



## Staff Report

**Date of City Council Workshop Meeting: June 28, 2011**

**To:** Mayor and City Council  
City Administrator

**From:** Public Safety Director Mark Taylor

**Subject:** Fire Department Overview and Roadmap

### **Action Requested:**

The City Council is being asked to receive the attached report that is a result of an in depth overview of city fire department operations. There will be some future action items where the council will be requested to make fire department operational changes. That formal request will come at a future city council meeting. The department overview was conducted by Michelle Soldo of Soldo and Associates. She will present a summary of her final findings at this workshop session.

**Overview:** In February, 2011, a Minnesota Occupational Safety and Health Administration consultant conducted an on-site visit and review of FD operations, facilities and equipment. The MN-OSHA consultant assessed FD mechanical and environmental hazards and physical work practices. The Consultant identified and classified a number of workplace hazards and practices as "serious violations" and established an aggressive timeline for the City to eliminate or control the hazards and development and implement Standard Operating Procedures.

In March 2011 after I received results of the OSHA study I consulted with City Administrator Tim Madigan and Director of HR, Safety, Risk and IT Elizabeth Wheeler. I shared the concerns that OSHA had documented as well as my own concerns about fire department operations. It was decided that a department overview to identify issues and resolutions was the most appropriate action. As a result Madigan authorized a FD operations review and risk management assessment. Michelle Soldo of Soldo and Associates was hired to conduct that professional overview. The issues that OSHA had identified were confirmed during this overview and further issues were discovered and identified. The fire department is a group of individuals that has and will continue to be dedicated to providing the best service possible. However, there were several issues related to operations that are significant and serious. It is imperative that these issues be dealt with promptly.

**Attachments:** Northfield Fire Department overview report from Michelle Soldo of Soldo and Associates

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**CITY OF NORTHFIELD FIRE DEPARTMENT  
OPERATIONS REVIEW AND RISK MANAGEMENT ASSESSMENT**

**March 11, 2011 - June 22, 2011**

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**I. PROCEDURAL BACKGROUND**

- A. This report documents a department-wide operations review and risk management assessment conducted on behalf of the City of Northfield Fire Department (“FD”). The following events led to the review:
1. In September 2010, the City Council appointed Police Chief Mark Taylor (“Taylor”) to serve as City Public Safety Director (“PSD”). In that role, Taylor is responsible for oversight of City Police and Fire operations.
  2. In February, 2011, a Minnesota Occupational Safety and Health Administration (“MnOSHA”) consultant conducted an on-site visit and review of FD operations, facilities and equipment. The MnOSHA consultant assessed FD mechanical and environmental hazards and physical work practices. The Consultant identified and classified a number of workplace hazards and practices as "serious violations" and established an aggressive timeline for the City to eliminate or control the hazards and development and implement Standard Operating Procedures.
  3. In March 2011, PSD Taylor, in consultation with City Administrator Tim Madigan (“City Administrator Madigan”) and Director of HR, Safety, Risk and IT Elizabeth Wheeler (“HSRI Director Wheeler”), initiated a FD operations review and risk management assessment.
- B. The threefold purpose of the FD operations review and risk management assessment was to:
1. Gather information to effectively address safety issues identified by the MnOSHA consultant;
  2. Gather information to develop a roadmap to carry out the charge of the City Council and facilitate the successful transition of FD oversight to the PSD; and,
  3. Give all available City Firefighters (“FF”) the opportunity to meet with an independent, outside consultant and discuss their concerns and ideas for implementing necessary administrative and procedural changes within the FD.

- C. The FD operations review and risk management assessment was conducted by consultant Michelle Soldo of Soldo Consulting, P.C. During the period March 11, 2011 to June 22, 2011, a review plan was developed, FD and City records were reviewed, Fire Chief Gerry Franek (“Fire Chief Franek”) and thirty (30) FFs were interviewed, additional data was compiled and this report was drafted. Review findings and recommendations were discussed with Fire Chief Franek and PSD Taylor. Their input and recommendations are incorporated herein.
- D. The following FD operations and risk management issues were reviewed and are addressed herein:
1. MnOSHA Inspection, Findings and Recommendations.
  2. FD By-laws - Organizational and Governing Structure.
  3. FD Standard Operating Procedures.
  4. General Condition and Maintenance of the Fire Station and Facility Space Needs.
  5. General Maintenance of Fire Trucks and Equipment.
  6. Use of the Fire Station, Surrounding City Property and Other FD Property for Outside Activities.
  5. Authorization and Payment of FD Expenses, Checking Accounts and Related Recordkeeping Practices.
  6. Oversight of the FD Retirement Investment Program.
- E. Review information is presented in this report as follows:
1. The review record is identified in Section B.
  2. Key background information is provided in Section C.
  3. Review findings and recommendations are summarized in Section D.
  4. Input provided by PSD Taylor and Fire Chief Franek is summarized herein.

## II. REVIEW RECORD

The review record consists of the following information:

- A. Exhibit 1: City of Northfield Organizational Chart
- B. Exhibit 2: City of Northfield FD By-laws
  - 1. By-laws Dated June 12, 1980 and Authorized by the FD Board of Directors
  - 2. By-laws Adopted at a Regular Meeting of the Membership on May 15, 1989
  - 3. By-laws of the Northfield FFs Relief Association, Amended Effective 07.20.09
- C. Exhibit 3: City of Northfield FD Standard Operating Procedures
  - 1. Accountability Terms and Definitions
  - 2. Northfield FD Accountability System 2007
  - 3. Natural Gas Emergencies
- D. Exhibit 4: MnOSHA Consultation Report Dated March 3, 2011
- E. Exhibit 5: Governing Rules and Regulations
  - 1. Two League of Minnesota City Opinion Letters
  - 2. Statewide Volunteer Firefighter Retirement Plan Description
  - 3. Financial Accounting Regulation for Nonprofit Organizations Document

## III. BACKGROUND

- A. The City of Northfield's volunteer, paid on-call FD was established in 1872. The Fire Department has a long standing history of dedicated service to the City. Volunteer firefighters, all City residents, have demonstrated their commitment to meeting the needs of a growing community and their community service efforts are widely recognized. From 1960 to the present, the FD has only had three part-time Fire Chiefs, who, pursuant to FD by-laws, are elected annually by FD members ("FFs") for one-year terms. Current Fire Chief Franek has served as Fire Chief since 2000.
- B. In September, 2010, the City Council appointed Police Chief Taylor to serve in the position of City PSD. In that role, Taylor is responsible for oversight of City Police and Fire operations.

- C. Prior to the City Council's appointment of a PSD, the FD operated independently of other City operations, without City oversight, and at times, in contravention of City policies.
- D. In February 2011, a MnOSHA review revealed a number of significant deficiencies with respect to current FD operations. The basis for the MnOSHA findings were confirmed during the FD operations review and risk management assessment (documented herein) and other significant operational deficiencies were identified.
- E. The FD operations review and risk management assessment revealed there is some uncertainty and apprehension about the PSD's role and responsibility for oversight of FD administrative operations. PSD Taylor is working with Chief Franek to clarify and solidify the PSD's role.

#### **IV. OVERVIEW OF REVIEW FINDINGS**

- A. During the review, significant deficiencies with respect to FD operations were identified, including operational deficiencies that compromise the safety of City FFs and may expose the City to potential legal liability.
- B. The operational deficiencies identified cannot be effectively resolved without significant and effective organizational change.
- C. Significant and effective organizational change requires a collective commitment on the part of FFs to publicly and privately support all changes implemented.
- D. Significant and effective organizational change also requires a significant time commitment on the part of all involved. The time constraints associated with Taylor's dual role as Police Chief and PSD and the part-time role of the Fire Chief will make it difficult to timely and effectively implement necessary changes. A dedicated, full-time Fire Command Administrator is required.

#### **V. REVIEW FINDINGS AND RECOMMENDATIONS**

##### **A. FD By-laws: Organizational and Governing Structure**

The FD operations and risk management review included the review of FD by-laws and current FD practices and procedures. FD practices, procedures, by-laws and related operations and the risk management issues identified and findings with respect to these issues are summarized below.

1. ISSUE: FD By-laws - Organizational Structure

a. Findings - Summary of Current FD Practices & Procedures:

- FD by-laws do not comply with requirements of 29 CFR 1910.156 (b)(1). This issue was identified during a February 2011 MnOSHA review and confirmed during this review.

b. Summary of Consultant Soldo's Recommendation(s):

- PSD Taylor is responsible for oversight of FD operations. Pursuant to City Charter, City Administrator Madigan is responsible for hiring, firing, promotion and demotion. HSRI Director Wheeler is responsible for coordination and oversight of City personnel matters.
- It is recommended that the Fire Chief, in consultation with the PSD, City Administrator and HSRI Director, develop a written policy or statement that complies with 29 CFR 1910.156 (b)(1).
- It is recommended that the City Council review and approve the written policy or statement.
- It is recommended that outdated FD-by laws be abolished or amended to reference and mandate compliance with the written policy or statement.

c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations.

2. ISSUE: FD By-laws - FD Governance

a. Findings - Summary of Current FD Practices & Procedures:

- FD by-laws indicate that FD administrative functions are governed by a Board of Directors ("BOD"). At the direction of the City Council, the PSD is now responsible for oversight of FD operations.

b. Summary of Consultant Soldo's Recommendation(s):

- Consideration should be given to whether the PSD's oversight responsibility requires a change in the current role and function of the BOD. Strong consideration should be given to abolishing or redefining the role of the BOD.

- It is recommended that the PSD as the responsible authority for FD operations, review and approve all proposed decisions affecting FD operations.
- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
- Chief Franek recommends that the City maintain, but consider redefining the role of, the FD BOD.
  - PSD Taylor recommends that the City abolish outdated FD by-laws and abolish or narrowly define the role of the FD BOD.
3. ISSUE: Recommendations: FD By-laws - Fire Chief Selection
- a. Findings - Summary of Current FD Practices & Procedures
- FD by-laws provide that the Fire Chief is appointed by the Mayor upon the recommendation (annual vote) of the FD for a term of one year (01/01-12/31).
  - A League of Minnesota Cities opinion letter indicates that the selection of a Fire Chief via a vote of the membership should be discontinued and an objective and competitive selection process instituted. See Exhibit 6.
- b. Summary of Consultant Soldo's Recommendation(s):
- To ensure the appointment of the most qualified (experience, training, leadership qualities, availability) candidate for the key position of Fire Chief, it is recommended that the City, in consultation with the City Administrator, PSD and HSRI Director: a) abolish the current Fire Chief selection practice; and, b) establish and implement an objective selection process that utilizes a hiring committee comprised of the PSD, HSRI Director and other designated participants. The hiring process should involve applications, testing, interviews, reference, background and agility tests and submission of a formal hiring recommendation to the City Council. The hiring process may provide the opportunity for the FD membership to make a formal written recommendation to the hiring committee.
  - In light of the changes the FD must make (as discussed herein), consideration should also be given to whether the Fire Chief should serve part-time or full-time and whether the current one-year term for Fire Chief is appropriate.

- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
  - Fire Chief Franek recommends that annually, the FD body submit a recommendation for a part-time Fire Chief to the PSD for final appointment.
  - PSD Taylor recommends that a competitive hiring process be utilized to hire a full-time, experienced administrator who reports to the PSD and is responsible for managing day-to-day FD operations.

4. ISSUE: FD By-laws - Fire Command Staff Selection

- a. Findings - Summary of Current FD Practices & Procedures:
  - FD by-laws provide that the Fire Chief appoints all fire command staff, including: a 1st Assistant Chief ("AC"), a 2nd AC, and captains (number not specified). AC appointments are approved by the City Council.
- b. Summary of Consultant Soldo's Recommendation(s):
  - To ensure the appointment of the most qualified fire command staff, it is recommended that the City develop and implement a competitive hiring process.
- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
  - Fire Chief Franek recommends that the Fire Chief make annual 1st and 2nd AC and Captain appointment recommendations to the PSD for final appointment.
  - PSD Taylor recommends that after the City hires a full-time experienced administrator, the City develop and implement a competitive fire command staff selection process.

5. ISSUE: FD By-laws - FD Membership

- a. Findings - Summary of Current FD Practices & Procedures:
  - FD by-laws provide that the FD membership will include no less than 10, but no more than 50 members who are 21 years of age, but no more than age 65 (age of mandatory retirement).



- b. Summary of Consultant Soldo's Recommendation(s):
- It is recommended that the City, in consultation with the City Attorney, and confirm the minimum membership age of 21 and mandatory retirement age of 65 are Bona Fide Occupational Qualifications (BFOQ) and do not conflict with state and federal laws.

- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
- Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations.

6. ISSUE: FD By-laws - FF Hiring Procedure(s)

- a. Findings: Summary of Current FD Practices & Procedures
- FD by-laws provide that FF qualifications and appointments are determined by a 2/3 vote of the membership present.
  - Since 2002, in consultation with the City Administrator and Fire Chief, the City's HSRI Director has coordinated the FF hiring process.

- b. Summary of Consultant Soldo's Recommendation(s):
- It is recommended that the City continue current competitive hiring practices.
- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
- Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations.

7. ISSUE: FD By-laws - FD Physical Agility Testing

- a. Findings - Summary of Current FD Practices & Procedures:
- All FD members are required to complete annual physicals. FD by-laws provide that a physical agility test is mandated prior to hire. By-laws do not provide for, and the FD does not require, annual or periodic physical agility testing to confirm that FFs have the physical strength and agility required to perform the duties of FF.

b. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that the FD determine and comply with established industry standards for FF physical agility testing.

c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek recommends: 1) all FFs complete annual "physical fitness qualification evaluation" designed by the Fire Chief and command staff and approved by the PSD; and, 2) the FD develop and implement a SOP governing annual physical fitness qualification evaluations.
- PSD Taylor agreed with Consultant Soldo's recommendations.

8. ISSUE: FD By-laws - FD Probationary Period

a. Findings - Summary of Current FD Practices and Procedures:

- FD by-laws identify a six-month probationary period during which probationary FFs observe, but do not actively participate in, City and rural fire calls. According to HSRI Director Wheeler, the FD has a one-year probationary period approved by the City Council years ago. However, it appears that a six-month FF probationary period is still implemented.
- Historically and currently, the Fire Chief does not conduct performance reviews and the FD does not have any other established and/or documented protocol to demonstrate that FFs successfully completed a one-year probationary period. After the probationary period, FFs who may not have completed FF1 and emergency medical training (18 months allowed to complete training) are allowed to participate in fire calls.

b. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that the PSD, in consultation with the Fire Chief, City Administrator and HSRI Director, determine whether the current one-year probationary period is sufficient, in light of training expectations and the potential risk to FF safety.
- It is recommended that the Fire Chief, in consultation with the PSD, City Administrator and HSRI Director, conduct probationary FF performance reviews.

- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendations(s):
  - Fire Chief Franek recommends the FD develop a probationary period SOP modeled after the City of Chanhassen FD.
  - PSD Taylor recommends that the FD implement an 18-month probationary period and SOP governing probationary period requirements, including performance reviews.

9. ISSUE: FD By-laws - FF Compensation

- a. Findings - Summary of Current FD Practices & Procedures:
  - The FD does not have an SOP that addresses how FFs will be compensated when they respond to fire calls.
- b. Summary of Consultant Soldo's Recommendation(s):
  - It is recommended that the PSD, in consultation with the Fire Chief, City Administrator and HSRI Director, review current FD and industry standard compensation practices.
  - It is recommended that the FD develop and implement a formal policy or SOP addressing FF compensation for fire calls.
- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
  - Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations.

10. ISSUE: FD By-laws - Meeting and Drill Requirements, Scheduling, Compensation and Documentation

- a. Findings - Summary of Current FD Practices & Procedures:
  - Meeting and Drill Requirements: The FD does not have a training SOP. By-laws provide that within 18 months, new FFs must successfully complete Minnesota FF 1 and emergency first aid courses. By-laws do not establish minimum training requirements probationary and non-probationary FFs must complete prior to their active participation in fire calls. The reported practice is that upon completion of the probationary period, FFs are permitted to participate in fire calls.

- By-laws provide that to remain in good standing, annually (Jan. 1 through Dec. 31), FFs must: 1) attend 8 of 12 Monday meetings and evening drills or their equivalent as determined by the “training department”; and, 2) respond to at least 30% of annual fire calls. Twice monthly drills are the primary source of inter-departmental training FFs receive. FFs indicated their interest in and willingness to play an active role in inter-departmental training.
- Drill Schedule: Historically and currently, the FD Training Captain does not develop or publish a drill schedule more than a few weeks in advance of scheduled drill nights. This practice does not allow FFs who need training in a particular skill area sufficient time to plan to attend that scheduled drill.
- Meeting and Drill Compensation: The current and long-standing practice is that FFs receive credit and are paid for their participation in meetings and drills by checking in at the start of and signing out at end of meetings and drills. There is no requirement that FFs who attend monthly meetings and drills, actively participate in and demonstrate their proficiency in the drills conducted.
- Meeting and Drill Documentation: The FD Training Captain documents drill participation by the use of sign-in sheets. There is no current process for verifying and documenting that FFs are proficient in the training drills conducted. Sign-in sheets, the only documented evidence of inter-departmental training, are not properly maintained and the training is not recorded as part of individual FF training records. In February 2011, this issue was cited by a MnOSHA consultant who noted that training records “must be maintained by the employer, retained for three years, and made available, upon request, for review by employees and OSHA.

b. Summary of Consultant Soldo’s Recommendation(s):

- It is recommended that the Fire Chief, in consultation with the PSD, City Administrator and HSRI Director: 1) establish minimum training requirements all FFs, probationary and non-probationary, must complete prior to their active participation in fire calls; 2) Develop and implement an annual training schedule providing for skills training in all critical skill areas; and, 3) Establish a training protocol and SOP.

c. Summary of Fire Chief Franek’s and PSD Taylor’s Recommendation(s):

- Fire Chief Franek and PSD Taylor agreed with Consultant Soldo’s recommendations.

11. ISSUE: FD Bylaws - Membership Requirements

a. Findings - Summary of Current FD Practices & Procedures:

- FD by-laws identify annual call response (30%) and meeting and drill attendance requirements. By-laws indicate that the FD BOD has the authority to place on disciplinary probation and expel FFs from the FD. FFs expressed concern about the role and authority of the BOD with respect to discipline.
- The FD does not have an established disciplinary policy and it is unclear what disciplinary practices are followed, if any, and if appropriate disciplinary documentation is maintained.

b. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that the FD follow the City's disciplinary policy and practices.
- In the alternative, it is recommended that the Fire Chief, in consultation with the PSD, City Administrator and HSRI Director, develop and implement a FD disciplinary policy that: a) complies with the City's Disciplinary Policy; and, b) identifies procedures for documenting all disciplinary events.

c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek recommends: 1) The FD BOD will make disciplinary recommendations to the PSD; and, 2) The FD will work with the PSD to develop and adopt a FD SOP governing discipline.
- PSD Taylor recommends: 1) the abolishment of current FD by-laws; and, 2) the development and implementation of Fire Department SOP's or Standard Operating Guidelines (SOG's). Under PSD Taylor's direction, the FD is currently developing SOG's.

12. ISSUE: FD By-laws - Leave Requests

a. Findings - Summary of Current FD Practices & Procedures:

- FD by-laws provide that the FD BOD receives and approves or denies leave requests for a period not to exceed one year.

- By-laws do not: 1) distinguish between the BOD procedure followed for long-term leave requests and FMLA leave requests; 2) require that the BOD follow the City's leave policy; or 3) require that the BOD and consult with the City HSRI Director to confirm the proposed response to leave requests is consistent with City policy and, where applicable, FMLA and other state and federal leave requirements.

b. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that FD follow City leave policies and the Fire Chief consult with the PSD and HSRI Director regarding all leave requests to ensure compliance with City leave policies and applicable state and federal leave requirements.

c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations.

13. ISSUE: FD By-laws – FF Performance Feedback

a. Findings - Summary of Current FD Practices & Procedures:

- The FD does not have an SOP or other policy addressing performance management practices. FD by-laws do require that FFs receive performance feedback. In contrast, other City Departments conduct annual performance reviews.
- The long-standing and current practice is that neither the Fire Chief, nor fire command staff conduct annual or periodic FF performance reviews. A number of FFs reported that verbal feedback is desired, but typically only given in the context of a fire scene debriefing.

b. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that the FD develop and implement a performance management SOP or SOG.
- It is recommended that the Fire Chief, in consultation with the PSD and HSRI Director conduct probationary and annual FF and command staff performance reviews, document performance deficiencies, and where appropriate, implement performance improvement plans.

- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
  - Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations.

14. ISSUE: FD By-laws - Discipline

- a. Findings - Summary of Current FD Practices & Procedures:
  - The FD does not have an SOP or other written protocol to address employee misconduct, including the violation of FD and other City policies and procedures.
  - FD by-laws discuss potential FF discipline only with respect to the failure to comply the minimum 30% annual call response rate and minimum monthly meeting and drill attendance requirements.
  - The long-standing and current practice is that the Fire Chief independently administers discipline.
- b. Summary of Consultant Soldo's Recommendation(s):
  - It is recommended that the FD develop and implement an SOP addressing discipline and disciplinary documentation.
- c. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):
  - Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations.

B. ISSUE: FD Standard Operating Procedures

The FD operations review and risk management assessment included the review of FD written and unwritten SOP's. Findings and recommendations with respect to this issue are summarized below.

- 1. Findings - Summary of Current FD Practices & Procedures:
  - A February 2011 MnOSHA report indicates and this review confirmed that the FD does not have the adequate written SOP's. FD command staff provided copies of three (3) SOPs. Two of the three SOP's identify FD "accountability" procedures that are not consistently utilized.
  - All FFs interviewed indicated a willingness to assist in the development and implementation of FD SOP's.

2. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that under the direction of the PSD, the FD develop and implement SOP's. Sample SOP's are available from most FDs throughout the state.
- It is recommended that the Fire Chief, in consultation with the PSD, communicate to all FFs that upon implementation, all FD SOP's will be immediately, consistently and strictly followed.
- It is recommended that prior to the development and implementation of formal written SOP's, the PSD and Fire Chief meet with all FD employees to identify and discuss all unwritten procedures that must be followed.

3. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations. Under Taylor's direction, on or by July 11, 2011, the FD will complete a first draft of FD SOG's as required by OSHA.

C. ISSUE: General Condition and Maintenance of the Fire Station

1. Findings - Summary of Current FD Practices & Procedures:

- In February 2011, a MnOSHA consultant toured the fire station and cited the unkempt condition of the fire station facility as a "serious" safety issue requiring immediate correction. The MnOSHA consultant identified actual and potential safety issues with respect to the unkempt condition of the Fire Station kitchen.
- In late March 2011, several weeks after the MnOSHA consultant's facility visit, the fire station still had not been cleaned and organized in a way that meets the requirements to 29 CFR 1911.22 (a)(1). At PSD Taylor's direction, clean-up of the fire station is underway and will be on-going.
- The FD does not have an SOP addressing FFs smoking in the fire station and responding to calls following alcohol consumption.

2. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that under the direction of PSD Taylor, Fire Station clean up should continue.



- It is recommended that the Fire Chief, in consultation with the PSD, develop and implement SOP's addressing: a) Fire Station maintenance; b) FF smoking and drinking at the Fire Station and on surrounding City property.; and, c) FF response to fire calls after the consumption of alcohol. City policies prohibit drinking and smoking on City property. For safety and liability reasons, the implementation and strict enforcement of zero tolerance policies is recommended.

4. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek and PSD Taylor agreed with Consultant Soldo's recommendations regarding the development and implementation of FD SOP's.

D. ISSUE: Fire Station Space Needs

1. Findings - Summary of Current FD Practices & Procedures:

- A MnOSHA consultant identified, and this review confirmed, the shortage of facility space, resulting in the off-site storage of FD equipment, including a FD dive boat, dive equipment and trailer. The City rents off-site storage for FD property. The FD also stores FD property at a FFs homes for an annual fee; storage the City does not insure.
- The Fire Station has three rooms designated as FF sleeping quarters that are utilized on a full-time basis by one or more FF's referred to as "sleepers". The FD does not have an SOP that governs sleeper roles and expectations.
- The shortage of FD space for FD equipment as well as meeting/training space in the facility, and the issues identified above call into question the reasonableness of the FD sleeper arrangement.
- Fire Chief Franek, command staff and most FFs complained that the size of the Fire Station is inadequate and does not meet FD space needs. Those individuals also acknowledged that the City Council is unlikely to approve funding for a new fire station unless and until the FD demonstrates the responsible use and care of the existing fire station.

2. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that under the direction of the PSD, the FD continue fire station clean up and organization efforts and determine how to more effectively utilize existing space to store FD supplies and equipment.
- It is recommended that the FD discontinue the practice of storing FD property at FF homes.

- It is recommended that the Fire Chief, in consultation with the PSD, review and weight the actual benefits and potential risks of the FD's sleeper arrangement. If the practice is permitted to continue, it is recommended that the City fully insure the activity (i.e., property coverage and worker's compensation coverage) to limit City liability. Additionally, it is recommended that the FD develop and implement an SOP that clearly identifies the role and responsibilities of sleepers.

b. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- PSD Taylor recommends that all FD property that cannot be maintained on-site should be stored in a fully-insured, off-site facility the FD currently rents. Taylor recommends that the current sleeper arrangement be discontinued, a sleeper transition plan developed and implemented, and sleeper space converted to training, storage or other needed space.
- Fire Chief Franek agreed that all FD should be stored in the off-site facility the City currently rents. Franek disagreed with the recommendation that the City discontinue the sleeper arrangement. Franek indicated that sleepers are an asset to the FD. They typically respond to "50% or greater of the number of annual calls." They also "significantly reduce the response time to incidents by staffing trucks, locating incidents and communicating with dispatch before other staff can arrive."

E. ISSUE: Maintenance of the FD Vehicles and Equipment

1. Findings - Summary of Current FD Practices & Procedures:

- The FD does not have an SOP governing the maintenance of FD vehicles and equipment. Standard fire truck and rescue truck maintenance is done by a FD employee who is a licensed mechanic, but is not certified to maintain fire trucks. Repairs the employee cannot perform are completed by a Northfield truck repair shop.
- FFs reported that immediately following fire calls, they do not consistently clean and conduct vehicle, equipment and supply checks. FFs reportedly fill fire trucks and the rescue squad truck with gas and check fluid levels prior to returning to the fire station. Trucks may be washed weekly by FFs who take it upon themselves to perform the task, and/or fire trucks and are periodically washed by Sentence-to-Serve program participants. Vehicle equipment and supply checks may be conducted following fire calls, depending on the time FFs return to the Fire Station. FFs do not utilize vehicle maintenance checklists to guide and document maintenance activities.

2. Summary of Consultant Soldo's Recommendation(s):

- It is recommended the FD develop and implement an SOP governing FD truck, equipment and supply maintenance.
- It is recommended the FD develop, consistently utilize, annually update, attach to related SOPs and maintain in an accessible location, vehicle and supply maintenance checklists.

3. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek indicated that "specialized truck" repair and ladder and pump testing is done by certified repair or testing agencies. Other "normal" repairs and maintenance will be done pursuant to SOP's the FD will establish and implement.
- PSD Taylor recommended the development and implementation of a FD SOG governing FD truck, equipment and supply maintenance. The SOG will assign fire command staff responsibility and accountability for oversight of these maintenance duties.

F. ISSUE: Use of the Fire Station Facility, Grounds and Equipment for Outside Activities

1. Findings - Summary of Current FD Practices & Procedures:

- The FD has a long-standing practice of using the fire station, facility grounds, the rescue squad truck and fire trucks for outside activities, including FD sponsored fundraisers and social functions, an annual "old-timers" gathering during which alcohol and food is served and smoking is permitted, city parades and children's events. It is unclear if City vehicle and worker's compensation insurance covers these activities.
- The FD rescue truck is used at Elko Race track events. The FD's Rescue Squad captain negotiates the annual agreement with the race track. The City pays FFs overtime to man that vehicle during race track events. It is unclear if the City's vehicle and worker's compensation insurance covers this activity. Elko reimburses the City for employee time by making a donation to a fund exclusively maintained and used by the FD. Elko also makes a donation to the FD's rescue squad fund.

- A number of FFs expressed the concern that they and other FFs have not had the initial and on-going training required to competently staff the Rescue Squad vehicle. As such, FFs questioned whether the FD should maintain its ambulance license, which was obtained a number of years ago, before the Northfield Hospital Ambulance Department was fully operational.

2. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that the PSD, in consultation with the Fire Chief, identify and consider the benefits and risks associated with the use of the fire station, surrounding City property, fire trucks and the rescue squad for outside activities.
- It is recommended that the FD discontinue all uninsured activities and other activities (e.g., rescue squad activities) that pose safety risks that cannot be adequately addressed through the use of precautionary measures.

4. Summary of Fire Chief Franek's and PSD Taylor's Recommendation(s):

- Fire Chief Franek recommended: a) The FD develop and implement an SOP governing the use of the fire station, surrounding City property, fire trucks and the rescue squad for outside activities; b) The City and PSD review the FD's contract with the Elko Race Track; and, c) The FD continue to operate the rescue squad.
- PSD Taylor recommended: a) The FD develop and implement an SOP governing the use the FD facilities, equipment and staff for outside activities; and, b) The FF will consult with the City's HSRI Director to ensure that FD activities are properly insured and FD contracts are reviewed and approved.

G. ISSUE: Authorization and Payment of FD Expenses and Related Recordkeeping Practices; FD Retirement Investment Program

1. Findings - Summary of Current FD Practices & Procedures:

- The FD's operational expenses are handled by the City. Other funds received by the FD are handled via checking accounts maintained by the Northfield Fire Relief Association which is organized as a non-profit corporation. The Association reportedly has three accounts that are managed by a FD Board of Trustees; they are: a) Northfield Fire Relief General Fund; b) Northfield Fire Relief Special Fund; and, c) Northfield Fire Relief Gambling Fund. Other City department finances are handled by the City Finance Department. The City carries a \$500,000 faithful performance bond on the FD's treasurer, yet the City has no oversight and control over the management of and proper accounting for FD funds. While all Northfield Fire Relief Association accounts are reportedly audited annually, it is unclear if funds are received

and accounted for in accordance with Nonprofit Corporation accounting rules.

- In May 2011, City Administrator Madigan was contacted by the State Auditor's Office regarding the FD Relief Association's business relationship with the Rural Fire Department Relief Association.
- Historically, FD retirement funds have been handled by the Minnesota Fire Relief Association. Several relief associations asked the State to create a statewide plan so that they could concentrate on fighting fires rather than administering a retirement plan, paying for an annual audit and completing the requisite paperwork. The relief associations also believed the State Board of Investment could get better investment returns, which would reduce their required contributions. Legislation passed in 2009 created a Statewide Volunteer Firefighter Retirement Plan for volunteer FFs who provide service to a municipal fire department or an independent nonprofit firefighting corporation. The Plan is voluntary and open to fire departments as a replacement of their existing volunteer FF retirement plan. It is also open to municipalities currently without a volunteer FF retirement plan. The Plan is codified as Minnesota Statutes Chapter 353G. The attached Plan Description discussed the advantages and disadvantages of fire department participation in the Statewide Volunteer Firefighter Retirement Plan.

2. Summary of Consultant Soldo's Recommendation(s):

- It is recommended that the City Finance Department formally audit FD checking accounts, savings accounts and accounting practices to ensure the proper receipt, expenditure of and accounting for all funds. Consultation with the Office of the Legislative Auditor regarding FD accounting practices may be warranted.
- Consistent with the City's oversight of other City departments, it is recommended that the City Finance Department manage FD finances and review the FD's retirement program plan in light the investment opportunity available pursuant to the Statewide Volunteer Firefighter Retirement Plan.
- In June 2011, City Administrator Madigan submitted this information to the City Auditor.