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Duluth mayor pulls proposal to charge for police and fire calls

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Did you hear about city officials in Duluth, Minnesota, saying they might charge fees if you call the police or firefighters to come to your house? Your house is on fire and they're going to charge you — Don't we already pay that fee? It's called taxes!

So joked Jay Leno during his TV monologue Tuesday night about the proposal from Mayor Don Ness' administration to charge for certain police and fire services, a plan the News Tribune first reported Thursday.

The idea was supposed to net a cash-strapped city about \$100,000 annually, but on Wednesday Ness pulled it from the Council agenda.

Though the ordinance was modeled after programs around the country that allow public safety departments to recover expenses, Ness said, the proposal given to the council "wasn't given the proper attention."

One of the problems appeared to be that Ness didn't read the ordinance before it was presented. Because he was out of town when the proposal was drafted, "I was not able to sign off on the inclusion of the ordinance on the agenda — the first I read the ordinance was at Monday's council meeting," he wrote in an e-mail to the City Council.

"Upon reading it, I immediately saw why it was causing so much confusion — there is a lack of definition in the ordinance which by default broadened the scope and provided opportunity for incorrect speculation. The result has been a great deal of confusion."

Did the national attention have anything to do with his decision? Ness responded via e-mail: "The attention that this has received has highlighted the failure to communicate effectively on this subject."

Had it passed, the ordinance would have allowed the city to charge for some emergency services such as fire suppression, car accident investigations and vehicle extractions. City spokesman Jeff Papas said last week that administrators were considering a flat fee of \$500 for those services, which would be billed to an insurance company. If the insurance company wouldn't pay, or if there was no insurance, the city would directly charge the property or car owner. Unpaid charges would be assessed against the property owner.

That proposal drew criticism from city councilors and the Duluth firefighters union. Ben Gasner, 29, a union member and a Fire Department captain, read a letter to the council Monday accusing the mayor of using the ordinance to turn public opinion against the department.

"I know, as a firefighter, the last thing I want is for a citizen to have to decide whether it is necessary to call us, or if the problem is something they can fix on their own," Gasner said. "No one would advocate for that scenario."

The idea for the proposed ordinance didn't come from the mayor but from police Chief Gordon Ramsay and fire Chief John Strongitharm, who were asked to find ways to help fix the budget problems

However, Ramsay said the ordinance, as it was written, wasn't the proposal he had in mind for the Police Department. He wanted to model it on a program that would have charged non-Duluth residents for car accident investigations, billing the insurance company of the person found to be at fault.

He said he got the idea from a company called Cost Recovery Corp., whose president, Regina Moore, said hundreds of municipalities charge for similar services. She said her program never puts out-of-pocket expenses on local taxpayers.

"The services being billed are outside of the primary job function for police," Moore said. "It's a civil suit caused by negligent driving. ... We're recovering those tax dollars that have been spent and recycling them back into the city budget."

As for billing citizens for putting out fires, Moore said that's something she'd never endorse.

So how did that get into the ordinance? Strongitharm said it was one of many fees he wanted the council to consider, but under state law the council first had to give permission to charge any fees. If general permission had been granted, he would have presented other suggestions in addition to charges for putting out fires, such as vehicle extractions or responding to false alarms. Each proposal would have required a separate vote.

"The ordinance doesn't set any policy," Strongitharm said. "It just gives the authority to charge."

The council will get an explanation of what happened with the ordinance at a committee of the whole meeting, Strongitharm said. But the administration probably won't present a revised ordinance, he said.

"This ordinance and this concept is dead right now. We have no plans to bring it forward," he said. "There's been such a negative spin put on it."