



MICHIGAN CITY FIRE MERIT COMMISSION

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BART LOMBARD, PRESIDENT
JOHN STIMLEY, VICE PRESIDENT
LOUISE MOCK, SECRETARY
JOHN SKIERKOWSKI, COMMISSIONER
KEITH HARRIS, COMMISSIONER

Minutes of the January 4, 2010, Michigan City Fire Merit Commission Meeting.

President Bart Lombard called the meeting to order. A quorum was noted as present with Commissioners Bart Lombard, Keith Harris, John Stimley, John Skierkowski, and Louise Mock in attendance. Others present included Attorney Pam Krause, Steve Stimley, Tony Drzewiecki, Larry Butcher, Kyle Kazmarzak and Secretary, Gale Neulieb.

On a motion by Keith Harris, second by Louise Mock the minutes of the December 7, 2009 meeting were approved.

Commissioner Mock presented two invoices from Office Depot in the amounts of \$90.16 and \$50.75 for purchases of office supplies. Commissioner Stimley made a motion to pay the two invoices, second by Keith Harris and approved.

President Lombard advised the Commission that he received a letter from the Michigan City Firefighters Association Local 475 president Tony Drzewiecki regarding the final action taken by proxy vote at the December 7, 2009 Fire Merit Commission's regular meeting.

President Lombard thanked the Firefighters Association for researching the information regarding the proxy vote taken at the December 7, 2009 Fire Merit Commission meeting. President Lombard advised that the proxy vote would not be changed or have any impact regarding the results of the votes.

Commissioner Skierkowski suggested to withdraw his proxy vote.

Tony Drzewiecki addressed the commission advising them what the state statute states regarding procedures regarding proxy votes. Mr. Drzewiecki advised the Commission that according to the Indiana Access Counselor the only remedy when a proxy vote is withdrawn was all votes would be voided and new motions would have to be made.

Discussion ensued among Attorney Pam Krause, President Lombard, Commissioner Skierkowski and Tony Drzewiecki.

Attorney Krause suggested to go back and re-vote on each motion made at the December 7, 2009 Fire Merit Commission meeting.

Attorney Krause advised the first vote taken was regarding the election of 2010 officers.

Tony Drzewiecki addressed the Commission regarding the procedure that needed to be taken before the votes were redone.

There was discussion among Attorney Krause, President Lombard and Commissioner Skierkowski agreeing that the revote would be done under "Old Business".

There was no report from Council Liaison Nelson.

Keith Harris extended the Fire Merit Commission's condolence to Councilwoman Nelson regarding the loss of her father.

President Lombard addressed the following letter sent to Chief Lamb from Mayor Oberlie on December 21, 2009.

President Lombard asked Chief Lamb to read the letter in its entirety,

After reviewing the recent Fire Merit Commission meeting tapes, I have been somewhat confused with the direction of the commission in recruiting and hiring minorities. I understand that based on the statistics that reflect employment in the civilian population over sixteen(16) years of age that a direct application will result in the goal in hiring eight (8) African-American males in the Fire Department.

The direct application of this total figure ignores the fact that there are minority women. In fact, 49% of the civilian workforce is composed of women. It is my suggestion that the Michigan City Fire Merit Commission and EEO office met to reconcile this difference.

It is not my position that an affirmative hiring policy should be displaced, however, our goal should be a workforce that reflects the racial ethnicity of our community.

As a matter of fact, the consent decree speaks specifically to racial composition to establishing the original number of eighteen (18) African-American firefighters. It is that number that I believe the city's hiring direction should be directed toward.

I look forward to working with you.

Sincerely,
Chuck Oberlie, Mayor

President Lombard asked Commissioner's, Mock and Stimley, to represent the Commission at the workshop regarding the above matter. Attorney Krause stated she would like to attend the workshop also.

There was a discussion among Attorney Krause, President Lombard, Commissioner's Skierkowski, Harris, Mock and Stimley regarding questions related to the consent decree.

Attorney Krause addressed the Commission regarding the status of the amendments to the Fire Merit Ordinance/municipal codes.

Commissioner Harris stated that he would contact City Attorney Amber Lapaich to see what the status was regarding this matter.

President Lombard presented a list of minority applicants, a non- minority applicant list and a merged list of minority and non-minority applicants by their rank/scores.

President Lombard advised the Commission which list each of the proposed three(3) applicants were offered from according to the Fire Merit Ordinance.

A discussion ensued among President Lombard, Commissioner's Harris, Skierkowski, Mock, Stimley, Chief Lamb, Attorney Krause, and Tony Drzewiecki.

Recording Secretary Gale Neulieb advised the Commission that the letters to the three(3) applicants were sent out certified and that all three (3) applicants have responded.

There was a motion by John Skierkowski to send an offer to hire letter to two(2) applicants from the minority list (applicants 1 and 2) and one applicant from the merged list (applicant 1), second by Commissioner Mock and approved.

President Lombard stated that due to the improper proxy vote on December 7, 2009 those votes are void and the following motions on four issues from the December 7, 2009 were reopen for discussion and vote by President Lombard:

A motion was made by Commissioner Skierkowski to retain the present slate of officers from 2009 for 2010. President Lombard asked if there were any other nominations and hearing none the 2010 slate of officer would remain the same.

Commissioner Mock made a motion to retain Recording Secretary Gale Neulieb for 2010. President Lombard asked if there were any other nominations and hearing none Gale Neulieb will remain Recording Secretary.

A motion was made by Commissioner Mock to retain Attorney Krause for the Commission's 2010 legal representation , second by Commissioner Stimley and approved.

Louise Mock made a motion to accept the Findings and Conclusions of October 22, 2009 as previously adopted by the Commission, second by John Skierkowski. The motion was approved by the following vote: **AYES: Louise Mock, Bart Lombard and John Skierkowski (3). NAYS: Keith Harris (1). ABSTAINED: John Stimley (1).**

Keith Harris made a motion to accept as presented the minority ranking list, second by Louise Mock. The motion was approved.

Chief Lamb read the following letter he received from Mayor Oberlie on December 21, 2009,

Dear Chief Lamb:

The City's efficiency study initially recommended that the city acquire CPAT equipment to train potential applicants and further, that the CPAT be used as the physical agility test to qualify an applicant.

By this Letter I would ask that you meet with the Merit Commission to establish the necessary research to develop a standard physical conditioning test that can be administered to applicants without opening the city to liability to open workouts and purchase of equipment.

Chuck Oberlie, Mayor

Chief Lamb addressed the Council regarding purchasing CPAT equipment.

Training Officer Larry Butcher addressed the Council regarding the importance of purchasing the CPAT equipment.

Discussion ensued among President Lombard, Chief Lamb, Commission Harris and Larry Butcher regarding the CPAT equipment and the hiring process within in the fire department.

President Lombard advised that Councilwoman Nelson's fathers memorial would be Thursday, January 7, 2010, at Mount Zion Baptist Church.

President Lombard stated he and Commissioner Mock attended the City's Annual Holiday Party.

There were no comments by the Commissioners.

There were no comments by the general public.

President Lombard asked if there were any more comments or questions and hearing none, a motion by John Skierkowski, second by Keith Harris the meeting was adjourned at 6:00 p.m.