

PUBLIC SAFETY COMMITTEE

June 12, 2014

The Public Safety Committee of the City of Mesa met in the lower level meeting room of the Council Chambers, 57 East 1st Street, on June 12, 2014 at 8:36 a.m.

COMMITTEE PRESENT

Dennis Kavanaugh, Chairman
Terry Benelli

COMMITTEE ABSENT

Christopher Glover

STAFF PRESENT

John Pombier
Alfred Smith

Chairman Kavanaugh excused Committeemember Glover from the entire meeting.

1. Items from citizens present.

There were no items from citizens present.

2-a. Hear a presentation, discuss and provide a recommendation on the Police Department's Explorer Program.

Assistant Police Chief Heston Silbert displayed a PowerPoint presentation (**See Attachment 1**) and reported that several months ago, the Mesa Police Department (MPD) discovered "some glaring problems" with respect to its Explorer Program. He explained that the problems, many of which occurred two to three decades ago, were never resolved in a timely fashion. He stated that in an effort to address a lack of oversight, among other things, the MPD has suspended the program until certain "checks and balances" can be implemented. He added that the goal of such efforts is to ensure that the program operates in an efficient manner not only for the explorers, but also the staff members who facilitate the program.

Chief Silbert briefly discussed the Explorer Program (See Pages 2 and 3 of Attachment 1), which is dedicated to preparing young men and women for a career in law enforcement. He said that Mesa's Explorer Program has been in existence for nearly 45 years.

Chief Silbert indicated that the Explorer Program has provided various opportunities for individuals between the ages of 14 and 21. He noted, however, that the disparity in the age ranges is problematic, especially when adolescents and young adults are linked together in the same program. He also remarked that what became glaring to the MPD were incidents of overtime abuse; the fact that participants traveled to California for camping trips that lasted up to five days in duration; and that ten years ago, an incident occurred between a police officer and an explorer and yet the program was never audited.

Chief Silbert, in addition, highlighted a series of recommended improvements for the Explorer Program. (See Page 4 of Attachment 1) He stressed the importance of creating a panel, comprised of community members, individuals from the Mesa Unified School District, Boy Scouts of America and other organizations, who have worked with youth programs that have structured parameters both inside and outside of a school environment.

Chief Silbert further reported that it was imperative that a Police Sergeant provide direct supervision to the program, and in particular, with respect to monitoring overtime. He noted that with regard to the previously-mentioned camping trips, it has been alleged that large purchases were made from Costco and said that at the conclusion of the trips, the MPD was unaware of what happened to those items. He emphasized that such actions occurred prior to Police Chief Milstead's tenure with the Department.

Chief Silbert also commented that in the past, the explorers were allowed to participate in unlimited ride-alongs with police officers. He pointed out, however, that per the MPD's policy, youth and teenagers are not permitted to ride along with the officers in any capacity. He stated that he would propose that if the explorers did, in fact, go on ride-alongs, that they do so in a two-person unit with someone of the same sex and that the number of rides be limited during the course of a year.

Chief Silbert, in addition, advised that it was inappropriate for the MPD to foster week-long camping trips or spending five days in California visiting Universal Studios. He acknowledged that he was a proponent of day trips for the explorers, but stressed the importance of greater parental involvement, including chaperoning the group during various activities.

Chief Silbert also recommended that the maximum age for the explorers be reduced from 21 to 18. He suggested that it might be appropriate for the MPD to consider establishing a Cadet Program for individuals between the ages of 18 and 21. He said that the participants could work in some capacity with the MPD, such as taking collision reports, but clarified that they would not interact with the youth in the Explorer Program.

Chief Silbert explained that the problems with the Explorer Program are somewhat epidemic throughout the United States. He noted, however, that the MPD's leadership has been proactive in recognizing "certain liabilities," protecting its officers and the explorers and implementing a safe environment for the participants. He added that he would anticipate the updated Explorer Program could be implemented by the end of the summer.

Responding to a question from Committeemember Benelli, Chief Silbert clarified that when Mesa's Explorer Program was suspended, Mesa youth were given the opportunity to participate in a similar program in Chandler.

Chief Silbert, in addition, remarked that most of the other Valley cities that offer an Explorer Program have better oversight, including the participation of Police Sergeants who monitor the ongoing activities of the explorers. He stated that in his opinion, Mesa's Explorer Program has been "a rudderless ship" and noted that when leadership is not present within a work unit, things slip through the cracks. He cited, for instance, at one point in time, individuals within the Explorer Program ordered military surplus, but noted that the equipment ultimately ended up in the MPD's parking garage and no one knew what its purpose was.

Chairman Kavanaugh stated that staff's recommended improvements are not only common sense, but also the result of research that has been conducted to address problems that have arisen in the Explorer Program nationwide. He noted that the recommendations are designed to limit the liability of the explorers, as well as the MPD's officers who are involved in the program, and thanked staff for their efforts and hard work in this regard.

Chairman Kavanaugh remarked that the Council read in the newspaper about the Explorer Program being suspended. He suggested that in the future, it would be helpful for staff to apprise the Council of such actions beforehand.

Chief Silbert responded that the MPD's current administration endeavors to be transparent with respect to any and all issues. He stated that if staff recognizes that a problem exists, it will be addressed in a prompt manner. He also acknowledged that the MPD could have been more proactive in informing the Council of the Explorer Program being suspended.

It was moved by Committeemember Benelli, seconded by Chairman Kavanaugh, to support staff's recommendations concerning the revisions to the Mesa Explorer Program and that the matter be forwarded on to the full Council and City management for further discussion and consideration.

Chairman Kavanaugh stated that the motion carried unanimously by those present.

Chairman Kavanaugh thanked Chief Silbert for the presentation.

2-b. Update the City of Mesa's current consumer fireworks ordinance to match S.B. 1158, which puts restrictions on dates of sale and use in Maricopa County.

Chairman Kavanaugh stated that this item was an update of the City of Mesa's consumer fireworks ordinance due to the passage of a new fireworks law at the state level.

In response to a question from Chairman Kavanaugh, Deputy City Attorney Alfred Smith clarified that it will be necessary for the City of Mesa to conform its ordinance to state law. He explained that there is one provision related to the sale of fireworks that the City did not incorporate into the original consumer fireworks ordinance, but will be included in the revised ordinance.

Fire Marshal/Deputy Chief Rich Kochanski, Assistant City Attorney III Jackie Ganier and Assistant Fire Chief Mike Dunn addressed the Committee relative to this agenda item.

Chief Kochanski displayed a PowerPoint presentation (**See Attachment 2**) and reported that staff was seeking the Committee's direction relative to updating the City of Mesa's current consumer fireworks ordinance (No. 5021). He explained that on April 22nd of this year, Governor Jan Brewer signed into law a new fireworks law (S.B.1158), which includes an emergency clause. He said that the emergency clause allows the new provisions to take effect for the upcoming July 4th holiday.

Chief Kochanski highlighted the components of the new law as follows: the sale of fireworks in Pima and Maricopa Counties is restricted to May 20 through July 6 and December 10 through

January 3; and that the use of fireworks in Pima and Maricopa Counties is restricted to June 24 through July 6 and December 24 through January 3.

Chief Kochanski advised that Mesa's current consumer fireworks ordinance, which was adopted by the Council in January 2011, mirrored the previous state law that allowed year-round sales; that the previous state law allowed local jurisdictions the opportunity to determine use restrictions; and that Mesa's current consumer fireworks ordinance allows for the use of fireworks June 28 through July 4 and December 30 through January 1. He added that staff is seeking to provide consistency with the other Valley communities by revising Mesa's consumer fireworks ordinance relative to the use and sale provisions in order to conform to the new state law.

Chairman Kavanaugh concurred with the recommendations and stated that it has been confusing for Mesa residents, consumers and City departments due to the differing requirements from city to city. He pointed out that with respect to the new state law, a positive change will be the limited period of time in which fireworks can be sold. He added that this issue continues to be a major concern for the Mesa Fire and Medical Department (MFMD) in terms of risks and liabilities to the community.

Responding to a question from Chairman Kavanaugh, Mr. Smith clarified that a formal motion from the Committee was unnecessary at this time. He stated that staff merely wanted to inform the Committee that an updated ordinance has been drafted, which is ready to be presented to the full Council for adoption.

In response to a question from Chairman Kavanaugh, Chief Kochanski explained that if the MFMD receives calls from citizens regarding the consumer fireworks ordinance, they will be advised that Mesa's updated ordinance will conform to state law.

Chairman Kavanaugh stated that he looked forward to the introduction of the ordinance and thanked staff for the presentation.

2-c. Discussion to request that an Ordinance for Cost Recovery be written to allow the Mesa Fire and Medical Department to bill for some services and care provided by the Department.

Fire Chief Harry Beck introduced Assistant Fire Chief Mary Cameli and Assistant City Attorney III Jackie Ganier, who were prepared to assist with the presentation.

Chief Cameli displayed a PowerPoint presentation (**See Attachment 3**) and reported that in 2007, the Mesa Fire and Medical Department (MFMD) launched its Transitional Response Vehicle (TRV) Program, which was staffed with a Captain Paramedic and Firefighter. She explained that the TRV Program was designed to respond to low-acuity patient calls, which freed up the Advanced Life Support (ALS) units to respond to emergencies.

Chief Cameli stated that the TRV Program has enabled the MFMD to form partnerships with Mountain Vista Medical Center (MVMC) and Crisis Preparation & Recovery (CPR) Behavioral Health to continue in a similar manner. She noted that the term Community Care Response Unit refers to both programs.

Chief Cameli stated that MVMC has provided a Nurse Practitioner to team up with a MFMD Captain Paramedic to respond to low-acuity calls. She explained that this unit treats individuals on the scene and refers them to a primary care provider in lieu of transporting the person to an emergency room (ER). She noted that the 40-hour unit responds to about 88 calls per month and takes care of approximately 54 patients during that period of time.

Chief Cameli, in addition, remarked that CPR Behavioral Health provides a Crisis Counselor who works with a MFMD Captain Paramedic and an Emergency Medical Technician (EMT). She advised that when the Behavioral Health unit responds to behavioral incidents, the Crisis Counselor completes a patient assessment and determines if it is necessary for the person to be admitted to a behavioral facility. She noted that if that is the case, the unit transports the patient to the appropriate facility. She explained that the unit responds to approximately three to five calls a day and said that the assessments can last anywhere between 90 minutes to two hours to complete. She indicated that many hospitals are overcrowded with behavioral holds and added that the patients transported to the ER often stay two to three days before they are assessed and transported to the appropriate behavioral facility.

In response to a question from Chairman Kavanaugh, Chief Cameli clarified that both units are stationed in downtown Mesa, but can respond to calls anywhere in the community.

Chief Cameli further commented that the MFMD has applied for a \$13.7 million grant and stated that if it is awarded the grant, it will operate the units on a 24/7 basis.

Responding to a question from Committeemember Benelli, Chief Cameli advised that currently, the Nurse Practitioner's salary is paid by MVMC, which also has the ability to charge for the patient assessments that are completed on scene. She stated that the same applies for CPR Behavioral Health, which pays the Crisis Counselor's salary and bills for the assessments that person makes on scene.

Chairman Kavanaugh commented that staff is asking the Committee to request that the City Attorney's Office draft an ordinance that would allow the MFMD to recover costs for such services.

Chief Cameli confirmed Chairman Kavanaugh's statement. She further clarified that the MFMD is asking that it be allowed to bill for services to transport the patients to the behavioral facilities during the behavioral health calls, as well as any other assessments that MFMD personnel make beyond what the Nurse Practitioner would perform.

In response to a question from Chairman Kavanaugh, Ms. Ganier explained that in staff's opinion, it would not be necessary for the MFMD to obtain a Certificate of Need from the state in order to bill for the services outlined by Chief Cameli. She stated that such services would not be considered "typical emergency care."

Chief Beck remarked that any revenue that could come to the City through Medicaid or the Arizona Health Care Cost Containment System (AHCCCS) would be derived from federal funding. He stated that staff is aware that this equates to approximately 80% of the insurance coverage in Mesa. He noted, however, that the MFMD does not intend to address those opportunities with the proposed ordinance.

Chief Beck explained that the ordinance would allow the MFMD to establish relationships with private industry so that it could offer more services, in addition to what it currently provides, without incurring additional costs. He said that he did not want to mislead the Committee relative to the issue of cost recovery, but acknowledged that there would be some revenue to offset the program.

Chief Beck reiterated that with the success of the TRV Program, the MFMD was approached by private sector representatives who expressed a willingness to offer their services, in partnership with the City, on a routine basis and were agreeable to share the cost savings with the City.

Chief Beck, in addition, commented that "the ambulance situation has evolved into the picture as of late." He explained that in order for the MFMD to access any revenue from the State (i.e., Medicaid or AHCCCS), it would be necessary for the City to obtain a Certificate of Need. He pointed out, however, that a Certificate of Need is not necessary with respect to staff's proposal, nor is it implied.

Chief Beck further indicated that staff is simply asking that an ordinance be drafted that would allow the MFMD to bill for certain services through the insurance companies, but never the patient.

Responding to a question from Committeemember Benelli, Chief Beck clarified that the MFMD has yet to enter into negotiations with any providers, but stated that staff has considered the possibility of the provider assuming the billing responsibilities. He noted, on the other hand, if staff decided to take over those responsibilities, it could improve the MFMD's cash flow. He added that any contract that the MFMD enters into would be coordinated through the City Manager's Office and the Council.

Discussion ensued relative to the fact that a Certificate of Need is nothing more than a license; that it is a license for more than just emergency transport and includes all levels of service that are covered by Medicaid and AHCCCS; and that the MFMD would propose to bill for non-emergency services.

Chief Beck, in addition, remarked that the MFMD was basically inventing a new cost recovery model "out of thin air." He reiterated that the ordinance would allow the MFMD to access some cost recovery from a particular portion of the services that it already provides.

Chairman Kavanaugh stated that he would assume that other fire departments around the country are waiting for the MFMD's invention to come to life.

Deputy City Attorney Alfred Smith indicated that staff was seeking the Committee's approval of the cost recovery concept. He explained that if the Committee makes a recommendation to forward this item on to the full Council, staff would like to make a presentation to the Council at the June 16, 2014 Study Session and seek their approval to draft the ordinance.

It was moved by Committeemember Benelli, seconded by Chairman Kavanaugh, to recommend to the full Council that they discuss and consider a request to draft an ordinance for cost recovery that would allow the Mesa Fire and Medical Department to bill for some services and care provided by the Department.

Chairman Kavanaugh declared the motion carried unanimously by those present.

Chairman Kavanaugh thanked staff for the informative presentation.

3. Adjournment.

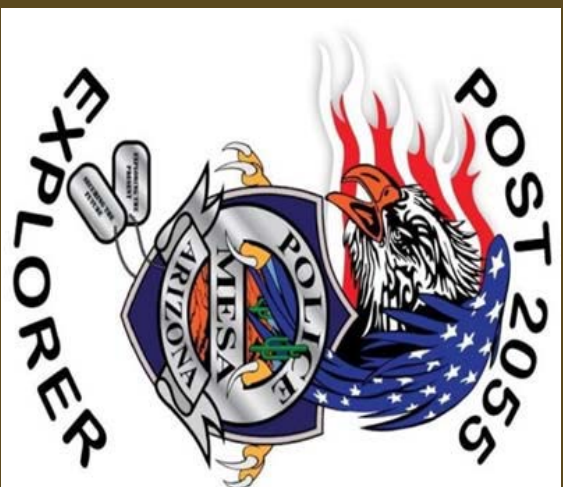
Without objection, the Public Safety Committee meeting adjourned at 9:16 a.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Public Safety Committee meeting of the City of Mesa, Arizona, held on the 12th day of June, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

DEE ANN MICKELSEN, CITY CLERK

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(attachments – 3)

Mesa Police Department Explorer Post # 2055



Public Safety Committee
June 12, 2014





Mesa Police Explorers

- The Mesa Police Department Explorer Post is dedicated to:
 - Preparing young men and women for a career in law enforcement
 - Developing a fundamental understanding of police procedures, duties, and concepts
- The Mesa PD Explorer Post embraces a community service attitude, professionalism, and requires ethics in all Explorers



Mesa Police Explorers

- Have served our community for 45 years
- Program currently on hold
- Provide opportunities for youth ages 14-21 to:
 - Learn discipline
 - Serve the community
 - Work within a team
 - Compete with units from other cities and states
 - Offer advancement within their ranks



Mesa Police Explorers

Recommended Improvements:

- Sergeant level direct supervision
 - Overtime will be strictly monitored and limited
- Increase engagement with the Junior and Senior High Schools
- Continued partnership with Learning For Life
- Limit Ride-a-Longs
- Increase parental involvement
- Pursue grants to provide more funding and opportunities
- Benchmark with other units throughout the U.S. and establish higher standards for our participants
- Reduce the age for explorers from 21 to 18
- Explore a Cadet program for 18-21 year olds



Questions



Consumer Fireworks Ordinance Update

Presented by the Mesa Fire and
Medical Department

Public Safety Committee
June 12, 2014

The New Fireworks Law SB 1158

- ❑ Signed into law by Governor Brewer on April 22, 2014
 - Restricts Sale in Pima and Maricopa Counties to May 20 through July 6 and December 10 through January 3
 - Restricts Use to Pima and Maricopa Counties to June 24 through July 6 and December 24 through January 3
-

Current City of Mesa Ordinance 5021

- ❑ Passed and Adopted by City Council
January 10, 2011
 - Matched previous State Law that allowed year round sale
 - Previous State Law allowed local jurisdictions the opportunity to determine use restrictions
 - Allowed for use June 28 through July 4 and December 30 through January 1
-

Current City of Mesa Ordinance 5021

- ❑ Mesa Fire and Medical Department is asking for approval to update City of Mesa Ordinance 5021 to reflect 2014 State Law regarding Consumer Fireworks sale and use.
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Questions?



Advanced Services Cost Recovery



Mesa Fire and Medical Department



Public Safety Committee
June 12, 2014



Transitional Response Vehicle (TRV)

- Staffed with a Captain
- Paramedic & Firefighter
- Peak Time Deployment
- Two Response Units
- Low Acuity Patients
- Priority Dispatch Triage
- Keep ALS Units available for emergencies





Community Care Response Unit

- Captain Paramedic & Nurse Practitioner or Behavioral Health Specialist
- Treat & Refer to PCP & appropriate care providers
- Provide alternative destination
- Improved Service Levels



Without the behavioral unit, the patient would be transported to an ER which could be a 2-3 day stay while waiting for a crisis counselor assessment and placement in a behavioral facility



Future Programs





Next Steps

