

MICHIGAN CITY FIRE MERIT COMMISSION

100 EAST MICHIGAN BOULEVARD
MICHIGAN CITY, INDIANA 46360
219-873-1570
KEITH HARRIS, PRESIDENT
JOHN SKIERKOWSKI, VICE PRESIDENT
LOUISE MOCK, SECRETARY
ROBERT POLLOCK, COMMISSIONER
GEOFF PLUMMER, COMMISSIONER



Michigan City Fire Merit Commission Meeting Minutes: February 4, 2013

President Harris called the meeting to order at 5:00p.m. A quorum was noted with Commissioners Keith Harris, John Skierkowski, Louise Mock, and Robert Pollock in attendance; Geoff Plummer noted as absent. Others present Chief Ronnie Martin, Attorney Pamela Krause and Secretary Dawn Howader.

Commissioner Harris called for amendment of agenda to add Career Expo to New Business item b, , approval of the amended agenda motioned by Commissioner Skierkowski, 2nd by Commissioner Mock; **Ayes 4 Nays 0; motion carries**

Approval of minutes from January 7, 2013 by Commissioner Mock, and 2nd by Commissioner Skierkowski; **Ayes 4 Nays 0; motion carries**

There were no communications. Claim in the amount of \$139.90 from Magros for Commissioner Plummer's badge. Motion for approval of payment by Commissioner Pollock, 2nd by Commissioner Skierkowski; **Ayes 4 Nays 0; motion carries**

Reports from City Council Liaison

Council member Schwanke stated he will be working with Council member Boy to make proper changes to the ordinance.

No reports from Fire Merit Commission Attorney Krause.

New Business

Disciplinary Action dated December 17, 2012; Commissioner Skierkowski made a motion that due to the seriousness of the attendance infractions and the history of same, to add two(2) days to the five(5) days already served, 2nd by Commissioner Pollock; **Ayes 4 Nays 0 motion carries Old Business**

Commissioner Harris stated that he received an email from Public Relations Officer, Mark Baker, regarding the Career Expo and whether we would like to participate. We participated last year, will be at the A.K. Smith Center February 13th, starts at 8:00 a.m. Commissioner Pollock stated he would be available to participate.

Old Business

Commissioner Harris stated that at the January 7th meeting the Minority Hiring List was tabled. Commissioner Pollock motioned to take it off the table, and 2nd by Commissioner Mock: **Ayes 4 Nays 0; motion carries**

Commissioner Harris stated that at the January 7th meeting that he had asked the Commission Attorney

to contact the City Attorney's office asking for a meeting to get opinions on this issue. He added his disappointment in not receiving a formal response from their office. Commissioner Harris had a discussion with Mayor Meer prior to the January meeting, stating that the Commission was not trying to challenge the validity of the Consent Decree. The Commission was told it is a valid document and the Commission accepts that. Commissioner Harris stated that the commission chooses to add other minority groups, as defined by the U.S. Government through the E.E.O.C., to the Minority Hiring List. Commissioner asked if there were comments from the board. Attorney Pamela Krause stated she had emailed the City Attorney's since meeting in December 2012, relating the action the Commission has taken regarding other minority groups as it pertains to the Minority Eligibility List and welcomed their comments in addition to wanting to schedule a meeting. Attorney Krause received no negative comments or responses. Attorney Krause indicated in her last email sent, that her recommendation to the commission that we look at the paragraph regarding Eligibility List refers to all applicants who are considered that are minority by race or sex, be first on the list, according to E.E.O.C.. This definition may be the one to use as the minority clarification for the changes in the ordinance. Commissioner Pollock stated that what we need is a percentage of the African American's in the workforce in Michigan City. Attorney Krause stated that was something we needed get on our own through the census, we do need that percentage. Commissioner Skierkowski commented that the board has been striving for numbers or percentages for a long time and our hands are tied. Commissioner Harris opened for public comment or questions.

Spencer Walker, Michigan City Firefighter, asked Attorney Pamela Krause besides receiving no negative response to emails, did you receive any response? Attorney Krause stated she had a conversation with Attorney Amber LaPaige and she felt that she gave a positive response to the idea. Mr. Walker addressed Commissioner Pollock regarding the operations and procedures and what the commissioners job consists of, just to follow the ordinance. Attorney Krause stated to Mr. Walker that the commission has full authority to make changes to the ordinance. The commissioners need to follow the ordinance but also need the percentages. We all agree it needs to be tightened up.

Nathaniel Williams of Michigan City stated that we have been doing this for years that the commission needs to contact Judge Alevesos regarding the issue at hand since he was part of this for years.

Attorney MacArthur Drake, asked the position of the Fire Commission today upon reconsideration with regards to the language of the ordinance as compared to the language of the Consent Decree. Attorney Drake asked does the ordinance override the Consent Decree? Commissioner Harris went on to explain that the ordinance was written to follow the order of the Consent Decree; and stated that whenever the commission looks to make any changes they refer to the ordinance. Commissioner Harris stated the commission's job was to follow the ordinance. Attorney Drake stated that there is conflict in the language of the ordinance and the Consent Decree. That the ordinance was adopted before the Consent Decree, so how can you change the ordinance without changing the Consent Decree. Attorney Krause commented that the commission did draft the ordinance, it was drafted by City Attorney's Office for the commission to follow. The Council did draft the current ordinance for the commission to follow. Attorney Drake asked if the Fire Commission is required to follow the Consent Decree? Commissioner Harris stated that they are the agency instructed to follow to follow the ordinance not the Consent Decree. Attorney Krause said the Consent Decree was made before the Fire Commission. She mentioned page 6, paragraph 9, of the Consent Decree regarding minority. So the question is what minority means in this section. The main question is the definition of minority in the Consent Decree. Attorney Drake commented that we need to find out how we can adopt the definition into the Consent Decree.

Fire Department applicant commented that the first two(2) positions on the hiring list, according to the Consent Decree, is African American/Blacks and all other and minority next, it doesn't state that for every three(3) hired it has to be minorities. Commissioner Harris stated that legal council advised that we should be following the hiring ordinance, which now there is some disagreement that we should be following the Consent Decree. The board made a decision in December to put it up for another vote tonight but would like to Attorney Krause's opinion on whether to be more inclusive or not on this list. Attorney Krause stated that prior to 2008-09 no provisions in ordinance of the placement in the minority list. Commission has to follow the ordinance or recommend for change. Commissioner Harris asked the pleasure of the commission; Commissioner Skierkowski stated that we voted a few months ago and it

should stand. Commissioner Harris stated that any decisions made this evening will not affect any hiring coming up. The Chief has asked the commission for one(1) name. Next name for hire will be in June. Commissioner Harris commented that he understands the concern of the hiring list. Commissioner Harris asked the board whether to table it so he may have a chance to speak with Judge Alevesos. Commissioner Pollock stated he would be for tabling it but would like the percentages and opinions of the attorneys. Motion to table made by Commissioner Pollock, 2nd by Commissioner Skierkowski: **Ayes 4 Nays 0; motion carries**

Commissioner Harris stated that regarding the proposed ordinance changes, by April would like to have everything down on paper so it can be presented. Before it will be sent to the Council it will be posted at all the stations so that they may review them and voice any concerns that they may have before voting. Chief Martin reported that that Jeff Pickford, after 33 years is retiring on the 20th of month and requesting from the board the next name to promote to engineer and the next name to hire. Letter of Recognition to the crew on Engine one(1) day shift regarding a stove fire, home was filled with CO, lives were saved. C Shift had a fatality yesterday, not every call ends up the same, but would like to commend the crew for an excellent job. My heart goes out to that family. Chief Martin stated that he would like to present the evaluations for 12/2012 to the commission.

Commissioner Pollock commented on the write up in the News Dispatch regarding the ice caps and the danger of people walking on there.

Public Comments: Nathaniel Williams restated that the commission would speak with Judge Alevesos.

Motion to adjourn by Commissioner Pollock and 2nd by Commissioner Skierkowski Commission voted (4) Ayes – (0) Nays motion carries. 5:55 p.m.

Next meeting March 4, 2013 @ 5 p.m.