5/03/18
City Council Meeting

Handouts received after agenda posted
Staff Report

Item No: 1-1

To: Lemoore City Council
From: Nathan Olson, City Manager
Date: May 3, 2018    Meeting Date: May 3, 2018
Subject: Lemoore Volunteer Fire Department Pay Option

Strategic Initiative:

☐ Safe & Vibrant Community ☐ Growing & Dynamic Economy
☒ Fiscally Sound Government ☐ Operational Excellence
☐ Community & Neighborhood Livability ☐ Not Applicable

Proposed Motion:
Discussion, direction and/or action regarding the mechanism the City will use to fund the Lemoore Fire Department for volunteers services.

Subject/Discussion:
Resolution 2018-05 was adopted by the Lemoore City Council to pay Lemoore Fire Department Volunteers five dollars ($5), per call, meeting and training attended, in accordance with all FLSA, federal, state and local laws. So the City could comply with the laws and pay the individual firefighters, the volunteers were asked to submit W9’s, which would result in a 1099 being issued to each volunteer at the end of the calendar year. However, upon further review it was determined that due to the agreement with the City’s Risk Management Authority, having the volunteers submit a W9 would void the worker’s compensation coverage currently received, as the RMA would view the individuals as contractors and not volunteers. Another option suggested was to have the volunteers submit a W4 and checks could and would be issued through the payroll system. The Lemoore Volunteer Firefighter Association however, contends that the City can legally pay the Association (non-profit) instead of the individual volunteers, and at present, the Association Members are unwilling to sign and present W4’s to the City.

“In God We Trust”
Because of this dilemma, staff has come up with three options for the Council to consider to address this issue.

Alternative #1: Do not pay volunteers on a per call, meeting and trainings attended basis. Rather, establish expenditures within the Fire Department budget (4222) that would cover all the costs of performing the function of public safety fire services and outreach. Such line items would be subject to City of Lemoore Purchasing Policy, and would be accounted for during the budget process. This method is the most transparent and allows for consistent budget control.

Alternative #2: Pay the volunteers $5/call as outlined in resolution 2018-05. This method requires tracking calls and can leave the budget fluctuations unknown, unless specific protocols are put in place, or a cap is established on the amount paid per year or paid per volunteer. This option also requires the volunteers to fill out the appropriate tax forms so the City can comply with the applicable laws.

Alternative #3, Contract with the non-profit association to perform ancillary services, separate from to the services fire services provided by the volunteers. For example, the association could help recruit and advertise for potential fire volunteers and introduce them to the City for vetting. The contract would also spell out requirements for community events/involvement and would require financial accountability from the association back to the City. The City would establish a contract amount to fund the Association’s outreach efforts. Additionally, line items would be added to the City budget to cover all necessary expenses for volunteers to perform public fire safety functions including equipment, training, materials, and on-incident expenses related to the safety of fire volunteers. Alternate #3 would require repeal of Resolution 2018-05.

Financial Consideration(s):
Unknown at this time, however financial impact is not anticipated.

Commission/Board Recommendation:
N/A

Staff Recommendation:
Staff recommends approving Alternative #1: Do not pay volunteers on a per call, meeting and trainings attended basis. Rather, establish expenditures within the Fire Department budget (4222) that would cover all the costs of performing the function of public safety fire services and outreach.
SPECIAL MEETING AGENDA

Please silence all electronic devices as a courtesy to those in attendance. Thank you.

CLOSED SESSION PUBLIC COMMENT
This time is reserved for members of the audience to address the City Council on Closed Session items. It is recommended that speakers limit their comments to 3 minutes each.

5:30 pm CLOSED SESSION
This item has been set aside for the City Council to meet in a closed session to discuss matters pursuant to Government Code Section 54956.9(d)(4). The Mayor will provide an oral report regarding the Closed Session at the beginning of the next regular City Council meeting.

1. Conference with Legal Counsel – Anticipated Litigation
   Government code Section 54956.9
   Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of Section 54956.9
   One Case

6:00 pm REGULAR SESSION
a. CALL TO ORDER

NEW BUSINESS – Section 1
Report, discussion and/or other Council action will be taken.

1-1 Discussion, direction or action regarding Lemoore Volunteer Fire Department Pay (Olson)

ADJOURNMENT

PUBLIC NOTIFICATION
I, Mary J. Venegas, City Clerk for the City of Lemoore, declare under penalty of perjury that I posted the above City Council Agenda for the special meeting of May 3, 2018 at City Hall, 119 Fox Street, Lemoore, CA on May 2, 2018.

//s/
Mary J. Venegas, City Clerk