

Dave Wheeler Statement to Loomis Town Council

October 13, 2015

There have been some recent news stories about Loomis Fire, CalPERS and myself. Although Loomis Fire Protection District and the Town of Loomis have no ties, I believe what I have to say tonight may be of interest to my fellow Council Members and some of our citizens.

CalPERS is in the process of pursuing Loomis Fire and myself for retirement payment for 3 of the years that I worked at Loomis Fire. There has been no decision rendered. This matter is on the agenda for the CalPERS Board of Directors Meeting scheduled for October 21st.

So, to understand how we got here I need to review a little bit of history:

When my wife and I moved to Loomis in 2006, I had just finished my career with the Alameda County Fire Department retiring after 30 years of service credit.

1. Shortly after moving here I read an article in the newspaper that Loomis Fire Protection District was out of money and was considering dissolving. I stepped forward to get involved. Working with the Loomis Fire Board, I developed a sustainable budget to establish a long-range plan. This plan was used to develop the bases for a *Benefit Assessment* that would ultimately be passed.
2. During this time the Fire Chief resigned and I was selected to replace him as a part-time Fire Chief in late 2007.
3. The greatest challenge we faced was the ability to maintain qualified professional firefighters. They were risking their lives on a daily bases for less pay than fast-food workers and without benefits. During the next 3 years we were able to secure funding resulting in an average of a 86% pay raise, medical benefits and vacation pay. Our firefighters could now afford to live in our community and raise their families.
4. The last step was to provide retirement for our firefighters. I worked hard for 2 years before we were able to enroll them into CalPERS.

According to one news report, getting Loomis Fire into CalPERS was a scheme hatched by myself and the Loomis Fire Board of Directors.

1. To that statement, I have to ask, "To what end?" The Loomis Fire Board of Directors are unpaid volunteers and I already qualified for full retirement. What would be the advantage for any of us?
2. In retrospect, had Loomis Fire not contracted with CalPERS, I could have worked as many hours and for as many years as I wanted. The Fire Board would have free rein to hire any retired firefighter without limitations. That would be very self-serving indeed.
3. We entered into a contract with CalPERS but for one reason, for the good of the community. By providing for the future of our firefighters we could build and maintain experienced firefighters. It worked. Since 2007, Loomis Fire has lost only one full-time firefighter to another agency.

So, how did we get into this mess today?

1. When Loomis Fire applied to CalPERS, we identified our desire to include only our full-time firefighters in CalPERS. Why? Because all of the other positions were part-time, working less than 960 hours and were not benefited. Regardless of this, the application required us to list every position and individual working at Loomis Fire, including myself as the Fire Chief. We also identified myself as a CalPERS Retiree.
2. We received back from CalPERS a letter of "*Determination of Eligibility*" which included only the positions we wanted included in the CalPERS contract; Firefighter, Engineer and Captain. There was no mention of the other positions including the Fire Chief and two other positions we requested to be excluded.
3. Loomis Fire then paid for 2 studies to be conducted by CalPERS to determine the cost of the program. On both occasions, they provide a cost estimate only for the 7 full-time positions, excluding the Fire Chief position.

Why do we think a CalPERS retiree could continue to work at Loomis Fire?

1. There are thousands of CalPERS Retirees who continue to work for CalPERS agencies throughout the state. Limited to working 960 hours a year, they are able to offer their experience at a cost savings to the taxpayers of millions of dollars, annually. Many of those retirees have worked 5, 10 or even 15 years post retirement.
2. While I never worked over 960 hours a year, it was our belief that Loomis Fire would have the benefit of a retiree working.
3. In 2010, after our CalPERS contract was signed, I received a letter from CalPERS objecting to my 3-year contract. It had just 9 days left on it. Their letter included instructions on how to work as a retiree.
4. I responded back to CalPERS and stated my intention to work under Government Code 21224, that allows for temporary employment under 960 hours, annually, and can run over multiple years.
5. After three years of not hearing any objections from CalPERS, now they have determined that I could not have worked under that section and I, and Loomis Fire must repay three years of retirement plus, CalPERS contributions.

I feel that this is an injustice and will continue to seek a reasonable solution within the law.

In closing, there will be those that will question my integrity. There should be no doubt of my integrity.

What I am guilty of is wanting to best for the community when I served as the Fire Chief and as I continue to serve on the Loomis Town Council.