

SENATE TAXATION
EXHIBIT NO. 4
DATE 3.10.09
BILL NO. SB 486
E-mail Source

Sender: "sean biggins" <sean_biggins@bresnan.net>
Subject: Fwd: FW: Firefighters
Date: Mon, 09 Mar 2009 09:43:20 -0600
To: sandman71@bresnan.net

--- the forwarded message follows ---

<p>Sender: Wendy Kessler <fyrhart@hotmail.com> Subject: FW: Firefighters Date: Mon, 9 Mar 2009 07:51:06 -0600 To: "Sean Biggins" <sean_biggins@bresnan.net></p> <p>> Subject: RE: Firefighters > Date: Sun, 19 Aug 2007 16:27:06 -0600 > From: VolekC@ci.billings.mt.us > To: fyrhart@hotmail.com > > Dear Ms. Kessler: > > Thank you for your concern regarding the Fire Department. > > I understand that the news of recent days may have been frightening, but > you should know that the Public Safety Levy continues to be crucial in > providing both Police and Fire protection to residents of Billings. > > The Fire Department portion of the levy was intended to build a fire > station at 54th and Grand that will be completed in approximately > October, purchase a fire engine that already has been ordered for it, > and pay for 15 firefighters, six of whom already are hired and will > remain as additions to our previous numbers. The fire station will be > directly across the street from you, and it will reduce the response > time in your area greatly from the current station, which is located on > 17th between Grand and Poly. The Police Department is adding 11 > officers, an animal control officer and support personnel. Had we not > been able to retain the levy, rising operating costs would have forced > us to lay off as many as 41 police officers and 38 firefighters whose > salaries we could have no longer afforded by the end of this budget > year. Since it was approved, those officers and firefighters remain in > place, serving the public. In fact, due to a reorganization of shifts, > this year the Police Department has an average of 12 officers on the > street each shift rather than the 9 we previously fielded. > > The Billings Police Department has my confidence and I believe that of</p>	E-mail Source
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- > the City Council. While it may have had some problems, like any large
- > organization, it is addressing the issues raised in the trial, including
- > 11 investigations that will be conducted or reviewed by the Montana
- > Department of Justice. Following a study by the International
- > Association of Chiefs of Police, an Office of Professional Standards
- > already has been instituted to investigate every complaint made against
- > an officer, even the anonymous ones, and each complainant who identifies
- > him or herself receives a written response, a copy of which is sent to
- > me for review. Complaint forms are available outside my office, the
- > other end of the building from the Police Department, and will be
- > available on-line later this year when the City updates its web site.
- >
- > Frankly, the City of Billings has been facing financial problems for
- > many years, primarily because it is one of only two cities in the state
- > (Sunburst is the other) which has a mill levy on property taxes capped
- > by its Charter as a protection to residents. So, in Bozeman, Helena,
- > Butte and most other cities, the City Council sets the tax levy
- > necessary to provide services. To make a change in Billings requires a
- > vote such as the one for the Public Safety Levy, which goes exclusively
- > into the Public Safety Fund to provide Police and Fire services. The
- > other main reason for our problems is that the State controls the
- > results of growth in the community. Despite the growth in property
- > values in Billings, the City's General Fund received exactly \$300,000 in
- > new growth from property taxes last year, all attributable to new
- > construction.
- >
- > For at least five years, every department in the City has been forced to
- > submit a budget with no increase in its operations and maintenance
- > funds, so that any requests for increases can be scrutinized carefully.
- > The General Fund provides the majority - 62% -- off the Public Safety
- > Fund, as well as covering the operations for the Municipal Court, Parks
- > and Recreation, Human Resources, the Finance Department, the City
- > Council, my office and the City Clerk. The Public Safety Fund has no
- > financial reserves and the General Fund ate into \$700,000 of its
- > reserves for the current budget year, despite spending \$100,000 less
- > than last year.
- >
- > The City has been cutting budgets and still has been eating into the
- > General Fund reserves for a number of years. In the 2005 budget, before
- > the levy was passed, the City laid off two police officers through
- > attrition. That same year, the City actually raised Parks and
- > Recreation fees and lowered the department's budget as part of an effort
- > to keep the City's commitment to putting a majority of the General Funds
- > toward Public Safety. In 2006, we left open my former position of
- > Assistant City Administrator. This budget year, we moved the Deputy
- > City Administrator into that position, eliminated the Deputy's position
- > completely, and cut the Deputy City Clerk from full to part-time. The
- > Fire Chief will lose his deputy as part of the cuts made through
- > attrition. As you know, we have closed Athletic Pool, meaning we funded
- > one less pool this season in Parks and Recreation. There have been
- > position cuts through attrition this year in Planning and Public Works,
- > two departments outside the Public Safety and General Funds. These are
- > just some of the less highly publicized results of the City's financial
- > problems. They, too, affect public services and staff morale.
- >

> hired in order to better protect me, my family and my community. To now
>
> hear that it will not be happening makes me mad and scared. Perhaps if
> the
> city had done the right thing in the first place, (what a novel idea,
> paying
> people for the hours they work) you would not be in a situation where
> you
> feel it is needed to threaten the city and it's workers. I did not pass
> a
> mill levy to pay off your bad mistakes, I passed a mill levy to hire new
>
> firefighters. I suggest some re-working of the budget and perhaps yours
> and
> the fire chief's ridiculous salaries to dig out the hole you all dug for
>
> yourselves. This will not go away, people are unhappy and now is the
> time
> to make the right choice and clean up the dirty reputation our city now
> has.
>
> Wendy Kessler
> fyrhart@hotmail.com
> 5421 Corner Stone Ave
> Billings, MT 59106
> 690-4091
>
>

> Booking a flight? Know when to buy with airfare predictions on MSN
> Travel.
> <http://travel.msn.com/Articles/aboutfarecast.aspx&ocid=T001MSN25A07001>
>
>

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Sender: Bob Golubski <bobgolubski@yahoo.com>
Subject: Fw: Senate Bill 486
Date: Mon, 9 Mar 2009 13:37:14 -0700 (PDT)
To: Dan Cotrell <dancotrell@netscape.net>, Joe Sands <sandman71@bresnan.net>

E-mail Source

--- On **Mon, 3/9/09**, Helen Golubski <golubskih@yahoo.com> wrote:

From: Helen Golubski <golubskih@yahoo.com>
Subject: Senate Bill 486
To: bobgolubski@yahoo.com
Date: Monday, March 9, 2009, 1:31 PM

Regarding SB486 which would allow residents to challenge a city's spending of public safety mill levies, I give a "resounding yes". We should have the right to say the levies we vote for should be carried out accordingly. After all, it is our money.

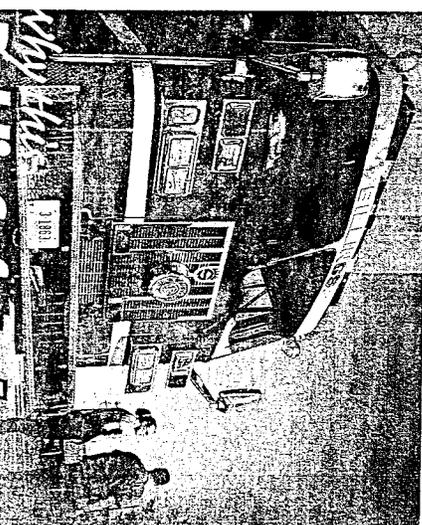
When council decided to settle the fire dept. lawsuit with safety levy monies we voted for (twice, I remind you) I called two councilmen to voice my displeasure. Donald Jones barked at me with "well, where do you think we are going to get the money from"? I said I did not know but it did not make sense to use safety levy monies to pay for something other than it was slated for. This is like robbing Peter to pay Peter. I then called Richard Clark and got an abrupt "too bad, but that's the way it is" and then he hung up on me. These are the people that were voted into these positions to carry out the wishes of the majority.

Station #7 was built as promised but the staffing was shorted. Council states staffing will not be implemented till the suit is paid off and that will take ten years. In the meantime the city continues to grow.

Having no recourse makes me think twice about voting on future levies.. I did not vote for the last school levy for the first time in my life because I felt my tax dollars may end up going elsewhere, then was upset for having shorted the children. But I do not wish to hand Council a blank check to do as they wish with it.

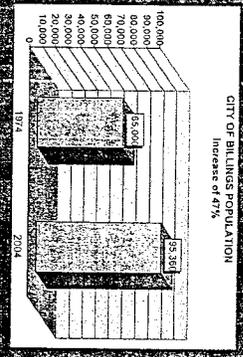
At one point some council members supported the bill, but the following Monday no-one did. Apparently those that did saw some logic to it, but it seems to me they were coerced into changing their minds. Hmmm. This makes me wonder what Council is really concerned about. As I see it, if Council carries out the wishes of the majority they will not be challenged. I've been taught "majority rules". But I feel they want to rule with an iron fist. Think about it. If they had followed the original ruling of the court regarding the lawsuit, the damages would have been minimal compared to the final outcome. Instead they chose to be stubborn and dragged the case out for ten years despite continued rulings against them and the final cost was in the millions.. This is why I am all for Senate Bill 486 .

Helen Golubski
406-655-0758



Why This Public Safety Levy is Necessary

- The current funding is not adequate to allow for necessary improvements
- Equipment and facilities need to be expanded to serve the growing community of Billings
- The improvements are necessary to meet community expectations
- Maintain current levels of service



Fire Department

Billings Fire Department consists of fewer employees and a higher volume of responses than other cities of comparable size

- Billings: 19 employees per 1,000 people, 425 responses/employee/year
- Missoula: 32 employees per 1,000 people, 220 responses/employee/year

Since 1974, the population of Billings has increased 47%. The Billings Fire Department went from employing 12 firefighters in 1974 to 104 firefighters in 2004. This is a loss of 8 firefighters with a growing population.

The Fire Department response time has increased from 4 minutes to 7:58 minutes since 1974.

- Structure Fire Loss Per Capita
- Billings \$42
 - Nationwide \$31



Police Department

Billings is in the bottom 8.7% of cities with comparable populations for sworn law enforcement employees

- Billings: 1.34 officers per 1000 people
- US Average: 2.3 officers per 1000 people

Since 1974, Billings Police Force has increased by only 24.7%. Calls for service have increased by nearly 60%.

"Safer Community. Better Living"

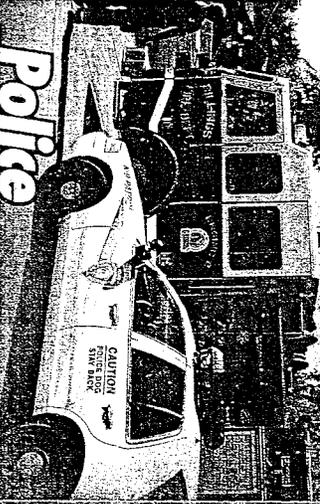
2004
SAFETY
Levy

Fire Department 5 year plan

- Build additional West End Fire Station
- Hire 15 additional firefighters
- Purchase fully equipped engine

Police Department 5 year plan

- Addition of police personnel and equipment to work toward a 3rd operational district
- Hire 11 additional police officers
- Hire 1 initial control officer and support personnel



Sample Ballot

For the purpose of funding the operation, maintenance and capital needs of the Fire Department, Police Department, and related public safety expenses the Billings City Council amended the City Charter in Ordinance 04-5288. Shall the City be authorized to levy millage sufficient to raise the following amounts: \$2,600,000 in FY 2005 (approximately 20 mills), \$1,400,000 per year in FY 2006, FY 2007, FY 2008 and in FY 2009 (approximately 10 mills). The property tax impact on a home valued at \$100,000 is approximately \$45.28 for FY 2005 and \$22.64 per year for the next 4 fiscal years. The impact on a home valued at \$200,000 is approximately \$90.55 for FY 2005 and \$45.28 for the next four (4) fiscal years.

- FOR amending the City Charter to add a mill levy for Police, Fire and related public safety expenses as provided in Ordinance 04-5288.
- AGAINST amending the City Charter to add a mill levy for Police, Fire and related public safety expenses as provided in Ordinance 04-5288.

Paid for by

Yes! V

for public safety

George Selinger, Treasurer
201 North Broadway • Billings, MT 59101

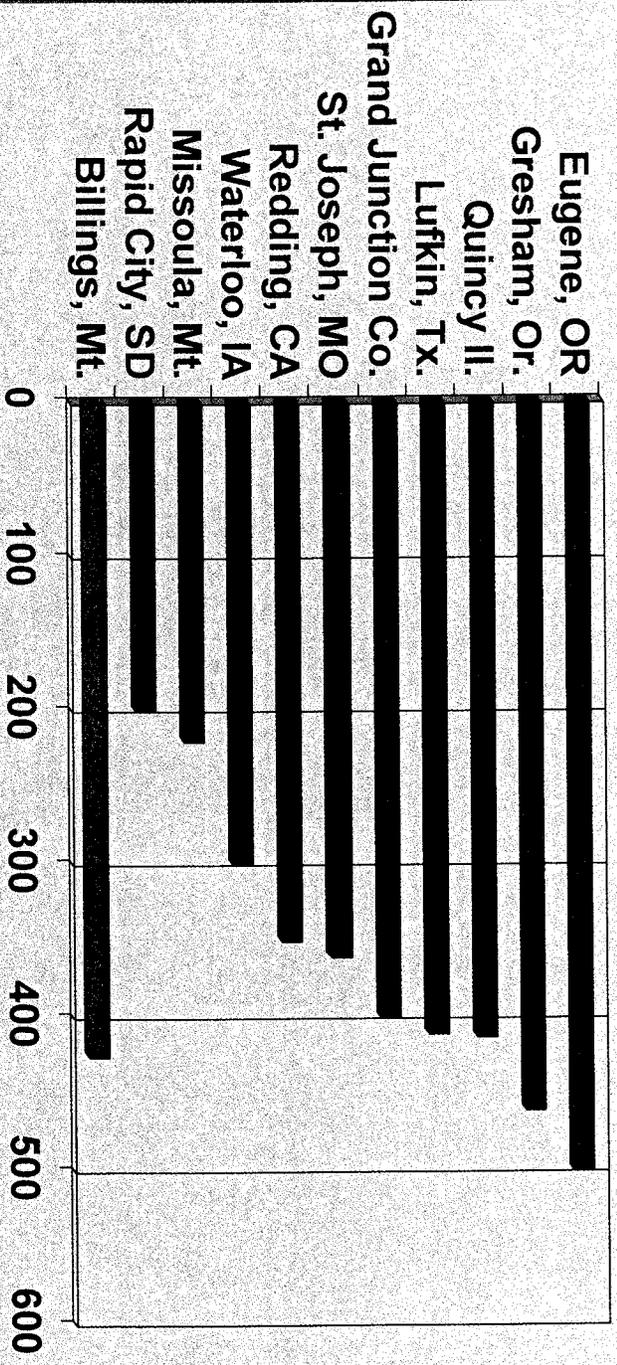
"Safer Community, Better Living"



2004

Billings SAFER Community

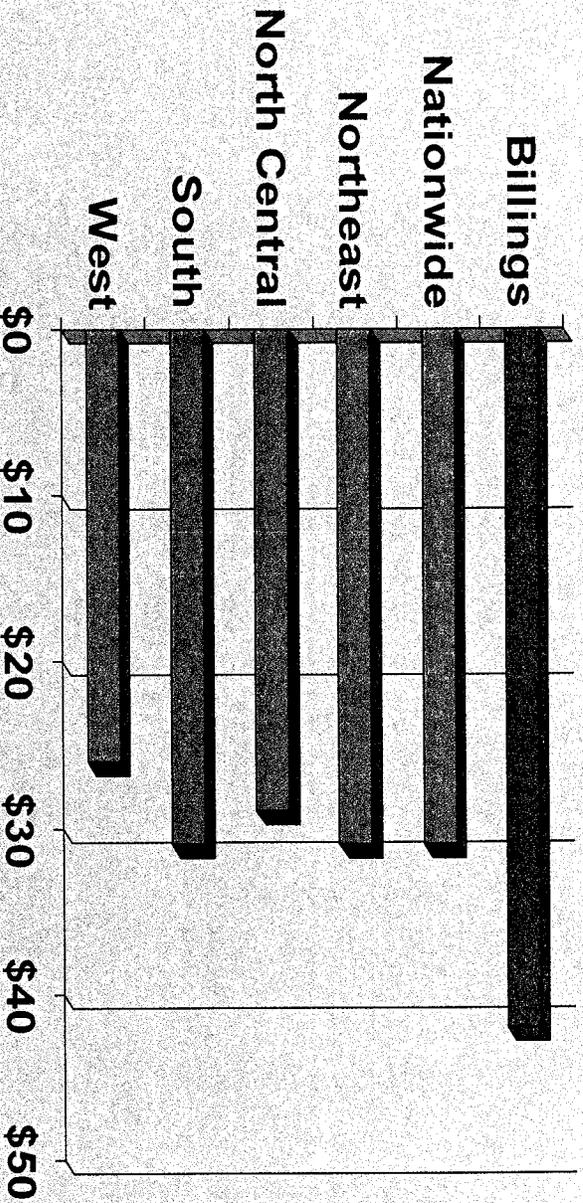
Fire Department Responses per On-Duty Staff



"Safer Community, Better Living"

2004
FORBES!
SAFETY
Levy

Structure Fire Loss per Capita

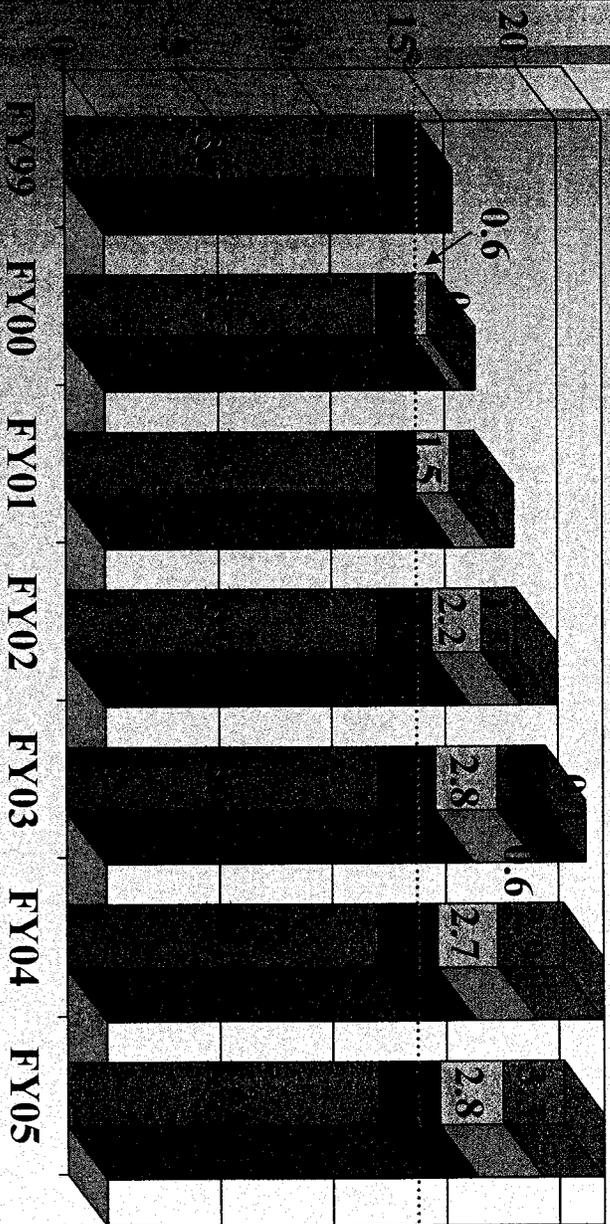


"Safer-Community, Better-Living"

2004
SUBURBAN SAFETY
Levy

Public Safety Fund Revenue

Budget FY99-FY05 (Millions)



GF Level minus Rev. to PS Fund
 Levy Mills/MV/Other
 PS Fund and Balance Reduction

PS Other Revenue
 BUFS A Fund Closing Tr/Other
 GF to Balance Budget

"Safer-Community, Better-Living"

2004
STAFFORD
Police

City Investment in Public Safety to Maintain Current Levels of Service

Police

Fire

Five Year Plan

Five Year Plan

- Personnel and Equipment
 - Build an Additional West End Station
 - Personnel and equipment to staff station
- Move toward a third National District
- Officers
 - 15 firefighters
 - Fully equipped Engine
- Animal Control Officer
- Support Personnel

“Safer-Community, Better-Living”



Public Safety Mil levy language Articles

Guest Opinion: Billings firefighters, cops stretched too far

By **GEORGE SELOVER**
and **GARY BUCHANAN**

Average?

What does average mean? It means half are better and the other half are not. Is it good to be average? That depends on what it is that is being compared. Let's take the safety levy that was passed 63 to 37 percent by Billings' voters in November 2004 as an example.

The area and population protected by the Police Department and the Fire Department are different.

According to the Montana Board of Crime Control 2005 report of Law Enforcement Manpower in Montana (the latest data available from this source), the Billings Police Department ranked last in the number of sworn officers per 1,000 population when compared with the largest five cities next to Billings in the state of Montana. These figures show Billings, with 124 sworn officers, had a 1.29 per 1,000 people ratio compared with Missoula, Great Falls, Helena, Bozeman and Kalispell, which averaged 1.63 sworn officers per 1,000 people ratio. To be just average, Billings would need to add 32 more sworn officers.

The 2004 safety levy envisioned adding 11 sworn officers to the 124 existing force for a total of 135 sworn officers. This addition would leave the police force in Billings still 21 sworn officers below the average ratio of the other largest cities in Montana.

Firefighter ratio also low

Likewise, Billings firefighters, as shown by statistics taken in October 2006 from each city's Web site, ranked second to last in the number of firefighters per 1,000 population, when compared to those other five largest cities in Montana. Billings with 104 firefighters had a ratio of 1.05 per 1,000, whereas the other five cities had an average ratio of 1.28 per 1,000 population. To be just average, the Billings fire department would need to add 22 more firefighters. The 2004 safety levy envisioned adding 15 firefighters to the already existing 104 for a total of 119. This new total would put the Billings Fire Department seven firefighters below the average of the other five largest cities in Montana. In 2006, the Fire Department's response time to emergency calls is averaging eight minutes compared with four minutes 32 years earlier. This is because the area the firefighters have to cover is greater - 18.3 square miles in 1974 and 84 square miles now, and they are trying to cover those calls with eight fewer firefighters than they had 32 years ago.

A fire engine is dispatched along with an AMR ambulance on emergency calls of a health nature. What does being less than average in responding to an emergency call mean to a heart attack or stroke victim where seconds, not minutes, count in a life and death situation? Medical statistics

show that the maximum response time for a heart attack victim is six minutes and for a stroke victim 10 minutes. If the response time is longer than that, chances for survival drop significantly. As stated above, the firefighters' average response time today is eight minutes.

The cost of being below-average

If you live within several blocks of a fire station, don't feel completely protected. It's quite possible that the response to your call would be handled by a back-up, because the engine from your neighborhood is on one of those eight-minute-or-longer responses elsewhere. The Yellowstone City-County Planning Department states that 8.7 percent of the population living within the 84 square miles covered by the Fire Department reside outside the six-minute response time. The response time for these people averages 11 minutes.

Compared with the other five cities in Montana, Billings sworn officers and firefighters, after the staff additions envisioned by the 2004 safety levy, would still be below the average of those five cities.

Being less than average is a situation that Billings, Montana's largest city, should not tolerate.

Vote against the repeal of the 2004 safety levy.

Gary Buchanan is a Billings businessman and former state commerce director. George Selover, a retired Billings businessman, has long been active in local government. Both of them campaigned for the 2004 safety levy.

Published on Wednesday, October 13, 2004

Gazette Opinion: Safety levy: Firefighters need some reinforcement

Compared with fire departments in other mid-sized Western cities, Billings Fire Department operates with fewer firefighters on duty. Our firefighters answer substantially more calls per firefighter than their colleagues.

Billings firefighters do a good job with the resources they have. What's troubling is that those resources are dwindling. It shows. Consider these performance measures:

Average response time across the Billings Fire Department's service area is 7 minutes, 58 seconds. The national average is 5 minutes. Thirty years ago, Billings Fire Department had an average response time of 4 minutes. Now it takes twice as long, on average, for our overstretched firefighters to answer calls.

Ten years ago, the Insurance Services Office, which makes fire safety ratings for insurance

companies nationwide, told Billings it needed 44 additional firefighters. None have been added, but the BFD service area and service population have expanded.

Billings has an ISO rating of 3 on a scale of 1 to 10 with 10 being the worst. If the ISO were to review Billings now, the rating would almost certainly drop to 4 and could be lowered to 5. A drop to 4 can be expected to increase insurance premiums on commercial property by 7 percent to 10 percent. A drop to 4 probably wouldn't increase residential insurance premiums, but those rates could go up if the ISO ranked Billings at level 5.

In 1998, Billings voters approved a public safety mill levy to maintain city police and fire services and rejected a more expensive levy that would have upgraded services. The 1998 levy hasn't provided as much money as projected because state changes in the property tax formula kept the value of a mill from growing at a rate commensurate with the city's growth in new construction, area and population.

The city has had to shift more dollars from the general fund into public safety. This year, the city is spending reserves to operate Fire and Police departments. The Police Department has eliminated two positions and must eliminate a third by year's end to save money. The city's out of reserves. Next year's budget will depend on next year's revenues.

The Fire Department, which has fewer firefighters now than it did 30 years ago, risks staff cuts next summer if there's no new revenue.

Billings firefighters already are doing more with less. As Fire Chief Marv Jochems said: "We're reaching a dangerous limit on what were asking our firefighters to do."

The choice is clear: Pay more for public safety services or pay higher insurance premiums and risk greater losses to fire and crime.

Please join us in supporting the public safety levy increase on Nov. 2.

Safety levy increases firefighting, police forces

By TOM HOWARD Of The Gazette Staff

Thanks to a new voter-approved public safety levy, the Billings Fire Department is preparing to increase its staffing for the first time in 30 years.

The 2006 fiscal year, which began July 1, is the first for the five-year phase-in of the public safety levy, which Billings voters passed by a 63 to 37 percent margin last November.

The new levy will generate \$2.6 million in 2006, \$4 million in 2007, \$5.4 million in 2008, \$6.8 million in 2009 and \$8.2 million in 2010 and thereafter to support fire and police protection.

Deputy Fire Chief Paul Gerber said more than 100 people have submitted applications for six

new firefighting positions that will be paid for in the first year of the levy. About 40 applicants will be invited to participate in interviews in early August. Six people from that group will be hired, and they will enter a rookie firefighter training program in early September, Gerber said. "We have some well-qualified applicants," Gerber said. "It will be a tough decision on who gets the job."

The Fire Department has received applications from throughout Montana and several other states, Gerber said. "A typical applicant has some experience in emergency services, wildland firefighting or working as a volunteer firefighter."

More than half of the applicants have taken college-level courses in fire science or have received associate's degrees in fire science, Gerber said.

With money from the levy, the Fire Department also plans to hire a deputy fire chief in 2006.

When fully implemented, the public safety levy will enable the Fire Department to hire 15 additional firefighters and build and equip a new fire station at Grand Avenue and 54th Street West. The Police Department will be able to hire a total of 11 police officers.

"We're looking forward to being busy," Gerber said. "This is something that we've wanted for a long time."

Thirty years ago, when Billings had 65,000 people, the Fire Department's 112 firefighters provided service to a 17-square-mile area. Since then Billings has mushroomed to more than 49 square miles, and the population is near 100,000. But the number of firefighters has remained about steady, even though the Fire Department now responds to medical emergencies in addition to fires.

The Police Department will hire two new officers during 2006. The levy will also pay for half of the salary for the department's volunteer coordinator, a youth alcohol prevention coordinator and an evidence clerk. Previously the clerical positions had been paid for through grants, said Police Chief Jerry Archer.

Archer said the city has received a lot of interest in the new patrol positions. More than 100 people have submitted applications, he said.

"We'll be hiring them within the next 30 to 45 days," Archer said. The new officers will hit the streets after completing a 15-week training program, he said.

When the public safety levy was first proposed, it called for building the new fire station during the 2009 fiscal year. But the City Council decided earlier this year to build the station in 2007. The land has been purchased, and the city is in the process of developing a request for proposals to hire an architectural firm to design the station, Gerber said.

Once an architect is hired, the Fire Department will hold a series of meetings to give the public an opportunity to comment on the design, Gerber said. Firefighters will have a say in how the

station is designed.

"The new station will be the firefighters' home, so they'll get an opportunity to look at what has worked well in other stations and to see the layout of the inside," Gerber said.

He said the new station will likely include a well-lighted basement that can be used for meetings. But don't count on it having a fire pole, because there probably won't be a second story on the building.

During budget discussions last spring, the council fielded comments from people who questioned whether the money from the levy will be spent in the way the proposal was presented to voters. Those concerns apparently were based on city budget projections that show transfers from the city's general fund to public safety fund will decline in 2006 but then gradually increase in future years.

Pat Weber, the city's financial services manager, said the city has supplemented the public safety fund - which supports police and fire protection - with transfers from the general fund for several years.

City budget projections show that transfers from the general fund to public safety will decline from \$17.1 million in 2007 to \$16.4 in 2006. But the transfers increase to \$16.6 million in 2007, \$17.6 million in 2008, then drop down to \$17.1 in 2009 and \$16.9 in 2010.

Weber said the new public safety levy was designed in part to relieve pressure on the general fund, and that accounts for the temporary reduction in transfers from the general fund. There's no question that the new public safety levy will be used for what it was intended, he said.

"To say we're shorting public safety just isn't true," said Larry Brewster, a Ward 2 councilman and deputy mayor. "We always knew the public safety levy would offset some of the costs from the general fund."

"We're pleased with how things are going," Gerber said. "The people are getting everything they voted for, and as far as a new fire station, they're getting it sooner."

Published on Tuesday, July 26, 2005

City defends safety levy: Voter repeal would mean drastic cuts in police, fire protection, it says
Citizens for Honest Ballots misrepresents budget, officials say

**By TOM HOWARD
Of The Gazette Staff**

If Billings voters repeal the 2004 public safety levy on Nov. 7, they will put the brakes on a revenue stream that is designed eventually to generate \$8.2 million a year toward the cost of police and fire service.

City officials warn of drastic cuts in fire and police protection if the levy is overturned. They also say they're spending a lot of time fighting misleading attacks from Citizens for Honest Ballots, a group that organized the recall by circulating petitions signed by 9,515 Billings voters.

Overturning the 2004 public safety levy would force the city to reallocate resources and reduce services to cut about \$2 million each from the fire and police budgets. Council members say there's no way to transfer money from other budgets if the levy is repealed.

"This is a public safety issue, and the cuts should come out of public safety," said Councilman Chris "Shoots" Veis.

"If the public tells us they want less public safety, that's what we'll give them," Mayor Ron Tussing said. "We can't transfer money out of the general fund. If you put all of the agencies in the general fund together, there's not enough to make a significant difference."

Public safety, with a budget of \$29.5 million, accounts for more than 10 percent of the city's \$200 million in budgeted expenditures for fiscal year 2007, the current year. The public safety budget supports 350 employees - more than one-third of all city workers. They work in the Police Department, the Fire Department, the animal shelter and the communications center.

For years, public safety was included in the city's general fund.

But city officials created a separate public safety fund when voters in 1998 approved a 20-mill tax increase to help pay for public safety.

Deputy City Administrator Bruce McCandless said the idea behind the separate fund was to give taxpayers a better understanding of how the money from the levy was being spent.

"We felt at the time that there was an urgency to fund public safety" and to let people know where the money was going, said former Mayor Chuck Tooley.

In addition to creating the separate levy, the council and the administration committed to continue funding public safety through transfers from the general fund. At the time, the council pledged to contribute at least \$15.4 million from the general fund to the public safety fund. That contribution has increased over time as public safety expenses have grown.

The general fund still accounts for 60 percent of the money that goes into the public safety fund, and public safety is the largest expenditure from the general fund. Here are the sources of revenue from the public safety fund for 2007:

- \$17.5 million in transfers from the general fund.
- \$4 million from the voter-approved levy of 2004.
- \$3.1 million from the voter-approved levy of 1998.

- \$4.8 million from "other sources," which includes fees that the city collects from Yellowstone County residents who receive fire protection from the Billings Urban Fire Service Area. Also included is revenue collected from Yellowstone County to operate the city-county dispatch center.

The general fund, \$29 million in fiscal year 2007, is used to account for programs that are most often associated with government. Property taxes, licenses and permits, charges for services and intergovernmental transfers provide the revenue for the general fund. Aside from the public safety fund, departments served by the general fund include the mayor and City Council, the city administrator, human resources, city attorney, municipal court, code enforcement, public works, parks and finance.

Looking to the general fund to offset cuts in public safety would only create more problems, City Administrator Tina Volek said. Many employees whose departments are in the general fund are paid, in part, by fees charged by other city departments.

For example, if the city decided to lay off an accountant to save a firefighter's position, the general fund would realize only a portion of the savings because other city departments pay for a portion of the accountant's salary.

"It's just not cost-effective to cut those positions in the general fund," Volek said.

Although Billings voters made a commitment to fund police and fire protection by passing the 1998 levy, the public safety fund began experiencing financial difficulties just five years later.

After the statewide property tax reappraisal in 2002, the Legislature changed how property is valued, reducing the amount of money generated by the 1998 levy and in the general fund, Volek said.

In April 2004, city officials projected a shortfall of \$1.5 million in the public safety fund for 2005. The projections showed that without new revenue or reductions in services, the deficit would grow to \$4.1 million by 2008, Volek said.

At the time, staff presented the council with plans for cutting public safety budgets by 2.5 percent, 5 percent, 7.5 percent and 10 percent. After the council expressed reluctance to reduce the budget, the city decided to ask for a new public safety levy, Volek said.

Proponents of the recall say the public safety levy represents the largest tax increase in city history, and city officials acknowledge that the increase is significant. But there is no reasonable alternative, they say.

Most Montana cities have the ability to automatically increase their mill levies whenever the value of a mill is reduced by legislative action or through reappraisal. But Billings doesn't have that flexibility. Because of the city charter, the City Council is prevented from raising its levy

without a vote of the people. Only Sunburst, a tiny town north of Shelby, has a similar charter provision.

Jerry Hansen, an accountant who is treasurer of Citizens for Honest Ballots, argues that the city has savings that could be tapped to support public safety.

Page 17 of the city's comprehensive annual report for fiscal year 2005 reports the city has "unrestricted reserves" of \$49.5 million. That, he said, can be used instead of a higher tax, he said.

But Pat Weber, the city's financial services director, says that figure does not represent money in the bank. Instead, it represents the value of all the city's assets, including buildings and equipment.

"They think they've discovered previously undisclosed pots of money, but they're referring to stuff the city owns," Tussing said. "We're not going to sell the dump or the water treatment plant to pay for cops and firefighters."

Earlier this year at the council's request, Weber provided the council with a detailed study of the city's financial reserves.

The report shows that the city's general fund reserves of \$5.6 million are nearly \$1 million below the recommended level for the 2007 fiscal year.

The city also reported about \$5.2 million in reserves available in the solid-waste fund. But even if the council decided to transfer that money to public safety, Volek said, it would be a one-time boost and the city would be back in the same boat the next year.

Published on Sunday, October 08, 2006

Gazette Opinion: Clear, straight talk needed on public safety mill levy

When the City Council discussed implications of repealing the 2004 public-safety levy, the word from the Police and Fire departments was alarming: Loss of the levy could mean loss of 43 firefighters and 40 police officers.

The dire forecast left more than a few Billings people wondering how the two-year-old levy could have such a big impact on the departments. The Gazette asked for a more detailed accounting from Interim City Administrator Tina Volek, Finance Director Pat Weber, Fire Chief Marv Jochems and Police Chief Rich St. John. All four agreed that the loss of the levy would have severe consequences for public safety services.

The levy is projected to bring in \$4 million this year, which is equal to the salaries and benefits for all the police and firefighters hired within the past eight years, the two chiefs said. The scary numbers quantify the magnitude of the impact the levy loss would have on the departments. But exactly how the city would deal with the loss of the levy (if voters repeal it in November) would ultimately be the City Council's decision.

To understand how important the levy is, one must first know that the city had been spending reserves and cutting other general-fund departments (mostly parks) to keep from making deep cuts in police and fire. In 2004, after doing all those things, the City Council also voted some cuts in the Police Department because funding fell short.

The levy voters approved in November 2004 provided the largest of five cumulative, incremental, annual increases in its first year to get public safety out of the hole. Without the levy, the city lacked money to maintain the level of services it had.

With the levy, the city is able to maintain services, gradually add 15 firefighters to staff a new West End fire station and gradually add 11 police officers and other support personnel.

After the levy was approved in 2004, the City Council decided to speed up construction and opening of the new fire station, which means the Fire Department budget grew faster than projected before the levy.

This year's budget also reflects pay increases for fire and police personnel and new hiring promised with the levy approval.

The city officials who talked with The Gazette must work hard between now and the November vote to communicate clear, honest, understandable information. City Council members and other residents who understand what is at stake in this vote must help inform the community about how the levy is being used and why it is crucial to public safety.

Without the 2004 public-safety levy, the residents of Billings would have a serious, ongoing problem.

Vote for safety levy lets jobs get filled

**By TOM HOWARD
Of The Gazette Staff**

Hours after Billings residents voted not to repeal the 2004 public-safety mill levy, Fire Chief Marv Jochems was on the phone Wednesday hiring new firefighters.

With money from the levy now secure, Jochems hopes to fill a dozen positions that had remained open.

"We'll be making the calls today, tomorrow and the next day," Jochems said. "We're trying to get them here before somebody else hires them."

Repeal of the levy was rejected by 58 to 42 percent, with 16,962 voting in favor of repeal and 23,270 opposed, according to unofficial results.

Chris Moore, who received a job offer Wednesday, said he was relieved that voters consider public safety a priority.

"I still haven't come down from a high," said Moore, 36, who works for Well Fargo Home Mortgage. "This is a dream job come true, and I'm so thankful."

Moore, a native of Grand Island, Neb., said he was drawn to firefighting because it allows him make a difference in the community. Moore spent four years in the U.S. Marine Corps and has worked as a volunteer for the Lockwood Fire Department for nearly three years.

Helping people

"The biggest thing for me is to help people," Moore said. "That's always been a strong characteristic of mine. I joined the Marines to serve my country and to help those who are less fortunate than me."

George Richards, 26, works for the city as a rescue firefighter at Billings Logan International Airport and volunteers for the Shepherd Volunteer Fire Department. Working at the airport has been a great job, he said, but working for the Fire Department will give him an opportunity to put his training to use.

"It's hard to keep up your knowledge and experience unless you're going on calls," Richards said.

Team effort

He said he and his wife, Chandra, campaigned door to door before the election, urging voters to keep the police and fire levy.

"They say you can lose an election by yourself, but you can't win one by yourself," Jochems said, calling the city's battle against the repeal a team effort. He said city officials made 74 presentations about the public safety levy to service organizations, neighborhood groups, professional organizations and retirement centers before the election. That's double the number of public presentations that preceded the successful 2004 levy campaign, which was approved by 63 percent of Billings voters.

Clayton Fiscus, chairman of Citizens for Honest Ballots, said the group accomplished what it wanted to even though the recall failed by 6,300 votes.

"This time the people went to the polls knowing that they were voting for an \$8.2 million tax increase, and that it would go on forever," Fiscus said. "We also got them to admit that the (2004) ballot language was deceptive," said Fiscus, a real estate agent.

Fiscus said he was pleased that the City Council has taken steps to avoid future ballot confusion. The council last summer passed an ordinance that requires future ballot measures to specify whether a levy would be permanent or would sunset.

"We got an honest-ballot ordinance passed and we got 12,000 people to sign our petitions. We let the voters make the final decision, and that's the greatest thing," Fiscus said.

Heading into Tuesday's election, the Fire Department had 110 employees, though it was authorized for 122. Jochems plans to hire six people to fill six vacancies. Six other positions authorized by the public-safety levy will also be filled. Early next year, Jochems expects to fill five or six other vacancies that will result from retirements that go into effect by the end of the year.

The mill levy allowed the Police Department to add two officers last year. Several others have been hired to replace positions lost through retirements and resignations, Chief Rich St. John said. The department is now at full strength with 132 officers. Because the levy remains in effect, two more officers will be hired after July 1, he said.

Mayor Ron Tussing said the public's support for the public-safety levy, the passage of the bond issue for a new baseball field and successful levies for a new veterans cemetery and senior services are a sign that Billings has turned a corner.

"We've got to start thinking more positively," Tussing said. "Personally, I want to work on some ideas for property tax relief. I'm just pleased and proud to represent a community that's willing to get behind itself."

Published on Thursday, November 09, 2006

Councilman: Levy for safety only

By TOM HOWARD Of The Gazette Staff

Billings City Councilman Vince Ruegamer says there's no question about what would happen to the money if Billings voters approve a five-year, \$8.2 million public safety mill levy on Tuesday.

"It's unequivocal," Ruegamer said. "If the levy passes, the money will go to public safety, period. There are no take-aways."

Ruegamer was responding to statements attributed to Billings police officers in an Oct. 23 Gazette story.

In the article, police officers said they support the levy, but they were skeptical that all of the money would be spent on police and fire protection. "I'm going to vote for the mill levy," said officer Jim Woog. "Me, like every other citizen I believe, I'm nervous about what they are going to do with the money, whether it will go where it is supposed to."

"I don't think the council would let the money be spent on anything else," Ruegamer said.

City Administrator Kristoff Bauer said the wording that appears on the ballot specifically requires the city to set aside the money for police and fire protection.

Besides, funding for public safety has increased in each of the past five years, in spite of the city's increasingly tight budgets, Bauer said.

"The best predictor of the future is history, and the public safety levy has increased each year," Bauer said.

The council has placed a high priority on public safety, Bauer said.

"The council has taken a position that it would cut public safety only as a last resort, not as a first resort," Bauer said.

If voters approve the levy, property taxes would increase by \$2.6 million during the 2006 fiscal year, plus \$1.4 million per year for the following four years.

The city estimates that taxes on a house valued at \$100,000

would increase by \$48.25 during the first year, and an additional \$22.64 per year in each of the successive years in which the levy is in place.

If the levy passes, Fire Chief Marv Jochems plans to hire 15 firefighters and build and equip a new West End fire station within five years.

The Police Department plans to hire 11 new officers, one animal control officer and three support staff over five years.

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Guest opinion: Look at facts on safety levy impact

By VINCE RUEGAMER Billings City Councilman

At a recent mayoral forum, candidate Al Garver stated that the public safety levy would increase our property taxes by 53 percent. Given Garver's aversion to ambiguous language, some clarification may be appropriate.

If you look at your property tax bill on the second page toward the bottom left, you will see "Total Amount." I consider that number my property tax. In my case, it's \$1,524 for 2004. Will that go up 53 percent?

No. However, right above the total amount line is a laundry list of taxes and fees. Included in that list is "City Tax." That is our city property tax, and that will increase by about 50 percent.

The city levied 117.73 mills against our property in 2004. The public safety tax will increase that by approximately 60 mills when it is fully levied in five years. So, five years from now, the city will be levying approximately 178 mills, for an increase of about 50 percent. On my property, I'm paying a city property tax of \$238 now, and in five years that will go to about \$357. The increase in my total property tax bill will be less than 10 percent, a far cry from 53 percent.

At the same forum, Garver had a chart showing that of the seven major cities in Montana, Billings was sixth highest in property taxes. The chart went on to show that in five years, we would be second highest because of the public safety levy. I don't know where Garver got his numbers, but I do know that projecting what our property taxes will be in five years with any degree of accuracy is a dream. A re-evaluation by the Montana Department of Revenue or new legislation by the Legislature would have a drastic effect on any projections.

Additionally, the other six major cities have the ability to "float" their mill, which simply means they can raise their mill levy without voter approval - with certain restrictions. Because of our charter, Billings cannot do this. If other cities choose to "float," or if they pass an additional levy, the projections again are rendered meaningless. And there is at least one other city considering a public safety levy.

As you can see, there are many variables involved, too many to make any reasonable projections. My guess is that in five years, Billings will still be number six. All seven of the major cities are facing similar challenges such as growth and aging infrastructure.

Unlike Garver, I am not going to resort to false accusations. I don't believe he was trying to mislead anyone. Because of many things he has said throughout his campaign, I believe he does not understand the city budget and financial picture.

This is understandable. The budget is complex and complicated. After two years on the council, I'm still learning about it, and I have 20 years' experience in such matters. But Garver has intimated that he does understand it. Some of his comments do not bear this out.

Then at the forum, he said he didn't have access to the budget. The city budget is a public document, available to everyone. It's on the city Web site, or you can walk into City Hall and ask for a hard copy and you will get it.

Vince Ruegamer, a retired banker, represents Ward 3

Fire chief hopes to keep even with levy

By TOM HOWARD Of The Gazette Staff

Over the next five years, Billings Fire Chief Marv Jochems hopes to build a new West End fire station, hire a dozen firefighters and add an assistant fire chief.

Jochems has a message for skeptics worried that local government is growing too quickly. The new resources are needed just to keep up with the increased demand for services as Billings continues to grow, he said.

Jochems said expansion of the Fire Department won't happen unless Billings voters approve a new public safety levy this fall.

The Billings City Council agreed Monday night to seek voter approval for a proposed five-year, 60-mill public safety levy for the Fire Department and Police Department. If the ordinance receives final council approval in two weeks, the ballot measure would go before Billings voters in the general election Nov. 2. For years, the fire and police departments have seen their budgets squeezed by increased costs.

The Fire Department's response time averages 7 minutes, 48 seconds, nearly three minutes longer than the National Fire Protection Association's standard. The NFPA recommends that the first fire company arrive at a structure fire within five minutes of receiving the call 90 percent of the time.

If a fire occurs in Ironwood Estates, a new development in northwest Billings, the closest fire station is at 17th Street West, more than 7 miles away, Jochems said.

The NFPA guideline is nonbinding, and the City Council hasn't expressed an interest in spending more money to reduce response times.

Resources purchased with the new levy wouldn't significantly improve the department's response time. But they would help prevent future deterioration in the level of service, Jochems said.

Police Chief Ron Tussing wasn't available Tuesday, but he has said previously that without additional funding, the Police Department could lose effectiveness.

City Administrator Kristoff Bauer said the proposed public safety levy would allow the city to hold off a decline in the level of service that the city has been able to provide.

Billings voters approved a public-safety levy in 1998, stepped over four years, to meet increases in budgets for the police and fire departments.

Bauer said that levy wasn't sufficient to keep up with the departments' needs, in part because the value of a mill has been reduced by the Legislature since 1998.

Over the years the city has supplemented the Public Safety Fund, which supports the police and fire departments, with transfers from the General Fund. Increasing the public safety levy would

reduce the need for transfers from the General Fund, freeing up money for other departments, Bauer said.

If the levy is approved by voters, money for public safety would increase by 20 mills during the 2006 budget year, followed by a 10-mill-a-year increase in each of the next four years.

A 20-mill increase is estimated to raise taxes on a house valued at \$125,000 by about \$85 per year, while a 10-mill increase would increase taxes on the same house by about \$42 per year. After five years, the 60-mill increase in this instance would be about \$250.

During Monday's meeting, Ward 1 councilwoman Shirley McDermott worried that Billings residents could be overwhelmed by the size of the proposed mill levy.

"We're going to strike fear into the hearts of many voters," she said.

Bauer said the proposed levy amounts represent a maximum amount, and the council could choose to spend less as part of its annual budget process.

Likewise, the property tax levy could be reduced if the city acquires new forms of revenue, such as a local-option tax, he said.

Jochems said he'll share information on the Fire Department's budget with service clubs and other organizations between now and the general election.

Recent mill levies and bond issues

June 2004: Billings voters rejected a \$17.5 million bond issue for a new downtown baseball field and a new Heights aquatics center.

May 2004: Voters in School District 2 defeated a proposal to build a new West End high school and renovate the three existing schools. A proposal to add new classrooms to Newman Elementary was approved.

November 2003: Billings voters approved a bond issue for road improvements.

November 2002: Billings voters defeated a bond issue to replace Parmly Billings Library but approved a levy for the City-County Health Department.

May 2002: School District 2 voters approved two general-fund levies.

2001: Yellowstone County residents rejected a proposed mill levy to boost funding for county museums and to provide tax dollars for cultural organizations.

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Police, Fire departments hope levy passes

By TOM HOWARD Of The Gazette Staff

Deputy Fire Chief Paul Gerber says he hates to think about what would happen to the Billings Fire Department if voters reject a five-year, \$8.2 million public safety levy on Nov. 2.

For starters, the department probably would freeze hiring and leave positions vacant if somebody quits or retires, Gerber said. Beyond, that, it would be up to the City Council to decide whether to take more drastic measures such as layoffs, he said.

Mayor Chuck Tooley said a "no" vote on the levy would mean fewer firefighters and police on the street.

"We won't be able to maintain our current level of service," Tooley said. "We might not fire anybody or lay anybody off, but as people retire or resign, they probably won't be replaced." As Billings voters consider whether to vote for the levy, city officials remind them that the Fire Department has been forced to do more with less for the last 30 years.

In 1974, when Billings was home to 65,000 people, 112 firefighters provided fire service to a 17-square-mile area.

Since then Billings has grown to cover 39 square miles and the population has grown by 47 percent, to 95,630. The number of fire calls increased from 1,500 a year to 10,000 a year, in part because Billings firefighters now respond to medical emergencies as well as fires. But during that time the number of Billings firefighters has actually declined slightly to 106.

Fire Chief Marv Jochems said budget constraints forced layoffs in the Fire Department during the late 1970s. But the city never filled those positions, even though the department's workload has increased.

If the levy passes, Jochems hopes to hire 15 new firefighters over five years and build and equip a new West End fire station.

The Police Department hasn't fallen as far behind as the Fire Department.

Over the past 30 years, the Police Department has grown from 101 sworn officers to 126, an increase of 24.7 percent. During that time, the number of calls has increased by 59 percent, from 34,765 in 1974 to 55,345 last year.

The department has hired 17 officers in recent years through federal programs designed to fight crime by putting more police on the street. But federal funding for local police is being phased out as national budget priorities change and the security effort has shifted to homeland security.

Today, just three officers on the force are paid for through federal grants, and that funding is due to expire within a couple of years. At that point, the positions will have to be supported by local

taxes, said Police Chief Ron Tussing.

If the public safety levy passes, the Police Department would add 11 officers over five years, one animal-control officer and up to three support personnel. In fact, the levy would mean a net gain of just nine officers, because two positions were lost in recent budget cuts, Tussing said.

The new levy would give the Police Department a slightly greater presence on the street. But that increase could be offset by population growth, Tussing said.

Studies have shown that Billings has invested less in its police than most similar-sized cities. Billings has 1.34 sworn police officers per 1,000 people, compared with the national average of 2.3 officers per 1,000. Cities of comparable size nationally, those between 25,000 and 100,000, have 1.8 sworn officers per 1,000 people. In the West, similar-sized cities have an average of 1.7 officers per 1,000 population.

Fire response slows

A study conducted last year by an outside consultant concluded that the Fire Department does a good job with its available resources. It found that the number of fires in Billings has declined, from 6.6 fires per 1,000 residents in 1992 to 4.3 fires per 1,000 during 2002. Education and modern building codes contributed to the reduction in fires, according to Jochems.

But the study also found problems.

The National Fire Protection Association recommends that the first fire company should arrive at the scene of a structure fire within five minutes or less 90 percent of the time. In 2002, the Fire Department's response time was 7 minutes 56 seconds 90 percent of the time. That's nearly three minutes longer than industry standard and double the city's own four-minute response time of 30 years ago.

A delay of just a few minutes can allow fires to grow and can result in more serious consequences for the victim of a heart attack, Jochems said.

The insurance services office evaluates fire protection in communities across the nation, issuing ratings on a 1-to-10 scale. Cities with a Class 1 rating have the lowest insurance rates and Class 10 cities pay the most. The Billings Fire Department service area is rated as Class 3 for all property located within 1,000 feet of a fire hydrant, and Class 9 for property that's more than 1,000 feet from a fire hydrant, according to the 2003 study by Emergency Services Consulting Inc.

If the levy passes, the Fire Department might not see a significant improvement in its fire rating. But Jochems says the city's fire rating is likely to decline unless a new West End fire station is built.

No property for a proposed fire station has been bought, but the city has been studying two potential sites: Grand Avenue and 54th Street West, and Rod and Gun Club Road, Jochems said. A consultant's study also identified property at 48th Street West and Monad Road as a potential

site for a fire station, but that site has a low priority, Gerber said.

The tax squeeze

The budget crunch for the Police and Fire departments didn't materialize overnight, City Administrator Kristoff Bauer says.

"Generally, Billings has grown slowly, by about 1 percent a year," Bauer said. "It hasn't been a tragedy that has focused people's attention. Service has degraded but not to the point that most people notice."

Bauer said one reason for the cash crunch in public safety funding is that the city's tax revenues have grown more slowly because of actions taken by the Montana Legislature.

For example, just days before the City Council approved its budget for the 2000-01 fiscal year, city officials received notice that the city's taxable value had declined from \$118.1 million in 1999 to \$113.6 million. The decline resulted after the 1999 Legislature increased the percentage of property that was exempt from taxation. Lawmakers also lowered a multiplier that's used to figure out how much tax is assessed against nonexempt property. The city made up for the resulting \$200,000 shortfall by dipping into reserves.

So while the city has experienced significant growth through new construction and annexation, tax revenues haven't kept pace, Bauer said.

Most cities and counties have the ability to float additional mills if their taxable value declines. But Billings and Sunburst, a small town north of Shelby, alone among Montana cities, have city charters that prohibit them from raising mill levies without a vote of the people.

Tooley said the city is actively exploring revenue sources other than property taxes, but so far efforts have been unsuccessful. Even if the Montana Legislature reversed its historic opposition to a local-option sales tax and approved local-option tax legislation during the 2005 session, the city couldn't count on any new revenue until two or three years later, Tooley said.

Going to the voters

The proposed levy would raise \$2.6 million for fiscal year 2006, and an additional \$1.4 million a year for fiscal years 2007 through 2010. The city estimates that taxes on a house valued at \$100,000 would increase by \$48.25 during the first year, and an additional \$22.64 a year in each of the successive years in which the levy is in place.

No organized opposition to the public safety levy has surfaced. However, local taxpayers haven't been in a mood to vote for higher taxes. In June, Billings voters turned down a \$17 million bond issue to rebuild Cobb Field and develop a new Heights aquatic center. Earlier this year, voters in School District 2 defeated bond issues to build a new high school and to remodel the three existing public high schools in Billings. (A bond issue to refurbish elementary schools was approved, however.)

Yes! Billings, a group formed to promote passage of the public safety levy, has raised nearly \$20,000. Gary Buchanan, an organizer of the group, said it has received money from many private citizens, business owners and unions such as the Montana Education Association and the Teamsters.

"We're delighted at the response of Billings business people," Buchanan said. "We're doing it because we were concerned about the amount of no votes going on, and we thought this is one issue that we can't afford to say no to."

Published on Saturday, October 23, 2004

Draft city budget boosts fire, police

By TOM HOWARD Of The Gazette Staff

Spending on police and fire protection will take a significant jump during the 2006 fiscal year, implementing the first phase of a five-year, \$8.2 million public safety levy that Billings voters approved last November.

The budget calls for hiring six new firefighters, a deputy fire chief, two police officers and additional support staff for fiscal year 2006, which begins July 1.

Under the budget proposal, expenditures in the city's public safety budget would grow from \$23.1 million this year to \$25.2 million in 2006, a 9.4 percent increase. Spending on the Police Department would increase from the \$12.7 million to \$13.9 million. Spending on the Fire Department would increase from \$10.3 million this year to \$11.2 million.

The City Council took its first look at the budget in Monday's work session. One of the major decisions before the council is when to build a new West End fire station. When the public safety levy was put before voters last year, city officials said a new West End fire station would be built during the 2009 fiscal year and would become operational in 2010.

But the council recently asked city staff to study the possibility of building the new station, to be built at 54th Street West and Grand Avenue, sooner.

With that in mind, city staff presented different budget scenarios to the council Monday night. Under one option, the fire station would be built in 2007; in the other, it would be built in 2009.

Building the fire station sooner would require the city to take on additional debt to finance the construction, City Administrator Kristoff Bauer noted. On the other hand, it would likely be less expensive to build sooner, because construction costs tend to rise over time, Bauer said.

"It's up to the council to provide their judgment of the community's desires and expectations," Bauer said.

Fire Chief Marv Jochems said the new fire station wouldn't significantly improve the department's average response time, but it would prevent the response times from deteriorating as the city grows. On the other hand, Jochems said, delaying construction of the new fire station wouldn't create a significant hardship for the department.

Ward 4 Councilman Ed Ulledalen said the city would be better off waiting.

"There's no point in trying to accelerate this," Ulledalen said. He said a lawsuit that firefighters filed against the city seeking retroactive overtime pay potentially could cost the city between \$3 million and \$6 million, and that's one reason to put off the expense of building the new station.

Ward 2 Councilman Larry Brewster said he had no problem with building the fire station sooner as long as it doesn't interfere with hiring new police officers. "There's a need for service out there. If you can provide the service, then you've done a good turn," he said.

Mayor Chuck Tooley said the issue will require more discussion.

"I'd like to see a fire station built as soon as possible," he said. "But I want to understand more clearly the financial implications."

In a related topic, Ward 3 Councilman Vince Ruegamer expressed concern that budget transfers from the city's general fund to the public safety fund will decline from \$17.1 million this year to \$16.4 million during 2006.

The public safety levy for the police and fire departments is supported in part by transfers from the general fund. Ruegamer said some Billings residents have expressed fears that the city would use the passage of the public safety levy as an excuse for reducing transfers from the general fund.

Last fall, city police officers quoted in The Gazette had complained that some of the money from a previous safety levy wasn't used for its intended purpose, Ruegamer said.

Bauer said the transfer from the general fund will decline by \$787,000 during 2006 to \$16.4 million. However, the transfers increase in future years, to \$16.6 million in 2007 and \$17.6 million in 2008, under one set of budget projections. That's exactly what the city said would happen when the public safety levy was presented to voters, Bauer said.

Published on Tuesday, May 03, 2005

Claim: Tooley kept levy details from public
Ex-mayor denies claim by former councilman regarding 2004 safety measure

**By TOM HOWARD
Of The Gazette Staff**

A former city councilman who is working to overturn the 2004 public safety mill levy says former Mayor Chuck Tooley didn't want voters to know the levy would be permanent and cumulative.

Former Ward 2 Councilman Dave Brown, a member of Citizens for Honest Ballots, made that surprising claim during a public forum Wednesday at Montana State University-Billings.

Within days after Billings voters approved the levy, a constituent told Brown that the ballot didn't mention whether the levy would be permanent and cumulative, Brown said during an opening statement.

Brown said he shared his concerns about the ballot's wording but that Tooley said, "We can't do that because it would never pass." "That shows you that the money was more important than honesty," Brown said.

Contacted afterward by The Gazette, Tooley denied saying that. City Council members who attended the forum said they didn't remember any such discussion between Brown and Tooley.

"That doesn't sound like me at all," Tooley said. "I can't imagine saying something like that." Tooley said he recalled having few private conversations with Brown.

Tooley said he was surprised that Brown would remember that kind of a conversation.

"I often had to remind him what item we were on during council meetings," he said.

Citizens for Honest Ballots, a group campaigning to overturn the 2004 public safety mill levy, doesn't buy the city's warnings that dozens of police officers and firefighters will lose their jobs if Billings voters repeal the tax increase that they approved by a wide margin.

During the forum, representatives of Citizens for Honest Ballots argued that Billings voters should have another chance to vote on the levy because the 2004 ballot language was ambiguous and deceptive.

If the ballot had only mentioned that the tax increase would be "permanent and cumulative," nobody would have objected, said Clayton Fiscus, chairman of Citizens for Honest Ballots.

In response, Mayor Ron Tussing said it's unfortunate that some voters may not have understood the ballot language in 2004. But he believes most people knew what they were voting for. As proof, Tussing said he had three newspaper articles that mentioned the ballot would be permanent and cumulative. Besides that, the levy was accurately described during a series of public forums before the election, he said.

Last year, in response to a request by the City Council, Attorney General Mike McGrath issued a

letter of advice saying the city had substantially complied with the law in presenting the ballot to voters.

The real issue on Nov. 7, Tussing said, is how much voters are willing to spend on police and fire protection. If people vote in favor of the repeal, that means they'll get fewer police officers and firefighters, he said.

Wednesday's forum, moderated by Jay Kohn of KTVQ television and broadcast live on the Community Seven public-access channel, was the outgrowth of an Oct. 18 meeting sponsored by Citizens for Honest Ballots. At that meeting, Tussing challenged the information presented by the group.

During Wednesday's hour-long forum, both sides offered opening statements and slide shows. They then responded to questions from the audience before making closing statements.

Councilwoman Joy Stevens prepared a slide show that disputed every claim made by Citizens for Honest Ballots.

Stevens, who was elected to the council last year, agreed that the 2004 ballot language wasn't clear. But she also showed slides warning that the city will have no choice but to lay off police and firefighters if the public safety levy is repealed.

She also disputed Citizens for Honest Ballots' claims that the city doesn't need the money from the public safety levy.

"They say they want honest ballots, but they have been less than honest themselves," Stevens said.

The two sides provided widely different views on the city's financial condition.

"There is sufficient money to fund public safety at its current level until we address this in a year or two," said Jerry Hansen, treasurer of Citizens for Honest Ballots.

Responding to Hansen's claims about the city's financial condition, Tussing said one would have to believe that Hansen has discovered a pot of money that the City Council hasn't been able to find.

Tussing said it's pointless to argue over whether the ballot language from two years ago was deceptive. "We can't unring that bell," he said.

Published on Thursday, October 26, 2006

Letter: Billings owes voters promised firefighters

The Billings city government should be obligated to fulfill their promises of 15 new firefighters, a new firetruck and a new fire station as stated in the public safety levy. Voters passed the safety levy with the understanding that Billings would be hiring 15 firefighters, building the new station and buying a new firetruck.

The city has betrayed the voters because only five firefighters will be hired, which will result in the new fire engine being understaffed. In a democracy, the people have a right to vote and they also should expect that their votes will be honored. The public safety levy was passed; therefore, the public safety levy should happen, period.

City Councilman Larry Brewster informed our household that the voters passed the Cobb Field levy, which will be honored. The voters also passed the public safety levy, but that levy will not be honored. Baseball or firefighters: It seems obvious that firefighters would be a priority, but obviously not to the City Council.

As a result of the understaffing, there will be a delayed response time for rescues, fire suppression, wild land firefighting as well as the Safety Net Ambulance. There are five seasons in Montana: winter, spring, summer, fall and fire. Every year, the fire season becomes more intense. Without the increased fire protection, more property and possibly lives will be lost.

Colter Smith
Billings

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City employees step up levy campaign
Tax-levy opponents planting yard signs around Billings

By TOM HOWARD
Of The Gazette Staff

Police officers and firefighters will be going door to door urging Billings residents to vote against a proposal to recall the 2004 public safety mill levy.

Local 521 of the International Association of Firefighters and the Billings Police Union hope to distribute 10,000 printed fliers that explain the need for continuing the levy.

Billings firefighter Dan Cotrell said police and firefighters will distribute the brochures on their own time.

Meanwhile, supporters of the recall say they're continuing to wage a grass-roots campaign to overturn the levy, which Billings residents approved two years ago to hire additional cops and firefighters and build a West End fire station. Clayton Fiscus, chairman of Citizens for Honest Ballots, the group behind the recall effort, said volunteers are making their presentation to the same organizations that city officials are visiting. Yard signs advocating the recall are cropping up across the city.

"The city of Billings is saying it's broke, but we can't find that" by examining the city's financial records, said Fiscus, a local real estate agent. Fiscus led successful campaigns to reject fluoridation of city water in 2002 and to overturn a city right-of-way fee in 2001.

The levy recall qualified for the Nov. 7 ballot after Citizens for Honest Ballots collected valid signatures from 15 percent of the city's registered voters. The group alleged that the ballot language for the 2004 levy was so ambiguous that many Billings residents didn't realize that the five-year tax increase would be permanent and cumulative.

The recall was organized even though Montana Attorney General Mike McGrath ruled last November that the city's ballot language "substantially complied with the law." News stories before the 2004 election also noted that the levy would be permanent and cumulative, and the levy was accurately presented at numerous public meetings, McGrath wrote.

Billings businessmen Gary Buchanan and George Selover, who organized a pro-levy campaign known as Yes Billings two years ago, are again seeking financial support to reject the recall and keep the levy in place.

"This time we went back to the original donors who helped us then. We're asking for money to defeat the repeal," Buchanan said.

The Yes Billings group was organized as a political action committee, but that designation generated lots of paperwork and headaches, Buchanan said. In their new fundraising letter, Buchanan and Selover are asking donors to make checks directly to the firefighters union, which will distribute fliers explaining the need for the levy.

"It's too bad that the original levy was confusing to some, but it's also too bad that the effort to repeal the levy is confusing to so many," Buchanan said.

Because of the way the recall measure is worded, a "yes" vote on Nov. 7 is a vote for ending the 2004 levy. A "no" vote is for rejecting the recall and continuing the levy.

"Every one of us who supported the levy knew it was permanent and cumulative, and I think most voters did, too," Buchanan said. "Unfortunately, it's nowhere nearly as confusing as the ballot (Citizens for Honest Ballots) just put on."

City officials and Citizens for Honest Ballots recently made presentations to the Billings Area Chamber of Commerce. The chamber's board voted to endorse continuing the levy and reject the recall, said Bruce MacIntyre, the chamber's government affairs director. The Big Sky Economic Development Authority's Board of Commissioners also has endorsed a continuation of the levy.

Citizens for Honest Ballots will make a PowerPoint presentation on the recall measure at 7 p.m. Wednesday on the third floor of Parmly Billings Library. The public is invited.

Published on Tuesday, October 10, 2006.

Letter: Public safety must be priority for community

Billings and the surrounding area is home to one of the region's healthiest and most vibrant business centers. This vitality has built a community which values a wide array of freedoms, benefits and services each of us enjoy today. If we repeal the safety levy, which 63 percent of the voters understood and agreed upon in 2004, we risk jeopardizing those advantages.

In 2006, we have seen first hand the need for the timely responses we count on from our firefighters with an outbreak of residential fires and emergencies in our area. As our population has grown, so has the need for police officers to protect our community. As we become a larger city, the threats we face increase. A well-equipped and well-staffed police force is vital to protecting the values of any community. Billings is no exception. To date we should be very proud of the service we are receiving from our Police Department.

Critics of the safety levy are placing these vital services in jeopardy by misrepresenting the facts concerning the finances of the city. Drastic cuts in both the police and fire departments will take place if we vote yes on the repeal effort. Don't let this example of political opportunism confuse the issue. We need to support our police officers and our firefighters in protecting this great community. On Nov. 7, vote no to repealing the safety levy this community overwhelmingly passed in 2004.

The Board of Directors of the Downtown Billings Association supports the public safety levy.

Lisa Woods

Executive director

Downtown Billings Association

Billings

Letter: Don't penalize citizens by cutting firefighter slots

Sunday, August 26, 2007

Firefighters deserve pay. The city needs to wake up!

So let me get this straight. The city was aware that it was not paying its firefighters for time worked. The firefighters tried on several occasions to settle this but were told "take us to court," which they did and prevailed.

Now in its infinite wisdom, the city has retracted seven new firefighter positions and will not be filling three more due to retirements.

When I voted for the public safety mill levy, I was assured that this funding would be used to hire additional fire fighters and police officers for our growing city. The 10 positions that the city will not be filling due to the recent Supreme Court ruling would have been funded by monies collected from the safety mill levy! In other words, the City Council is using our public safety mill levy monies to pay for their mistake and ignorance. This seems to be bordering on illegal. Why don't they take out a loan and pay it off while continuing to hire more personnel to staff our fire stations? Looks like the city might be looking at another class-action lawsuit by Billings

voters for misappropriation of public safety funds.

Allan Hutton
Billings

Published on Monday, May 24, 2004

Gazette opinion: Billings can't afford to cut public safety

For many years, objective studies of the Billings police and fire departments has shown they are significantly understaffed.

Our firefighters cover more territory, more lives, more calls to fires, crashes and medical emergencies than their counterparts in other cities. Their job has grown exponentially as Billings has grown, but there are fewer Billings firefighters in 2003 than there were 30 years ago.

Cutting these guardians of public safety to "save money" is counter productive. That's like saying it's OK for firefighters to arrive two minutes later to a fire or heart attack call. (Firefighters, all trained as emergency medical technicians, are the first responders on the scene for 94 percent of Billings emergency medical calls.) Further reducing the already understaffed department risks a downgrading of the department's insurance industry rating, which would cause premiums to increase all over the city.

Crime on the rise

If you haven't been victimized personally by the raging methamphetamine epidemic, count yourself lucky. But know that this illegal addiction drives crime throughout this city - assaults, shootings, robbery, burglary, theft and forgery. We need more police to deal with the meth threat, not less.

Billings parks have fewer employees despite years of growth in demand for services. To close the budget gap, the City Council is considering cuts that would curtail mowing, watering and trash pickup. Repairs and maintenance would be reduced.

Unacceptable cuts

Altogether, these cuts would cost us public safety and squander our investment in parks. This is not acceptable.

For the fiscal year beginning July 1, the City Council must find a short-term solution that doesn't involve cutting services that are already too lean.

For the longer-term solution, the council must confront dreaded reality: The general fund levy - capped by city charter - and the public safety mill levy - capped when it was created by a vote of

the people - are not generating enough revenue to cover ongoing, necessary expenses.

Because the general fund and the public safety fund are limited in the number of mills, both have been adversely affected by recent changes in state law that reduced the value of a mill. County governments and other Montana cities don't have the mill cap that Billings does, so they have had options for "floating" the value of mills to maintain their dollar revenues.

This City Council must make the tough decision about presenting a levy to voters later this year. The proposal must be well thought out and clearly communicated.

To those residents who oppose any property tax increase for any reason, we say: It's the only alternative. Citizens deserve other options. Local-option sales taxes are a long-term solution that requires legislative action.

Billings' budget crunch is now. The city's elected leaders need to let the people know what's at stake and offer us a workable plan to save our city

The vote was spurred by the city's decision to make cutbacks in the Fire Department to pay off a multimillion-dollar judgment that a group of firefighters won against the city. The 116 firefighters sued the city over unpaid wages and won their seven-year legal battle in August, when the Montana Supreme Court ruled in their favor.

The final details are still being worked out, but an accountant hired by the firefighters' attorneys recently pegged the total cost of the suit - counting back wages, penalties, attorney fees and court costs - at slightly more than \$4.2 million.

City officials announced soon afterward that they would pay the judgment by rescinding employment offers made to seven new firefighters and by not filling three vacancies in the department. The immediate effect of the cuts would be to stop sending out an aerial ladder truck and its crew of two firefighters on every fire call.

Beyond that, Jochems said previously, the cuts would not affect the planned opening of a new fire station at Grand Avenue and 54th Street West later this month.

Mertz said rumors about the upcoming vote had been circulating for weeks, and union members hoped that would "jar him (Jochems) enough to come out and stick up for his men, but he didn't."

In response, Jochems said the union was "absolutely right" in saying that there is going to be a reduction of services.

"But it is going to be the least significant change possible," he said. "I feel as bad as the union does.