

Cuyahoga Falls City Council
Minutes of the Finance Committee Meeting
February 2, 2009

Members: Don Walters, Chair
Debbie Ritzinger
Carol Klinger

Mr. Walters called the meeting to order at 6:25 p.m. All members were present.

The minutes from the January 20, 2009 committee meeting were approved as submitted.

Legislation Discussed

Temp. Ord. B-9
Temp. Ord. B-10
Temp. Ord. B-11

Discussion:

Temp. Ord. B-9

An ordinance establishing pay ranges for part-time, per diem, and special classification workers, and declaring an emergency.

Mr. Arrington stated this ordinance originated from the Fire Department. The law recently changed regarding DUI charges. In the past, an individual could refuse to do a breathalyzer, however, the law now says that the City can force an individual to give a blood sample. They looked to the City's Medical Director, Dr. Beeson, under whose direction the paramedics work. There has been a lot of controversy over this law, and Dr. Beeson is concerned about liability issues. In the past, he was treated as an independent contractor. He has now requested that he be made an employee of the City and covered by the City's insurance policy. The first purpose of this ordinance is to include the Medical Director as an employee of Cuyahoga Falls. The second part addresses the new federal minimum wage, which is \$7.30 per hour. Mr. Walters asked if the City has had to force a blood test since the law changed. Mr. Arrington stated it has happened once. The defendant would first have an opportunity to take a breathalyzer at the police department before a blood sample is drawn. The law applies only if it's a third offense or higher. The City would be paying Dr. Beeson \$370 bi-weekly, which is the same rate he is paid now as the medical advisor. Mrs. Klinger asked what the benefit was to the City. Mr. Arrington stated that the benefit would be for the medical advisor to be working for the City vs. contracting it out. It will also benefit the medical director to have the insurance coverage and immunity as a City employee. The risk to doctors to act as a medical director is high enough that any doctor the City would approach about filling the position would want a lot more money or to be an employee. Mrs. Klinger asked how that determination was made if a request for services was not done. Chief Moledor stated that Dr. Beeson did not approach the City with regard to this matter. The fire department approached him about providing a service to the police department to draw blood on specific people. They asked the doctor how that could be done and he replied he would do it for the City but that it was a major increase in liability for him. Chief Moledor added that the doctor would not be drawing the blood but would just give medical advice. Paramedics need a medical director to work under. The change in the law is what prompted this matter. Mrs. Klinger asked if the City explored outsourcing the service. Mayor Robart stated that the City is required to have a medical director and that the position is not one they want to take bids on. Dr.

Beeson has been the City's medical director for 20 years and there is an established relationship. Mr. Brodzinski stated that the added cost of PERS and Medicare would be approximately \$115. If the matter gets challenged and the law changes, the City would go back to the old way of doing things, which is pay the medical director on contract. Mr. Walters asked what other services the medical director performs. Chief Moledor stated he provides monthly continuing education credit programs for the paramedics, who work under Dr. Beeson's license. The paramedics perform services under his medical guidance on a daily basis. He reviews all runs and looks at what was done on a call to make sure the standard protocol was followed. He also does research to keep the protocol as current as possible. Mrs. Pyke asked whether Dr. Beeson reviewed every run. Chief Moledor stated he looks at them all but may skip a couple if they are not an advanced life support call. The runs are reviewed at the fire station or at Dr. Beeson's office. They are kept confidential and are guarded under HIPAA laws. Mrs. Pyke asked about the change in the law. Mr. Arrington stated Dr. Beeson is concerned about the exposure of liability because the City is drawing the blood under his license. If someone does not want their blood taken, Dr. Beeson would be drawn into a lawsuit. He is associated with Summa in Akron. Mrs. Hummel asked whether there would be an additional fee to the City in terms of liability insurance. Mr. Arrington stated there would not. Mrs. Hummel asked to be informed if Mr. Arrington hears of issues across the state regarding the forcing the drawing of blood. She stated she understands Dr. Beeson's concern about liability but does not want to see the City's insurance used to protect himself as well. Mrs. Colavecchio asked if the City has been provided any documentation that Dr. Beeson's insurance is going up as a result of the change in the law. Mr. Arrington stated it has not. Dr. Beeson's personal insurance is for malpractice. The City's insurance would be needed for a civil rights claim. The City is trying to protect a man who is giving it a service. Plaintiffs' attorneys sue everyone they can sue. A lawsuit on this matter would be against the City, its paramedics and the doctor.

Mr. Walters asked if the crossing guard hourly rate increases were based on longevity, merit or some other means. Mr. Brodzinski stated it was based on years of service being a school crossing guard. There are not many on the payroll. Many are also through a temp agency which reduces workers comp. issues. Right now, the current guards are at \$8.50. Mr. Walters asked whether all the posts are filled. Mayor Robart stated things are in good shape right now, however, a lot of people who sign up in September tend to fall off as the weather gets colder. Mrs. Klinger asked if these were current rates or if they would be going up for civil service. Mr. Brodzinski stated the numbers have been the same for several years. There is no formal civil service secretary right now. It is absorbed into the Law Department.

Committee recommended bringing out Temp. Ord. No. B-9.

Temp. Res. B-10

A resolution authorizing the filing of a grant application with the Summit Akron Solid Waste Management Authority, and declaring an emergency.

Mr. Novak stated this was required as part of the current application for recycling. The City completes this form annually. It gives the City \$1 per resident to use towards recycling. The grant money pays for the wages of recycling personnel. The money must be used for recycle-related items. The City reports quarterly to the Authority as to how much is used.

Committee recommended bringing out Temp. Res. No. B-10.

Temp. Ord. B-11

An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, according to law, for the installation of an automated irrigation system at Brookledge Golf Club, and declaring an emergency.

Ed Stewart stated that bids came in this week and the project is just under \$850,000. It was budgeted at \$1 million. They would like to start as soon as the ground thaws around March 1. It should take about 100 days. The current system is inadequate and is from when the golf course was first built. It is lacking many things. They have been working on this plan for six years. They had to get the well and pump station in place first. They are looking to double the coverage area. Mrs. Klinger confirmed that the bids came in at \$850,000. Mr. Stewart said it was \$838,650. Mrs. Klinger stated she would like to see the ordinance capped at \$850,000. She asked what the status was on the indoor soccer complex. Mr. Stewart stated they are meeting with the architect later in the week. They are 60 percent completed with the study.

Committee recommended bringing out Temp. Ord. No. B-11.

The meeting adjourned at 6:55 p.m.