

**NOBLESVILLE FIREFIGHTER MERIT COMMISSION
MEETING MINUTES
OCTOBER 19, 2022
4:00 P.M.**

Commissioner Chris Renner called the October 19, 2022 Noblesville Firefighter Merit Commission Meeting to order.

Commissioners present were:

COMMISSION MEMBERS

Commissioner Mark Glodowski
Commissioner Mike Navarro
Commissioner Chris Renner

Public Safety Director Chad Knecht, Chief Matt Mitchell, and Deputy Chief Chris Gellinger (representing the Noblesville Fire Department), City Clerk Evelyn Lees, Jim Butts (representing Hamilton County Professional Firefighters Association Local 4416), Lt. Luke Turner (Station 71 Officer on Duty), and attorney Mark Wohlford were all present for the meeting.

SWEARING IN OF COMMISSION MEMBER

City of Noblesville Clerk Evelyn Lees swore in Commissioner Mark Glodowski for another four year term.

APPROVAL OF MINUTES

Commissioner Glodowski motioned to approve the minutes from the September 21, 2022 Merit Commission Meeting.

Commissioner Navarro seconded the motion.

VOTE TO APPROVE MINUTES

Commissioner Glodowski	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion was passed.

APPROVAL OF AGENDA

Commissioner Glodowski motioned to approve the agenda.

Commissioner Navarro seconded the motion.

VOTE TO APPROVE AGENDA

Commissioner Glodowski	Aye
Commissioner Navarro	iAye
Commissioner Renner	Aye

The motion was passed.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Agenda Item 1: Merit Commission to consider approval of the 2022 Officer Promotion List (Battalion Chief, Captain, Lieutenant) for a period of two years and establishing a minimum acceptable score (Chief Matt Mitchell)

Chief Mitchell said the first thing we need to deal with are the officer promotions—Battalion Chief, Captain, and Lieutenant. He said we test every other year and our current Officer Promotion List will expire tomorrow. This list will establish the officers for the next two years so we are asking Merit Commission to approve this list. However, there is one thing we'd like to do that we have not done in the past and that is to establish a minimum acceptable score. Chief Mitchell suggested that with the proposed Officer Promotion List, a standard of at least a 70% score overall and at least a 50% score on each of the different components be established.

Commission Renner asked how many components there are and Chief Mitchell said there are three—written, oral, and an assessment exercise.

Chief Mitchell said that all individuals on this proposed list do meet the proposed requirement of at least a 70% score overall and at least a 50% score on each of the components.

Commissioner Navarro asked what the number of people is who don't achieve 70%/50%. Chief Mitchell said he does not remember any officer promotion candidates in the past who tested below the suggested 70%/50% levels. He said we want to protect ourselves from a situation in the future if we have someone who tests poorly.

Commissioner Glodowski asked if this is one time testing or is it every year. Chief Mitchell said it is every other year and this proposed list would be good until October 19, 2024.

Commissioner Glodowski asked if someone tested below the 70%/50% threshold, could they test again two years later? Chief Mitchell said that was correct.

Commission Renner asked why the 70% figure was chosen. Chief Mitchell said that 70% is a C grade which is considered an average score in the academic world and that is the figure being proposed for this situation.

Commissioner Navarro made a motion to approve the 2022 Officer Promotion List and to establish minimum acceptable scores of a 70% overall score and at least a 50% score on each of the components.

Commissioner Glodowski seconded the motion.

VOTE TO APPROVE THE MOTION

Commissioner Glodowski	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 2: Merit Commission to consider approval of the 2022 Engineer Promotion List for a period of one year and establishing a minimum acceptable score (Chief Matt Mitchell)

Chief Mitchell said one thing that is a little different with this agenda item is that we do the Engineer promotion process every two years as well, but we do it in the years that we do not do the Officer promotion process. We did the Engineer promotion process one year ago and our list expired, so the Merit Commission approved having an Engineer promotion process again for 2022. The approval of this proposed Engineer Promotion List for be for a one year time frame and then we will get back on the cycle of alternating years for the Officer promotion process and the Engineer promotion process.

Chief Mitchell also is requesting establishing minimum acceptable scores of at least 70% overall and at least 50% on each of the components. Chief Mitchell said there is one person on the proposed 2022 Engineer Promotion List who would not meet this 70%/50% standard. He said this person would be able to test again for the next Engineer promotion process.

Chief Mitchell referenced four future dates on the list and said that those are the dates that those individuals will meet the time in rank requirement for the Engineer promotion process. In other words, if those individuals met the 70%/50% standards, then they would not be eligible for promotion prior to those dates.

Commissioner Glodowski made a motion to approve the 2022 Engineer Promotion List for a period of one year and to establish minimum acceptable scores of at least 70% overall and at least 50% on each of the components.

Commissioner Navarro seconded the motion.

VOTE TO APPROVE THE MOTION

Commissioner Glodowski	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 3: Merit Commission to consider approval of the promotion of Murry Dixon II and Tim Recker to the merit rank of Engineer (Chief Matt Mitchell)

Chief Mitchell said we have exhausted the 2021 Engineer Promotion List and that we have two Engineer vacancies that we need to fill. He said that the individual who scored highest on the 2022 Engineer Promotion List will not meet the time in rank requirement for another month, so we are proposing to promote Murry Dixon II and Tim Recker because they meet all of the requirements now and we need the two Engineer vacancies filled now. The individual who is first on the list will be the next person promoted to Engineer after his time in rank requirement is met.

Commissioner Navarro made a motion to approve the promotion of Murry Dixon II and Tim Recker to the merit rank of Engineer.

Commissioner Glodowski seconded the motion.

VOTE TO APPROVE

Commissioner Glodowski	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 4: Merit Commission to consider establishing the maximum number of interviewees for the 2023 Hiring Process (Chief Matt Mitchell)

Chief Mitchell said the written test component of the 2023 Hiring Process is complete and we are moving into the next phase which is the oral interview phase. These two components combined provide the overall scoring for the hiring process.

Chief Mitchell said we'd like to establish a minimum cutoff for the number of individuals we interview. We had 192 applicants show up for the test. Chief Mitchell recommends we interview all applicants whose test scores were 75% or higher, which equates to 165 individuals.

Commissioner Navarro asked how long it takes to do the interviews. Chief Mitchell said it could take as many as five days depending on the number of interview boards we use. He said NFD members do

the interviews and are trained by Testing for Public Safety (TPS) which is the vendor we use to manage our hiring and promotion processes.

Commissioner Glodowski made a motion to approve interviewing a maximum of 165 applicants for the 2023 Hiring Process as described by Chief Mitchell.

Commissioner Navarro seconded the motion.

VOTE TO APPROVE THE MOTION

Commissioner Glodowski	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 5: Merit Commission to consider approval of Resolution No. 101922, a resolution concerning participation in meetings by electronic means of communication (Chief Matt Mitchell)

Chief Mitchell distributed copies of proposed Resolution No. 101922 to the Merit Commission. He said one of the Merit Commission members has a medical situation where he will not be able to leave his home for approximately 12 weeks, so we wanted to explore ways that the member could participate in the Merit Commission meetings. City Legal drafted this resolution which outlines ways in which Merit Commission members can participate electronically in Merit Commission meetings under certain situations. Resolution No. 101922 reads as follows:

***NOBLESVILLE FIREFIGHTERS MERIT COMMISSION
RESOLUTION NO. 101922***

***A RESOLUTION CONCERNING PARTICIPATION IN
MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION***

WHEREAS, the Commissioners of the Noblesville Firefighters Merit Commission ("Commission") have the authority to adopt rules and regulations to accomplish the purpose of the Commission; and

WHEREAS, the Indiana General Assembly amended Indiana Code § 5-14-1.5-3.5 ("Act") to allow members of governing bodies of a political subdivision to attend meetings by electronic means of communication as set forth in the Act; and

WHEREAS, the Noblesville Common Council adopted an Electronic Meetings Policy which is codified at Noblesville Code of Ordinances, Section 32.13; and

WHEREAS, the City of Noblesville's Electronic Meetings Policy specifically concerns Councilmember participation in Common Council meetings; and

WHEREAS, the Commission, in accordance with the Act and consistent with the Noblesville Electronic Meetings Policy, desires to adopt a written policy establishing the procedures that apply to a Commission member's participation in a meeting by an electronic means of communication.

NOW, THEREFORE, be it resolved by the Board of Commissioners of the Noblesville Firefighters Merit Commission as follows:

1. When an electronic means of communication is available as determined by the presiding officer, a member of the Commission may participate in a meeting of the Commission by an electronic means of communication where permitted by and in accordance with the Act, or where permitted by other applicable laws or executive orders.

2. When used during a meeting of the Commission for participation of any of its members and subject to applicable law, the electronic means of communications shall (i) allow all participating members of the Commission to simultaneously communicate with each other, and (ii) other than an executive session, allow the public to simultaneously attend and observe the meeting.

3. A member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum, but may participate in any final action taken at the meeting only if the member can be seen and heard.

4. All votes taken when at least one member is participating by electronic means of communication shall be taken by roll call vote.

5. The minutes of a Commission meeting at which any member participates by electronic means of communication shall identify whether members were physically present, participated by electronic means, or absent. The minutes shall also indicate the electronic means by which the member participated, and by which the public attended and observed the meeting if the meeting was not held in executive session.

6. At least 50% of the members must be physically present at a meeting of the Commission for the Commission to take official action.

7. A member may not attend more than 50% of the meetings in a calendar year by means of electronic communication, unless the member's electronic participation is due to:

- a. Military service;*
- b. Illness or other medical condition;*
- c. Death of a relative; or*
- d. An emergency involving actual or threatened injury to persons or property.*

8. A member may not participate in a meeting by electronic communication if the Commission is attempting to take final action to:

- a. Adopt a budget;*
- b. Make a reduction in personnel;*
- c. Initiate a referendum;*

- d. Establish or increase a fee;*
- e. Establish or increase a penalty;*
- f. Use the Commission's eminent domain authority; or*
- g. Establish, raise, or renew a tax.*

9. A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member shall physically attend at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to:

- a. Military service;*
- b. Illness or other medical condition;*
- c. Death of a relative; or*
- d. An emergency involving actual or threatened injury to persons or property.*

10. If an emergency is declared by (i) the governor under Ind. Code § 10-14-3-12, or (ii) by an applicable executive order under Ind. Code § 10-14-3-29, members are not required to be physically present for a meeting until the emergency is terminated.

11. This Resolution shall be in full force and effect from and after its passage, and a member may immediately participate by electronic means upon the passage hereto.

[Signature Page Follows]

All of which is approved by the Noblesville Firefighters Merit Commission of the City of Noblesville this 19th day of October 2022.

Sarah Russell Goddard, President

Dale Martz, Vice President

Chris Renner, Secretary

Mark Glodowski

Mike Navarro

Chief Mitchell said the Noblesville Common Council adopted an electronic meeting policy for their meetings and this proposed resolution for Merit Commission is modeled after it.

Commissioner Glodowski said his understanding is that a minimum of three Merit Commission members need to be physically present at the Merit Commission meeting and asked if that was correct. Mr. Wohlford confirmed that was correct. He said if there were two members physically present and one member who met the qualifications in the resolution and was present electronically, then the Merit Commission could not do official business—there would have to be a majority physically present. He said a Merit Commission member participating remotely could be the fourth member, but he or she couldn't count as part of the majority.

Commission Renner said on page two, item 6 of the proposed resolution, it states "at least 50% of the members must be physically present at a meeting....". He asked if that should be a different percentage? Mr. Wohlford said at least 50% must be physically present and you can't get to 50% with five unless you get to three. He said this is taken directly from the statute and the reason this is formalized is that there has to be an adopted policy and so the Merit Commission must approve it before it happens and then the qualifications for the policy basically come straight from the Indiana Statute.

Commissioner Renner asked if item 8.b. dealt with any disciplinary hearing that might occur or an executive session. Mr. Wohlford said this excludes executive sessions but any other public meeting—it would include that. He said knowing what space you would use for this, should the resolution be adopted, is important as well because there's a requirement for being able to see and hear simultaneously so you will need a place that has the capacity to do what's required here.

Commissioner Navarro made a motion to approve Resolution No. 101922.

Commissioner Glodowski seconded the motion.

VOTE TO APPROVE THE MOTION

Commissioner Glodowski	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Commissioner Glodowski made a motion to adjourn the meeting.

Commissioner Navarro seconded the motion.

VOTE TO ADJOURN MEETING

Commissioner Glodowski	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The meeting was adjourned.