

LEGAL AND LEGISLATIVE COMMITTEE
September 5, 2000
5:00 P.M.

The meeting of the Legal and Legislative Committee was called to order by Councilman Crockett, Chairman, with Councilmen Franklin, Pierce, Eaves, Hakeem, Hurley, Lively, and Taylor being present. City Attorneys Randall Nelson and Mike McMahan; Management Analyst Randy Burns; and Shirley Crownover, Assistant Clerk to the Council, were also present.

Others present included Chief Coppinger, Officer Vlasis, Adm. Traugher, and Daisy Madison.

TURKISH MAYORS

Chairman Crockett presented to the Committee a group of Turkish Mayors that were visiting our City. He stated that they were only going to stay a minute and then go on to Warehouse Row. He asked each Council member to introduce themselves and then the Turkish Mayors introduced themselves and told where they were from. Chairman Crockett stated that they had spent three days here in Chattanooga and when he took them into the Council Assembly Room, they went immediately to the Chairman's name tag, noting that we have a wide diversity.

Councilman Hakeem stated that he was pleased to have the Mayors and hoped that they would take something back home with them. He also expressed the desire that they would leave something with us, other than their money. He stated that there was much we could share, and he hoped there were things in regards to their government that we could learn also. He stated that the sharing of knowledge was a two-way street.

INSURANCE ISSUE/FIRE DEPARTMENT

Chairman Crockett stated that the purpose of this meeting concerned an Administrative matter, and he turned the meeting over to Chief Coppinger to brief the Committee.

Chief Coppinger stated that he represented the Fire Dept., but this issue impacted all City employees. He referred to the City Code, Chapter 2-175 (copy of which is made a part of the minute material). This regards the marriage requirement that an employee be married five years prior to retirement to have their spouse remain on the insurance plan. He stated that they wanted to make a change in the Ordinance to eliminate this requirement. He explained that this medical insurance benefit, as a result of recent pension changes, does impact an employee who is planning to retire if he has not been married for five years—that they would not be able to keep the insurance on the spouse. He stated that pension and insurance were two separate related issues—that this has nothing to do with the pension, but the insurance requirement does impact it.

Councilman Taylor asked if they were asking to drop the five year requirement to just as long as they were an active married employee they could take their insurance with them.

Councilman Lively asked if a man had had two or three wives if only one could be on the insurance. Adm. Traughber confirmed that only one could be on the insurance; however it could be possible that there would be two sets of children; that it could be part of a divorce settlement that the first wife has paid insurance at the COBRA rate and the new wife at the employment rate for an active employee; that now you have to be married for five years. He stated that they had surveyed a number of cities and none in the Southeast has this provision; that there is no justification for this provision unless it would be just a value judgment of marriage versus divorce. He stated that this issue did come up several years ago; that a cost projection was done and Blue Cross could not see any significant increase in cost.

Councilman Hakeem asked as a point of clarification that in the Southeast this provision is not in place in other cities the size of Chattanooga. Adm. Traughber mentioned a comparison between Asheville, Knoxville, Memphis, and Nashville. Councilman Hakeem asked if actuarially there would be no difference. Adm. Traughber responded that Blue Cross could not project an impact because it would be so small.

Councilman Pierce stated that he objected to this because he still had not come to grips with it. He questioned a person of retirement age bringing on a younger spouse (say 21 years old) and asked if we were willing to change our Ordinance to the extent that it would just affect two or three employees; that this was something that had been on the books and in place for 50 years. He stated that it might be okay at this point, but it could be abused; that a person could conceivably marry a daughter or niece just to give her medical insurance.

Councilman Eaves questioned if there was any way to take care of these cases we have now without changing the rules.

Chief Coppinger stated that he could only speak for the Fire Department, but it would impact those employees other than just the Fire Department; that he did not know how many it would impact, but it could impact anyone and not just the Fire Department.; that we could have men with 25 years' service and something could happen tragically to their spouse; that once a person had 30 years they could take the option to retire so this was an issue about their pension.

Councilwoman Hurley stated that maybe she was more romantic than some of her fellow Councilmen, but it boggled her mind that anyone would get married just to get health benefits for his wife. **She made the motion that this requirement be eliminated. This was seconded by Councilman Franklin, with Councilman Pierce abstaining.**

PURCHASE OF BREATHING APPARATUS

Chief Coppinger stated that he would like to discuss their purchase of breathing apparatus that was on tonight's agenda. He stated that they sent out bids and received five bids and two did not meet their requirements; that they were asking to be allowed to take the best bid, even though it is not the lowest; that the apparatus had been tested in the field, and the firefighters wanted this; that cross-contamination exists with the lower bid and there was also severe visibility problems with the lower bid; that they feel that this is the best bid, if not the lowest; that this is the firefighters' lifeline and is worth the added cost; that there is a \$100,000 difference.

Officer Vlasis spoke next. He stated out of the ones evaluated, **Mine Safety Appliance Co.** finished first; that the people wanting to use this have to feel comfortable with it, and the people who tested it felt confident with **MSA**, and they have to have trust.

Councilman Eaves asked if it were the rank and file men who tested it. Chief Coppinger responded "yes". Councilman Eaves asked if they knew who the vendor was, and Chief Coppinger responded that they probably did.

Councilman Taylor asked if MSA bid on the same product. Chief Coppinger responded that they did. Councilman Taylor questioned a \$100,000 difference between the same product. Officer Vlasis noted that one bid was even higher.

Chief Coppinger stated that the other one might be \$100,000 cheaper, but they were not asking for additional funding, but the firefighters feel this is critical to them. He stated that it was a necessity for them to have confidence in their equipment. He stated that the lower bid could not respond to the cross-contamination issue in their product.

Officer Vlasis mentioned all the diseases that could be contacted such as Aids, TB, etc.; that with the MSA product you can regulate this, and there is no cross-contamination. He mentioned that New York City uses a different brand with no check valve; that MSA alleviates this problem.

Councilman Taylor asked if MSA was the only company that made this. Chief Coppinger responded affirmatively—without cross-contamination.

Councilman Pierce asked if this was part of the specifications. Chief Coppinger responded "no", but was corrected by an officer who said that it was a part of the specifications. Attorney Nelson stated that if it were part of the specifications, then the other bids did not meet the specifications.

Page 4

Councilman Hakeem noted that they were not coming to the Council for funds, but just making the Committee aware. Chief Coppinger stated that they were asking the Council for approval of the purchase.

Chairman Crockett asked how many bids they received. Chief Coppinger replied "five". Chairman Crockett stated that then one was lower and one higher and the other two disqualified; that there were three qualified bids and two of them were MSA and Survivair. It was pointed out that MSA was not the highest. Chairman Crockett asked if Survivair did not have a product available to do all the things that the Fire Dept. wanted. Chief Coppinger stated that they did not have cross-contamination.

Councilman Pierce noted that in the past specifications had sometimes been built around a certain company. Officer Vlasis stated that when they wrote up their specifications, check valves were considered. Another officer read the specifications. Chief Coppinger stated that the others just did not meet the specifications.

Councilman Pierce pointed out that we may not be as prosperous in the next four years. Councilwoman Hurley stated that we were going upward and onward.

On motion of Councilman Hakeem, seconded by Councilman Franklin, this purchase will be recommended for approval by the full Council.

The meeting adjourned at 5:30 P.M.