

*City of Olmsted Falls*  
**Minutes of a Council Work Session**  
**Tuesday, February 19, 2019, at Olmsted Falls City Hall**  
**26100 Bagley Road – Council Chambers, 7:00 p.m.**

Council President Stibich called the meeting to order at 7:04 p.m. Roll call was conducted. Councilmen Jim Haviland, Lori Jones, Ed Gorski, Terry Duncan, and Lee Fenrich were present. Denise Nicolay was excused.

Others Present: Andrew D. Bemer, Law Director. Audience: 14

**Letter Received from Fire Department**

Mr. Stibich turned the meeting over to Ms. Jones for discussion. Ms. Jones stated that the reason she wanted to have the meeting was due to the fact that City Council received the letter.

Ms. Jones indicated that a change was made to procedure regarding responses and that change was made by the Safety Director and not the Fire Chief and Council was not consulted nor did they give approval for the change as required. Mr. Stibich asked Ms. Jones to indicate what she is specifically referring to. Ms. Jones replied Charter section 9.04 entitled Safety Department. Mr. Stibich asked what specific change to procedure was made. Ms. Jones replied 2 man and a chase car rather than a 3 person.

Ms. Jones stated that the Section 5.03(d) Powers and duties of Council states that Council may make investigations into the affairs of the municipality and the conduct of any municipal department, office or agency and for the purpose may subpoena witnesses, administer oaths and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers shall be guilty of a misdemeanor. She stated that this is not a hearing nor did council request an investigative meeting we just requested a work session. Now, if people are afraid to speak, for some reason, and we have to have an investigation, whatever we have to do to get to the bottom of the issue we will do as part of our duty as elected officials in the City of Olmsted Falls. These are the two issues she would like to discuss.

Mr. Gorski indicated that it would be the best use of Council's time if we discuss the two agenda items that we have for this evening separately. He would suggest discussing the letter received from members of the Fire Department.

Ms. Jones asked if there was any present that is not currently an employee of the Olmsted Falls Fire Department and would like to speak. Two individuals indicated that they were not. Ms. Jones stated that she appreciates that if there is an issue the firemen were brought it to the attention of the Mayor and copied Council as we do have investigative authority.

Ms. Jones stated that Mr. Potts did sign the letter. Mr. Potts replied that he delegated someone to sign on his behalf as he was not available at the time to sign in a timely manner. Ms. Duncan asked if was under Mr. Potts jurisdiction or a prior jurisdiction when we switched from chase vehicle to three-man responses. Mr. Potts indicated that the change occurred when Mr. Gluss was the chief of the

department. At the time when he was chief, and before him, there was a long-standing practice that the department would run two people to the scene in the squad, as required by state law, and we would also send a chase vehicle. He stated that during the daytime hours that chase vehicle was operated by the fire chief as he was considered a third man as part of the daily operations of the department and would often be pulled away from the city to go along with the squad to the hospital because at that time, if he recalls, the department was running 45% to 50% of all calls as being advanced life support, which means there had to be either pharmaceutical intervention or some other type of intervention that was necessary that we would have a driver and two others in the back of the squad. Ms. Duncan asked if he was aware of what the percentage is now of runs to the hospital that require three people and the chase vehicle would have to be left behind. Mr. Potts indicated that he cannot speak specifically for Olmsted Falls statistics, but in general, we find that better than 50%, based on a number of different things. One would be the gravity of the calls, there has been quite a change in the dynamics of EMS providers as we are dealing with an elderly population, a population that is not as fit as they used to be and suffer a lot of more cardio vascular problems. We are also dealing with a crisis as everyone knows such as opioids or other drugs being used. So, we tend to be above 50% and he assumes that Olmsted Falls demographics will stick with that. When he was the chief a large percentage of the city's population was elderly, over the age of 65, and the other community he was the chief in and those are part of what is targeted by NFPA and considered at risk individuals. He would say you are probably at 50% or better that requires three paramedics in the back of a squad, a minimum of three paramedics. It does not necessarily mean it has to be advanced life support it could be another type of situation such as a pediatric case that may not be advanced life support but require two people in the back to help manage. It could be a patient of an opposite gender that you would want to have two people in the back based upon their psychological state or past familiarity with the patient. So, there could be a number of different situations that could require them to have two additional individuals in the back. We had a protocol in place at the time, standard operating procedure in our department that stated that on the scene there would be a determination as to whether there needed to be three people and once that call is made by the paramedic in charge three people had to go to the hospital and the car was left at the scene. We also did a quality assurance every morning the reports were placed on his desk and he would review them for a number of factors, such as response time, whether it was appropriate interventions and also review to see if three people were justified or not. They were also reviewed to see if it was a non-critical transport, meaning lights and sirens were not used. These reports were reviewed every single morning and if there was a non-compliance issue or compliance issue it would address with the individual employee as he found this to be the best way to handle this issue at the time. Mr. Potts indicated that it was always his hope that the department would go to a three-man squad but during his tenure as chief, as many people know, there were a lot of things on his plate, from building a new station and needing apparatus. We faced a lot of deficiencies in the department from staffing, equipment, and operational so we created a target list and enforced the three-man squad through an aggressive oversight, but it was always a goal. The past practice on the department was that on calls that were not classified as a true fire, such as a smoke odor in the building, or an alarm drop we would send one individual to the scene. He is pointing this out because it was something that he had, on a number of occasions, been ordered to follow as a firefighter and lieutenant and a number of times we were caught in bad situations where there was an incident that required the response of an engine but there was just one individual in the squad or staff car. One of these occurred shortly after he became chief, where the individual who wrote the letter you have concerning the union president, was on duty went as one individual and was sent to a water flow alarm at the Mill River Plaza. Upon arriving and going around the building he ultimately found that we had a working fire in the nail salon that had been undetected because the smoke was so great it blackened

the windows and he was there by himself. We then instituted a policy, at that time, with great resistance from the union, that we would staff our engine on every call with three people.

Ms. Duncan asked how many people normally staff the Olmsted Falls Fire Department on any given shift. Mr. Gluss replied Chief and three, during the day and at night it is only three. Ms. Duncan stated that she understands the disadvantages of a chase car because of motor vehicle accidents and asked for the advantages. Mr. Potts replied that there are a number of different advantages. He stated that most familiarity with EMS providers is what is seen on TV and that is the majority of the community as well as they do not understand every that is done. But what these individuals are called upon to do now are a number of different interventions that require not only excellent skills but to have one person in the back trying to manage these skills is difficult. For example, if you have an individual who is suffering chest pains, by protocol there are a number of different interventions they have to do from managing an airway, taking vital signs, assessing those vital signs to see what those complications may be, putting that individual on a monitor, introducing multiple drugs, and this is one individual in the back that has to multi-task and perform all these duties. The most important vital sign that you have is your ability to observe your patient but you are also trying to watch a monitor, communicate with the hospital to inform them as to what you are doing and sometimes seeking permission to do something; then at the same time trying to gather together all the vital signs and other assessment techniques. Mr. Stibich asked if this situation would be serious enough where three people should go to the hospital. Mr. Potts replied yes. Mr. Stibich asked the firefighters present if that would be the current situation, with the two man and a chase car policy that the mayor instituted, you would still send three men to the hospital in the case of chest pains. An individual replied that you could have a patient that presents with chest pains and when you begin interventions the patient states that they feel better but half way down Bagley Road they go into cardiac arrest now there is only one person in the back. Mr. Gluss replied no, we would not always send three on that if the officer in charge indicated that he did not believe it was serious enough. Mr. Stibich replied that in this case it would be good insurance to have the third person go along in case it did get worse. He asked if there were cases not as serious as chest pains, like a broken limb or a laceration that requires transport where maybe you do not need a third person. Mr. Potts replied that there could be times where we may have a nursing home patient that would have to be transported to the hospital that would basically just be a transport because the doctor decided he would rather have the individual hospitalized rather than in the nursing home facility. Sometimes, they still have to complete the assessments but other times it may just be a dementia situation or an infection that our protocols are limited. Mr. Stibich stated that perhaps then the two man and a chase car would be sufficient. He asked who would make the call. Mr. Potts replied that when we wrote the policy the call was always made by the senior paramedic. Mr. Stibich replied that three people respond, two in the squad and one in the chase car and the senior paramedic makes the call that three men go to the hospital or just two have to go. Mr. Potts replied correct. Mr. Stibich indicated that is the way the policy was when Mr. Potts was chief and is currently. Mr. Stibich asked if there was any benefit continuing with that policy and having that third man return back to the station, after that decision has been made, while the other two go to the hospital. Mr. Potts replied that the only time that was of any benefit was during the daytime when the chief was in house and could actually assist if a second call came in but then you are back to a two-man squad where more may be needed. Mr. Stibich asked if that would be a situation for mutual aid. Mr. Potts replied not always. There was a time when we had a working fire and out of nine surrounding communities no one else was available at that time, so we relied upon people responding back to the station to get their equipment and then respond to our fire. He remembers a time with Mayor Blomquist when he had to say there is no squad available from Columbia Station to Westlake. Mr. Stibich stated that if the third man did not return to the station and went to the hospital you would

still be in the same situation. Mr. Potts replied that is correct. Mr. Stibich stated that he still does not see the advantage to three men going to the hospital. Mr. Potts replied there are a number of different advantages. Imagine, these guys get called out at all hours of the day and night and one of the hardest things is facing a full arrest or even a severe pediatric situation in the middle of the night. He knows how many drugs were on board when he functioned as a paramedic and now there are, he believes 60 meds that they now administer so it is nice to have another person there to say okay protocol says this and then there is a chain of events when they assess this person. For example, if this person's blood pressure is this then you cannot do this you have to do this so that algorithm format has to be followed and sometimes it is always nice to have a second person there to confirm that to you that this protocol is correct. Mr. Stibich stated that he knows paramedics are trained to be cool under pressure and you have gone through a lot but pressure is pressure. Mr. Potts replied that from his own experience there are times with a multi-trauma patient when it takes one person just to manage an airway and there are still all the other injuries to the extremities and central core that have to be taken care of and one guy does that; at that time, you could use two or three people in the back of the squad. Mr. Stibich asked Mr. Potts when he began his career as he believes he began as a volunteer in high school. Mr. Potts stated that he started in 1967 serving two years as a cadet; in 1970 our two communities merged and created a city and he was a part time individual until 1975 when he was hired as a full-time firefighter; in 1977 he became one of the first paramedics operating in the area. He took the only class offered by Southwest at that time and they graduated 11 out of 23 that started in the program. Mr. Stibich asked when did he become chief. Mr. Potts replied in 2004 and retired in 2010.

Mr. Haviland stated that this might be an inaccurate statement but do the paramedics get medical direction if there is a trauma. So, the single person in the car is also talking to your medical director who has been assigned and then you administer what they say. Mr. Potts replied yes. Mr. Haviland indicated that that is also a challenge, to be on the phone with a third party and then hear what they say and then actually administer what they say in a trauma situation. Mr. Potts replied correct, you have to communicate with the hospital so they are prepared. We have wonderful hospitals in our region that the paramedics respond to and Southwest is a great hospital. But as you know if you have ever been there it is a very busy hospital and it is important for them to coordinate their resources based upon the level of care that is necessary on the patients that we bring in. There have been times when three squads have arrived at the same time and all three are dealing with very critical patients, either severe strokes, major trauma or cardiac arrest, no emergency room is capable of handling that so we have to call them so they can bring staff down from the floors to assist in those situations.

Mr. Fenrich stated that we have been talking about taking patients to the hospital that absolutely need the three man squad, no doubt about it, but what about a patient with a broken leg or someone that fell off a swing set and twisted his arm and the third man is sent on another call can that one person respond and stabilize a patient until the next community shows up to help. Mr. Potts stated that it depends on the status of the patient, the patient the third man is responding to maybe a very low-level response so something like another fractured ankle and he could then wait or provide assistance until a mutual aid or additional assistance responds. But he responds alone and upon arriving at the scene there is a cardiac arrest on the second floor of a house and no available squad; you have to work that patient, yes you can, but what your capabilities are dependent upon what that individual's status is. Mr. Stibich stated that his point with this scenario is that if you sent the third guy to the hospital, he would not even be at the next call to perform CPR or any preliminary work by himself, so which is better, he thinks it is better to have the one guy there trying to do the best until mutual aid or the other two come back from the hospital. Mr. Potts stated that from his perspective as an administrator of a department, there is no protocol that he knows that stands written right now that addresses a one-

person response. There is no standard operating procedure in any department that he knows of for a one response firefighter to an incident, so he would say that if that is the pathway chosen, and that certainly lies with council, but he would say if you pass that that there be a caveat or a direction that protocol's have to be put into place that do adequately address that scenario because if that person pulls up to a working fire by himself with a child trapped on the second floor of that building he does not know a man in this room, or his career, that would not enter that building at great personal risk. Our protocols are written and they are trained to respond to an individual either critical or non-critical as a team approach not as an individual approach. Mr. Fenrich stated that an individual approach would be after the one person goes back and there is a second call, this would not be standard operating procedure to send one guy out. Ideally it would be nice to have six guys in the station. Mr. Stibich stated that the situation Mr. Potts described reminds him of the situation that Mr. Gluss was in at the Chandler's Lane fire realizing he does not have his gear his first instinct is to go to the scene and do his job as the Chief, that is his first instinct and frankly he would have done the same thing. Mr. Famiano stated that he is an Olmsted Falls resident in Ward III, 26 years with the Bedford Heights Fire Department; 22 years with Cuyahoga Community College as a lead and burn instructor; also worked 17 years with the Cleveland Clinic as a trauma medic. Coming back to Olmsted Falls and starting to hear some of this he would like to bring in another perspective. He hears a lot of talk about percentages of squad calls, well the one time that you need a paramedic to maybe start saving a life but you are talking such a small percentage. Yes, his department is bigger but the one thing that maybe council is not seeing is one firefighter going back to the fire house and we have already seen that this has happened with the union president and he believes it was a garage fire, he read the report on how it was handled and it is such a small percentage. Not only is this a concern as a resident but as fellow firefighters he has crossed paths with some of the guys in this room over the years working either side jobs or other part time departments, but one firefighter responding in a million dollar rig as one man when you should have two people on apparatus this size and thinking about the preparation going to a scene, let's say it is a residential house fire and take away it being 4 in the afternoon when the chief is on duty and make it 7 or 8 at night in summer when its still light out and people are starting to converge, you hear mutual aid in the background. Now, when an engine company pulls up with four guys your actually relieved to hear mutual aid and that is with four guys starting to operate on a fire scene and to put one man in that position is so dangerous. On the flip side does the SWAT team operate with just one officer on the scene; no, the police have a methodical way to start setting up preparation and perimeters for any kind of police activity scene. Firefighters should be the same way and to put one man in and as Mr. Potts said god forbid if someone is trapped, we have a duty to perform and are trained at the academy never to work solo, to put one man in a solo position to start entering a fire that's progressing at a very quick rate to save one person. Mr. Stibich asked what the one man should do if he is at the station when a call comes in, nothing until he knows that mutual aid will be there at the same time. Mr. Famiano replied we have never had a situation of putting one man at a station that is a very dangerous thing and unfortunately Mayor Graven gave Council a policy that was 20 years old from South Euclid Fire Department, two of them are instructors with him, and was based upon a six-man minimum. So, when he was here at the meeting and said that he got the report from the South Euclid Fire department, just so you know for the record, that study is 20 years old, not saying it is wrong or right, but was also based on a six-man minimum. When he spoke with the Captain, who is a friend of his at South Euclid, that policy isn't in effect when they go down to five, they no longer use the chase. Now you are using this chase car with just three men; personally, he thinks that is a very dangerous policy to have.

Mr. Haviland asked if the garage fire occurred since the safety director put in this new policy. Mr. Gluss replied about 10 years ago.

Mr. Fenrich stated that leaving one person at the station, in his mind, that is not so that this one person can respond to a fire but rather a paramedic call. If there is a fire and all three men are at the hospital or two out of the three are at the hospital, we should be looking for mutual aid to begin with, he would never send one guy out to a fire, but maybe for this person to go over to a resident's house because someone fell and they are unsure if something is wrong, one person can go and stabilize that patient. He does not believe sending one person to a fire was the goal. Mr. Famiano stated the firefighter at the station would have to say he shouldn't go until mutual aid goes or someone comes to pick him up. Mr. Fenrich stated that if it is a fire call, he has to call mutual aid anyway because one guy cannot put out a fire. Mr. Stibich stated that dispatch does that, the light is on that the department is out which automatically rolls over to mutual aid. Mr. Famiano stated that you still have to respond in a very expensive rig by one man and putting one man in charge of a rig that size without a spotter is a dangerous practice. He understands responding to as a medic, but is he going to sit at the station and not respond to a fire. Ms. Jones stated that if you review the Southwest General letter it indicates that they did a study with the Cleveland Clinic that three people responding showed the best results for the patients and she is thinking about the patients. Mr. Stibich stated that goes without saying as he would rather have three doctors working on him in surgery. Ms. Jones stated that this study was completed by doctors. It also states that "the region has recently developed and approved a universal EMS protocol that will be adopted for use by all 911 agencies and their medical controls beginning April 1, 2019," this requires three people to respond to an EMS and two have to be paramedics. This is a regional protocol for 911. Mr. Gorski stated that Mayor Graven indicated that he spoke with the CEO of Southwest who was upset about the letter. Ms. Duncan replied that if this is a regional protocol she is confused. Ms. Jones stated that this is a regional protocol. Mr. Stibich asked who creates regional protocols. Ms. Jones stated that this was done in collaboration with the Cleveland Clinic, MetroHealth and University Hospitals and Southwest was a participant. They completed this study and came up with the regional protocol for our 911 area and the agreement was that three people will respond to all EMS calls and we had agreed to it. Mr. Stibich replied the City of Olmsted Falls agreed to it? Ms. Jones replied that is when we switched to the three person in the ambulance to comply with the three person calls. You are asking one person to go out and not only do you put that person potentially in harms way or a precarious position you are violating the regional agreement and putting our residents at risk. Mr. Stibich asked if Council approved the agreement with the regional committee. Ms. Jones replied that the regional committee was doctors. Mr. Stibich asked if the Mayor approved the agreement? Ms. Jones replied the Mayor does not have to approve it. Mr. Stibich asked who approved the agreement from the City of Olmsted Falls. Ms. Jones replied that the fire chief can implement protocols and procedures in the fire department, the police chief can implement protocols in the police department, if the safety director makes changes then that has to be approved by Council.

Mr. Famiano stated that he just took this class and was told that meds would be pulled out and we will move to a regional thing. Now, it is up to each city to join. Mr. Stibich asked to implement the protocols. Mr. Famiano replied correct. Everyone is coming together these medical directors say to make it easy let's get all one so everyone is on the same page.

Ms. Duncan asked what the Chief does. It was stated that Olmsted Falls has four people on duty during the day, the chief and three firefighters/paramedics, so, what does the chief do when a call comes in and the three firefighters are not at the station. Mr. Potts stated that when those situations occurred when he was the chief and there were only three times this occurred while he was the chief, he responded in the car and took a command position and called mutual aid, we would call mutual aid immediately, at this time we had in house dispatching and we had a wonderful set of protocols in

place, our dispatchers knew that if a call came in and our squad was out they would automatically begin the mutual aid process immediately. He would then get on the air and call a box alarm which would get them responding. When he arrived the incoming equipment, he would start giving them directions to what we wanted them to do, he would not be involved in any type of firefighting operations it would only be as an incident commander. Ms. Jones stated that she was under the impression that if the Olmsted Falls got a call, for example, for EMS and everyone is gone and something goes on at the regional dispatch so they know that they are not available, which means they are not going to call they will call whoever is available and the closest. Mr. Famiano indicated that he believes it is the same on the east or west side and they will call the OIC, officer in charge, of Olmsted Falls and ask what is his/her pleasure, for example, do they need a squad or engine. Ms. Jones stated that if for example, there is a need for all three to go to the hospital they would call these individuals at the hospital and ask what they needed. Mr. Famiano indicated that he cannot speak for Olmsted Falls but in his city they would still need to contact the OIC, they will set the tones for automatic mutual aid alarm but the OIC still has to know what is going on. Ms. Jones replied that she understands. Mr. Stibich asked Mr. Gluss to comment. Mr. Gluss stated that Strongsville is our dispatch and they know if we are out and automatically call Olmsted Township, Berea, Strongsville, etc., there is a "pecking order." Mr. Stibich replied that there is a protocol in place for mutual aid. Mr. Gluss stated that they do not have to necessarily call the officer in charge, they will automatically call. We also gave them maps and indicated for example if the call is on Usher call the Township first, Berea second and Strongsville third, and that has been done for every street in the city for fire or EMS.

Mr. Gorski stated that he would like to comment on what Mr. Fenrich stated. He believes he understands the distinction he is trying to make between if one man is responding to an EMS versus one man responding to a fire call but, as Chief Potts stated we do not have a protocol in place to define exactly what it is that the one person would have to do. Right now, based on what he is gathering this one person, if a call comes in, they would go or do whatever the situation requires whether it is fire or EMS. He knows that common sense would dictate that one man should not fight a fire, but in that moment, they will not make that distinction. To speak to his own experience in emergency situations, as many of you know he was a nursing aid for several years at Fairview Hospital and he can attest to the fact that in emergency situations, particular those that are life threatening, it is basically impossible to conduct or to continue in that situation as one person. He has been in many codes and done chest compressions on patients and has been around these situations and they are a flurry of activity, there is always more hands coming in to help in those situations specifically because it is next to impossible to go into one of these situations alone there is simply too much going on for one person to handle. Mr. Stibich indicated that he does not believe anyone would argue and even though Mr. Gorski does not have as much experience as the paramedics he has come to that realization. Mr. Gorski replied certainly not the same experiences that they have had. But, being in a somewhat comparable situation of being in a medical emergency, certainly it is in a hospital setting, certainly they have maybe the ability to access medication or different interventions more quickly, but even in those instances they are not going at it alone, you are getting doctors, anesthesiologist, nurses, respiratory therapist in to try and facilitate the situation. He does not know any medical provider who would ever try to go at this alone, it simply is not a reasonable expectation. Mr. Stibich indicated that the alternative is nobody. Ms. Jones replied no you would get mutual aid because it shows that we are at. Mr. Stibich replied but with one man there you would also get mutual aid at the same time as if there is nobody, so, what is better one man and mutual or no men and mutual aid. Ms. Jones replied here is what was said, when they are out it shows that they are out. Mr. Stibich indicated that he is just asking the question, what is better one man and mutual aid or nobody and mutual aid. Ms. Jones depends on if you are on the ambulance or not.

Mr. Kimbro stated that from personal experience he was in a situation a number of years ago as the single man back at the fire station when we received a call for full arrest and our police officers are on the road and much quicker to respond. He arrived there and the police officer was already doing excellent CPR, there is the implication that as a paramedic I would show up and start doing other things but that's not the case. If a police officer is doing CPR all he could do is help him with CPR until mutual aid arrives with their advance care. Mr. Stibich stated that at least the police officer is doing what he suggested, he is doing something which is better than having nobody doing anything. Mr. Kimbro replied that is correct. Mr. Stibich replied that is the only point he was trying to make. Ms. Jones stated that regarding the 911 regional dispatch center and asked if Mr. Gluss could answer a question. Mr. Stibich replied absolutely. Ms. Jones asked if one person goes back to the fire station does the regional dispatch center consider that available to respond. Mr. Gluss replied no, they would still be toned out. Ms. Jones so they still would not get the call. Mr. Gluss replied that the dispatch center would call mutual aid automatically. Mr. Stibich asked if toned out meant that they would be notified of the incident or they would not know that a call came in. Ms. Jones replied correct. Mr. Gluss replied potentially both, if the person is not in the station the chances of them knowing there is another call are probably slim to none, they will automatically call mutual aid. Now, if that person is in the station there is a possibility that it gets toned out over the radio and/or they call, so to answer that it is probably 50/50 sometimes they will sometimes they won't. We have had instances where we have heard another city on another of our calls and we were never dispatched. Mr. Stibich stated that with Mr. Gluss experience with two men and a chase car policy even in previous years, when the third man went back to the station and a call came in you think its 50/50 that he would hear that there is a call. Mr. Gluss replied back then it was different because we had our own dispatch and at that time dispatch always called OIC and asked what they wanted. One of the reasons that we went to centralized dispatch was to cut out that lag and now as soon as a 911 call comes in they know we are out and are automatically calling someone else. Mr. Fenrich replied that whether or not there is one at the station or not, it will still be called out to someone else. Mr. Gluss replied correct and 50/50 the one guy at the station will even know about the call. Mr. Famiano stated that he did not mean to cause confusion regarding the OIC as that was his department's old way as well, also on the east side it is toned out, which means we will hear it but after its been toned out they will still call the OIC in the city that they are out and say cause they may say strike a third alarm on that this sounds big and we would rather have more people there than not enough. So yes, the alarms are hit they are toned out and then the OIC is notified but he is already heard it over the radio and knows what to start preparing for.

Ms. Duncan stated that depending on what happens with the civil service exam and the next part of the agenda. We are going to possibly have a chief on duty during the day and three guys and a chase car, one comes back, so now there are two people at the fire house, one is not a paramedic and one is, what happens when a call comes in, can you go back on duty. Mr. Stibich replied that he would say that would be better than one man. Ms. Jones replied that from what she read with the state fire marshal two paramedics have to be on the scene and if one goes back it would be a paramedic because if it's a critical thing you have to have two paramedics in back. Mr. Potts replied that state law states that there have to be two EMS providers if you are doing ACLS one of which has to be a paramedic. Mr. Stibich stated that a firefighter does have first aid training there are just certain things that he cannot do if he is not a paramedic which is administering medicines. Mr. Potts replied that the level of care is quite dramatic between an EMT basic and that of a paramedic. If a firefighter is responding as either a first responder or a basic EMT there can be no evasive procedures performed, he can manage an airway, use an AED but he cannot monitor an EKG rhythm, cannot start an IV, cannot include any

drugs. He can basically do CPR and follow what the AED tells him to do. The difference between that and what a paramedic can do is quite dramatic. Mr. Potts stated that the three-man crew in response to a call has improved efficiency as well which reduces the amount of time on scene and the amount of time at the hospital. This way two people can get the individual into the hospital get him signed off to a nurse, the other person can be putting the squad back in service so they can get back on the squad. There are times, and he is not sure if this has been done in the recently, but we would respond from the hospital which increases the efficiency of that squad. In his opinion the three-man squad turns that squad around and gets them back here a lot of faster and are prepared to respond as soon as they get into the vehicle. Ms. Jones stated that is because they do not have to go back and get the chase car. Mr. Potts replied they do not have to go back and get another person.

Ms. Jones stated that 242.04 in the Olmsted Falls Administrative Code says that all firefighters have to be paramedics in Olmsted Falls and this was from November 23, 1993. Mr. Fenrich indicated that this is the next part of the agenda.

Mr. Haviland stated that we have the assistant medical directors from our major health systems that came out with this universal EMS protocol that we received in December of 2018, which states that you should have three men/women responses. He asked when the safety director instituted the protocol that, setting aside our staffing levels, goes against this recommendation from these experts. Mr. Gluss replied December 1<sup>st</sup>. Mr. Haviland stated so it really comes down to the question of staffing levels, since we only have three firefighters at one time, and that is the reason why there was this believe by the safety director that there were efficiencies in going with a two person and a chase car. However, it seems to him that this goes against what was done for two years by the medical directors and others, that unfortunately, because we have a staffing level of three we are going against this universal EMS protocol. He sees the firefighters concerns and it seems to him that we are responding by the way we staff our fire department. He is glad that we are having this conversation to hear from those in the field. He asked if he was missing anything, is it accurate to say that we are going against the recommendations, at this particular point in time. Mr. Gluss stated that he does not want to say we are going against them, what he will say is, in this area other than Olmsted Township and Brook Park, but Brook Park also has multiple stations with multiple people, every other EMS service provider around here runs with three and transports with three with the exception of Columbia Township as they only staff with two and are part time volunteers.

Mr. Fenrich stated that currently our protocol is to have the person in charge determine whether or not three people go, is that correct? So, what is the problem, they can just go every time, then the Mayor is happy because he gets to keep his thing, and the firemen are happy because three people will transport 90% of the time. If it happens to be that three people go for a band aid on the finger you will be smart enough to say that we do not need that third person.

Chris McKay stated that he has been part time with the Olmsted Falls Fire Department for almost 10 years now, he works full time at Avon Lake Fire Department as a lieutenant, he also worked at the South Euclid Fire Department and is very aware of the policy that was written and discussed at the last meeting. One major thing that needs to also be discussed is if there are actually just three paramedics on the scene and we are all going to be transporting in the squad, all riding together, that on scene time is reduced significantly because sometimes the OIC, before he can make a determination whether or not its going to be a two or three man transport, we are going to have to wait to get vital signs maybe, he may have to wait until we administer medication and then make a decision. Why will we waste those extra five minutes on scene. Mr. Stibich stated that if it is just a rule that three men transport the

OIC would not have to look at all the data and make the decision. Mr. Fenrich stated that based on what he has previously stated he is not talking about an “iffy” situation, if its in doubt all three should transport, if its for example a cut finger you can determine if two can transport to the hospital, and that is up to the paramedics, not the Mayor, Council, or anyone else except for those on the scene and in charge. He is not saying if there is a debate or if you are not sure someone will make it then absolutely everyone should transport.

Mr. Gorski stated that he does not care for that line of thinking because in an emergency situation that requires a level of nuance thought that probably isn't going to be present at the time. As we have previously stated earlier particularly medical emergencies can turn very quickly. He has personally observed situations where he has had a patient that was fine and five minutes later, they are not breathing and their heart has stopped. So, he takes a little bit of an issue and he has some concerns with that decision being left to discretion. Ms. Jones stated that she thinks that the key point is, even if that one person goes back our dispatch is listed as out so they are not going to be called first anyone it will roll over to mutual aid. If we can turn it around faster or have the three of them at the hospital ready to respond then it provides more service. Mr. Fenrich stated that we are leaving it to the discretion of the person who kows, not the discretion of us. Ms. Jones replied that the one person cannot do anything and they are not even going to get called. Mr. Fenrich stated that 99% of the time they will say it does require three people. Mr. Stibich stated that one of the points Mr. Fenrich made is that the decision is up to the OIC to say three of us are going to the hospital. Mr. Fenrich stated that he does not have a problem if that is said 100% of the time. Ms. Jones stated that her issue is even if the one person goes back, they are not available on the dispatch system to go out anyway and they may or may not be notified so why not turn it around faster, have three at the hospital that can respond immediately to another call. Mr. Stibich stated that was a good point made by Chief Potts. Mr. Fenrich stated that he is trying to make everyone happy. Ms. Jones indicated that this is not about the Mayor or the fire department it is about the safety of our fire department, safety of our residents and the best care for our residents. It is not about people or departments but the residents. Mr. Fenrich replied that is exactly what is happening, they know better about the safety of the residents.

Ms. Duncan stated that she likes the fact that we have three people. Decision making should be in your standard operating procedures it should not be “lets make that decision depending on how I am feeling today.” There is a cost to leaving an extra car and leaving it at the scene and it makes no sense to me if 80% or 90% of the time you will need three people. It just does not make sense to her to do something against what you were hoping to do for years and then you finally are able to implement it and then someone new comes in and says lets go back to the old way, that just does not make sense to her.

Mr. Gorski stated that he is inclined to agree. Again, it is counter to Mr. Fenrich, it seems to him that the whole point of implementing this chase car policy is to invite that discretion. Again, his issue, much like Ms. Duncan's issue, is he does not necessarily think we should be allowing for that discretion to exist, it doesn't make sense to him if 90% of the time we are going to say, that we are transporting with three firemen to the hospital why there is even a decision that needs to be made. Mr. Stibich stated that then brings up the point if you have one man at the station and a call comes in that one person can at least go to the scene and administer CPR until mutual aid or the other two arrive. Now, would that be quicker if all three of them were at the hospital and came, who knows, but every second counts in these situations. Mr. Gorski replied that he understands but he is not overly comfortable himself with putting that one person in that situation even with the added time advantage.

Mr. Stibich replied that if he was the individual in cardiac arrest, he would want that one person rather than waiting another two minutes.

Mr. Potts asked if this policy would be in effect for mutual aid calls as well, in other words, you will send a chase car on all mutual aid calls. Mr. Stibich indicated that would be up to the department. Mr. Potts replied following that thought you then be taking that squad out of service for a longer period of time because that squad has to go to wherever that chase car is, dropped that person off to pick up the chase car and then be out of service for a longer period of time. Mr. Stibich indicated that is a good point, how would the third man from Olmsted Falls get back to the chase car after assisting. Mr. Potts stated that we were at Douglas Lane returning back, dropped the person off at the vehicle, he got into the car headed in another direction on another duty, we started back to the station and got a call on Fitch Road which was a full arrest and we needed to get the third person back and were out a third person for a long period of time. Mr. Stibich stated in a case of mutual aid they would have three at the scene and if they transported those three would transport not necessarily our third man. Mr. Potts indicated that you may go out on a mutual aid call where you are first on scene because no one else is available, so they have no one there. It is common if you respond to Columbia Station where they have a two-man squad and a volunteer and they are gone so there is no additional assistance. Mr. Stibich stated that he is talking about our situation where there are two at the hospital and the third at the station, a call comes in and mutual aid is called, our firemen responds and mutual aid from another city arrives and take over the scene they have three guys and they transport and our guy would go back to the station. Ms. Jones replied not to forget we will not get the call first. It is electronic now as we do not have a dispatch in Olmsted Falls it goes to regional. Mr. Stibich replied 50% of the time perhaps.

Stan Bartkiewicz stated he has been with Olmsted Falls part time for 11 years and is full time with Fairview Park and is a firefighter/paramedic. The one thing that has not been addressed and even though he believes and always has been and always will be the safety of the citizens is the number one life safety conservation. With that being said, he can look at every individual that is a firemen and he knows what they are going home to and at the end of the day we want to go to them as well, he wants to go to his wife and kids. What we are really not talking about when we talk about the chase vehicle is council aware of what the actual vehicle we are using to chase with. Ms. Jones replied a Ford F-250. Mr. Bartkiewicz stated that it is a Dodge 2500 pickup truck that's designed for utility work, landscapers and snowplowers use them. This vehicle is not designed to be responding to emergency situations. Mr. Stibich indicated that when he arrives at the scene, he cannot give the complete array of a normal squad. Mr. Bartkiewicz stated that is the caveat to that, but, just responding to the scene, when you have a vehicle that is responding lights and sirens and being an EVOC instructor, emergency vehicle operations instructor, there is statistics that say when you have a primary vehicle going into an intersection what tends to happen is everyone coming into that intersection does stopped but once it goes past in their mind the hazard is clear and they start to go. By this time our chase vehicle, which is the 2500 pickup truck, was not designed to stop on a dime like a police interceptor, goes into the intersection and has the potential of injuring or killing members of this department. Mr. Stibich replied that there is an additional risk having a second vehicle. Mr. Bartkiewicz indicated that he was not sure if Council was aware. It is easy to say chase with another vehicle because of certain reasons but for us to get there safely, he will emphasis safety of the residents. Mr. Stibich stated that the average driver sees the engine or squad go by and thinks that is done and pulls into the intersection and runs into the chase car. Mr. Bartkiewicz indicated that there are plenty of accidents that have happened with an ambulance itself.

Mr. Famiano stated to take this safety one step further, he keeps hearing, especially from Mr. Stibich, about it would be better to have one firefighter or paramedic with a cardiac arrest on scene but the first thing they are taught in paramedic school is before laying hands on a patient is scene safety. For example, a neighbor calls because a man went down cutting his lawn and you happen to be the third guy at the station you get on scene and the neighbors say he was just cutting his grass and went down, you start doing CPR and all of a sudden he starts to blow blood out of a cavity and it turns out to be a gunshot wound. Now, he has been put into another situation just like setting up for a fire by himself that could be putting him in serious danger. First of all, the police haven't even been on scene yet because they thought it was a cardiac arrest and now it could be something totally different. His point is no call that ever comes in and my experience and these gentlemen's experience are calls always get changed in route or once you get on scene. It is an investigative process even that little cut finger that was previously discussed, you get in the squad and the OIC says we can handle with two but then you find out that this kid has epilepsy and starts seizing and the third guy was sent back to the station so the what if chain could go on for miles. It is better to have your crew together and that is what we teach at the academy. He stated that Mr. Bartkiewicz is also an instructor here and can atone to that because that is what the newer generation is being taught, you have a partner, team work and nobody works on this job alone.

Mr. Haviland stated regarding the OIC making a decision, in the absence of the policy that has three automatically transporting, one of the concerns he has is there could be some hesitation or some politicizing about what the OIC is deciding based on the relationship with the safety director or concerns. He does not want to see that starting to factor in, do we send three and will there be reciprocations. He is not talking about the current safety director, the previous mayor was the safety director and future mayors could very well be safety directors as well, some not as skilled as others. He would not like to see that be in the back of the mind of the OIC which is a concern that he has in the absence of the standard policy that all three are transporting.

Mr. Gorski stated that he would like to refocus the topic. He believes we have had a robust discussion about and we have been able to hear from members of the department an dis something that he was in favor of. The other part of the question regarding this issue is what power does this Council have, if any, to say that we want a two-man team plus chase car or a three-man team. Do we have the authority to say the safety director implemented this policy but council does not approve of it? Mr. Stibich asked if Council has fully discussed the letter enough to begin that type of discussion. Ms. Jones replied 9.04(a). Mr. Stibich indicated that the item on the agenda is the letter from the fire department and the fire chief/paramedic requirement. Mr. Gorski replied that this is an issue they want to address. Ms. Jones stated that the reason for the investigative hearing is part to educate Council in order to determine what action Council would like to take, because we could say that the safety director did not come to Council for the change and can say it is not in effect until the change is approved. She stated that Council can also pass an ordinance that states a three-man crew. Mr. Gorski indicated that he believes the bulk of the discussion was to be about this letter. We could get into the turnout gear issue or the letter from the union president but he does not believe for the intense of this work session those issues would be spoken about at length. Mr. Stibich stated that it sounds as if it is Council's pleasure to discuss the safety director's power or authority to make changes to the rules of the fire department. Mr. Gorski replied yes. Mr. Fenrich indicated that when he spoke about the finger example, he was attempting to point the power to make the decision in the hands of the people who know how to make that decision and was not trying to downplay a cut finger or a heart attack. He wants to make sure the firemen understand that he trusts in their decision.

Mr. Stibich asked if there is a written set of rules for the fire department. Mr. Gluss replied yes. Mr. Stibich indicated that he has not seen one for the fire department. Mr. Gluss replied that according to the union contract and he believes according to city policy, the rules and regulations have to be voted on by Council and he believes the last time the departments rules and regs were voted on was 1973 something. Actually, our official rules and regulations that were voted on by Council still allows us to have a spirituous ale for meal but he can assure Council that does not happen. He stated that when Chief Potts became the chief he moved away from rules and regulations and went to SOG's and he converted over to SOG's, standard operating procedures and guidelines. So, we have gotten rid of rules and regulations and moved to standard operating procedures. Mr. Stibich indicated that the charter states that the safety director is to publish a set of rules for the operations of the safety departments. Ms. Jones replied to be approved by Council. Mr. Stibich stated that the only rules we have in effect are the ones from 1973. Ms. Jones replied right. Mr. Gluss replied that they are not in effect as far as we are concerned, obviously we understand that we cannot have a spirituous ale, we have modernized them and now we have SOG's. Mr. Stibich asked if the SOG's were concerned rules because they have not been published by the safety director and have not been approved by Council. Ms. Jones replied that the fire and police chief can make their own procedures and they have to be followed, it is only when the safety director makes it. Mr. Stibich asked if that was a rule or procedure of the fire chief or the department, because the charter says that the safety director shall publish rules. Mr. Potts replied that the collective bargaining agreement states otherwise, which states that the city and the union will sit and write the rules and regulations and they have to agreed upon those, that has not been something that has been done. Mr. Stibich asked if that was agreed upon in the union negotiations. Mr. Potts replied yes. Mr. Stibich stated that we are discussing two different items, the union labor agreement and rules set up by that, and another set of rules. Mr. Potts indicated that the part of the charter that states that the Mayor will promulgate the rules is also included in the collective bargaining agreement but, it has to be in negotiations with the union. So, the union sits and write in conjunction with the safety director the rules and regulations and then those would be brought before Council for approval. Mr. Stibich stated that if the safety director wanted to make a change in the rules, he would not only have to get the approval of council, per the Charter, he would have to get the approval of the union. Mr. Bemer stated that the charter provision is archaic and came into being before collective bargaining came into being which started in 1984 and it is still a process of evolution. Anything that has to do with terms and conditions of employment is a labor management issue and is set forth in the collective bargaining agreement as Chief Potts stated. We have a provision that is archaic and would not stand the test of time because it does allow for the legislative body to involve itself in collective bargaining without really addressing the issue of the financial solvency of the city. He stated that collective bargaining agreements are approved by Council not from the standpoint of approving the agreement, even though Council approves contracts, but it is really the focus on making sure that there is a proper budgetary factor involved in order to meet the demands of the collective bargaining units.

Mr. Stibich stated if the safety director wanted to change one of the rules that is set in the union contract what would he have to do to change it. Mr. Bemer stated that a collective bargaining meeting would need to be held and you would enter into an MOU which would then be incorporated the next time the contract cycle comes up. Mr. Stibich stated that he cannot change the rule until the next contract cycle. Mr. Bemer replied if it is a matter of the terms and conditions of employment. He believes the debate with the three man versus two man and chase car process would that be a term and condition of employment or an operating procedure that is management rights. He has not completed the research to make that determination of where that would fall. Ms. Jones replied that if you are changing an operating procedure, that is not made by the chief, then Council has to approve it, it is in

the charter and archaic or not it is what it is. Mr. Stibich stated that the published rules probably do not address the two man and a chase car as they are archaic. Ms. Jones replied if you review the Ohio Revised Code the chief of police shall run the police and the fire chief shall run the fire department and our Charter states that in our instance if the safety director makes the decision it has to be approved by Council. Also, 242.04 requires all of our firefighters to be paramedics. Mr. Bemer indicated that is for an original appointment for a firefighter who is coming in brand new with no experience, not a promotion, not a police chief situation. Ms. Jones replied that is Mr. Bemer's interpretation. Mr. Bemer stated that 242.04 states "all applicants taking the examination for original appointment to the fire department from and after the effective date of this section, which is 1993, shall be at the time of said examination is given certified as a paramedic in accordance with Ohio Revised Code." Ms. Jones replied that it also states that they have to maintain it. Mr. Stibich stated if you have an exam for a fire chief and the candidate that the Mayor chooses for Council's approval is an existing Olmsted Falls firefighter who this is not his original appointment then he does not have to be a paramedic. Ms. Jones replied he will be a paramedic already because all of our firefighters have to be paramedics. She saying if the chief comes from external his original appointment to the Olmsted Falls Fire Department he will be an original appointment and should be a paramedic and its all in interpretation. Mr. Bemer replied it is not an interpretation. Mr. Gorski asked for Mr. Bemer to explain because he has to confess, he is also confused. Mr. Bemer asked if everyone present were civil service employees. Mr. Kimbro indicated that he has been with the Olmsted Falls Fire Department for 31 years and is not civil service. Mr. Bemer indicated that because Mr. Kimbro is not civil service there was no requirement for him to be a paramedic. He asked if Mr. Kimbro was classified as a firefighter. Mr. Kimbro replied yes and is a paramedic. Mr. Bemer stated that the civil service rules are, as mentioned in the Charter, are rules that Council has authority to approve. The last time they were modified was in February 2016 and if you look at the City Council minutes there were a couple of changes made and approved. The chief's test is a promotional test because this is not an entry level situation the rules in Article Seven covers appointments, Section 7 is promotions, Section 7(d) addresses how promotions occur. He stated that whenever there are at least two employees the vacancy shall be filled from an eligible list established by a competitive promotional examination, the commission may establish criteria appropriate to the position to be filled and allow law enforcement officers for positions in the police department or firefighters for positions in the fire department who are or have been in the full time service of other public agencies to compete with the others for the vacancy. The examination should be given within 90 days. When there is less than two persons in the grade or rank in the next lower to the position to be filled the Commission shall establish criteria appropriate to the position to be filled and allow law enforcement officers or firefighters to take the test by competitive exam. Ms. Jones replied right and if Council wants it to be a paramedic, we can pass an ordinance requiring it. Mr. Bemer replied Council does not. Mr. Gorski indicated that he would like Mr. Bemer to explain exactly how Council does not because the Charter would suggest to him that Council does. Mr. Bemer indicated that the Civil Service Rules state that the Civil Service Commission shall establish criteria. Mr. Gorski replied that those do not supersede what the Charter authorizes Council to do. Mr. Bemer asked where in the Charter does it give Council authority. Ms. Jones replied in the Civil Service Commission section 10.05 of the Olmsted Falls Charter states "the commission shall provide rules for appointment for promotion within the classified service" we have the home rule deal and then it states "the commission shall also provide rules for the process of transfer, reduction, removal of employ within the classified service to provide the members of Council with a true copy of each rule the commission adopts, modifies or appeals, no adopted, modified or appeal rule shall become effective until 45 days after the clerk of Council has received such true copy unless by motion of an affirmative vote of a simple majority members of council, waives the 45 day requirement waiting period." So, if we think that the fire chief should be a paramedic, we can vote for

it. Mr. Bemer replied no, the Commission shall provide the members of Council with a true copy of each rule, and these are the rules. Ms. Jones replied appointment and promotion and if we disagree, we can change it, that's the part you do not want to accept. Mr. Stibich indicated that the rules were approved by Council. Mr. Bemer stated that the Commission shall provide rules for appointment and promotion and these are the rules. Mr. Gorski stated that Council has the right to change that if that is our pleasure according to that clause in the charter. Ms. Jones replied we have a right to change. Mr. Stibich stated that by saying the paramedic was preferred, not required, that did not change any of the rules. Mr. Gorski replied yes it did. Mr. Bemer indicated that he does not feel that Council has the authority to initiate a rule change. You are invading through a political process. Ms. Jones replied that Mr. Bemer is doing the political process because you are trying to manipulate that process. Mr. Bemer indicated why do you think there are civil service rules. Ms. Jones replied we also approve those rules. Mr. Bemer asked what the purpose of civil service rules were. Mr. Gorski replied that he is aware of what the purpose is of civil service, but Council has the authority to conduct oversight into the various commissions and boards, that is guaranteed by our Charter. Ms. Jones replied and we can make the rules. Mr. Bemer indicated that Council can either adopt the rules as proposed by Civil Service but the Charter does not give Council authority unilaterally to change the rules. Mr. Stibich stated that the ad for the fire chief's position was not a rule. They were following the rules which were approved years ago. Ms. Jones replied that he was politicizing it because your administration removed the two civil service people that were there so you could put in who you wanted so you could manipulate the process, that is politicizing the civil service commission. Mr. Stibich asked Ms. Jones if she thinks the process is being manipulated. Ms. Jones replied yes. She thinks that is why the removed the long-time civil service commission. She stated that if Council chooses to change the rule and Mr. Bemer would like to take Council to court, fine, we will just need to get our own legal counsel. Mr. Bemer stated that it is not his intend or the Mayor's intend to create political battles over interpretation, he is somewhat astonished, Council could probably get their own attorney but he represents Council, this city, and she seems to not have any respect for what he is trying to explain to Council. Mr. Gorski indicated that he understands but does not feel Mr. Bemer is correct. Ms. Jones replied that Mr. Stibich should not make any excuses for her. Mr. Bemer indicated that criteria for qualifications for a test. Mr. Stibich indicated that the current rules were approved in 2016. Ms. Jones replied that in order to get the chief's job they should have to be a paramedic. Mr. Stibich indicated we are talking about the rules which were approved by Council in 2016 and the rules say that the Civil Service has the right to set the requirements. If the civil service commission says, which the rules say they can, that they prefer paramedic and asked have they changed the rules. Mr. Gorski and Ms. Jones replied yes, Ms. Jones continued because we have always had a paramedic. Mr. Stibich replied no, the rules give them the authority to set the requirements. Ms. Jones asked Mr. Potts if there had ever been a chief in Olmsted Falls that he has known of that has not been a paramedic. Mr. Potts replied that at the very beginning Chief Gallagher went through paramedic training, Chief Fisher went through the paramedic program, and he himself went through, so was Chief Munteanu, all four of us since the inception of the paramedic program have all been paramedics. Ms. Jones replied 100% of our firefighters are also paramedics so why should they have a chief that less than they are. Mr. Bemer indicated that if you review the minutes of the civil service meeting when the qualifications were reviewed pursuant to Rule 7(d), in item #6 it states maintain State of Ohio paramedic certificate. The minutes states "Mr. Gray suggest that this be preferred, Ms. Smith stated that this is a requirement for Olmsted Falls entry level testing, Chief Rogers, indicated that this criteria is for outside applicants. Mr. Gray indicated that if this is not listed as preferred it will limit the number of applicants. Mr. Bemer stated that the supervision is probably the most important and the other parts we go with whatever experience they have. Mr. Smith stated that we shall require paramedic for entry level. Chief Rogers stated that we do but this would be similar to a police department that goes outside their

agency to hire a non-commissioned person for their chief's position and that just happened in Olmsted Township several years ago where they considered hiring a civilian chief. The question is do you have to qualify with your firearm and the answer is no you do not have to be a civilian chief but the entry level requirement to be qualified with a firearm still holds as you have to be able to carry a weapon to be a policeman in Olmsted Falls. Mr. Gray indicated that if a paramedic is preferred for outside applicants would it become a problem for entry level. Mr. Bemer stated that firefighters need to have a paramedic certificate but your chief is more administrative than actual boots on the ground. Mr. Smith asked if #6 could be eliminated. Mr. Gray suggested placing preferred at the end. All Commission members agreed." Ms. Jones replied that Council disagrees and we have 45 days then. Mr. Stibich indicated that Council has 45 days to change the rules, the rules that were passed in 2016, the 45 days are over, the Commission did not change a rule, they placed the ad which was in their authority. Ms. Jones replied that Council has the power of the purse strings so if the person is, first off, if the fire chief does not have to respond what does it matter what gear he was wearing, if he just going to sit around and be administrative. Mr. Stibich replied Ms. Jones is getting off track. Ms. Jones replied if they do less then we shall educe the salary. Mr. Stibich indicated that is Council's prerogative and we can set the funding but does she really want to do that. Ms. Jones replied yes.

Mr. Gorski would like to clarify, what this portion of the table is trying to say is that the members of the civil service commission by making paramedic preferred did not change the rules of the civil service commission. Mr. Stibich replied that is correct. Mr. Gorski replied that he has a hard time with that. Mr. Haviland indicated that when Ms. Jones and Mr. Gorski put a motion to pass an ordinance requiring the chief to be a paramedic, he respectfully asked for Council to have this meeting because he did have questions, but what he has heard was that the chief did not need to be a paramedic and to Mr. Gorski's point, civil service did not change the requirement it was only a job description and never a civil service requirement and he would like to know if that is accurate. Then there was an effort to say there was a requirement or the preferred paramedic provision in the advertisement. Do we have the ability to pass an ordinance to change this and was this truly only a job description and civil service did not change the requirement? Mr. Stibich indicated that the law director just read from the civil service rules that only the original appointment of a firefighter requires a paramedic and that the requirements for a fire chief is different. Mr. Gorski replied so we do not consider a fire chief hired externally to be an original appointment to the department. Mr. Bemer replied that is correct. Ms. Jones replied that she received different opinions from other attorneys and other law directors in other cities. Mr. Stibich asked who. Ms. Jones replied that she will not say. Mr. Stibich indicated that Ms. Jones always uses anonymous sources and will not tell Council who they are, he asked for proof. Ms. Jones replied that she will ask them if it is okay to give that information. She asked them because they have been telling her things on the side, because she just wants to verify and she gave it to three people and asked them what they thought. Mr. Stibich indicated that Council has seen this scenario many times and Ms. Jones comes up with an anonymous source and it turns out to be incorrect and he would like to see the proof, he is not challenging her statements. Ms. Jones replied that you can interpret if its an outside person coming in as their first time coming to the fire department or you can say it's a new person its all in the interpretation. She stated that people's interpretations are different and the law is not that specific so its all-in interpretation and depends on what we interpret. If Council forgets the interpretation, we will pass an ordinance we have every legal authority to pass an ordinance stating that the fire chief should be a paramedic and we have never had a fire chief that was not. Mr. Stibich indicated that Council would then interfere with civil service rules. Ms. Jones replied no we are setting rules. Mr. Stibich indicated that there is a requirement for fire chief in the civil service rules, but Ms. Jones does not have the respect for the civil service rules. Ms. Jones replied civil service rules have to be approved by Council, they can change a job

description. Mr. Stibich stated that this would change the civil service rules. Ms. Jones replied council can but the civil service was just on a job description we are saying that we want to enforce the requirement for paramedic to be unilateral and we can say it. Mr. Stibich asked if it was too late to do this now. Ms. Jones replied that people pull civil service positions all the time. She worked at the state for 31 years, they put it out, then pull it, they put it out get applicants and pull it again, it is not uncommon and we every right to require that the chief be a paramedic. Mr. Stibich indicated that in his opinion civil service followed the rules as they exist now, if Ms. Jones would like to change the rules post-facto as that is what she is talking about. Ms. Jones replied no, they put out a description and no one checked with us because we funded the fire chief. Mr. Stibich indicated that the commission does not have to check with Council that is why they are civil service. Ms. Jones replied that we funded the chief's position based on the fact that they were paramedic. Mr. Stibich replied she could cut the pay. Ms. Jones replied we will, we can cut his pay, so instead of \$70,000 to \$85,000 it will be \$40,000 to \$45,000 because they are not as qualified.

Mr. Gorski indicated that since the law director has made the distinction that appointing an external chief is not considered an original appointment, he would like to know why. Mr. Bemer replied because the rules have the provision for opening up a promotional test to outside candidates. Mr. Gorski replied if they accept an outside candidate would that not be an original appointment to our department. Mr. Bemer replied yes, it is an original appointment. Mr. Gorski replied so then this does factor in 242.04. Mr. Bemer replied it is under promotional provisions and it gives the commission the charge to establish the criteria. Mr. Stibich stated there is a provision for the original appointment of a firefighter versus the fire chief. Mr. Gorski replied that his confusion is, how can we call this a promotional appointment for someone who is not technically being promoted to a position or when that person is not being promoted from an internal position on the department. Mr. Bemer replied that the civil service rules allow for outside candidates to be considered for promotion, not entry level, first time appointments, but for promotions and that is what the rule is. Then within the rule it says if you are going to do that civil service must establish the criteria for those outside candidates for promotion, so, yes, it's a hybrid. Mr. Gorski stated that he is still is confused as to why that appointment wouldn't be considered original because what Mr. Bemer is saying and if it is a hybrid then its both. Mr. Bemer replied this is not an original appointment for a firefighter. Let's say it is an original appointment in a promotion appointment it is not an entry level. Mr. Stibich indicated that is the point that Chief Rogers made in the police department that the appointment of a police chief is different then police officer. Mr. Haviland stated setting aside the process one of the reasons he wanted this meeting was to help him make a more informed decision and the one thing he is not hearing is from the fire department as to why they really believe that the chief should be a paramedic.

Mr. Potts indicated that Mr. Stibich previously mentioned having one person back at the fire station and often that is the fire chief. If you want to follow that argument then that is all the reason why he should be a paramedic. Secondly, there are times where we have an employee who becomes ill and the fire chief is there. You can't ask an employee to stay until his coverage becomes available, so we would send him home and that allows the chief to step as a paramedic at that point. He would like to ask Mr. Bemer for a point of clarification as he has always been under the belief that according to civil service laws as long as there were two people within the department that were willing to take the test it did not go outside. Mr. Bemer indicated that other civil service rules that he has reviewed usually it is entirely internal when there are two people in the rank above, usually there is a chief, assistant chief, battalion's, captains, lieutenants, firefighters. The only time you can have someone take a captain's test is if none of the lieutenants want to take it, or he should say if only one wants to take it. Mr. Potts replied in the City of Olmsted Falls there is no other rank other than the chief. Mr. Bemer replied that

is correct. Mr. Potts stated that as long as all of the firefighters, and it does not specify whether that is part time or not, but as long as two people would be taking the test then the test should not be permitted to go outside of the department. Mr. Bemer replied yes, that is how the Ohio Revised Code reads. When he reviewed the rules, the rules combine a couple of different statutory sections and chapter 124 and that expands the field that goes outside. Mr. Potts is that not then a rule change implemented by the civil service commission. Mr. Bemer indicated that these have been the rules, they were changed in 2016. Mr. Potts replied that permitted them to go outside if there was still two people within the department. Mr. Bemer indicated that he is unsure of what the change was in 2016. Mr. Kimbro indicated that the last chief's test June 25, 2016 the civil service announcement for that test that himself and Mr. Gluss took, under section (e) must meet the following requirements, valid state of Ohio paramedics certificate of equivalent. Mr. Stibich indicated that the civil service commission at that time made that a requirement and they were following the rules. Ms. Jones replied it was changed this time. Mr. Stibich continued and stated that the commission was following the rules that gave them the authority. Ms. Jones again stated and it changed this time to not require the paramedic and Council did not approve that change. Mr. Stibich again reiterated that the commission did not change the rules they changed the advertisement. Ms. Jones replied council handles job description and funds the job. Mr. Stibich indicated that rule does not state that it has to be a paramedic but civil service at that time said that they required a paramedic and now they are saying they prefer a paramedic.

Mr. Haviland stated that what he is hearing with our staffing levels and if the car policy remains it will be absolutely critical that the chief is a paramedic. Mr. Potts replied yes. Mr. Stibich stated that Mr. Gluss said that the chief is normally on during days when they are three firefighters so there are four people at the station so if the chief was not a paramedic there would still be three paramedics at the fire station. Mr. Potts stated that there are situations, and again if we want to be all inclusive of that, there are times where we send a person over to the hospital for education and the chief fills in so we don't create an overtime situation. Mr. Stibich stated that if you sent the chief you would still have two paramedics on a call. Ms. Jones replied that the awkward thing would be that the paramedic would make the call and not the chief. The treatment would be made by the paramedic not the chief. Mr. Potts stated that the policy as it was written and he believes it is still the same is that the decision is made by the senior paramedic. Mr. Stibich stated that if the chief is not a paramedic maybe he should not make the decision, which he does agree with. Mr. Bemer indicated that he stands corrected, according to the February 9, 2016 minutes Council President Jay Linn stated "that he attended the most recent civil service meeting and Mr. Incorvaia explained that the changes to Rule 7 of the civil service rules, the commission unanimously approved the changes, there is a 45 day waiting period for these changes to be adopted and he would like Council to waive that 45 day requirement. The Commission was happy with the changes and reviewed the suggested changes for three weeks to a month prior to voting. Mr. Linn stated that under 10.05(d) of the Charter the rules adopted by the civil service commission take effect 45 days after the adoption by the Commission unless Council waives the 45-day waiting period as permitted under the Charter. The changes to Rule 7, promotions, are changes found by the Commission to be helpful in eliminating inconsistencies in the existing rules and clarifying those eligible for promotional exams and the selection of a qualified candidate because there are vacancies in the police and fire department it is important that the rules take effect as soon as possible and therefore the Commission is looking for Council to waive the 45 days period. Mr. Linn moved that council waive the 45-day period; Mr. Stibich seconded. Motion carried." He continued that he would have to look at the civil service minutes in 2016 to see what the changes were to this promotional section.

Mr. Gorski indicated that it does not sound to him that there is a clear consensus answer to whether or not Council has the authority to make this change. Ms. Jones stated that she called the Civil Service Commission and everyone can call them at the State of Ohio, and she asked if they made their own rules and they indicated that the state legislature can change the rules and they have to make their rules based on the parameters by the state legislature and similarly we are the legislative body so they have to make their rules and requirements and we determine the job descriptions and we fund them based on the job descriptions that we determine and preapprove for funding. So, we have the authority to set ordinances, laws, under which the civil service has to operate, like if we said paramedic is a requirement of the chief, we would be fully within our authority according to what the Civil Service Commission told her. Any one can call them in Columbus and we have home rule on that. Mr. Bemmer stated that whoever is certified to the Mayor to be appointed and if he is not a paramedic then you would have an issue that can be addressed then. Ms. Jones replied that she is trying to prevent it. Mr. Stibich stated that is a good point and this whole issue maybe moot. Although, if Council feels that the chief should be a paramedic, we may want to change the civil service rules so that its required just the same as it is for the original appointment of a firefighter. If the top candidates are all paramedics its moot, if the choice is a paramedic its moot, if he is not then there could be an issue that would be challenged.

Mr. Fenrich stated that assuming that this does not get cleared up what would be the procedure and the timeline for changing this or correct this situation so this problem does not come up again in the future and then hopefully we do have paramedics apply for the position. If it turns out to be a moot point this time he does not want to come across this again if there is another time. What would it take to clarify so that it is crystal clear and there will be no doubt in anyone's mind? Mr. Bemmer indicated that he cannot answer that at this time, he would have to review. His opinion still is Council gives Civil Service authority, under the rules, to set the criteria for candidates who are outside of the current fire department and that is what they did, that is what the rules say. Mr. Stibich indicated that the commission did not violate their rules by doing this. Mr. Bemmer replied correct they have the authority. If Council does not like what occurred, and part of the debate is does Council have the authority unilaterally to change the rules without civil service initiating the changes, he does not know the answer to that. Ms. Jones replied we are changing a job requirement we are not changing civil rules per say, we are changing a job requirement that we funded. Mr. Stibich replied which the civil service sets. Mr. Bemmer indicated that the civil service rules state that is under the purview of civil service commission. Ms. Jones replied that civil service rules and purviews have to be set under the laws provided by the legislature, whether it is the Ohio House or whether it is Olmsted Falls City Council, they have to set the parameters based upon what we authorize. If we say we want a paramedic they have to make paramedic required instead of preferred, that is not their decision. Mr. Bemmer indicated that Rule One – Administration, Rule Two states “the Commission shall administer and enforce the civil service laws of the State of Ohio and the rules and regulations herein prescribed relative to civil service in the City of Olmsted Falls. Pursuant to the authority granted to the commission in the Charter of the City of Olmsted Falls and based on the power of home rule granted to the City of Olmsted Falls by the Constitution of the State of Ohio the Commission has promulgated these rules which may be in conflict with the civil service laws of the State of Ohio, should a conflict exist the rules and regulations herein prescribed shall supersede the conflicting state law.” Mr. Stibich replied because of home rule. Mr. Bemmer replied yes because of home rule. Mr. Stibich indicated that there are a set of rules that were approved in 2016, they are the rules we have and were not changed in 45 days. Ms. Jones replied the rules are not job descriptions. Then to Council at the meeting on Tuesday she would like Mr. Bemmer to create an ordinance. Mr. Bemmer indicated that he will not be present at the next meeting. Ms. Jones continued and stated that Mr.

Castele can write an ordinance creating by her to propose that the Chief be required to be a paramedic for Tuesday.

Mr. Stibich indicated that he would like to finish his comment since he was interrupted. He continued that there is a set of rules that were approved by Council and civil service relayed on those rules and followed the rules, they prepared an ad and scheduled a test. They have followed all the rules and now after all of this was completed Ms. Jones would like to change the rules. Ms. Jones replied that she is changing a requirement in the job description that they changed from having to be a paramedic. Mr. Stibich replied she wants to change the rules. Ms. Jones replied just the job description. It was required to be a paramedic in 2016 and she thinks it should be required to be a paramedic today so it is a job description change. Mr. Bemer indicated that just so Ms. Jones is aware he is sure that the civil service commission changes in 2016 regarding the qualifications for testing was not approved and did not go through city council so you have that precedent to overcome. Mr. Stibich indicated that the requirement in 2016 that it was a paramedic was never approved by Council. Mr. Gorski stated that for argument sake, that what Ms. Jones is saying is correct, that is a purview that is given to Council by the Charter, if Ms. Jones is correct and we are permitted to that who cares what happened in 2016. Mr. Stibich indicated that he would agree that Council does have the power to require paramedic, in the future, civil service has relayed on these rules as they are now and to impose on them a law after the fact is not right. Ms. Jones replied it is not after the fact, the job posting can be pulled as the test is March 2<sup>nd</sup>. Mr. Stibich replied it is a post facto law. Ms. Jones replied no the test has not been administered and now one has been picked. Mr. Stibich replied that the advertisements are out and there are individuals who have signed up for the test. Ms. Jones replied that they pull civil service posts every day. Mr. Bemer replied not in any other city he has ever worked in. Ms. Jones asked how many cities he had worked. Mr. Bemer replied three.

Ms. Jones stated that if the job is not required to be a paramedic, she would like to amend the salary that we pay the chief to reflect that he will have lesser responsibility due to him not being a paramedic and an inability to make decisions on site. Mr. Bemer indicated that is one of the reasons that we no longer have a chief and the anticipation was because the salaries are so low, there was a need to go outside and look for someone who was either near retirement or a retired individual who was in a supervisory capacity, the requirement is 24 of the last 60 months so that someone maybe would be interested in stepping in. Whereas in that range, you can ask anyone, that there is no body who is making less than that right now.

Mr. Bartkiewicz stated that he has to say something because frankly he is getting disgusted as these things are being made. When we talk about economics in prior meetings, he thinks that all of us will be in agreement and you guys asked us to be here and he guarantees the reason why he is no longer chief has nothing to do with economics, you are 100% incorrect. Mr. Bemer replied that this is not a personalized issue, he wanted to let everyone knows and believes Mr. Gluss would acknowledge that because Mr. Bemer indicated that he heard him make that statement personally.

Mr. Famiano stated that in conclusion as a resident he wants his fire chief to be a paramedic, there are plenty of fire chiefs in this county alone that are paramedics. If you are going outside the realm here to take somebody who wants supervisory and they don't have to be a paramedic you taking a battalion chief from a former city that your mayor possibly worked for, you will take somebody that could be in a drop program, retirement, not a paramedic who is going to come to a smaller city where he can guarantee that 92% to 93% of your runs are paramedicine, ELS or ALS runs, that is just the nature of the beast. He does not know why you want to do the best for the residents and have a fire chief that is

a paramedic, why do you need an EMT Chief how is he going to govern when new rules, laws and procedures come out to get the paramedics their training. Mr. Bemer indicated that with Mr. Gluss stepping down there is another full-time firefighter so in order to meet the budget. Mr. Famiano stated he should be required to be a paramedic he can be an outside guy, but, as a resident he would like to see a paramedic as the fire chief. Mr. Bemer indicated that the whole thing was intended to allow for a greater pool of candidates looking for someone with supervisory capacity, maybe the prospect would be a part timer. Mr. Famiano stated that third quarters of the fire chief's in Cuyahoga County are paramedics you do not need a non-paramedic to run the department. Mr. Bemer indicated that he is not sure why there is a big issue, civil service made a decision to have it be a preferred requirement because supervisory was considered the most important thing. Ms. Jones replied we can take it to the vote of the people. She stated that it is important to supervise three people instead of helping out on a call, she understands. Mr. Fenrich indicated that he does not believe it is the intent of Council or anyone else to look for a chief that is not a paramedic, he thinks we got caught up with this rule that someone probably at the time did not realize how it would play out. Mr. Famiano indicated that the language changed. Ms. Jones replied that is a big change. Mr. Fenrich replied that is why he asked what the procedure was to make a change, even if it does not help at the moment it will certainly help in the future to clarify.

Mr. Potts stated that in the candidate that they are going to bring in here and it sounds specifically like a job description that is what your asking for is someone that has those supervisory skills, able to govern the department. As Mr. Famiano pointed out a large portion, 80% of all fire department calls, actually greater than that, are EMS related calls so it is important that this individual has that background, knowledge, integration so he can make decisions when he is sitting in a meeting from them basis of experience, what his men are dealing with rather than someone who is saying that he is not familiar with that technique but he will go back and talk. When a decision is being made and many times when we are at chief's meetings, state chief's associations, those decision are made they are not going to wait for you to tell your men what is happening, they are going to ask based upon your experience and knowledge. He thinks it is absolutely integral for that fire chief to be a paramedic in the City of Olmsted Falls. Mr. Stibich asked of the people in attendance who wants the fire chief to be a paramedic, all 11 in the audience raised their hands.

Laura Graham stated that she has lived in the city for years and has been a varsity coach for 20 years. She would like to talk about the three men and she has a hypothetical and she respects and knows that everyone is trying to get along but your opinions, and you can take your interpretation the way you want, but as a resident she wants the best showing up that they have at her house and they have them. As far as three man, last November she called at 3 in the morning for her mom and Olmsted Falls was not available so Olmsted Township came and they were quick as lightening and they had three people show up. She knows this is a time factor you got one that worries about up here and ones in the back, frankly it didn't matter. December 9<sup>th</sup> her mom had stroke at noon and it was a wonderful experience because of the gentlemen, they couldn't make it so Strongsville showed up in record time and she does not know how they got to her house so quickly but in between a police officer showed up at her house and it touched her deeply that these guys where at her house in 2 minutes. So, when we talk about some of these hypotheticals, she can say from her own actual experience what they are saying means a lot because she has seen it happen in real time and been through this whole scenario. Mr. Stibich asked if her preference was paramedic required. Ms. Graham replied yes absolutely.

Ann Reichle stated that she would like to ask Mr. Stibich a question because he kept saying if he was the person having a heart attack when there are three men at the hospital he would want someone

showing up at her door and would rather have that chase car go back, well, if that chase car is the fire chief do you know who is showing up at your door someone that is not a paramedic. Mr. Stibich stated that he would want someone trained in CPR and police officer's have that training and will usually be the first on the scene. Ms. Reichle stated that she has never seen a profession where the person at the top of the ladder was trained less than the people he was managing. Mr. Stibich replied you see this all the time in business, there are CEO's and business owners which is why they hire Vice Presidents and it happens all the time.

Mr. Haviland stated that he is convinced that we need to have a chief that is a paramedic. We need to also prevent this from happening in the future and asked if there was anything Council could do if we cannot change anything currently. If Ms. Jones wants to try to introduce an ordinance and obviously, we would have to look at the legalities, but is there anything we can do to reinforce that preferred status of being a paramedic when it comes to the selection of candidate themselves that basically says we want them to be a paramedic. Mr. Bemer indicated that in the short-term Council is looking to change multiple layers. The rule says Civil Service makes the criteria, you don't like the criteria that was established so Council cannot challenge their decision but rather challenge the rule and you have to change the rule assuming, for sake of argument, that Council has that authority, or you put it in the rules so that the criteria is already there which takes the discretion away from civil service. Mr. Stibich indicated that the discretion as far as an original firefighter was taken away from them. Ms. Jones replied right, by and ordinance and that is what she is talking about an ordinance and then the ordinance sets the tone for which they make their rules. Ms. Duncan asked if the commission uses a point system to assign points to different pieces and parts of it. Mr. Bemer replied yes. Ms. Duncan indicated that if a paramedic is the preferred isn't that more points. Ms. Jones replied it should be she does not know. Ms. Duncan indicated that she would encourage that. Mr. Bemer indicated that points are applied in entry level, schools, military, sometimes points for college and he believes in promotions they could give seniority points, but he does not know off hand. Ms. Duncan stated that the applicants are ranked how they perform on the test. Mr. Bemer replied the whole focus was how best to expand the pool of candidates. The Commission chose to do a straight assessment test rather than a straight book test. He added that outside candidates had to already have been in a supervisory rank so they have already gone with the books, chances are someone who is a 25 to 30-year veteran who still wants to work will not want to take a multiple choice book test but have the experience to apply in an assessment setting and that intends to be more valuable. Ms. Jones replied to take the test they have to have had supervisory experience but when you are the lead paramedic on a team and making the calls isn't that supervisory experience. Mr. Bemer replied no, again, you have already taken tests for promotion and are either a lieutenant or captain so you have already supervised other individuals not just critical judgment calls of the officer in charge.

Mr. Gorski stated that he does not wish to prolong this discussion but he would like to discuss something that was said earlier this evening and echoed similarly a week ago. It is the second time in two weeks that members of this Council have been accused of "politicizing" an action of the civil service commission, which suggests to him, and whether or not that is what was intended or mean, is because he disagrees or because Ms. Jones disagrees or anyone on this Council disagrees it is inherently political and that is rhetoric that he finds troubling. We as members of this body came into this administration with the expectation and promise that dissenting opinions or other opinions would be heard, listen to all sides. He cannot speak to an individual's intend or whether or not that is what was meant but that is how it seems and he would ask that in the future we can maybe choose our words differently, because he resents the implication that he is sitting here doing something in what he feels is his capacity as a member of this council that is political. He understands that this is

government but government does not have to be political. Mr. Bemer replied the fact that civil service is intended to remove politics from its operation and when civil service is challenged in its decisions what is the focus on, you don't like it. It is supposed to be an a-political body so when a challenge to their decisions seem to be premised on we don't like it as Council well their decisions are free of councilmatic influence and that's the point. Mr. Gorski stated that we did not affect the decision that they made we are looking at it after the fact. He assumes that no one on this Council went to members of the civil service commission and directly affected a decision they made. Mr. Bemer indicated that it is being challenged. Mr. Gorski replied that he is trying to imply that we are affected a decision that they made, he does not think us wanting to conduct oversight or look into a decision that was made and seeing how we can change is challenging them in the act of making that decision. If we were to have gone to them and stated that we did not want them to do this or change the requirements he would consider that political, this he does not. He understands that this could be just a difference of opinion or philosophies but he frankly does not interpret it the way Mr. Bemer is.

Ms. Jones indicated that she considers politicizing civil service when Nick Marchesi and Jack Sadlon call her and tell her that we got a letter in the mail indicating that they did not know they were going to be on civil service we thought we were on and now we have been removed. So, Mr. Gluss agrees to step down and go to the ranks of the firefighters and all of a sudden you remove all of the civil service people that are there put your people on and then change the requirement in the job to her that is politicizing civil service. Mr. Bemer indicated that it is unfortunate she feels that way, his understanding their terms were up. Ms. Jones replied he has his perceptions and she has hers. Mr. Haviland explained that is why Council is trying to get answers.

Mr. Bemer stated that he has never seen such councilmanic oversight by Charter of civil service operations, most civil service rules are not approved by city council for that reason. Council is a freestanding body legislative in nature and civil service is a freestanding commission and he has wondered how that came about since that is not the norm in most communities. His perception here is there is an attack on what civil service created criteria or qualifications of a fire chief test and council doesn't like that so they are going to change the rules. It sounds like it is not just oversight but we don't like what a free-standing a-political commission did. Mr. Gorski stated from his perspective when Mr. Bemer makes that statement is it sounds to him like the administration doesn't like what Council wants to do or is attempting to do and therefore, they are saying that is political. He wanted to make Mr. Bemer cognizant of how he feels about that because quite frankly it is not, nor has it ever been, his intention to attempt to go beyond the scope of what he can do in this position. Mr. Stibich indicated that from his point of view Council is doing what it should be doing, asking questions and getting answers. He stated that Ms. Jones has proposed legislation to change the civil service rules to require the fire chief be a paramedic and asked if that was possible. Mr. Bemer replied that it does not seem that changes can be made by City Council but he will review the charter. Mr. Stibich stated that civil service has to initiate the changes. Mr. Bemer replied yes and he will let the Commission know that Council is not pleased with that particular condition.

Mr. Haviland stated that he would say Council is concerned based on a lot of testimony that it is not in the best interest of the fire department or the citizens of Olmsted Falls. Mr. Stibich indicated that Council was discussing Ms. Jones' request to have legislation to change the civil service rules. Ms. Jones replied no, legislation for an ordinance to require the chief be a paramedic, not civil service rules, like 242.04. Mr. Stibich asked if that would be binding on civil service. Ms. Jones replied yes, an ordinance just like 242.04 is binding and would place in the administration code, it is not meant to interfere with civil service it is meant to provide the best possible care for the residents of Olmsted

Falls, so it is not a rule change. Mr. Bemer replied he is wondering if it would have any affect on the current application process. Ms. Jones stated that she understands Mr. Bemer is present representing the Mayor. Mr. Bemer indicated that this falls under the constitution and making changes to either protocol procedure rule, ordinance, while applications are pending, and if adopted the new rules cannot have a retroactive effect. Ms. Jones replied if you pull the position, they can it all depends on whether or not the Mayor agrees with Council. Mr. Bemer indicated that there is a much easier way of doing this and that is to see who the candidates are and who scores the highest and whether that person has a paramedic certification. To go without a chief when we are already down the road the application deadline is next week, the test is on March 2<sup>nd</sup> and you want to prevent that from going forward that does not make a lot of sense. Ms. Jones replied that you want to hire a chief and there is going to be no increase in the budget to pay for this chief so you were talking about laying off part time paramedics to replace them with a non-paramedic chief, potentially, so that is what we were told so she does not understand how this benefits Olmsted Falls. Mr. Bemer replied rather than looking at the sky is falling, let the process play out he is sure that the Mayor will consider the feelings of City Council on that regarding the need for a paramedic fire chief.

Mr. Potts stated that the job description does state preferred and he believes that anyone that would be applying for it and saw it was preferred knows that is something they really wants as a qualification. After saying that, he understands how Council wants to do something and may not be able to be done, Council still has the right to impose their will at the time of appointment and the fact that they do not have to approve who is brought before them. Mr. Stibich replied Council does have to approve the choice. Mr. Fenrich asked if there are candidates for the test. Mr. Bemer replied yes.

**Fire Chief Paramedic Requirement** – Discussed above.

### **Adjournment**

Mr. Gorski moved to **adjourn**; Ms. Jones **seconded**. Voice Vote: 6 ayes; 0 nays. **Motion carried**.

The meeting adjourned at 9:28 p.m.

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*Paul Stibich, Council President*

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*Angela Mancini, Clerk of Council*