LB1096]

DOUG KINDIG: I think what would help us, Senator, would be that...well, this has a great process in place already, that because the chief is a department head he's part of our budget process, which are the workshops and everything else, and is heard. And the council listens and sets their priorities. I think what scares us a little bit is that fire chief that possibly could get up in a public meeting and state, I need 12 more firefighters or there's going to be deaths. [LB1096]

SENATOR WHITE: Well,... [LB1096]

DOUG KINDIG: Now you've made emotion out of the issue, and you've put the elected officials at the local level under big-time pressure. And I... [LB1096]

SENATOR WHITE: But they could do that now. There is nothing to stop anybody from standing up at any meeting. [LB1096]

DOUG KINDIG: Yeah, that's true. [LB1096]

SENATOR WHITE: And the statute actually doesn't give them any right to demand any fire suppression equipment or anything else. It simply said, "The city shall provide the fire chief with such clerical personnel as he or she may require to fulfill the duties and obligations of the office," which is in the statute, collecting information on response. I mean, certainly nothing in this statute says that any fire chief can demand any amount of equipment at all. [LB1096]

DOUG KINDIG: Well, I think later on in that bill--and I don't have it in front of me and I

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apologize--I think later on it states that the chief will give a report, I believe in the month of November. I don't have the bill--I apologize--in front of me. [LB1096]

SENATOR WHITE: Yeah, and what the responses were. Yeah, that would be on page 4, I think is where it starts. It starts on the bottom of 3 actually. "The fire chief shall collate and analyze the information gathered pursuant to subsection (1) of this section and, on or before November 1, 2009, and on or before November 1 of each subsequent year, provide a report to the city council at the next regular council meeting on the prior year's experience regarding the volunteer fire department and shall make such recommendations..."--not demands, but recommendations--"as he or she deems appropriate regarding the necessity for the hiring of more full-time first responders to provide the necessary level of emergency response services for the city." [LB1096]

DOUG KINDIG: Correct. [LB1096]

SENATOR WHITE: But there's nothing in the world that would stop any citizen under the open meeting laws from standing up and saying the same thing now. [LB1096]

DOUG KINDIG: Then why do we have to rewrite the law? [LB1096]

SENATOR WHITE: Well, I think what we're... [LB1096]

DOUG KINDIG: I mean...I don't mean to be...I don't mean that, Senator, in any way, but I mean we...that is true, and we can get up. But what I'm saying is, that the local control, the process works. That person is given every opportunity to talk and to work through the budget process. Why does it have to be law that they have to get up in a public meeting? They already have that right. I mean, why does it have to be written in that way, I guess would have been my question. [LB1096]

SENATOR WHITE: Well, and I guess we can talk about that, but in terms of local control, the law doesn't tell La Vista who to hire. [LB1096]

DOUG KINDIG: Right. [LB1096]

SENATOR WHITE: It doesn't even purport to tell La Vista how much to spend, what equipment, or whether to hire people at all. All the law requires is that certain reports be made and presented publicly, and allow the fire chief to comment if he or she wishes. Correct? [LB1096]

DOUG KINDIG: And I agree, and we have those processes in place and that information is already public, so. [LB1096]

SENATOR WHITE: So then this law doesn't really change anything other than say other

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communities should do what La Vista is already doing. [LB1096]

DOUG KINDIG: I think we're ahead of the curve ball; I'm very proud of my city. I'm not going to tell other cities how to run themselves, but I do know that our process works very well in La Vista, and they're given every opportunity to provide us the information so that the city council can make a very informed decision. [LB1096]

SENATOR WHITE: And I appreciate that. I just want to make clear here, you're already doing this. It's not going to change anything effectively that you're already doing, other than you may have more detailed reports on response times. [LB1096]

DOUG KINDIG: We would like to be able to think that we would be able to maintain that control, and we want to just...our opposition is that if we are doing it, the other cities need to...if they need to...we don't need to have a bill written to tell us how to run our local government. [LB1096]

SENATOR WHITE: So we write all kinds of them: [LB1096]

DOUG KINDIG: I understand. [LB1096]

SENATOR WHITE: Open meeting laws. [LB1096]

DOUG KINDIG: I understand. [LB1096]

SENATOR WHITE: How you spend state highway money. I mean, we write laws all the time that do advise cities how to run their government that don't involve life and death. [LB1096]

DOUG KINDIG: Right. I guess the argument... [LB1096]

SENATOR WHITE: So should we repeal all of those? [LB1096]

DOUG KINDIG: No, not at all. I think the argument then would be that the fire department, we don't need to have them set to the side. I mean, I guess you guys don't mandate that the police department gives up and gives those crime stats on a yearly basis. Our public works doesn't tell us, it doesn't have to get up and tell us how quick they do snow removal and do that type of thing. So that would be my argument, is don't separate the fire department from the rest of the city, that... [LB1096]

SENATOR WHITE: Okay. [LB1096]

DOUG KINDIG: ...okay? [LB1096]

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SENATOR WHITE: And I appreciate that. Thank you. [LB1096]

DOUG KINDIG: Okay. Thank you, Senator. [LB1096]

SENATOR FRIEND: Thank you. Are there any other questions for Mayor Kindig? I don't see any. [LB1096]

DOUG KINDIG: Okay, thank you. [LB1096]

SENATOR FRIEND: Thanks for coming down. The next opponent. Before we start here, can I see a show of hands of how many folks would still like to testify here? All right. If we can move rapidly and try not to repeat anything anybody else said, that would be great, not that I don't want to hear all the opposition, but...it's informative. [LB1096]

MIKE MOSER: (Exhibit 4) Thank you very much for allowing me to speak today. My name is Mike Moser; it's spelled M-o-s-e-r. I'm the mayor of Columbus, Nebraska. I'm here to appear in opposition to LB1096. The city of Columbus, with due respect to the bill originators, objects to the mandate being considered requiring the hiring of full-time, paid fire chiefs in cities of first class with populations exceeding 20,000. Our objection is based on the fact that we see nothing to be gained by Columbus in this legislation that would improve our ability to serve our community, and because of the added expense that it would bring to our general fund, which is supported by property tax. For your review, a copy is enclosed of our annual report by our fire chief of incidents and responses for the past calendar year. From this report you can see that our fire and rescue department, city and rural, provide services to both Columbus residents and citizens in surrounding areas. We have 12 paid staff and a volunteer corps of 66 volunteers. In both groups, responders are in a constant and consistent mode of upgrading their training and capabilities. The city has made a conscious effort to fund equipment by these responders on a consistent basis. The combination of training and equipment upgrades has yielded our city an ISO--Insurance Services Organization--rating at or above cities of comparable size with larger staffs and full-time fire chiefs. We also included an e-mail form our insurance provider, giving us a testimonial to this effect. The Columbus fire chief is called upon to review and recommend improvements in our service provision following responses to calls for service. These reviews are conducted in concert with our medical director, Dr. Mark Howerter, Columbus Community Hospital. In addition, members of our advanced life support certified staff are providing training for area basic life support responders to ensure their working understanding on tiered calls as recommended by the Department of Health and Human Services. All this is done with a firm commitment from elected officials of the city and without a mandated fire chief. From the information we have provided in the fiscal note, you can see the significant impact on our budget and property taxes for our city. There is nothing in this legislation that would provide

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assistance to offset this mandate. We see no reason to change what has served our citizens well, and we would ask the committee not to advance this bill. Just a few points if you would allow me. The fire protection taxes are paid locally, the services are applied locally, and we feel they should be managed locally. We have a balance of 12 paid firemen and 66 volunteers, and we have a balance. Our chief is paid but he's only paid, I believe, about \$17,000--somewhere in that vicinity--per year now. He has a part-time job outside of being the chief of police. He's a heavy equipment operator and he also teaches...he's a substitute teacher in the school system. I see him at city hall very regularly. He is a member of...he is a department head. He attends department head meetings. I've seen him there many times. He attends our 911 meetings. He's on that committee. One of the comments by one our paid firemen from Columbus, and I know Firefighter Hogelin very well, and I talk to him often. We...I consider him a friend. I think we just differ a little bit on our perspective here. He's a member of the union. Well he's the president of the local union. And I'm probably the head of the management that negotiates. Actually our city administrator probably negotiates the most of the fire unions, but nonetheless. So we have a balance. And if we go to a full-time, paid fire chief, that's going to shift the balance toward the paid firemen. And right now, he's elected by the volunteers, and the volunteers look to him for leadership when they have questions. The paid firemen have their union chief to represent them. Paying a fire chief more money is not necessarily going to make him do a better job. You know, our fire chief could apply for the job and get the job, and it wouldn't change anything. We would just be paying him more money. We recently had a fire at about 6:00 in the morning. We had a local private ambulance company that had an ambulance start on fire, and we had 50 firefighters show. A number of our paid, and over 40 of our volunteers showed up to put that fire out, and they put it out before it spread to the whole building. Earlier, someone mentioned the fact that we have a Model A fire department. I would take issue with that comment. We buy new equipment every year. Our budget is \$2 million. The budget is overseen by our city administrator, by our council, by myself, and our finance director, and we make sure that we spend those monies where we feel they do the most good, and we have good equipment. We've taken advantage of many, many grants to get Homeland Security equipment, hazardous material handling equipment. We have...equipment is certainly not our problem. Our paid and volunteer firemen participated in 4,900 hour of training in 2007, so...the two of them combined. You know, the problem is not what you pay him or whether that's his only responsibility. If we have any management problems we should work on it from a management perspective, and look at those, whatever changes we might make to provide better service to our citizens. We're very frugal with the funds we've spent on the first responders to both fire and rescue, and we have got comparable results with less money, and we're proud of that. That concludes my comments, and if you have any questions I'd be glad to answer those for you. [LB1096]

SENATOR FRIEND: Thank you, Mayor. Are there questions for Mayor Moser? Senator White has one. [LB1096]

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SENATOR WHITE: Thank you, Mayor, for coming here. [LB1096]

MIKE MOSER: Yes. [LB1096]

SENATOR WHITE: Mayor, I've got a number of questions. First of all, does the city of Columbus collect and publish the data on response times for its fire department? [LB1096]

MIKE MOSER: I believe we do. I have the current, I believe the current fire department data. It was given to you. I don't know if response times are in there. In 2005, we did a benchmark study of all our city departments, and one of those things we studied was fire and rescue. And we looked at the sister cities that are comparable to us in size: Norfolk, Fremont, Beatrice, and...and they had ISO ratings from, a range, that weren't that much different from ours. And I could get that data for you. I don't have it with me, but I believe our response time, from when the call came in to when the first people arrived on scene, was around four minutes and some seconds, on average. Now, that's not to say we haven't had moments where we weren't there as quickly. [LB1096]

SENATOR WHITE: I am not really particularly concerned about what the response time was; rather, the concept that if the city is letting its citizens know, okay, here's what you're getting for your money, these are our response times, we make them public. You're comfortable with that in an open society like ours, that those should be public information. [LB1096]

MIKE MOSER: Yes. And our finances of our fire department are public record, so we don't have any objection to disclosure of what we spend our money on or what, you know, because we don't have any substantive accounts that are held by the volunteers. [LB1096]

SENATOR WHITE: And I appreciate that. That will be an issue maybe later. But just so I understand what your concerns are and what they're not, the city of Columbus then would have no problem with the demand that response times be correlated and made public and available for discussion. Is that accurate? [LB1096]

MIKE MOSER: Well, I don't know if I can speak for the council. [LB1096]

SENATOR WHITE: No, just for yourself. [LB1096]

MIKE MOSER: In my view, I don't think that's a problem. I don't think there's any... [LB1096]

SENATOR WHITE: Okay. And I agree. [LB1096]

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MIKE MOSER: Disclosure is not a problem. [LB1096]

SENATOR WHITE: And it should be. I mean, that's an essential public service. We ought to be able to talk about what we're getting and what we're doing. The other thing is, if what I hear you saying then, is your main concern is the budgetary impact of hiring a full-time fire chief, and you feel it's an unnecessary expenditure of money? If grants are available to help ease that, does that remove some of your concern; not all of it, but some of your concern with this bill? [LB1096]

MIKE MOSER: Well, the money is a problem in the beginning when we would start with a full-time fire chief, and then later, if it would shift the balance toward paid, say, you get a full-time fire chief who doesn't represent the volunteers well, and the volunteers start to drop off, then we have to take up that slack by hiring full-time firemen, and... [LB1096]

SENATOR WHITE: But again, you hire the chief. If you have a chief doing that, the city would have the ability to hire or fire them, correct? [LB1096]

MIKE MOSER: I'm not sure, with civil service, that you can fire a fire chief. That's a legal question that I can't answer. We had a situation where one of our former mayors got crosswise with one of our paid police chiefs, and we wound up in court, and the city took a pretty nasty hit in that. We pretty much established that the chief of police had civil service protection, and the mayor was not able to remove him from his job. [LB1096]

SENATOR WHITE: Well, and you could define the cause is under the civil service acts, correct? [LB1096]

MIKE MOSER: I'm not...I can't give an opinion of that. It's beyond my scope. [LB1096]

SENATOR WHITE: And your own members would show the cost of a professional fire chief to be \$75,000, which is around 4 percent of your budget, correct? [LB1096]

MIKE MOSER: The thing that we...the request that we responded to, I think we felt that the cost would be \$146,000 for the fire chief, benefits, retirement, health insurance, and all those things, and the salary for the support person. So the initial response was \$146,000. [LB1096]

SENATOR WHITE: Is that in your handout? Because the handout shows an estimated cost for the fire chief salary, \$68,000; actual or estimates of comp, \$75,432; total cost in wages, \$75,432. I see nothing in here where you say these other numbers. I'm looking at the sheet you gave me. [LB1096]

MIKE MOSER: The...I guess I don't have. [LB1096]

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SENATOR WHITE: Do you want me to hand you one, Mike? [LB1096]

MIKE MOSER: Sure. I was talking about the sheet that we sent in, that I...I don't have a copy of it here, but the combination of all the benefits and wages and everything that I saw, was \$146,000. [LB1096]

SENATOR WHITE: That sheet that I gave you that you handed to me, estimates the cost of a professional fire chief at \$75,000, correct? [LB1096]

MIKE MOSER: Yes. [LB1096]

SENATOR WHITE: Thank you. [LB1096]

MIKE MOSER: I guess I'm not going to dispute the difference in what the costs are, I don't think are that important, is it, in the long term, I think shifts the balance toward the paid firemen rather from the volunteers where we are now. [LB1096]

SENATOR WHITE: Other cities... [LB1096]

MIKE MOSER: I mean, the volunteer firemen do it for the love of the art, for the service to the community. And the paid firemen, they have some of that motivation too, but then they are paid. And then the volunteer look to the paid, and sometimes the paid do what they're paid to do and not a lot of extra. And then sometimes the paid firemen look at the volunteers, and they say, well, they don't have the devotion; they're not going to as much training as we are. I mean, there's a certain amount of balance there between the two, and the chief is the one who is supposed to kind of coordinate both parties so that we do an effective job. And I will say, in deference to Firefighter Hogelin, that he does a good job, and I think our firemen do a good job and our citizens are well-served. It's just from the perspective of how we provide that service that we object to the bill. [LB1096]

SENATOR WHITE: And I appreciate that, Mr. Moser. All I would point out is, Fremont, for example, has a mix of volunteer and paid, with a paid chief, and they and other communities in this state seem to do just fine. Isn't that true? [LB1096]

MIKE MOSER: They do, and they spend a lot more money on fire protection than we do, and they are one of the cities that we had the same fire ISO rating as they had. So, you know, it's not...I don't think it's about whether the fire chief is paid or not. I don't think it's how much they get paid. It's what kind of job you do. It's a management thing. And if the Legislature feels that the cities aren't managing their fire departments correctly, then work with us and tell us what you think we should do. Because I think this is, to me, it's kind of a roundabout way of effecting what you're trying to change. I think...you know, if you feel that we should have reports or we should have open

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accounting, or whatever those things are that you feel we should have, then we can talk about those things. But I just don't think that paying...if we paid all our volunteers, I don't think it would make them...if you paid them all \$50,000 a year, which is about what our firefighters make, it wouldn't make our firefighting any more effective, but it would cost us a zillion dollars. [LB1096]

SENATOR WHITE: Of course, we haven't ask you to do that, have we? [LB1096]

MIKE MOSER: No, no. I'm just... [LB1096]

SENATOR WHITE: Thank you. [LB1096]

MIKE MOSER: ...taking it to the wildest projection. [LB1096]

SENATOR WHITE: Indeed. [LB1096]

MIKE MOSER: Yeah. [LB1096]

SENATOR WHITE: Thank you. [LB1096]

MIKE MOSER: You're welcome. [LB1096]

SENATOR FRIEND: Thank you. Senator Cornett. [LB1096]

SENATOR CORNETT: When you said that it's a matter of management style, whether someone is a good manager, whether they're paid or not paid, volunteer or not volunteer. What steps...if you had a chief that you did not feel was doing an appropriate job, do you have any mechanisms for removing that, as a city? That person, as the city? [LB1096]

MIKE MOSER: Well, in our case it hasn't risen to that level, and honestly I don't know what the removal procedure would be for the fire chief. That would have to be something I would have to check with our city attorney. There are always concerns with department heads, and frankly we've had a couple of police chiefs where we've had problems, and they are paid, full-time, career police chiefs, so, you know, again, I don't think it's how much you pay them. I think it's more in what kind of job they do and how we manage them. And, you know, we do try to talk to our firemen, both paid and volunteer, to see what interests they have or what input they have to the management of the fire department. But, you know we have the shared goal of good service to our citizens, but then we have, from the management standpoint, we have to provide...be good providers...or caretakers of our taxpayer money, because this does come from the general fund. And we had a situation where we hired several police officers on a grant here awhile back. I believe it was a Byrne grant. And the contribution from the

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government declined over time, and now we have those officers and we have to pay all their expenses, so. [LB1096]

SENATOR FRIEND: Thank you. Any more questions from committee members? I don't see any. Thank you, Mayor. [LB1096]

MIKE MOSER: Thank you very much. [LB1096]

SENATOR FRIEND: The next opponent. [LB1096]

JEROME THOMPSON: (Exhibit 5) Thank you for having me. Jerome Thompson, T-h-o-m-p-s-o-n, Kearney Fire Department. I would like to read a little statement first, and then I'll answer any questions. The Kearney Volunteer Fire Department recognizes how this proposed law could affect the city of Kearney. We question the selection of using population as the solitary basis for deciding that any city be required to have a paid fire chief. We believe cities working with the fire departments should retain the ability to recognize and use local government to provide required services for their citizens. Planning for possible emergencies that are based for firefighting guidelines and standards, while considering local needs, should be the basis for determining staffing of fire departments. And it's signed by members of our department. Now, I guess it must be my turn, so I'll answer any questions you have. [LB1096]

SENATOR FRIEND: Well, thanks for coming all the way in. I know it's a long way. We appreciate that. Are there questions from committee members? I would violate my oath at the beginning again. I don't want... [LB1096]

JEROME THOMPSON: Can I throw a couple things out, since obviously you're not... [LB1096]

SENATOR FRIEND: Throw a couple things out. [LB1096]

JEROME THOMPSON: ...you're not as interested in what we do, where we are, as you are the other part, the eastern part of the state, but basically some of the questions you have raised for the other fire departments, as far as our reporting, that is also under the state. We send all of our records in to the State Fire Marshal's Office for that. We have about a four-minute response time for in town. You can find that. We have 77 members. We have a paid administrator that handles almost all of the middle part of that section. He is not a paid chief. We have seven paid staff members that...the way we respond to a fire call is, there is a man stationed on both of our in-town stations. That first truck out is run by a driver/operator. The rest of the department carries their fire gear in their own personal vehicles. They respond to the fire. The gentleman says, while they're dressing and readying to go, the truck is getting there. That is not considered response time in our district. It comes in, and it's set up as in time of the call, and that's by Buffalo

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County. The time we respond to the call, the time we go 1097 or arrive at the call, is all done by the engine or the ladder truck that first arrives on that scene. The same thing with leaving the scene or the amount of time it takes us to control the fire. The gentleman that left, we also are a rural fire department or suburban. We have 272 square miles. Obviously, the response in 272 square miles is different. We're not trying to put the two together. We have a separate, but we house them in the same thing. We have an agreement since 1941. Our basis of this whole thing is that we already have hired staff, 20 years ago, to take care of those kind of problems. We have an administrative assistant that handles all that. We have a secretary. We have an administrator, as I said, that does inspections, pre plans, and so does his staff, along with the volunteers. We work well together. Part of the reason is, is because the volunteers have an ownership. As you mentioned, some of these other departments, I've been to a few. I don't like to talk about other departments, how they do it. But there are lines in the floor in some departments where you cannot cross, as opposed to a paid and a volunteer. If you set it up right, and we feel we have, we don't have any lines in our fire stations. We don't have any lines anywhere. We have already taken care of all those problems locally. The EMS question. We do not do EMS. The hospital does our EMS. I don't know how this bill is going to affect that, because obviously it says that the fire chief is supposed to be in charge of that EMS. We haven't done that for over 20 years. I don't know if you guys want us to do an agreement with the hospital over that, what your problem with that is. Locally, we saw the need and we took care of the need, and that's kind of why we're against this bill. As we've taken care of the need locally, and we don't know why you guys have a problem with that, but. [LB1096]

SENATOR FRIEND: Thank you, Mr. Thompson. Senator Cornett. [LB1096]

SENATOR CORNETT: When you said you had manned fire stations, you have manned fire stations 24 hours a day? [LB1096]

JEROME THOMPSON: We...yeah. [LB1096]

SENATOR CORNETT: Do you have people signed up for shifts? [LB1096]

JEROME THOMPSON: And I should explain that. We have 24 hours a day, 7 days a week, 365 days a year. We do, and this isn't planned for everybody, we have sever driver-operators, two for each of our stations. We have one more station, rural but isn't manned, but that's on a different deal. They're manned. Every Saturday, part-time driver who is a volunteer comes in. They have to take extra training. They can't drive until they've been on for three years. They have to do certification. They also have to do all the federal standards as far as driving. They have to pass all that before they can. They are compensated \$10 an hour, if you want to put that in there. [LB1096]

SENATOR CORNETT: So people that are in the station, stations that are manned that

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are there 24-7... [LB1096]

JEROME THOMPSON: Yes. [LB1096]

SENATOR CORNETT: ...are compensated. [LB1096]

JEROME THOMPSON: Yes. [LB1096]

SENATOR CORNETT: Okay, thank you. [LB1096]

JEROME THOMPSON: Not a problem. [LB1096]

SENATOR FRIEND: Thank you. Are there any other questions for Mr. Thompson?
[LB1096]

SENATOR WHITE: Thank you for coming.. [LB1096]

SENATOR FRIEND: Thanks for coming all the way in. [LB1096]

JEROME THOMPSON: Sure. [LB1096]

SENATOR FRIEND: Next opponent, please. [LB1096]

DAVID SZYMANSKI: Good afternoon and thank you, Senators. My name is David Szymanski, S-z-y-m-a-n-s-k-i. I am president of the Bellevue Volunteer Fire Department and I'm here to address the report and disclosure and funding issues. I know I'll be attacked. [LB1096]

SENATOR FRIEND: No, you won't. [LB1096]

DAVID SZYMANSKI: No, I was joking. Thank you. [LB1096]

SENATOR FRIEND: Well, maybe you will. (Laughter) [LB1096]

DAVID SZYMANSKI: I have...just for background information, because it did come up in earlier testimony. I've been both a career and volunteer firefighter for 33 years. In order to join...and that has been in the states of Kansas, Missouri, Indiana, Iowa, and here in Nebraska for 21 years. So I've had the opportunity to visit both career, combination, and all-volunteer departments. In order to join the Bellevue Volunteer Fire Department I had to take an aptitude test, geography, mathematics, other things, and a full medical exam and also a physical agility test. That is required of all members joining the Bellevue Volunteer Fire Department. In addition to that, I had to become certified as an EMT, firefighter I; both are state programs. I'm also certified in the three levels of an apparatus

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engineer to drive the three different types of vehicles that we do provide. I'm also certified as a hazardous materials technician, having taking the national course curriculum in that area. Not all members have to do that but there's other specialties like paramedics and so forth. The funds to operate a fire department in the state of Nebraska generally come from three different sources; two for sure, and a third in Bellevue. First of all, there are tax dollars. Those are a matter of public record. The budgets by both the city of Bellevue and the Eastern Sarpy Rural Fire Protection District both have public hearings on those budgets and they also publish the disbursements from those budgets. So again, all those are meant as a public record and newspapers carry that information. The second area is the fund-raisers. Those are covered under state law 35-901. Those are the chicken dinners, the chili feeds, the hog roasts, the dances, and all those are used to fund-raise for the volunteer fire departments. Some career departments also have establishments in which they use that to provide entertainment for their firefighters and rent out the halls and so forth; again, as fund-raisers for the union side of the departments. We use those funds and we use them according to the state law. They are entrusted to a trustee or a treasurer of the fire department. The members vote on the disbursement of those funds and they're used for such things as fire prevention education, supplies, equipment, food for the firefighters, recognition ceremonies and such. The third area is what I will call fee for service. In Bellevue and for the last 23 years as approved by the city council, we have billed for our rescue squad fees, meaning when we transport a patient to the hospital we do provide that patient with two bills and if they pay--and most of that's paid by Medicare, Medicaid, and private insurance--and then we do not bill that patient beyond a...to a third round of billing. Every single penny that is taken in for billing the patients for transportation goes directly into an annuity or trust fund, totally approved and certified by the IRS, for our length of service program, meaning at the age of 60 and with 20 years or more on the fire department you then can receive a monthly stipend, or approximately the age 80, from that trust fund. Again, that's completely managed by Wells Fargo Bank and I want to say again that all the money, and this was approved by the city back in 1985 in order to take every single cent that is brought in through the billing of that rescue fee into that annuity program. Actually it's a pass-through program. So those are generally how fire departments are funded in the state of Nebraska and if you have any questions, I would be glad to answer them for you. [LB1096]

SENATOR FRIEND: Thank you, Mr. Szymanski. Are there questions from committee members? Senator White. [LB1096]

DAVID SZYMANSKI: Yes, sir. [LB1096]

SENATOR WHITE: Thank you for coming and for the service you provide to the citizens of Bellevue. With regard to billing, you indicate that annuities are paid. How much is paid annually and to whom? [LB1096]

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DAVID SZYMANSKI: I would...I can get back to you on that exact amount. It's based upon when the person started the annuity program. And so those people who have been on the annuity program ten years ago receive a slightly different amount than the people who would if they started the annuity program today. But I can provide that information to you. [LB1096]

SENATOR WHITE: Do you know how many people are receiving payments roughly as we speak? [LB1096]

DAVID SZYMANSKI: Ten people. [LB1096]

SENATOR WHITE: And can you tell me who they are? [LB1096]

DAVID SZYMANSKI: I would know a handful of them, I don't know all of them. But I can provide that information to you. [LB1096]

SENATOR WHITE: Now you mentioned that you have a trust fund. Is that organized pursuant to state law? [LB1096]

DAVID SZYMANSKI: An IRS law, too. Yes, sir. [LB1096]

SENATOR WHITE: All right. And that takes not just money that comes from your fund-raisers, donations, requests, but also this billing money. Is that what you're testifying? [LB1096]

DAVID SZYMANSKI: No, sir. Those are two separate funds. [LB1096]

SENATOR WHITE: Okay, well... [LB1096]

DAVID SZYMANSKI: We do have fund-raisers for the department and as I mentioned, those go for such things as fire prevention education, our supplies, equipment, recognition programs, and such. So those are general fund-raisers and those are donations to the fire department. [LB1096]

SENATOR WHITE: Right. And does that go into your trust fund for annuities? [LB1096]

DAVID SZYMANSKI: No, sir. What goes into our annuity program are the fees that we bill for our rescue squad transportation. [LB1096]

SENATOR WHITE: And that causes a concern because if you are familiar with existing--not proposed, existing--Nebraska law, it provides that each volunteer fire department may establish a volunteer department trust fund, which you have. [LB1096]

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DAVID SZYMANSKI: Yes, sir. [LB1096]

SENATOR WHITE: All donations, contributions, requests, or annuities made to the volunteer department and all money raised by or for the volunteer department shall be deposited in the trust fund. Do you see that? [LB1096]

DAVID SZYMANSKI: Yes, sir. [LB1096]

SENATOR WHITE: The trust fund shall be under the control of the volunteer department and the volunteer department may make expenditures from the trust fund as it deems necessary. Where does it say that the volunteer fire department can charge for services to fund the trust fund under state law? And if you want, I'm looking at, by the way, 35-901 and in Section 2, subsection 3, (2). [LB1096]

DAVID SZYMANSKI: Again, I'm going to separate those two funds for you, Senator. 35-1309 says it permits a city or town to adopt a service award benefit program as provided by the Volunteer Emergency Responders Recruitment and Retention Act. Our trust fund, our annuity program in which we have billed our rescue squad fees for the past 27 years has gone into that fund. [LB1096]

SENATOR WHITE: Where do you get the authority to charge to put it into a fund? And isn't that outside of state law? [LB1096]

DAVID SZYMANSKI: Yes, sir. The city council and the mayor 27 years ago allowed us to establish that fund with the sole purpose that we would charge for rescue squad fees and that all that money, every penny of it would be provided and sent into that annuity fund. The city permitted that. [LB1096]

SENATOR WHITE: When was the last time that fund was audited by a CPA? [LB1096]

DAVID SZYMANSKI: It was audited last year, sir. [LB1096]

SENATOR WHITE: And is that public record? [LB1096]

DAVID SZYMANSKI: I don't...I suspect it would be, but... [LB1096]

SENATOR WHITE: So in other words anybody can get a copy of it. What was your CPA firm that did the audit? [LB1096]

DAVID SZYMANSKI: It was Wells Fargo Bank and we also have a private CPA. And again, I can provide you with that name. I don't have that at the top of my head. [LB1096]

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SENATOR WHITE: So Bellevue...how much do you collect annually, generally speaking, for charging for services? [LB1096]

DAVID SZYMANSKI: Approximately \$200,000. [LB1096]

SENATOR WHITE: And how much do you currently have on hand? [LB1096]

DAVID SZYMANSKI: I don't know that exact amount. Again, I can provide that to you. [LB1096]

SENATOR WHITE: Do you have an approximate amount? [LB1096]

DAVID SZYMANSKI: I don't know. And I would rather provide you with a specific number rather than guess at a number. I've only been president since January 1. [LB1096]

SENATOR WHITE: Sure. Who's currently administering the plan, the retirement plan? [LB1096]

DAVID SZYMANSKI: Wells Fargo. [LB1096]

SENATOR WHITE: Are city officials being paid under this plan? [LB1096]

DAVID SZYMANSKI: No, sir. [LB1096]

SENATOR WHITE: No city official, city council, anybody is getting any money? [LB1096]

DAVID SZYMANSKI: No one currently on...no city officials currently are on the retirement program to my knowledge. [LB1096]

SENATOR WHITE: Does the volunteer fire department bill everyone it provides services to or are there people it just doesn't bill? [LB1096]

DAVID SZYMANSKI: We provide a bill to everyone we transport outside of immediate family members of the fire department. [LB1096]

SENATOR WHITE: So immediate family members get, if they have an ambulance call, they would get no bill. Is that correct? [LB1096]

DAVID SZYMANSKI: That is correct, if you're a member of the fire department and your immediate family is covered. [LB1096]

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SENATOR WHITE: And if...and how much is your charge for an ambulance call?
[LB1096]

DAVID SZYMANSKI: We charge a flat rate of \$500. [LB1096]

SENATOR WHITE: Does the Bellevue Fire Department have a tax ID number for those services? [LB1096]

DAVID SZYMANSKI: Yes, sir. [LB1096]

SENATOR WHITE: And you can make those available as well? [LB1096]

DAVID SZYMANSKI: Yes, sir. [LB1096]

SENATOR WHITE: And who actually sends the bills out? [LB1096]

DAVID SZYMANSKI: We have an administrator who sends the bills out who is paid by our incorporated side and partially by the city to send those bills out. [LB1096]

SENATOR WHITE: So the city of Bellevue helps send these bills out? [LB1096]

DAVID SZYMANSKI: The fire department sends the bills out. [LB1096]

SENATOR WHITE: Well, you have a paid administrator who the city helps pay to send it out. [LB1096]

DAVID SZYMANSKI: I believe part of her salary is from our department and part of her salary is from the city of Bellevue. And again, I would have to clarify that specific.
[LB1096]

SENATOR WHITE: Thank you. [LB1096]

SENATOR FRIEND: Further questions? Senator Cornett. [LB1096]

SENATOR CORNETT: Hi, Dave. [LB1096]

DAVID SZYMANSKI: Yes. [LB1096]

SENATOR CORNETT: There have been...I've received a lot of phone calls and e-mails in regards to some of the financial issues and you know where I've stood with the fire department. There's a couple of concerns that have been brought to my attention and we haven't been able to get clarification on the answers, and that's what I'm trying to do. I'm not trying to place you on the spot. Did Bellevue set up their retirement plan before

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Senator Hartnett got the firefighter retention act passed? [LB1096]

DAVID SZYMANSKI: The retention act, I believe, was enacted in 1999 and we had our length of service program in existence since 1985. [LB1096]

SENATOR CORNETT: You had the length of service plan in place with the city council's approval at that time and you have been administering your own plan since that time, correct? [LB1096]

DAVID SZYMANSKI: That is correct. [LB1096]

SENATOR CORNETT: Under the retention plan, the state statute that was enacted in '99--I wasn't sure if it was '99 or 2000--I believe it says that the city is supposed to administer the plan. Am I correct? Was there any transfer of that authority to administer the plan when that law was enacted in '99/2000? And these are the concerns that I have. [LB1096]

DAVID SZYMANSKI: Sure. [LB1096]

SENATOR CORNETT: I had talked to John Stacey this weekend about, you know, just clarifying everything in regards to financial matters. The other question that was brought to my attention was that the city council was not...the city is the only person or entity that has the authority to bill, not the volunteer fire department itself for squad calls, and that the amount of the run, \$500, was never approved by the city council and that a number of the members of the city council were unaware that the amount had gone up to that level. [LB1096]

DAVID SZYMANSKI: Okay. Let me address the first question and if I...the act as written as I'm seeing in front of me does permit a city or town to adopt a program. That's what it specifically says. [LB1096]

SENATOR CORNETT: And I believe they're supposed to administer the program, am I... [LB1096]

DAVID SZYMANSKI: I would not know that. Again, I'm not an attorney... [LB1096]

SENATOR CORNETT: Okay. [LB1096]

DAVID SZYMANSKI: ...so I would not be able to interpret that. I'm basing this remark on our attorney reviewing that act on our behalf recently. And so it does allow the city or town to establish such a program. And again, there was legislation proposed, historically in 1985, you know, it finally resolved itself in '99, 2001, and 2002 in amendments. And so at that time, our previous members had the foresight to approach

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the city council and ask if we could establish this fund specifically for a length of service program because there was no retirement program. The state of Nebraska makes no provisions in law whatever to help firefighters who give up their time to the city and provide this service free of charge. Across the country we're seeing different programs but Nebraska does not do anything at this time. So the second question was the...we had initiated, the fire department had initiated discussions with then the financial director, Evelyn Wicks, to have the city take over... [LB1096]

SENATOR CORNETT: I'm sorry. How long was Evelyn the city finance director? [LB1096]

DAVID SZYMANSKI: She was a number of years but, again, I don't...again, it's prior to my assumption of the presidency. [LB1096]

SENATOR CORNETT: And I'm not...I'm sorry, but when did you take over? [LB1096]

DAVID SZYMANSKI: At least four or five years ago we had approached Evelyn and the city had expressed an interest to take over the billing of the rescue squad fees. They did a study internally and then at that time told us that they did not want to do it. And then 18 months ago, currently Mayor Babbitt approached us and said they would like to take over the billing of the rescue squad fees. Five months ago we had asked them...we had made a proposal, they had made a proposal, we asked them five months ago to submit their proposal to us and we still have not received that. So we have no issue with the city assuming the billing of the rescue squad fees so long as we assured our annuity program. So city council has not mandated us or has assumed the billing of the rescue squad fees at this time. [LB1096]

SENATOR CORNETT: The question that it still brings to mind, and I think that Senator White may have been trying to get at, is can the rescue squad fees be legally used to fund an annuity plan? And that is where I actually have been unable to come up with an answer at this time for that. [LB1096]

DAVID SZYMANSKI: According to the IRS under which rules we are operating to establish that program, they have never had any issue with that from the IRS standpoint. And I know that may not address the state of Nebraska... [LB1096]

SENATOR CORNETT: The state law. [LB1096]

DAVID SZYMANSKI: ...state law, but again, you know, who can bill rescue squad fees and where those fees can end up, I don't believe, according to what knowledge I have, is not clear in state law. [LB1096]

SENATOR CORNETT: And who approves the amount of the rescue squad fee?

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Because there have been members of the city council that expressed to me that they thought they were the ones that had to approve the amount billed. And again, I am outside the cities normally. I don't think I've even...I think I've maybe attended one city council meeting. So I don't really know. [LB1096]

DAVID SZYMANSKI: And I would not have an...I don't know who would approve that fee. [LB1096]

SENATOR CORNETT: Okay. And just a couple more questions real quick. [LB1096]

DAVID SZYMANSKI: Sure. [LB1096]

SENATOR CORNETT: You are a 501(c)(3), correct? [LB1096]

DAVID SZYMANSKI: Yes, ma'am. [LB1096]

SENATOR CORNETT: Okay. And then what type of annuity do you have set up, a 457(e)(11)? Because that's what I believe we...I believe...that's another question. [LB1096]

DAVID SZYMANSKI: Yeah. [LB1096]

SENATOR CORNETT: I don't know what type of system you have set up, because that could answer a lot of the questions in regards to where the money can go and come from. [LB1096]

DAVID SZYMANSKI: Again, I don't have an answer to that. I certainly can find that and provide that information to you. [LB1096]

SENATOR CORNETT: Okay, thank you. [LB1096]

SENATOR FRIEND: Thank you. Further questions? Senator Rogert. [LB1096]

SENATOR ROBERT: Thanks, Dave, you're doing great. I just have a couple questions. How many squads are there, rescue squads do you guys have in your possession? [LB1096]

DAVID SZYMANSKI: We have four fire stations. We have eight rescue squads and one in reserve. [LB1096]

SENATOR ROBERT: Do you know...do you have an approximation of how many transports you have a year? [LB1096]

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DAVID SZYMANSKI: We can get a specific number to you but we have over 2,000 rescue calls a year and about half of those--again, I can get specific numbers for you--half of those would be a transport to a hospital. [LB1096]

SENATOR ROBERT: Okay. I thought I heard you say there was about \$200,000 a year raised off the fees. [LB1096]

DAVID SZYMANSKI: Yes, sir. [LB1096]

SENATOR ROBERT: According to my numbers, that's only about half of them getting billed. At \$500 and 1,000 transports, that should be \$500,000. [LB1096]

DAVID SZYMANSKI: Okay. Medicare, Medicaid pays approximately 60 percent, 80 percent of that \$500. Private insurance rarely covers 100 percent of that. And so again, within those parameters...again, we don't charge for use of oxygen, IV infusions, transportation mileage, or any of those. It's just a flat fee. And again, we accept whatever. There are people who pay us \$10, we accept that. [LB1096]

SENATOR ROBERT: I understand. Okay, yeah. Thank you. [LB1096]

SENATOR FRIEND: Are there other questions from committee members? I don't see any. Dave, it's good to see you again. [LB1096]

DAVID SZYMANSKI: Yes, thank you. [LB1096]

SENATOR FRIEND: Take care. Thanks for coming down. Next opponent? [LB1096]

JOHN STACEY: Well, I certainly am not going to be here that long. My name is John Stacey, J-o-h-n S-t-a-c-e-y. I got a little cold here, folks. I've been on the fire department 50 years. I am the top responder yet. I've been on the city council 22 years and not a top responder there. You ask about support services in the fire department. We have a paid staff of fire inspectors, secretaries and such support services that are paid in the fire service. I'm having a hard time here so just...these things in... [LB1096]

SENATOR FRIEND: John, would you like some water? [LB1096]

JOHN STACEY: No, thank you. That will make it worse. (Laughter) I don't know what I got and I got one cough drop left. [LB1096]

SENATOR FRIEND: John, we have waffles up here, you can have one of those. (Laughter) [LB1096]

JOHN STACEY: Thank you, thank you. I know that the city, we've had some financial

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difficulties. Not as serious as the hysteria that was created, and I think a lot of it was for political reasons. We really can't get in and pay a lot of things out right now. We're having trouble buying, we need an aerial, we need a couple rescue squads, we need things and we're not getting them. [LB1096]

SENATOR FRIEND: I'll open it up to questions of the committee. Senator Cornett. [LB1096]

SENATOR CORNETT: John, what...the equipment that is purchased by the city, does that make up the majority of the equipment for the fire department? [LB1096]

JOHN STACEY: Yes, it does. [LB1096]

SENATOR CORNETT: And the trust...and again, we talked this weekend about just trying to get some of this out in the open. The trust fund, the money that is placed in there, Dave testified that that was partially used to purchase equipment. What type of equipment is purchased out of the trust fund versus the city? [LB1096]

JOHN STACEY: We buy everything that we can afford that the city doesn't buy. [LB1096]

SENATOR CORNETT: Okay. [LB1096]

JOHN STACEY: We build a building, we send people to school, we buy uniforms, and such as this. We spend a lot of our money that way. [LB1096]

SENATOR CORNETT: Would you personally have any problem with the financial disclosure part of this bill for the fire department? [LB1096]

JOHN STACEY: None whatsoever. [LB1096]

SENATOR CORNETT: Thank you. [LB1096]

JOHN STACEY: And that's all I'd have, if there's any questions. [LB1096]

SENATOR FRIEND: Thank you, John. Any other questions from committee members? I don't see any. Thank you for the testimony. Next opponent? [LB1096]

MIKE HEGARTY: Good afternoon. Thank you very much for allowing me to speak to this assembly. I'm Mike Hegarty from Bellevue. I'm a retired...I'm sorry, I'm a resident for 13 years. I retired from the Army after 22 years in there, went to high school in Papillion, college in Kearney. So I know the area pretty well. I'm here just to express the thoughts of the membership from Bellevue. I can't speak for Papillion or anybody else like that,

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but the membership asked me to come and talk about what's going on with the system. When I came on the department, just like just about everybody else you have no firefighter or EMT experience. However, the city of Bellevue has provided that opportunity through training, the citizens fund, the required EMS continual training that you're required for every year. They also pay for our firefighting skills to maintain proficiency throughout the year. That's very important. What I heard was, and Dave kind of stole my thunder on this one, but to get on the department, too, I had to go through a physical fitness test. I looked at Papillion's physical fitness test just the other day and it's almost a mirror example for...to get on a paid department. So we go through the same physical standards. I went through a full head-to-toe physical with the medical doctors. You have to take the written test. And what's also is we go through an extensive background check. That's one of the things that we feel is very important to bring to the department. There are over 150 active members that receive the training through the Bellevue system. That's 150 active members at this time. Not everybody gets the training, you know, every single day but we make up that training and there are innovative ideas that our training officer is going through right now, that if somebody misses a specific piece of training he will make it up down the road. And it's the responsibility of the officers to ensure that this training is accomplished. I was very pleased when I came on the department. I basically joined the department because I was retiring, I had no friends, so I thought the fire department would be the way to go. It's very structured, just like the military. You have a chief, you have an operations side, you have a training side, you have EMT personnel and all that--so very structured, well-put-together. And our chief is...our current chief has been there for six years, highly experienced, and a member of the fire department, I believe, since he was a child. So, but he can explain all that as he came up through the ranks. A lot of things go on in the fire system. We're not as...what we do demand from the command group and from the city is to provide us with the best training possible out there, the best equipment, the most innovative technology to make things happen. A lot of times we can't get that due to the simple fact of funding requirements. However, we're very blessed, as Mr. Stacey had stated. Some of that, the dollars that we collect and we can pull in, we purchased night-vision, infrared sensors for our helmets with that money (inaudible) things like that, very innovative and technology there. That's what we demand from the chief to go fight the battles, to put the budgets forward, to ensure that we are well-taken-care-of, does an outstanding job. Not only this chief, but the chiefs prior to that, I can honestly say they've set up a system where it works. You know, how it works; magic. They don't...we talk about not having family time or anything like that. Our chief happens to be one of the top responders. I'm a top responder. Just about every officer on board is a top responder, the membership. It's almost a challenge now to get out the door as quickly as you can. We've got three pilot programs right now going on to ensure that we can get response times cut down. Now I'm not here to say that we are the end-all of end-all as volunteers, that we're going to get out faster than the paid folks. You're dreaming if you think that's going to happen. However, with dedicated and professional--and the key is professionals--that can get out the door and get up in the morning and go on a call, we

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continually shrink that time. The citizens of Bellevue...I'm sorry, let me back up. The equipment is getting out the door and if they weren't, I would imagine that the citizens would be standing up in front of city hall banging on the table saying we need something to happen. So far there is nothing coming from city hall saying that there is a problem with our response times or anything going on. And if there is, then they're keeping it pretty quiet from the membership and it's a pretty loose group of people and rumors do fly so you hear about just about everything going on, what's going on. I'm a realist and I know that every department, paid or volunteer, has their problems. However, volunteer organizations in Nebraska, you are definitely at an unfair advantage and you're under the microscope 24-7, 365 days a year. Volunteers are continually exposed to negative ads in the paper. I won't name who actually puts these ads on. Go to omaha.com, you'll see them. Metro area press...the press is obsessed with Bellevue. They're obsessed with what Bellevue's performance. Now this is...in two years we've gone through mandates through the senate which we feel very...we don't agree with the mandates but we think it's an important process to the government to ensure we're doing the right things. We spend a lot of money and resources to fight these things because we feel that we're doing the right thing. We have a plan and when the plan is ready, just like La Vista, when the plan is time to go paid, that's a city thing. The big thing with these outside influences that are happening, it places a huge strain on membership, on the volunteer membership. Now these are the guys that aren't paid, they don't get any incentive except for after every call you get a soda and you get a nice T-shirt. These are guys, these are 150 active members and we even have retired active members on the force, too, that are able to come and to support us. Hard training, very hard training. You know, I think we're the best, in my view we are the best-trained department in Nebraska. And I'd say, you know, that's the way it should be. We demand a lot from our command group and we demand a lot from our citizens to support us. We continually receive donations. We continually receive accolades in the form of letters. Every month we have a business meeting where you get 10, 15 letters read out during the meetings on how well we're doing. And that's just a small percentage, but that's a very positive thing. I've never heard a negative letter read at one of these business meetings. I don't know if Jack would read it or not, but I'm sure he would just because that's the kind of guy he is. He'd kind of spite us a little bit. But the key is we feel we're giving the citizens of Bellevue--well, we call them the customers--the customers of Bellevue what they need. Are we doing it the best we can? Yes, we are. Are we trying to improve? The membership is trying their best to improve every single day they get a call. I don't know if you know, but 95 percent of fire and rescue departments in Nebraska are comprised of volunteers. That's a huge number within Nebraska--95 percent. That's pretty big. I'm not going to take any more of your time but I want to thank you very much for allowing me to speak for the members of the Bellevue Volunteer Fire Department. Are there any questions? [LB1096]

SENATOR FRIEND: Thank you, Mr. Hegarty. Are there questions from committee members? I don't see any. [LB1096]

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MIKE HEGARTY: See, I win, because Dale Tedder said I would have to get some questions. [LB1096]

SENATOR FRIEND: Dale has been down here. He knows how tired people get. (Laughter) [LB1096]

MIKE HEGARTY: Yeah, he's a good man. [LB1096]

SENATOR FRIEND: Welcome. [LB1096]

DALE TEDDER: Senator Friend, committee members, my name is Dale Tedder, fire chief for the Bellevue Volunteer Fire Department. I was elected to the position in 2003, 2002, and annually has been approved as chief by the membership. I have all the training, credibility, and experience required for firefighter, emergency medical, first responder. I have been a resident of Bellevue my entire life and a member of the fire department for over 34 years. From the experienced chief looking at LB1096, it makes sense to ensure our city officials are kept informed of public safety operations. I take my responsibility as chief very serious and as elected chief I continue sizing up our department. I honor everything from training, response efforts, membership wellness, discipline action, budget, equipment replacements. Additionally, as a volunteer I'm actively participating outside side-by-side with our members on a daily basis. I'm proud to say that I do have the highly...I have a highly trained command staff. I expect my staff and appointed officers to succeed all firefighter and EMT standards. What I do have over a paid department is the added bonus of my staff and members coming from the population of Bellevue. There are city employees, paid firefighters, program managers running multiple million-dollar projects, labor, and...my most prized are the military members, both noncommissioned and commissioned officers. As you can see, Bellevue has the best of both worlds--a highly trained, devoted department, and it works. As the chief, I'm required to submit an annual report or annual statement on the health and wellness of the department. In this report the city is informed the number of calls, number of volunteers, training goals, and budgets. Additionally, each month I provide the same status to the membership with similar information. This is the same information required of a paid chief in LB1096. Open all information to the city officials if that's what they want. I'll answer any questions that you may have. [LB1096]

SENATOR FRIEND: Thank you, Chief. Are there questions for Chief Tedder from the committee? [LB1096]

SENATOR LATHROP: Can I ask just a couple? [LB1096]

SENATOR FRIEND: Senator Lathrop, yes. [LB1096]

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SENATOR LATHROP: I don't know if this was something that was covered when I had to go over across the hall with a different bill. But Chief, can you give me a little bit of background? Are you full-time with the city of Bellevue or you do this after you do your full-time job? [LB1096]

DALE TEDDER: I am a full-time member of the city of Bellevue in charge of emergency management and I do the volunteer stuff after hours and weekends. [LB1096]

SENATOR LATHROP: So they have a full-time person for...what did you call it? [LB1096]

DALE TEDDER: Emergency management. [LB1096]

SENATOR LATHROP: Emergency management; what's that? [LB1096]

DALE TEDDER: I set up the plans for disaster, tornadoes, anything that would happen to the city of Bellevue. So I do have that responsibility, so I do have that training. [LB1096]

SENATOR LATHROP: And you're compensated for that? That's your full-time job? [LB1096]

DALE TEDDER: Yes, I am paid as a city employee, yes. [LB1096]

SENATOR LATHROP: And they have somebody that does nothing but prepare for emergencies? [LB1096]

DALE TEDDER: Yes. [LB1096]

SENATOR LATHROP: Okay. But do not have a paid chief? [LB1096]

DALE TEDDER: That's correct. [LB1096]

SENATOR LATHROP: Tell me what your education is, if you can. [LB1096]

DALE TEDDER: I've come up through the ranks of the fire department. I've been a member for 34 years. I've taken...I graduated from Bellevue High School and... [LB1096]

SENATOR LATHROP: Okay. [LB1096]

DALE TEDDER: ...I've taken my training through all the academies that have been offered through firefighting. [LB1096]

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SENATOR LATHROP: In terms of college level administration courses though...
[LB1096]

DALE TEDDER: I've...no, no college. Right. [LB1096]

SENATOR LATHROP: Your job with the city of Bellevue with their emergency management, do you have an office down by the police station or Olde Towne Bellevue? [LB1096]

DALE TEDDER: Yes, that's correct. [LB1096]

SENATOR LATHROP: And if the fire bell goes off, do you respond to fires or emergencies? [LB1096]

DALE TEDDER: I have the right to do that, yes. [LB1096]

SENATOR LATHROP: Okay. You have the right to do that... [LB1096]

DALE TEDDER: Yes. [LB1096]

SENATOR LATHROP: ...because you're a volunteer. [LB1096]

DALE TEDDER: Yes, that's correct. [LB1096]

SENATOR LATHROP: But do you? [LB1096]

DALE TEDDER: I don't respond to every call, no. I respond to something that I think is a serious call. That I should respond to a fire alarm, I usually don't go to a fire alarm. I usually will go to a...if it sounds like it's a structure fire or an apartment house fire or something like that, then I will respond. [LB1096]

SENATOR LATHROP: What are your hours with the emergency management?
[LB1096]

DALE TEDDER: I work 7:00 to 3:00. [LB1096]

SENATOR LATHROP: 7:00 to 3:00. And then what time are you devoting to, outside of answering a call once in a while, what time are you devoting to your duties as chief?
[LB1096]

DALE TEDDER: Last night I probably started at 3:01 and I got home almost 10:00.
[LB1096]

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SENATOR LATHROP: Okay, that was last night. Is last night typical? [LB1096]

DALE TEDDER: Well, and that's on an...the average will spend anywhere from two to three hours a night sometime during the nights, many meetings that are held. We spend, as Chief Bowes from Papillion talked about, we had a grant meeting last night. So there are just a number of meetings that we attend during the night hours. There is a lot of hours. [LB1096]

SENATOR LATHROP: Okay. I'm not trying to demean any of it. [LB1096]

DALE TEDDER: No, I... [LB1096]

SENATOR LATHROP: I'm just trying to get a sense of it. [LB1096]

DALE TEDDER: Sure. [LB1096]

SENATOR LATHROP: So after you get off work at 3:00 you think the average is a couple hours a night? [LB1096]

DALE TEDDER: I would say from two to three hours. [LB1096]

SENATOR LATHROP: Two to three hours. [LB1096]

DALE TEDDER: And then I'll spend some weekends down there. [LB1096]

SENATOR LATHROP: Okay. And just so we're clear--donated time, you're not being paid for any of it? [LB1096]

DALE TEDDER: Donated time, that's correct. [LB1096]

SENATOR LATHROP: The...is there anybody else that...you are the administrator, as the chief. [LB1096]

DALE TEDDER: Yes. [LB1096]

SENATOR LATHROP: You're the administrator of the fire department. [LB1096]

DALE TEDDER: That's correct. [LB1096]

SENATOR LATHROP: Is there anybody else in charge or that participates in the administration, or does it all rest with the chief? [LB1096]

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DALE TEDDER: I have a command staff. I have an operation chief, I have a training chief, I have an EMS chief. [LB1096]

SENATOR LATHROP: So these would be the folks that are implementing policy... [LB1096]

DALE TEDDER: Right below me, that's correct. [LB1096]

SENATOR LATHROP: ...that you essentially decide what the policy is going to be and they do it. [LB1096]

DALE TEDDER: And then they'll implement it. That's correct. [LB1096]

SENATOR LATHROP: We've had some discussion earlier about the fees. Bellevue charges \$500 for an ambulance ride, is that right? [LB1096]

DALE TEDDER: I believe so. I'm not...that's the other side of the fire...the fire department is split in two sides; an operational side and administration side. Dave...Mr. Szymanski is in charge of that side of it. [LB1096]

SENATOR LATHROP: And you're the administration? [LB1096]

DALE TEDDER: I'm the operations chief. I run the day-to-day operations of the fire department. [LB1096]

SENATOR LATHROP: That's all I have. Thanks. [LB1096]

SENATOR FRIEND: Thank you. Senator Cornett has a question. [LB1096]

SENATOR CORNETT: Dale, some of the questions that I have been receiving in e-mails, I've been receiving...and I think Senator Lathrop probably also had that and that's why the education question. How large is the budget in the Bellevue Fire Department? [LB1096]

DALE TEDDER: I think my budget sits this year at \$1.8 million. [LB1096]

SENATOR CORNETT: \$1.8 million? [LB1096]

DALE TEDDER: Um-hum. [LB1096]

SENATOR CORNETT: And how many people do you manage as the fire chief? How many people do you have under you? [LB1096]

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DALE TEDDER: As far as volunteers? [LB1096]

SENATOR CORNETT: Yes. [LB1096]

DALE TEDDER: 151. [LB1096]

SENATOR CORNETT: How many paid staff like secretaries? [LB1096]

DALE TEDDER: Five. [LB1096]

SENATOR CORNETT: Fire inspectors? [LB1096]

DALE TEDDER: There's two. [LB1096]

SENATOR CORNETT: Two. [LB1096]

DALE TEDDER: Right. [LB1096]

SENATOR CORNETT: What educational background do you have to manage that large of a department and that large of a budget? And this was brought forward. And like I told John over the weekend, things were going to...I was going to ask some difficult questions, just so we get the answers out in the open. [LB1096]

DALE TEDDER: Before I became the emergency management director, I was in a different department within the city, which I was there for 26, 27 years, which I had managed up to 40 people into that and I was able to assist with the budget preparation. I've done the fire budget since 2000. I've taken budget classes to make sure it was done correctly, but our budget always goes back to the finance director, who has also been a big help. We're given readouts and we work with our finance department on all budget concerns. In other words, we just don't have open reigns of what's in our budget. We have to run that and operate that through the finance department. So we basically decide what we need, what equipment we need, and then we'll take it to them and make sure the appropriate funding is available for that. [LB1096]

SENATOR CORNETT: The last question I have, and it's not really a question, but it is and it isn't. Most paid fire departments of...most paid fire departments of your size have a chief that they have at least a bachelor's requirement or a master's requirement for that position. Do you feel that you have the experience and education necessary to manage the budget and the personnel for a department of Bellevue's size? [LB1096]

DALE TEDDER: I have managed this department as the chief since 2000. I have come up through the ranks. You learn a lot, you learn a lot in school in four years, but I don't think there's any more or any better management than you can get as living it. I've had

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a lot of great teachers in that time. I've had a lot of great experience in that time coming up through the ranks. And if it's...if it's a master's or bachelor's degree to get you there, then maybe that's what it is. But I tell you what I go back to: experience pays. That degree is not going to get you anything on that working structure fire. [LB1096]

SENATOR CORNETT: The last question I have is, you and I have talked previously way earlier in the year, probably right after the last hearing, on steps that you are looking at to implement in the fire department to help with some of the concerns in regards to response times, manning fire stations, having people sign up for certain duty shifts, requirements in that regard, looking at some of the departments on the east coast that were even larger than Bellevue's that were still volunteer that had moved to 24-hour manned stations with volunteers. What has taken place between now and then in that? [LB1096]

DALE TEDDER: We are in the process--and actually, I did speak to...first of all, I did a building assessment. Before I wanted to go in and start throwing and adding people in our station, I want to get our stations up to where... [LB1096]

SENATOR CORNETT: And I know they're not equipped for overnight stays for women. [LB1096]

DALE TEDDER: They're not equipped for overnight. Right now if they want to go down there and sleep, they sleep in the back of a squad or we made shift rooms. So I've asked the city administration to hire an architect to come in and assess all my buildings to make sure they are all...that's my first step to do that. We do have a committee forum that are putting together the right steps. And I've asked the committee to look at this very, very hard because if you do the wrong step you can't go back. So if we're going to implement a staffing level of some sort, then I want to make sure it's the right staffing level. If it's a 8:00 in the morning until noon, then I want to make sure that, if that's our problem area then I want to make sure I staff that correctly at those times. I don't want to put people in at 6:00 at night until midnight and that not be our problem area. So our committee has really, really done a very good job of putting the information together and tracking what we need to do and when we need to do it. So there's a...it's a complex thing and this isn't something that can be done overnight and we want to make sure it's done correctly. Every department I've heard out here has done something a little different to make what they think at their department will work. And I want to make sure what we do here is the exact same thing. It is a major step and I want to make sure the step is done right. [LB1096]

SENATOR CORNETT: The only thing that concerns me on that is even the smaller departments have taken those steps that Bellevue hasn't yet. And that's the only thing that really concerns me here and trying to move forward with those steps a little bit quicker than we have. [LB1096]

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DALE TEDDER: And honestly--Senator, you're absolutely right. And again, I go back, we looked at the steps. When I was here last year we looked at steps, we made changes from last year. We are going to more of a staffing. Like tonight, I'm sure we'll staff our stations tonight with the weather the way it is. [LB1096]

SENATOR CORNETT: Oh, yeah; with the weather, yes. [LB1096]

DALE TEDDER: So there's things that we do to make those changes. It is, and it's going to be a tough change to make, but we're going to make that change and we're going to do it right. And when we're done, we're all going to come together and it's going to be a...it's a team effort. These 151 people give out day and night and we want to make sure that they all feel part of this plan, which they are. [LB1096]

SENATOR CORNETT: I was going to say trust me, I remember the nights. (Laugh) My husband was a volunteer. [LB1096]

DALE TEDDER: Yeah, and there is. There is a lot of nights. [LB1096]

SENATOR FRIEND: Are there any other questions for Chief Tedder? Chief, I'm going to violate my own... [LB1096]

DALE TEDDER: (Laughter) Okay. [LB1096]

SENATOR FRIEND: ...personal sanction on speaking throughout this thing. No, actually I had a really quick question. I mean, you're an urban volunteer fire department, you're not a rural fire department. And let's just say...because people have asked me this question before. What happens if you have a structural fire, you don't really know what possible casualties can come from it? You don't know who's in there and it's on the border or it's really close to an Omaha fire department or an Omaha fire station. What if Omaha can respond...what if an Omaha unit could respond faster than somebody from Bellevue? Are they going to be given the green light based on your interlocal agreement to go in there and immediately be the first responder and help with that situation? [LB1096]

DALE TEDDER: Senator, right now there is no interlocal agreement. There is our mutual aid, which we have to call and ask for that service. Some of the things I've learned since I've been chief, one of them is pride. When I became chief, there was a lot of pride in our department, like we could handle everything by ourselves. [LB1096]

SENATOR FRIEND: Yeah. [LB1096]

DALE TEDDER: We can't. I'll be the first one to jump up and down and say we can't.

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When I became chief, one of the first things I did was break down a lot of those old doors, invite all the chiefs into our department and say hey, let's work as a team. And I think Chief Bowes talked a little bit about that. We've knocked down a lot of those things. There is no pride. We're all in this the same thing. We're all in public safety and if it takes a red truck, a white truck from Papillion, or a yellow one from Omaha, I don't care. It doesn't matter. [LB1096]

SENATOR FRIEND: Yeah. So the bottom line is, you're saying if an Omaha unit can get there and they can get there faster than you, it's not going to be a bunch of, you know, bantering and... [LB1096]

DALE TEDDER: We're going to be there to help them. We're going to be...and that's some of the things we've done in our training. By opening up our training facility to the Omaha fire two years ago, we were able to start doing a lot of training with that. And that took away a lot of those...that friction between mine and yours. Now it's not mine and yours; now it's what's best for the public. [LB1096]

SENATOR FRIEND: Okay. Thanks, Chief. Again, any other questions? I don't see any. Thanks for coming down. Next opponent? How many more folks, do we have a few? Okay. We'll try to get through this. I think we'll still have some daylight if we can get you out of here. Go ahead. [LB1096]

AMBER BROWN: (Exhibit 6) Thank you. My name is Amber Brown, A-m-b-e-r B-r-o-w-n. I'm the assistant city manager for the city of Kearney. Thank you for having me today. I want to testify in opposition to the proposed bill, LB1096. I don't want to repeat everything that Fire Chief Jerry Thompson had to say today, but I do hope that we make you consider what the ramifications on Kearney will be with this bill. We feel that we have done everything right in Kearney. We have already taken a lot of these precautionary steps that have been discussed today. We do supplement our primarily volunteer fire department with 10.5 career staff. One of those is a full-time fire administrator. He makes sure all the bookkeeping, records, training, fire prevention education programs, preincident planning is completed for the departments. And then we have eight paid firefighter operators who man the stations and make sure that the truck and equipment arrive there. And then we have the paid administrative assistants who help with the recordkeeping. I kind of want to talk about citizen satisfaction. We did a community survey in 2004 and 97.6 percent of respondents noted that they were very satisfied with our response time and the services provided by our volunteer fire departments. So we know that the citizens are happy with what they're getting in Kearney. We are considered a statewide leader for training and operations. The city provides a training budget in the amount of nearly \$40,000 for our volunteers and our career firefighters. We operate a ten-acre training facility and invite other departments to come in and train there. The...our average response time is about four minutes. Let's see, what else? Oh, I wanted to touch on the aging population. In Kearney, we are

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unique. We are not an aging community. Our median age in Kearney is 27. Our median age on our volunteer fire department is 36. So we're very proud of that. We continue to recruit new people. Last year we had 9 members go inactive and we had 12 members come on. So we're exceeding those replacement needs that we had. In the bill it alludes to the fact that employers are reluctant to let their employees respond to calls. That is not true in Kearney. We are very proud. The employers are very proud to let their employees participate in that. We are proud to boast an ISO rating of 2 and I believe maybe only one other department in Nebraska has that and only one department in Nebraska has an ISO rating of 1. So the employers actually see payback for allowing their employees to respond, that they have lower insurance rates. So we're proud of that. And in average, in 2007 we had 33 members respond to calls at one call, and then 12 members respond to rescue calls. That's more than we could have with a paid staff. It's just the sense of service and duty and pride that Kearney has. So I also want to talk about our fire chief and brag on him a little bit. He is a graduate of Kearney State College. He's been a member of the department of 18 years. He's been there for three years as chief, he had two years of assistant chief, five years as captain. Our fire administrator has ten years of experience with the fire department with the city of Kearney. He actually reports to the city manager who's a professional who has his master's degree who then reports to the city council. So that's how we handle those educational requirements. I just kind of want to wrap up and say that Kearney, through our unique system, we are meeting all of our service demands. We are meeting the state and federal training requirements. We are exceeding our recruitment needs. We're supplementing and supporting our volunteers with career firefighters and equipment operators and administrative staff. Equipment, training gear, etcetera is all provide for within the city budget. And all those factors are taken into account when you apply to do an ISO rating. So I can assure you, we are meeting those and exceeding those. We really believe that Kearney should be the model for other communities. We think that we should be rewarded for providing excellent fire protection services at affordable property tax rates. And we think that this bill does not propose to reward us for efficiency and success. Instead, it will severely undermine the longstanding history, tradition, and pride held by the members of the Kearney Volunteer Fire Department. If Kearney is forced to hire a paid fire chief, it will no doubt erode the pride and confidence that is held by our volunteers. Are there any questions? [LB1096]

SENATOR FRIEND: Thank you, Ms. Brown. Are there questions from committee members? I don't see any. Thanks for taking the trip down. [LB1096]

AMBER BROWN: Okay, thanks. [LB1096]

SENATOR FRIEND: Next opponent? [LB1096]

PATRICK SULLIVAN: Thank you, Chairman Friend, other committee members. My name is Patrick Sullivan, S-u-l-l-i-v-a-n. On September 24 I became the attorney for the

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city of Bellevue. And as part of my christening, I get to speak before you today and discuss the city's position, which is somewhat difficult to respond on that from this aspect. The bill that came out and its form came out January 22. As you're probably aware, I have a 12-headed client--it's 10 city council people, a city administrator, and the mayor. The mayor for some time has openly spoke of having a paid fire chief and we have been working with the volunteers in discussing that issue as well as somewhat informal talks with city council members. And I can say just from a...not necessarily a vote, but from a feeling, there's probably a mix between the city council members as whether to go with a paid fire chief or not. However, I think it is the consensus of all the city council members that whether we go to a paid fire chief or not is more of a local issue that ought to be addressed locally as opposed to directed by the state. There was a number of questions that were raised and I don't want to get back into some things that have already been said, and in particular Mayor Kindig's comments as part of the United Sarpy Cities. I would just reiterate that our city is supportive of those comments and, in particular--and I think Senator White, it's an issue that you raised--is most of those staffing issues you would have to do anyway. The way that the bill is written is it would require us to provide any staff that the fire chief says is needed. Again, going back to that concept, the fire department, the public works department, the parks department all should be operated as part of the city and not be necessarily carved out and treated differently. The city would like to go through it's own budgeting process, review the things just like they did with any other department, and proceed in that fashion. So I just say I'd like to reiterate, we are in support of Mayor Kindig's comments as part of the United Cities of Sarpy County. A few things that I just jotted down as we sat through this hearing is there was a lot of discussion about response time. If anything is done about response time, and I think that ought to be something that should be directed at all fire departments of all cities, is what is response time and how do you clarify when an adequate, whatever that may be, response team is there. This is a difficulty that I've had throughout the situation trying to analyze some of the numbers and I think that is an issue that needs to be addressed and try to quantify that. There was some discussions that I don't know that necessary are, I guess, related to this bill but not part of this bill, and that was with respect to the rescue fees, the length of service award, and so forth. And so I'd like to address a little of those and potentially answer some of your questions. There is a length of service program that's done by state statute. It does require the city to operate it, not the volunteer fire department. As recently as this morning, I spoke with Judge Zastera, who in his previous practice assisted the Bellevue Volunteer Fire Department in developing their own length of service before the state law was enacted in 1999. He worked with my predecessor, John Rice, who was a city attorney in Bellevue at that time, and developed what was a 457 plan, which a 457 plan is a retirement system that can be used for government entities as well as nonprofit entities. His recollection of that was that they actually submitted a 457 plan to the IRS and it was accepted. And there was some issues in regard to...normally a nonprofit, they can set these up for their employees but obviously these aren't employees, they're volunteers. Judge Zastera's recollection was that under

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the definition within the IRS code, that he could define these volunteers as employees. And the IRS accepted that for the purpose of the 457 plan. One of the issues associated also with that is, from what my understanding is, is that 457 plan is a defined benefit. So in other words, at a certain point they are guaranteeing a certain payment at the end of the day. Most plans, as you're aware, have now gone to defined contribution where we define how much we're going to contribute and then whatever that fund grows to is what you get, whether it go off the charts or whether it doesn't yield very well at all. Under the current plan, under the state plan it requires defined contribution. So in the event, at least in my opinion and what I've advised the city, is that if the city takes over those fees, those fees...we may set up a length of service program but it would be a separate length of service program and it would be a defined contribution plan. The thing that I think is a little bit difficult here to understand or surmise is that the volunteer fire department is a separate nonprofit entity and there are other mechanisms to create pension funds and so forth, whether through the IRS, through this 457 plan. They are independent of any state law. It's just that as a city if we want to develop a length of service program, we can only create what is allowed by statute. And so I believe under...I think it's 35-901 where they allow the trust fund, the trust fund says that it can...just the trust fund for the volunteers, that they can then contribute, put money into there and spend that money as they deem necessary. It's fairly liberal language that's in the statute. Additionally, if the 457 plan was accepted by the IRS, it's likely that that's appropriate. It's also managed by Wells Fargo. I can't speak to its management and how it is being conducted, but I would have to assume that Wells Fargo does a professional job at managing a 457 plan. With respect to the fire department being allowed to charge for those fees, I am unaware of any city council formal approval of that. And I've asked for documentation to that and we're still working on trying to find any documentation to that effect. But I'm not aware of any to that effect. There also was a proposal made in September, although Dave Szymanski had testified that we had not presented anything, there was actually a proposal in September to the volunteer fire department of a--I use the word "takeover" carefully--but a takeover of those fees and it had to do with developing and looking at the length of service award. And part of it was potentially the city taking over the volunteers' nonprofit...I'm sorry, length of service program, and then us funding it. I came in on September 24, started looking and revisiting this issue. As that plan was there, it was my understanding that it was a little bit cumbersome and long in the eyes of the volunteer fire department. And it kind of just sat there and stagnated. I started looking and relooking at all these issues and had come to the conclusion that I don't believe that we can contribute to their length of service program, and that if we want a length of service program we would have to separately and independently operate it in the city. And so their length of service, however it has been funded, would have to stay separate and on the other side in their volunteer nonprofit corporation as a 457 plan. Throughout the testimony, I heard quite a bit, and I didn't know how some of these fire departments operated. And I think I just want to reiterate is that all communities seem to have different little mechanisms to handle it, and I kept hearing the word "unique." I would have to agree that each

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community is unique and those unique needs are probably going to be best met by those community leaders to address those issues. And I think that's the breadth of what I heard from our city council was, is this is a matter that we should be handling and within our intimate knowledge of what is going on. There is a program, by the way. Senator White, you had also asked. There is a federal grant program called SAFER that allows in integration of the city paying for that cost. I believe it's 90-10 the first year, then goes 70-30 the second, 50-50 the third, and then reverses itself. The only thing I can tell you is, is under every federal grant that I've ever seen, I've never seen it where whoever receives that grant is not putting money out. So there is always an expense. And what I try to tell my children is, something, when you buy it 30 percent off, it is not that you save 30 percent--it's that you didn't spend 30 percent. There's still the other 70 percent expense. I think I covered most of what I wanted to touch on. Again, we would reiterate the United Cities in Sarpy County and their response. And I do want to just make one comment on behalf of Dale Tedder, and that is I've had seven years of education, post-high school education, taken some accounting classes, and you don't want to see a budget that I put together. My secretary does budgeting for some of my businesses, does not have a college education but was self-trained. I think somebody can become as adept through experience as they can, if not more, than education. And I'll finish with that. [LB1096]

SENATOR FRIEND: Thank you, Mr. Sullivan. Questions from committee? Senator Cornett. [LB1096]

SENATOR CORNETT: With the correspondence that I've had with the city council, is it true to say that the city of Bellevue has set money aside for the position of a paid chief in the budget? [LB1096]

PATRICK SULLIVAN: They have budgeted money for a paid chief. [LB1096]

SENATOR CORNETT: Okay. The next question I had is because, again--and I won't...and you know the running dialog that I have. Like you said, you serve a 12-headed monster, I get 12 people contacting me also. [LB1096]

PATRICK SULLIVAN: That was actually said in confidence, but...(Laughter) [LB1096]

SENATOR CORNETT: I know. No, I think you said it out here. (Laughter) No, you said it here. It's on the tape. [LB1096]

PATRICK SULLIVAN: I don't think I used the word "monster" but go ahead. (Laughter) [LB1096]

SENATOR CORNETT: Okay, 12-headed...you said something. You said "beast." It was beast. [LB1096]

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PATRICK SULLIVAN: At any rate. [LB1096]

SENATOR CORNETT: Anyway, again, I get correspondence from the majority of those 12 in communication. Has the fire department come to the table and cooperated with the request from the city in regards to financial status, response times, and have they...can you say there's an overall spirit of cooperation to try and remedy some of the concerns that the Legislature has? [LB1096]

PATRICK SULLIVAN: Yeah, let me try to answer that in two ways. Number one is, there was a bit of a break or learning curve from the period of me becoming the city attorney in September. There was a lot put on the plate right at the beginning and a lot of things that needed to be resolved other than this fire department. So part of that delay of maybe looking at some of these issues can be blamed on my part, or at least my learning curve on what's going on with the city. Additionally, we met a couple weeks ago for approximately three hours, went over a number of issues. In fact, a number of issues that Senator White had requested of Mr. Szymanski that we're still looking for and trying to get answers. The volunteer fire department is also represented by counsel. He and I are working together and trying to resolve a number of issues. So I think there is definitely a spirit of cooperation in trying to move forward on certain things. I think that we are proceeding in a proper manner and an orderly manner. We're scheduled to meet again tomorrow and try to answer a lot of those questions. So yeah, I guess to make a long story short, there is a spirit of cooperation and we're working hard at it. And I've committed to the city council that I'm going to work diligently and keep my nose to the grindstone on trying to resolve some of these issues. [LB1096]

SENATOR CORNETT: Thank you. [LB1096]

SENATOR FRIEND: Thank you. Further questions? Senator White. [LB1096]

SENATOR WHITE: Counselor, thank you for coming today. I do have a number of questions that do still cause me concern. I am unable to find anywhere in the statute where a volunteer fire department can charge for its services, put that money into a trust fund, distribute it to its members. I mean, that's a very substantial power to be, in effect, given a monopoly franchise where you can charge for service by community, not publicly account for it, and then distribute it to your memberships. And that's actually unheard of to my knowledge. Can you please give me some comfort and tell me where the volunteer fire department has the authority in state statutes to do what they're doing? [LB1096]

PATRICK SULLIVAN: Let me answer that. Your concerns are also my concerns, so I can't...I don't know that I'm necessarily going to alleviate or answer your questions but from this standpoint: 35-901, within that, allows the fire departments to raise funds,

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okay? It allows them to raise funds, allows them to put that into a trust fund. Okay? That statute is very liberal in its construction in that it says that they can then put money out as they deem fit for the purposes of the fire department. Okay, from that standpoint there is also federal law under 457 that allows nonprofit corporations to fund a 457 plan. [LB1096]

SENATOR WHITE: By charging the community for their services? [LB1096]

PATRICK SULLIVAN: Hold on a minute, one step at a time. That 457 plan appears to--I've not seen this--but appears to have been approved by the IRS, from what I found out this morning. [LB1096]

SENATOR WHITE: This should give us comfort; the IRS is...(Laughter) [LB1096]

PATRICK SULLIVAN: I'm getting...one step at a time, Senator. The other issue is, is whether the city has authorized them to make those charges in a way to fund those operations. I'm unaware of any formal action by the city council that has approved that, and that's the information that I'm trying to find. [LB1096]

SENATOR WHITE: So at this point, you know of no state statute that authorizes this; correct? [LB1096]

PATRICK SULLIVAN: That's correct. [LB1096]

SENATOR WHITE: And we have no city charter act. The fire department has a monopoly inside its territories. They're setting fees for people who are literally afraid they're dying for service. No elected officials reviewed it. We don't have a public accounting and we don't know where the money that is raised is going. I got that correct? [LB1096]

PATRICK SULLIVAN: Generally speaking, yes. [LB1096]

SENATOR WHITE: And just we can talk about the statute, the statute absolutely clearly contemplates voluntary payments. It talks about donations, contributions, bequests or annuities, and any money raised selling cakes, things like that. It doesn't say word one about charging for services in the form of billing and then flipping it into an annuity. So I don't know where you can fairly say this is even remotely contemplated by that statute. [LB1096]

PATRICK SULLIVAN: First of all, I'm not saying that it is. [LB1096]

SENATOR WHITE: Fair enough, because I thought you were. But you're not saying that this activity of charging and then putting it in this fund...also I'm concerned. The

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testimony said there were three different funds; there was the tax receipts from the city council... [LB1096]

PATRICK SULLIVAN: I don't believe there was three different funds, I believe there was three different methods of receipts. [LB1096]

SENATOR WHITE: Well, is it three different funds or is it three different methods of receipt? Because they also talked about different accountings for how they were spent. [LB1096]

PATRICK SULLIVAN: Well...and I may have been out of the room at the time Mr. Szymanski was testifying on this. I do know that the funds that they received from billing--at least, I shouldn't say I know--I have been told that those funds are then going in and funding their length of service award. [LB1096]

SENATOR WHITE: So we're spending \$200,000 a year on length of service, apparently, for 10 people. [LB1096]

PATRICK SULLIVAN: I don't know where the ten people... [LB1096]

SENATOR WHITE: I thought he said ten people, approximately. [LB1096]

SENATOR CORNETT: Were receiving annuity at this time. [LB1096]

SENATOR WHITE: At this time. [LB1096]

PATRICK SULLIVAN: Right. In other words, they're funding for a number of volunteers but they're only paying out to ten now. [LB1096]

SENATOR WHITE: Now is the funding, is that...is the annuity...you're purchasing annuity, so they're purchasing annuities from insurance companies? [LB1096]

PATRICK SULLIVAN: I think that word "annuity" is being used in a more flexible state in the sense that they will then pay out annuities. It's not necessarily annuity policy. These funds are then vested by Wells Fargo. Again, you're asking me from a third party looking in trying to find out the same as you are. But my understanding is, is there's a fund of cash, for lack of a better term, sitting there. And they've made certain promises to then pay out of that pile of cash certain annuities to those firemen. So the fund is sitting there and being funded each year and then again some of it is being drained off in the sense that they are paying ten volunteers. [LB1096]

SENATOR WHITE: So now if the city takes it over...you're saying the city can't take this over. [LB1096]

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PATRICK SULLIVAN: Their 457 plan is a nonprofit plan because they're a separate corporation. We can't touch that. [LB1096]

SENATOR WHITE: What happens if they lose their right to charge people? [LB1096]

PATRICK SULLIVAN: They're going to have to find another method to fund that, or they're going to have to discontinue the plan. And the city may look at putting a length of service plan under the state statute into place. But it would be two separate funds. [LB1096]

SENATOR WHITE: You're the city attorney. Would you agree this is highly irregular and a matter of concern? [LB1096]

PATRICK SULLIVAN: (Laugh) I'm not sure if I'd use the word "irregular." It's a high amount of concern. I'd use the word "unique." And it would not have been how I would have set it up, let's put it that way. [LB1096]

SENATOR WHITE: I'll go with that. Thank you. [LB1096]

SENATOR FRIEND: Thank you. Any...Senator Janssen. [LB1096]

SENATOR JANSSEN: Just one, Counselor. When this particular fire department needs new equipment, how is that purchased? [LB1096]

PATRICK SULLIVAN: The city generally purchases the equipment. The fire department has to submit a budget to the city just like any other department. And then that budget is gone over. Some things are marked out, some things are added in, and then the fire department makes a request to buy a certain part of equipment. If it's in the budget, generally speaking it's approved. Sometimes it's not. [LB1096]

SENATOR JANSSEN: So the public...it's public money that buys the equipment then. [LB1096]

PATRICK SULLIVAN: Yes. All the buildings, all the equipment... [LB1096]

SENATOR JANSSEN: All taxpayer's dollars buy the equipment. [LB1096]

PATRICK SULLIVAN: That's correct. The volunteers really serve as manpower. That's what they're there for. [LB1096]

SENATOR JANSSEN: So then money that's generated from this public equipment is going back as a retirement type of situation. [LB1096]

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PATRICK SULLIVAN: I'm not following you on that. [LB1096]

SENATOR JANSSEN: Well, somebody is getting paid, aren't they? [LB1096]

PATRICK SULLIVAN: What's that? [LB1096]

SENATOR JANSSEN: I mean, you're getting paid... [LB1096]

SENATOR WHITE: They're using the public ambulance, is what he's just saying. [LB1096]

SENATOR JANSSEN: Yeah. [LB1096]

PATRICK SULLIVAN: Yes. They are using the city's own rescue squad; that is correct. [LB1096]

SENATOR JANSSEN: Very interesting. Thank you. [LB1096]

SENATOR FRIEND: Further questions? Senator Cornett. [LB1096]

SENATOR CORNETT: The money that is generated by the squad calls should, could, in your opinion, should go, could go back to the city to pay for the maintenance of the vehicles instead of coming out of the city's budget and to pay for some of the costs of remodeling the fire stations and so forth and so on? [LB1096]

PATRICK SULLIVAN: Let me answer the question in this instance. This is my opinion, it's not the position necessarily of the city. But my belief is that the, one, that the fees that were generated by that could be increased substantially. And doing a few things with how they're collected as well as there's a number of things that we don't charge for that we could charge for and would be paid for. So in my opinion, I believe that we could substantially increase the amount of receipts under that. Secondly, those funds ought to be segregated so that we put those funds over toward replacement of equipment, capital improvements, and so forth, with the caveat that we need to look at a length of service program for the volunteers. You know, the Legislature passed it and thought that it was an appropriate idea and I think it's a stipend, it's not a huge amount of money, that's going to people that provide a valuable service to the city. [LB1096]

SENATOR CORNETT: When you talk about when the plan was set up, it was set up as a defined benefit, not a defined contribution, if you switched over, if the city enacted its own type of retirement plan you would go towards a defined contribution; correct? [LB1096]

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PATRICK SULLIVAN: Well, not only is it my opinion that that's the right way to go, but that's the only way you can go under the state statute. [LB1096]

SENATOR CORNETT: The next thing is, do you know currently how much is in the annuity for the retirement plan? [LB1096]

PATRICK SULLIVAN: I'm not aware of how much it's funded nor what their obligations are under their plan. [LB1096]

SENATOR CORNETT: So you don't know how much it takes per month to fund that plan? [LB1096]

PATRICK SULLIVAN: Other than if it's about \$200,000 that they're collecting and they're fully funding it with that \$200,000...well, I don't know that I can even say that because my understanding is, depending on how investments are doing and so forth, that and those funds may be down. It may be short fundwise from an actuarial standpoint of meeting its obligations to pay out the annuities at the end. [LB1096]

SENATOR CORNETT: So you don't know if it's fully funded or not at this time. [LB1096]

PATRICK SULLIVAN: No. [LB1096]

SENATOR CORNETT: When you mentioned the trust fund that is in place for...that has been put in place by raising money, do you know how much is in that trust fund? [LB1096]

PATRICK SULLIVAN: That's for the raising of just, you know... [LB1096]

SENATOR CORNETT: If they're a 501(c)(3)... [LB1096]

PATRICK SULLIVAN: ...tree sales and all that type of stuff? [LB1096]

SENATOR CORNETT: Right, if they're a 501(c)(3)... [LB1096]

PATRICK SULLIVAN: I'm unaware of that. [LB1096]

SENATOR CORNETT: ...so that should be public record; correct? [LB1096]

PATRICK SULLIVAN: Right. I'm not aware of that. [LB1096]

SENATOR CORNETT: But we don't know how much money is in there currently. [LB1096]

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PATRICK SULLIVAN: No, I do not know that. At least I don't. [LB1096]

SENATOR CORNETT: Do you know how much is expended every year from that fund? [LB1096]

PATRICK SULLIVAN: No. [LB1096]

SENATOR CORNETT: Okay, thank you. [LB1096]

SENATOR FRIEND: Senator Lathrop. [LB1096]

SENATOR LATHROP: Just a couple questions. The money that's being generated by charging people for ambulance services, do you know, is that only being used for the retirement or the annuity... [LB1096]

PATRICK SULLIVAN: My understanding is 100 percent... [LB1096]

SENATOR LATHROP: ...or are they using it for anything else? [LB1096]

PATRICK SULLIVAN: ...of the funds being collected--and I'm telling you what I've been told, is that 100 percent of those funds being collected are going into this length of service program, less administrative costs. [LB1096]

SENATOR LATHROP: So as far as you know, they make these receipts, whatever they might be, depending upon who pays and who doesn't pay, whatever they are, but it's about \$200,000 a year. They take that down to the bank, give it to them, and it goes into this retirement. [LB1096]

PATRICK SULLIVAN: Right. [LB1096]

SENATOR LATHROP: And none of it's being diverted for any other purposes? [LB1096]

PATRICK SULLIVAN: That's my understanding. And maybe to give you some perspective, the statute allows up to \$3,000 per firefighter to set up in an LOS program. So with 150 members, you could put in as much as \$450,000 under the state statute. So I don't...you know, the \$200,000 may seem large, but with 150 members that doesn't seem to be a highly unusual number. [LB1096]

SENATOR LATHROP: That's all I have. Thank you. [LB1096]

SENATOR FRIEND: Senator Cornett. [LB1096]

SENATOR CORNETT: How many members are projected to be on the department long

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enough to retire? Because I know there's a huge attrition rate in volunteer fire services. And how many years do they have to be on before they're part of this defined benefit program? [LB1096]

PATRICK SULLIVAN: Again, that would be a question probably better addressed to the volunteer members that operate that matter. I'm on the outside looking in. I just am maybe a step or two in front of all of the rest of you in trying to figure that out. [LB1096]

SENATOR CORNETT: Okay, I'm sorry. [LB1096]

SENATOR FRIEND: Senator White. [LB1096]

SENATOR WHITE: Other fees, you have paid fire inspectors. Where...do you charge for those inspections? Does this... [LB1096]

PATRICK SULLIVAN: Those inspections get charged and the city pays those fire inspectors. [LB1096]

SENATOR WHITE: Okay. And where's that money go? [LB1096]

PATRICK SULLIVAN: I would assume in the general budget of the city. [LB1096]

SENATOR WHITE: The general fund? Are there any other fees that you're aware of associated with fire prevention or suppression or emergency services in the city of Bellevue that we haven't talked about. We've talked about ambulances. Any other fees you're aware of? [LB1096]

PATRICK SULLIVAN: The only...there's not fees...there's not other fees that are charged in respect to that except there's been discussion of not only increasing...or not only having rescue fees, but also having...you could have pumper fees or charge for fire calls as well. The city does not charge for...neither the city nor the volunteers charge for that at this time. [LB1096]

SENATOR WHITE: Who gets to make that decision? [LB1096]

PATRICK SULLIVAN: Well, that would be a city council decision, in my mind. [LB1096]

SENATOR WHITE: You're sure? [LB1096]

PATRICK SULLIVAN: Um-hum. [LB1096]

SENATOR FRIEND: Thank you. Further questions? Oh, sorry. Senator Cornett. [LB1096]

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SENATOR CORNETT: Back to Tom's question, and this is before your time so I can't...as city attorney, how come the city...I mean, who authorized the squad fees to go up to \$500 when at least the feedback that I got from city council members was that some of them were unaware that it had been raised? [LB1096]

PATRICK SULLIVAN: The fees that have been charged--my understanding, and I have not seen any documentation otherwise--were fees that were set by the "Volunteer, Inc." if you will, not by the city council nor approved by the city council. [LB1096]

SENATOR CORNETT: So then if you're talking about pumper fees, would those be set by the city council or by "Volunteer Fire, Inc." because if the volunteer fire department set the squad fees, why wouldn't they set the pump fees? [LB1096]

PATRICK SULLIVAN: Well, I'm not necessarily agreeing that that was appropriate... [LB1096]

SENATOR CORNETT: Got it. [LB1096]

PATRICK SULLIVAN: ...for them to do that. [LB1096]

SENATOR FRIEND: Further questions? Seeing none... [LB1096]

PATRICK SULLIVAN: Chairman, if I could just address one issue. [LB1096]

SENATOR FRIEND: Quickly, Mr. Sullivan... [LB1096]

PATRICK SULLIVAN: Sure. [LB1096]

SENATOR FRIEND: ...because we've got other people waiting to testify. [LB1096]

PATRICK SULLIVAN: You bet. Senator White, you had asked, is that how you would have set it up, and I answered no I wouldn't. I do want to at least state one issue, and that is I'd rather not be the Monday morning quarterback a lot of the legal work that I've done in the past. And it's a lot easier looking backward at it and saying I wouldn't have set that up. There may have been legitimate reasons back in 1988 or '85 that they felt that it was appropriate. I'm just telling you, looking at it now, I would not have done it that way. [LB1096]

SENATOR WHITE: I would like to respond to that. We have people's lives at risk. We have public money in public trust. I don't particularly enjoy Monday morning quarterbacking anybody. But we've just seen a minimum of almost a quarter of a million dollars of money that has to, by any fair standard, be considered public going out with

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nobody watching it. We have issues as to whether or not citizens have died or not. We have a number of matters. And I would tell you, sir, whether I like to or not, it is our obligation to investigate these matters. [LB1096]

PATRICK SULLIVAN: And I'm not disagreeing with you, Senator. I just know that the gentlemen that were involved with it and the attorneys that were involved with that were gentlemen I believe probably were doing the best that they can. [LB1096]

SENATOR WHITE: No, but you said that. They set this up, according to you, before the state statute came into place. [LB1096]

PATRICK SULLIVAN: Right. Well, and under a nonprofit internal revenue code reading, not anything that was statutory, which I think a nonprofit could do as opposed to a city. A city only has its authority as granted by the Legislature. [LB1096]

SENATOR WHITE: And when this was set up, was it contemplated there would be ambulance charges? And I know the attorneys you're talking about. Did they contemplate there would be charges for services to fund this? [LB1096]

PATRICK SULLIVAN: My understanding in my discussion this morning was that it was an issue worked out with the city attorney at that time, John Rice, and with the attorney for the fire department to set up this system and allow the fire department to charge those charges. So yes, that was the plan. [LB1096]

SENATOR WHITE: When the volunteer fire department raised the rates, did they honor the open meeting law, and should they have? [LB1096]

PATRICK SULLIVAN: The volunteer fire department, the "Volunteer, Inc." would not be subject to the public meetings law. [LB1096]

SENATOR WHITE: How about sales taxes? Are these services included under the sales tax laws? [LB1096]

PATRICK SULLIVAN: I don't know the answer to that. [LB1096]

SENATOR WHITE: How about withholding, withholding under the state income tax laws? Are those being complied with? [LB1096]

PATRICK SULLIVAN: I don't know the answer to that. [LB1096]

SENATOR WHITE: Thank you. [LB1096]

PATRICK SULLIVAN: Again, you're investigating the same things that I am now as I get

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into these issues. [LB1096]

SENATOR FRIEND: Thank you. Further questions? Mr. Sullivan, thanks for coming down. [LB1096]

PATRICK SULLIVAN: You bet. Thank you. [LB1096]

SENATOR FRIEND: Next opponent? Two more or one more? Okay, if we can try to be done by 4:30, that would be great because we're going to lose some daylight. [LB1096]

JERRY STILMOCK: Senators, Jerry Stilmock, S-t-i-l-m-o-c-k. I want to thank you sincerely. The reason why we're going on today to this length is because of an incident that happened during the fall, during the interim, when Senator Friend appropriately so, if I may comment on his motivation, canceled the meeting on the interim study hearing because of the death of the Wymore volunteer firefighter. And to that extent that we're going deep, deep, deep into this issue, it's only because of the graciousness that this committee saw fit. And thank you. The policy reasons that you all have to set for the state all come under the pinnacle--they have to come under the pinnacle--of what's best in the fire service and rescue; what serves the best interest of the people to protect lives, prevent death, and save property. What's good for Bellevue and Papillion and La Vista isn't going to work perhaps in Broken Bow; it isn't going to work in Cook, Nebraska, in Johnson County; it isn't going to work in Wilber; and it's not going to work in Nickerson. One of the items that one of the proponents spoke of was asking the committee, what would the response be, senators, if you would ask the people in uniforms today, what is your profession? And I thought about that question as I listened to the gentleman that asked the question, and I bet for the 95, 90 percent people that would respond, they would say, well, I'm a farmer, or I'm a mechanic, that serves as volunteers. It's impossible to ever bring together what the paid people see and what we see as volunteers. I grew up in south Omaha. I had the opportunity to go to some south Omaha wedding receptions. But if I venture down to Wilber, Nebraska, and I'm a volunteer and I want to go to a wedding reception, I have a conscience that I have to abide by and what I'm going to do, how I'm going to socialize at that event. Why? Because I'm 24 hours a day, 7 days a week, as a volunteer. I cannot punch out. I cannot check out. If I serve on a paid department and I go in for training, my assumption is, is that I get paid for that training. When I go in as a volunteer, I'm going to do a couple of different things in order to go for training. If I'm a paid employee and my company won't let me out, I'm going to take vacation to go to training, three days during the year, in May, at Grand Island. I go to three days of training, Friday, Saturday, Sunday. If that's a work day, I'm going to take vacation to better my skills to go to training. Worse yet, or more devoted are those that are self-employed. They don't have the benefit of getting a paid vacation day. They're just going to have loss of income if they're a contractor, a painter, what have you. And that's the part that it's impossible to say what happens in the paid department and what happens in the volunteer

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department, what that all means. I'll tell you a very quick story. A dear friend went on a rescue call. He was a volunteer. It happened during this past winter. And one of the worst things that could ever happen, is he had to go on a rescue call. He's both fire and rescue. Actually, he's just fire, but the fire was out there, being the manpower, and they had to provide services. He had to do the one thing as a volunteer that we ask every volunteer to do. He had to go for two hours, tried to separate Cindy from the wreckage and her death. She was a neighbor of his. He knew who she was. But because he was the first one there to respond, it took him two hours to separate metal from flesh. Three weeks later that same Terry, the volunteer, was called on a second rescue call. Another death. He did not know the person of whom he was seeking...he was trying to aid. My point being is, the Legislature in 1993, did a wonderful thing. It passed LB516, which has become LB901 now. In order to allow fire departments to set aside money for the donations for the fund-raising. I'm not aware of any other department other than Bellevue that charges and uses funds in the manner of which you've heard this afternoon. I don't know of any other department that does that. But the point being is, go into Section 4 of the trust funds. I believe, and if Senator Avery were here I would say I heard it from one of his colleagues at the political science department: People tend to support what they themselves create. And you have allowed a wonderful thing to happen, your predecessors, in 35-901 and allowing that to happen--allowing, that being that the fund-raising that happens. We don't have street departments going out and raising money so that they can purchase trucks or harnesses to suspend from the utility poles. We don't have police officers going out and holding fund-raisers, the way we oft talked about this afternoon with volunteer firefighters. You've done a wonderful thing. The tough job is, what's the policy? I don't know what's going to happen. I honestly don't. I can't argue with you. One of the senators asked me this morning, but shouldn't it be transparent; shouldn't everybody be allowed to look? That's a tough one to argue with when you're sitting up here in the oppositional role of the trust funds set up in LB901. But the delicate balance is, what's the policy? If they truly believe that they're creating something by going out and doing a fund-raiser for the support of their good fire department or rescue squad, I would just believe that it's going to have a detrimental effect on the volunteers in continuing to support. And I don't know. It's uncharted waters, but I know that they've felt safe. Senator Cornett, my understanding of 457(e)(11), it's there and it's brought out in our Nebraska statute because it accomplishes one major goal. The IRS was continually fighting with volunteer fire departments throughout the country that did have length award service programs, because they were saying even though you're not being paid those benefits in the month that you serve, you are going to be taxed on those as income because there's no category to exclude that from benefits under the Internal Revenue Code. So that's why this particular section shows up in the same category as, if I earn vacation, that's absurd that I would have to...if I earn vacation as an employee, it's absurd that I would have to pay income tax on that earned vacation when I actually earn that vacation. I shouldn't have to pay income tax on that vacation until I actually use it. And the IRS was using the same argument, that even though you are earning that length of service award program, we're going to tax

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you on it before the federal law was passed; we're going to tax you on it. [LB1096]

SENATOR FRIEND: Jerry, not to be rude; I know there's probably some questions here... [LB1096]

JERRY STILMOCK: All right. [LB1096]

SENATOR FRIEND: ...if I could do that. Senator Lathrop, did you have one? [LB1096]

SENATOR LATHROP: Well, maybe just an observation. I appreciate what the...and everybody up here appreciates what the volunteer firemen do. There is no question that they are putting the fires out, making the rescue calls. That is all great. And you're right to come remind us that that shouldn't be lost in the discussions today, so I appreciate that, and I appreciate what these folks that are here today do for us. I think it goes back to the point and what our concern is. One of our concerns is, is that the cities buying ambulances, they're making runs with the city equipment, and so I think necessarily we have an interest in what goes on with fees. And I think that's fair. And I don't think it should be chilling or dampen the enthusiasm of people that want to volunteer and participate in that activity, so. That's less of a question than a statement, so thanks for your thoughts today. [LB1096]

JERRY STILMOCK: Senator, and I don't know it's happening anywhere other than in Bellevue. [LB1096]

SENATOR FRIEND: Senator Cornett. [LB1096]

SENATOR CORNETT: And, Jerry, I appreciate you coming, and I'll take the political heat for what I'm going to say. I'm the senator that was speaking to him this morning, and because of the financial questions that came up so many times in the past couple of weeks in my office, my comment to Mr. Stilmock was, whether the fire department is volunteer or paid, whether it's Fire, Inc., which is a separate corporation, correct, or a paid department, they are a quasi-public figure. People see them. When they come to your door as a fire department, they see you as a representative of the city of Bellevue, for an example. And my statement, because I know you were going to pose the financial aspect of the bill, which is the one area that I am not going to oppose necessarily, depending on what we do in Executive Session, is as a public entity and/or as a quasi-public entity, I don't see a problem with transparency of financial records, because the public does have their trust in us with their tax dollars and their money. And if I take heat for that, I take heat for that, but that's something that I strongly support. [LB1096]

JERRY STILMOCK: Absolutely 100 percent of tax money. [LB1096]

SENATOR CORNETT: But when you get into fees,... [LB1096]

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JERRY STILMOCK: Absolutely... [LB1096]

SENATOR CORNETT: ...the public service... [LB1096]

JERRY STILMOCK: ...100 percent, 100 percent of fees charged. [LB1096]

SENATOR CORNETT: And that was my comment to you this morning, was I don't see a problem with transparency, and I still don't. You know, the other issues aside, because I...and I made the statement to you that I totally support my volunteers and what they do, but money is a concern. [LB1096]

JERRY STILMOCK: Fees charged, yes, transparency. My only comment on behalf of my client is--it's not Jerry Stilmock's position; it's my client's position--is people, in terms of donations and fund-raisers, they are going to speak with their checkbook. They're going to speak with their pocketbook. [LB1096]

SENATOR CORNETT: And, historically, the people of Bellevue love their fire department. [LB1096]

JERRY STILMOCK: And if we separate out and segregate fees, that's not the voice of across Nebraska. [LB1096]

SENATOR CORNETT: And I don't know if I'm willing to do that yet, but we'll talk about that. [LB1096]

SENATOR FRIEND: Are there further questions for Mr. Stilmock? Jerry, thanks. I regret I have to cut you off. [LB1096]

JERRY STILMOCK: Thank you. [LB1096]

SENATOR FRIEND: Two more people? Okay. If we can make it fairly rapid. And by the way, folks, there has been a crash on Interstate 80. They've closed I-80 east, so you're going to have to look for some strange routes back, if possible. But I would really like to wrap this up quickly, so continue on. [LB1096]

KELLY HARDIN: I'll be brief. Kelly Hardin,... [LB1096]

SENATOR FRIEND: Hi, Kelly. [LB1096]

KELLY HARDIN: ...H-a-r-d-i-n, from Kearney. I'm also on the fire department. I'll just submit one of mine in writing and somebody else that couldn't be here. I realize there is a lot to this bill that you're looking at and a lot of things you got to be looked at. All I

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would ask is that you consider what we're already doing. And our position on it is we're looking at maybe there is some way that this could go through that our program would qualify for what you're looking, because I think we already meet all the qualifications that you're looking for. It's just ours may have different terms on it. So I don't think I can be much quicker than that. (Exhibits 7 and 8) [LB1096]

SENATOR FRIEND: No. Thank you, Mr. Hardin. We appreciate it. Next opponent? [LB1096]

LYNN REX: Senator Friend, members of the committee, my name is Lynn Rex, representing the League of Nebraska Municipalities, and that's R-e-x. And I do want to thank you for your time this afternoon. These are very important issues, and I think there's a lot of agreement here. The agreement is, is that I think local control matters. Local control is important. I also think that one of the issues that you've heard today, repeatedly, is that various cities operate differently, and that flexibility is necessary. Not only is it necessary to attract and continue attracting volunteers, but it's necessary because of the way that they've done business. That being said, as representing the League of Nebraska Municipalities, we fully concur with transparency when you're dealing with funds. I mean, I think you've raised some very legitimate issues here today, but I also want to commend folks that are here from Bellevue and all the other cities, because I've not heard one city say, or one representative from any of the organizations, that they're not prepared to work with the committee and address some of these important issues and get back to you with that information. So I guess my...one of the other issues, I'm submitting a letter here from South Sioux City for your consideration. (See Exhibit 9) One of the concerns, too, just in closing, on page 4 of LB1096, one of the issues that we do have a concern about, which I think has been underscored by several mayors, is the requirements on line 10-13, as an example, and even lines 1-13, which basically set the fire department out from all other departments. They have...they need to be part of the local team of directors. Whether it's the police department, fire department, public works department, they need to be part of that. And please don't just separate them out from that context. There are public hearings on the budget. There are public hearings and the public does have an opportunity to participate in terms of what they think their fire department ought to be doing, whether or not they think that they have more staff, need more staff or not. And the kinds of things that you're talking about here in terms of what the recommendations of the fire chief will be, whether that is paid or whether that person is volunteer, those are the kinds of discussions that happen, that's generated and then comes from the executive branch of government, presented to the city council for their consideration. That's how it should be done. So in closing, we pledge to work with you and to address some of these important issues that have been raised today, and I'd be happy to answer any questions that you do have. But I do hope that you hold this bill in committee until these kinds of considerations can be addressed. [LB1096]

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SENATOR FRIEND: Thank you, Ms. Rex. Questions? I see none. Thanks for the testimony. [LB1096]

LYNN REX: Thank you very much. [LB1096]

SENATOR FRIEND: Any more opposition? Anyone in a neutral capacity? Neutral? Are you neutral, sir? Okay. [LB1096]

GARY MIXAN: Yes, Gary Mixan,... [LB1096]

SENATOR FRIEND: Hi, Gary. [LB1096]

GARY MIXAN: ...Bellevue, Nebraska. I'm on the Bellevue City Council, and I want... [LB1096]

SENATOR FRIEND: How do you spell that last name, Gary? [LB1096]

GARY MIXAN: M-i-x-a-n. [LB1096]

SENATOR FRIEND: Thank you. [LB1096]

GARY MIXAN: And I want to speak in the neutral position because it was...thank you for having this session, and I really like sitting in the back, listening to both sides. And I've been in a lot of the discussions. I just want to present a few facts that I think maybe need a little clarification, and a few people that had spoken, and one was Mike Hegarty. He made a comment about response times having not been an issue, and they have not been brought up. And I've been on the city council for six years, and I've been bringing up response times at numerous of the council meetings, and I've asked for response times through the city administrator, Gary Troutman, and I have not been provided response times. I've gotten some response times on my own through other manners. But I just want to make that clear. And I do have people in my ward that have sent me e-mails and letters, and I have people that, you know, are saying response times, we don't think they're very good; what are they? I said, well, let me find out. So there are people in Bellevue that are questioning response times. Also Chief Tedder made the comment about the response times, and again I say that, I remember when he was first on, and I was first on the city council, and I think at that time it was reported our response times were over 8 minutes, and a lot of things have been done so far, and the response times have been reduced. I still don't know what they are exactly, but I do know that we started manning stations. And I appreciate that effort and I've said many times at the meetings that I don't...I'm not here for a paid or a volunteer fire department. I'm here for the people of Bellevue, the residents that are asking me. And what I've said is as long as we man those stations 24/7 or come up with the right situation and reduce those response times to get them in line to where they need to be, that is the solution.

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And I've been...I have volunteered for committees and I haven't been selected for whatever reason, but...and in all fairness to Chief Tedder, after he spoke, I...him and I had a nice discussion out in the hallway, and he has invited me to some meetings. And I said, fine, that will be fine. I just think there are a lot of issues, a lot of good points have been raised on both sides. With all of our firemen, they do a wonderful job. There is no doubt. It's a job I could not do. And I do have brothers that are Omaha firemen, and I know what they go through. And so whether you're volunteer or paid, it doesn't matter in that sense. They are all there to help and we need that help. Also we've talked about response times over and over. It seems like people are wondering what do you need to get. I mean, the questions have been asked. And I have a printout sheet I could share with you later of a call, and this is, I think, what you're all looking for or we're all looking for. And I think if this information was provided for every call, and our fire departments were required to maintain this information...this comes from the 911 in Sarpy County. This is what you're looking for. This gives you the detail of what you want, of who's the first responder, everything. This is what we need. And this particular call here, this is Bellevue, and this is a call... [LB1096]

SENATOR FRIEND: Mr. Mixan, if I could interrupt you. We had this, a couple of concepts of this bill, and I know you... [LB1096]

GARY MIXAN: Okay. [LB1096]

SENATOR FRIEND: ...I understand you're telling us what we need, but the bill really has nothing to do with those concepts, so. And I know you're... [LB1096]

GARY MIXAN: Okay. Well, thank you. Thank you for your time. [LB1096]

SENATOR FRIEND: Well, I didn't mean to cut you off. I would like to open it up to questions if there are any right now. There are roads closing all over and you're not going to be able to get home unless I get you guys out of here, so. [LB1096]

GARY MIXAN: Okay. [LB1096]

SENATOR FRIEND: Councilman, your testimony is appreciated. Are there questions from committee members? [LB1096]

SENATOR WHITE: May we have a copy of what you were going to show us? [LB1096]

SENATOR FRIEND: That would be very valuable. [LB1096]

GARY MIXAN: I will give you a copy of that. [LB1096]

SENATOR FRIEND: Thank you. And I didn't mean to be so rude. Senator Cornett.

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[LB1096]

SENATOR CORNETT: Can you also write up what you think that you need as a municipality in regards to response times, so if we're looking at amending the bill, that that's something we can do? [LB1096]

GARY MIXAN: Yes, I can give you the information, my suggestions of what we should be looking at for standards, form and standards, etcetera. [LB1096]

SENATOR CORNETT: We would appreciate that. [LB1096]

SENATOR FRIEND: Councilman, thank you for coming down. [LB1096]

GARY MIXAN: Thank you. [LB1096]

SENATOR FRIEND: Be careful going back. Are there any other neutral testifiers? Anyone else neutral? Closing is waived. Be careful. It's pretty nasty and I don't have any information on any other closings. I-80 eastbound is closed right now to the best of my knowledge. That will close the hearing on LB1096. Thank you. Can I see a...? Thank you, folks. Can I see a show of hands for the next bill, LB1101? How many testifiers in the room? Okay, if we can rapidly move on that. Mr. Stadtwald will present LB1101 and then we'll move to Senator Erdman's bill. [LB1096]

BILL STADTWARD: For the record, my name is Bill Stadtwald, S-t-a-d-t-w-a-l-d, research analyst to the Urban Affairs Committee. I'm going to introduce LB1101. In some senses this was almost a committee bill. Senator Friend introduced it as we pursued...wanted to pursue the legislation before the time deadline approached. This is a TIF bill. It arose partly out of the meeting that Senator Rogert sponsored with regard to his LR2CA earlier this fall. One of the ideas that was discussed was the need for greater transparency with regard to TIF operations in cities. LB1101 essentially provides for a central record of certain financial data regarding TIF programs conducted by a city that would be maintained in the city clerk's office, that would be updated once annually, and it would just gather together basic information about existing TIF programs for review by the public, available during business hours. It does not require anything to be filed with the state or to be added onto the annual report, which the state already provides, and which is provided for in the community development law. This is just additional information that would be available for local citizens regarding TIF programs already being conducted. That's it. [LB1101]

SENATOR FRIEND: Thank you, Mr. Stadtwald. Are there questions from committee members? Seeing none, we will start with proponents, those in favor of LB1101. [LB1101]

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TIM KEMPER: Thank you, Senator Friend. My name is Tim Kemper, T-i-m K-e-m-p-e-r. I'm the director of finance for Lincoln Public Schools, and I'm here to support this bill. I will be very, very brief and respond to any questions that any of you have. I too attended the meeting November 1 with Senator Rogert and Senator Friend, and I think this hearing might be very, very short, because the representative from the League of Municipalities just 20 minutes ago or so said that fiscal transparency is a really good thing, and that's all we're asking for here. TIF is somewhat of a mystery. I've been in public service a long time, but I have a very difficult time understanding how TIF operates. One of my jobs as the Lincoln Public School's finance director is to forecast future financial events, and I could never be so good as to be able to build a bond schedule that would be retired in exactly 15 years, when I have as many variables as there is on a TIF project. And yet that appears to be the traditional case, that it goes for 15 years no matter what. Currently, the data does not appear to be available for my board of education to ensure that their two needs are being met--their two needs, as we seen them: number one, to ensure that our revenues are not being diverted beyond what the law allows. When the TIF projects are...when the TIF taxes are going on the excess value to retire the TIFs, the local subdivision doesn't get them. TEEOSA offsets a part of it but not all of it, and it doesn't help at all with facilities. That leads to the second concern: If TIF is used for development, as opposed to redevelopment, we get new school kids and we need to build new schools, and yet our ability to build those new schools, which are funded entirely with property taxes, are diminished by the very TIF and therefore, shift the burden to the other taxpayers in the community. Those are our concerns. We're interested in more ability to understand how TIF works and where we stand on each project as it is being retired. And with that, I would be glad to respond to questions. [LB1101]

SENATOR FRIEND: Thank you, Mr. Kemper. Questions from committee members who are still remaining? [LB1101]

SENATOR CORNETT: I think we're all here the rest of the night. [LB1101]

SENATOR FRIEND: Sorry, Senator. Mr. Kemper, do you think that...there were a lot of problems raised in that discussion, you know, in the series of discussions that related to LR2CA. This is something that would translate to a solution dealing with all those problems? I mean, I didn't see it that way. I saw this as a really, really big problem, and this was one of the reasons that we were talking about his constitutional amendment this summer, that...trying to figure out what people were doing with their TIF money, more or less. [LB1101]

TIM KEMPER: There might have been a couple questions in there. Let me respond to the one, does this solve all the problems? No. I think TIF is an extremely complex issue, and you could go down any number of roads of, you know,...for example, I really appreciated at that meeting, Senator Rogert, that former Senator Landis gave us a nice

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little history on the history of TIF, and it was a redevelopment tool. And as I have watched TIF activity in the state--that's that file sitting over there--it sure looks like a development tool, and I can't reconcile that confusion. Would this solve that problem? I don't know. But it appears to me, and now I'm speaking for Tim Kemper, okay? I don't want to try to represent our board on an issue this complex and that we've not discussed. It appears to me that TIF has a pretty high public accountability process up to a point, and from that point on, there appears to be very little. Things like were the bonds issued, is the money going only for the retirement of bonds and for no other purpose? It could very well be that I just totally misunderstand the law and that you can use the proceeds from the excess value for something other than retiring the debt. I just can't find that, and that leads us to be very interested in more information so that we can better understand that our revenues are not being diverted and that we are not getting development, as opposed to redevelopment. [LB1101]

SENATOR FRIEND: And I guess the second piece of that, really quickly, reading the green copy do you think we've accomplished that with this? [LB1101]

TIM KEMPER: I think that the information that the green copy of this bill would give someone like me is vastly ahead of where we are now. [LB1101]

SENATOR FRIEND: Okay, all right. Any more questions from the committee? I don't see any. Thanks for your patience today. [LB1101]

TIM KEMPER: Thank you all. [LB1101]

SENATOR FRIEND: Next testifier in support. [LB1101]

SHAWN RENNER: In support. Senator Friend, members of the committee, my name is Shawn Renner, R-e-n-n-e-r. I'm a lawyer and lobbyist here in Lincoln, Nebraska. I represent Media of Nebraska, Inc. That is an umbrella group that is comprised of the press and broadcast news media in the state of Nebraska. The steering committee of that organization asked me to appear before you today to lend that organization's support for the bill you're considering. The previous testifier obviously has a far greater knowledge of the workings of TIF than do I or my clients, the news media, but they do report on local government activities, including financing of redevelopment projects. The information required by the bill would be most helpful to allow that reporting process to go forward and more particularly, the fact that it's collected in one particular place and made available for public inspection is helpful, not only to the news media but I think to the public generally. With that, I'll cease my testimony. [LB1101]

SENATOR FRIEND: Thank you, Mr. Renner. [LB1101]

SHAWN RENNER: Thank you. [LB1101]

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SENATOR FRIEND: Questions from committee? I don't see any. Thanks for coming down. Any more support? Any opposition? Any opposition? In a neutral capacity? I already knew that. [LB1101]

JACK CHELOHA: I waited all afternoon to be neutral. Jack Cheloha, C-h-e-l-o-h-a, registered lobbyist for the city of Omaha. I want to testify neutrally on LB1101 and offer to the committee to work with you to make available our city law department, our city planning department, to continue to work on these type of projects and disclosure. We try to use TIF responsibly in the city of Omaha. We try to redevelop blighted and substandard properties with it. We generally work with our schools and alert them when we're going to TIF something, and for those reasons, I...once again, I'm making myself and my city staff available to work with you to try and come up with something that would be palatable. One last thing: As Bill talked about, we do issue a report every year to the state on TIF activities, and so that is out there and so is this other information required in LB1101. It's just a matter of taking the time and effort to gather it. So I just wanted to let you know that, as well. So I'll try and answer any questions. [LB1101]

SENATOR FRIEND: Thank you. Well, you could...those duties could be added to the things that you do, Jack. [LB1101]

JACK CHELOHA: (Laugh) Sure. You bet. [LB1101]

SENATOR FRIEND: Any questions from committee members? [LB1101]

JACK CHELOHA: (Laugh) I volunteer. [LB1101]

SENATOR FRIEND: Okay. I don't see any. Thanks for waiting, Jack. [LB1101]

JACK CHELOHA: Thank you. [LB1101]

SENATOR FRIEND: Anyone else in a neutral capacity? Mr. Stadtwald and Senator Friend waive closing on LB1101. That closes the hearing on LB1101. And Senator Erdman, with LB1056. Welcome. You weren't driving home tonight were you, Senator Erdman? (Laughter) [LB1101 LB1056]

SENATOR ERDMAN: No. [LB1056]

SENATOR ROBERT: It's just the eastbound that's closed. (Laughter) [LB1056]

SENATOR MCGILL: You can still go west. [LB1056]

STEVE LATHROP: We're a little punchy. We've been listening (inaudible). [LB1056]

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SENATOR ERDMAN: And Senator Friend, you may not be, either. Members of the Urban Affairs Committee, I'm Philip Erdman, representing the 47th Legislative District. Yes, Senator Rogert, you did kill a version of this bill last year, but I'm smart enough to know not to introduce the same bill. That was LB517. And if you read the in-depth and articulate analysis of the committee staff, you would find out that the intent of LB1056 is to address the concerns of the committee, and while everybody is trying to rush out of the city of Lincoln, the two individuals that I have requested be here tried to barricade, or tried to break through to get here. Those two individuals are the mayor of Gering and the mayor of Scottsbluff. LB1056 would create the First-Class City Merger Act to allow voluntary merger of first-class cities who share a common border, subject to approval by registered voters. It specifically prohibits such a merger across county lines. The folks here are willing to answer any questions. They are very interested in a process that would allow them to consider what it may look like for them, to do a better job of meeting the needs of the citizens of what we would call the twin cities of Scottsbluff and Gering, under a more unifying form of government. Absent some clear direction from the Legislature, they really can't consider it. There is no process. It would employ a lot of hours of lawyers and others to try to figure out how you would do it under the existing laws that are available. And what LB1056 intends to do is outline what that process may look like. Just for a point of clarification, both the city of Scottsbluff and the city of Gering have paid fire chiefs. (Laughter) [LB1056]

_____ : That's going to be a problem. [LB1056]

_____ : Where were you when (inaudible). [LB1056]

BILL STADTWALD: But you'd be getting rid of one. [LB1056]

SENATOR ERDMAN: We were observing the testimony and they both said, we have one, and we're under 25,000... [LB1056]

SENATOR FRIEND: Senator Erdman, those are not...those issues are not relevant to the bill that you... [LB1056]

SENATOR ERDMAN: So noted. But the process is outlined, and I'll briefly tell you that when LB516 was introduced before the committee, we worked with the league and Mr. Stadtwald to a great extent, to try to address what the concerns we heard were, as well as trying to process that was logical, not only for the communities that would consider this, but also for the citizens within that area to have input. And again, as I mentioned earlier, the concerns that we heard from the committee last year were numerous. We've tried to address each one of those, including the county boundaries, including making sure that there were people here to testify to ensure that it's not something that a couple folks in Western Nebraska were thinking about. But it's a sincere attempt, that they

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would like to have in statute to allow them to pursue discussions to see where it may lead them. [LB1056]

SENATOR FRIEND: Thank you, Senator. Senator Rogert has a question. [LB1056]

SENATOR ROGERT: Just one. If we get this done...you know, we'd like to, if we can do it. Is it the intent to merge right away, or just to have it there in case they get ready to? [LB1056]

SENATOR ERDMAN: I think, as you will follow through with the process, it wouldn't happen immediately anyways, but absent the bill, there's no way it can happen. I think at this point if...when you hear the testifiers--they're high school classmates, both the mayors from the independent communities are--there's a renewed interest between the two communities of working together on a number of projects, the logical extension of where they are is considering it. And there's some benefit as becoming a community of 25,000 people regarding federal funds and different things, that would enable them to be even more effective in serving the same constituents. [LB1056]

SENATOR ROGERT: Thanks. [LB1056]

SENATOR FRIEND: Thank you, Senator Rogert. Any other questions for Senator Erdman? Seeing none, thank you. We will start with support testimony. [LB1056]

RANDY MEININGER: (Exhibit 11) Senator Friend, committee members, my name is Randy Meininger, M-e-i-n-i-n-g-e-r, and I'm proud to be here as mayor of the city of Scottsbluff. And over the last year the mayor of Gering and I have worked diligently to bring things together, like swimming pools, solid waste landfill. We've as of last night approved things to start tying our drinking water system together. But as we worked at things to make city government more efficient and be better for our constituents, we need another tool to be able to explore areas to make things more efficient. So all we're asking is that you enable us to look into this. Without this we can't. I have two letters, one from the city of Scottsbluff council--that was signed last night--supporting this, and I also have one from Craig Erdman, one of the council members, that I'd like to introduce as testimony. (See Exhibits 10 and 12.) And I'd be willing to answer any questions. I know you're tired and you want to get out of here. [LB1056]

SENATOR FRIEND: No, that's okay, Mayor. Are there questions from committee members for the mayor? Senator Lathrop. [LB1056]

SENATOR LATHROP: I do have. This may sound lawyer-like, but you know, in the...the Supreme Court has a rule that it just doesn't consider things because people want advisory opinions. And the purpose behind that is, is that by having people with a genuine stake in it, they've thought everything through. And I'm wondering, it was a

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concern I had last year when this came up, which is, if people are just kind of wondering about it, are they going to think through all the particular details that need to be in a bill like this, if they're at the wondering stage, as opposed to the stage where they're going, you know what, we want to do this? We've sat down and here's...it's the difference between how much thought goes into it, and I don't mean to suggest that you or the sponsor or the other mayor, who we'll hear from soon, wouldn't do that as best you can. But it seems to me you have more of the considerations in front of you when you're at the place where you're about to do it. Does that make sense? [LB1056]

RANDY MEININGER: I highly respect what you're saying, because I for one don't like laws that are put on the books that have no meaning, and I think that we are at the stage where we have looked through many of the issues, and we're ready for that next step. And we... [LB1056]

SENATOR LATHROP: This is...so you, Gering and Scottsbluff are contemplating a merger, and that's what their...they want something in place to facilitate that? [LB1056]

RANDY MEININGER: Well, we've...it's been talked about since about 1993, but we can't get over that next hump. And there's no use of us talking about it, if there's nothing to enable us to do it. We've spent a lot of time. So all I can say at this point is, of course, we've got to go back to the constituents. You know, what do they really want? But it seems like now is the time. We have...I am a classmate with the mayor of Gering. We graduated together, whether that's good or bad. But we have some common interests, and with those common interests, we want to make our community better, because we believe in our community and we think that this is a step to do that. [LB1056]

SENATOR LATHROP: What benefits Senator Erdman mentioned that you'd have more...there's other things that you can do when you get to a certain population size. What's going to be the advantage from that respect, if the two of you merge? [LB1056]

RANDY MEININGER: We would qualify for some funds that would come in because we're a larger city. We believe with economic development, as people Google cities above X amount, that we're left out of that right now. Even though our community is a community of one, people don't see it that way. You know, because when they Google Gering, they see the population of a little over 7,000. They see a little over 14,000 with Scottsbluff. But when you combine them together, they see, you know, a bigger city. We believe that with the completion of the Heartland Express, that that will be a big draw factor for economic development for us and the state of Nebraska. [LB1056]

SENATOR LATHROP: Okay, thanks. [LB1056]

SENATOR FRIEND: Further questions? Mayor Meininger, can we interest you in a

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learning community? (Laughter) You don't have to answer that. No, thanks for coming all the way in. I don't...I could probably...my mind is spinning about this right now. I actually read this last night, and I don't...you know how everybody likes to talk about the unintended consequences? [LB1056]

RANDY MEININGER: Um-hum. [LB1056]

SENATOR FRIEND: I know there's a bunch of first-class cities out there, not knowing what we're talking about right now and not really even realizing what this could mean, just a thought. [LB1056]

RANDY MEININGER: Um-hum. [LB1056]

SENATOR FRIEND: But thanks for coming in, again. [LB1056]

RANDY MEININGER: And thank you for your time. [LB1056]

SENATOR FRIEND: You're welcome. Next proponent. [LB1056]

BILL STADTWARD: The only other two that would qualify would be Papillion and La Vista. [LB1056]

SENATOR FRIEND: Oh, they already left. (Laughter) [LB1056]

SUSAN WIEDEMAN: Good evening, afternoon, whatever it is. [LB1056]

SENATOR FRIEND: Good afternoon, good evening. [LB1056]

SUSAN WIEDEMAN: I am Mayor Susan Wiedeman. I'm the mayor of the city of Gering, and thank you for allowing us to testify before your committee. As Mayor Meininger said, he and I are classmates, and I am one of those people who moved away from the state of Nebraska in 1987 and moved to Kansas City and lived in various cities across the United States and moved back to my home community in 2000. When I moved back to the home community, it was very apparent that the city of Gering and Scottsbluff are being more one community. Believe me, when I moved back in 2000, seven years later I would have never thought I would be sitting here or be mayor of my community. That just kind of happened. But when Mayor Meininger--both took office about a year ago, that was something that we had always talked about, is making our community one community and trying to work together. He mentioned our solid waste agreement, which was a very big part of our cooperative effort. When we were first approached in the city of Gering by Scottsbluff to take their solid waste, the first reaction was, well, how much money is it going to cost us? And we can't afford to do that. When we went ahead and did a study of it, we discovered that we could not afford to do it, or we could not afford to

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not do it. Because of the economy of scale, it helped both communities. It drastically reduced their solid waste costs, our solid waste costs, to build a new landfill, which will be coming up in the...probably 15 years. I feel we have a really strong cooperative effort between our two cities, and many people have moved there, asked the question, why are there two cities? I think the old...we have a river that divides us, and of course, that seems to be the big rivalry between the high schools and everything. I think when you're born there, you kind of grow up with that mentality. But people who have moved here, needless to say, I don't understand why there's two cities. And we had a group of community leaders that met this summer and talked about this, and were talking about the things that we would face and the challenges we would face, and the biggest obstacle is, there's no legislation that would allow us to do it. So that's why we're before your committee. We approached Senator Erdman to reintroduce the bill, and that's why we're here today. Are there any questions? Thank you. [LB1056]

SENATOR FRIEND: Thank you, Mayor. Questions from committee members? Senator White. [LB1056]

SENATOR WHITE: The ghost of Terry Carpenter. (Laughter) [LB1056]

SUSAN WIEDEMAN: (Laugh) Yes. [LB1056]

SENATOR WHITE: Are you going to let Terrytown in? [LB1056]

SUSAN WIEDEMAN: Well, in fact, I have a letter of support from Mayor Greenwalt, the Terrytown mayor. (See Exhibit 12) [LB1056]

SENATOR WHITE: There you go! Thank you. [LB1056]

SUSAN WIEDEMAN: Okay? And then I also have a letter of support from Larry Gibbs, who is one of our city council members. (See Exhibit 13) [LB1056]

SENATOR WHITE: Thanks for coming all the way down. [LB1056]

SUSAN WIEDEMAN: It was a very early morning, so. [LB1056]

SENATOR WHITE: Thank you. [LB1056]

SENATOR FRIEND: Well, explain to us the concept of you looking into this. And I don't want to go...belabor this, but where you approached Senator Erdman and said, it's our understanding, based on what one of the other Erdmans told you, that we needed something for you. I mean, you had to sit down with the other mayor and say, let's just go ahead and do this, but you saw some roadblocks. Where did the roadblocks come from? I mean, some attorney walked up to you and said,... [LB1056]

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SUSAN WIEDEMAN: No. We were...there was a group of several community leaders and I think it was... [LB1056]

SENATOR FRIEND: And they said, we've got a problem,... [LB1056]

SUSAN WIEDEMAN: Yeah. [LB1056]

SENATOR FRIEND: ...because we've got some legal issues here to deal with. [LB1056]

SUSAN WIEDEMAN: I don't recall who exactly it was, but one of those members in that group of people said, well, I don't think legislatively it can happen, because there's no legislation to enable it. So that would probably be the first hurdle that you have to overcome, because I don't think that people are very...I think people are very busy and why waste their time and effort trying to put all this together if we can't make it happen legislatively? [LB1056]

SENATOR FRIEND: And you said...the other bill was here last year. [LB1056]

SUSAN WIEDEMAN: Yes. [LB1056]

SENATOR FRIEND: But you folks have been talking about this for, refresh my memory again, three, four years? I mean, the discussions or... [LB1056]

SUSAN WIEDEMAN: Well, the discussions probably started back in '93, and that happened... [LB1056]

SENATOR FRIEND: Real, legitimate discussions where people... [LB1056]

SUSAN WIEDEMAN: Real, legitimate discussions, and it came down to, I believe, a vote of the Gering city council to fund a study to look into it, and the Gering city council at that time voted it down, and so it's just kind of been there, kind of on the back burner stewing. And then with having two people who have known each other for a very extended period of their lives, are both in the mayor seats in both communities, we have a very big cooperative effort and a cooperative spirit, that we want to work together. Right now we are one community made of three cities, and our ultimate goal is to be one city with three communities. [LB1056]

SENATOR FRIEND: And like I said, one learning community. (Laughter) [LB1056]

SUSAN WIEDEMAN: No. (Laughter) [LB1056]

SENATOR FRIEND: Are there further questions for the mayor? Seeing none, thanks for

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coming all the way in. [LB1056]

SUSAN WIEDEMAN: Thank you very much. [LB1056]

SENATOR FRIEND: Next proponent? Any more wishing to testify? I don't think there are. Okay. [LB1056]

GARY KRUMLAND: Senator Friend, members of the committee, my name is Gary Krumland, last name is spelled K-r-u-m-l-a-n-d, representing the League of Nebraska Municipalities, appearing in support of LB1056. As you have heard, this bill does create a structure to allow cities of the first class to begin the process to look at a merger. It's very narrowly drawn; it only applies to cities who are adjacent, and in Nebraska that's a very limited number. Basically, it's Scottsbluff, Gering, and then a couple of cities in Sarpy County. But it does create a process that gives them some structure to do that. And it does...fairly elaborate process, so I think they will be looking at most of the issues that need to be looked at. There's process for plan created hearings. Both city councils have to approve it, and then the citizens of both cities have to approve it, too, so it is a fairly elaborate process. There's a lot of input, or opportunity for input from the public, and so we think it's a good process and it will allow, though, cities of the first class who are adjacent to each other to begin this process to look at merger, to see whether that is the best thing for the citizens of the two communities. I'd be happy to answer any questions. [LB1056]

SENATOR FRIEND: Thank you, Mr. Krumland. Questions? I don't see any. Thanks for waiting around. Any more proponents? Any opposition? Neutral? Senator Erdman to close? [LB1056]

SENATOR ERDMAN: Thanks, Mr. Chairman. Just briefly, I want to thank the mayors for coming down, and I think it probably speaks volumes as to their interest, of the fact that they not only chose to come down, but they had a city council meeting last night, they got up early this morning to drive down. The committee was gracious in putting the bill later in the day, and they spent most of the afternoon in my office watching your deliberations. But at this point, I can't...I don't know that I can impress upon you enough the reality that they wouldn't have sacrificed their time and travel down here if they thought that this was just something that would be fun to do. It's 425 miles one way. The weather obviously today was not conducive. They encountered a number of accidents, including a fatality along the interstate as they were traveling. So the question, at least to me, is are they seriously considering this. I think their actions speak louder than any words, and I think from my standpoint as a state lawmaker, we have enabled city/county mergers. No one has utilized those. Nobody even asked for those, as I recall it, when we passed LB142. We have two communities sitting here that are on-go waiting to pursue this with their constituents for the betterment of both communities. And Terrytown is in that mix, and they're willing to be a part of this solution, as well. I

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candidly don't know how else to put it before the citizens of Scottsbluff, Gering, and Terrytown as to how they may pursue a better interest that includes all of them, than to enable them to do what process is outlined in LB1056. And Mr. Stadtwald and Gary Krumland and so many others have worked with us over the interim to make sure that what we're proposing makes sense. Thank you. [LB1056]

SENATOR FRIEND: Thank you, Senator. Questions? Well said. Thank you. That will conclude the hearing on LB1056 and the hearings for the day. [LB1056]

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Disposition of Bills:

LB1056 - Advanced to General File.

LB1096 - Advanced to General File, with amendments.

LB1101 - Advanced to General File.

Chairperson

Committee Clerk