

I. EXECUTIVE SESSION

The Board of Public Safety met in the Executive Session on Wednesday, November 20, 2024 at 8:30 a.m. with Board President Dan Jones and Board Members, Darryl Heller (absent), Lee Ross, Al Kirsits, Pamela Claeys and Attorney Danielle Weiss. Chief Ruskowski and Attorney Kylie Connell joined the meeting at 8:47 a.m. The meeting was held at the South Bend Police Department, 701 West Sample Street, South Bend, Indiana in the Chief's Conference Room, and virtually via Microsoft Teams for the purposes specified in I.C. 5-14-1.5-6.1(b)(2)(B) for discussion of strategy with respect to pending litigation and for purposes as specified in I.C. 5-14-1.5-6.1(6)(A) to receive information concerning alleged misconduct of an individual(s) over whom the Board has jurisdiction. The meeting was adjourned at 9:13 a.m.

BOARD OF PUBLIC SAFETY



 Daniel Jones, Member



 Lee Ross, Member



 Al Kirsits, Member



 Pamela Claeys, Member

ATTEST:



 Theresa Heffner, Clerk
II. REGULAR MEETING

The Board of Public Safety met for the Regular Meeting at 9:19 a.m. on Wednesday, November 20, 2024, with Board President Dan Jones, and Board Members Darryl Heller (absent), Al Kirsits, Lee Ross, and Pamela Claeys present. Also, Police Chief Scott Ruskowski, Fire Chief Carl Buchanon, and Attorneys Danielle Campbell Weiss, Adam Taylor, Kylie Connell, and Board Clerk Theresa Heffner were all present. The meeting was held at the South Bend Police Department Auditorium, 701 West Sample Street, South Bend, Indiana, and virtually via Microsoft Teams at the following link: <https://tinyurl.com/2024BPSHybrid>

Attorney Weiss asked that everyone mute their microphone when not speaking and reminded attendees that comments from the public should be saved for the Privilege of the Floor portion of the meeting. Attorney Weiss then read through the agenda to note any additions or corrections.

A. ROLL CALL OF MEMBERS

Board President Dan Jones welcomed the public, called roll, and confirmed the presence of the Board Members.

B. APPROVE MINUTES OF PREVIOUS MEETING

Upon a motion by Lee Ross, seconded by Pam Claeys, and carried by roll call, the Board approved the Minutes of the October 16, 2024, regular meeting.

C. POLICE DEPARTMENT1. APPROVE HIRING OF PROBATIONARY POLICE OFFICERS

Ian Dale Baker
 Ricky Nelson
 Colin Michael O'Blenis
 Dieter Michael Ruskowski
 Jonathan Blake Phelps
 Richard Humbert Springer

Police Chief Scott Ruskowski submitted a letter of recommendation for the hiring of the probationary officers listed above effective November 20, 2024. Captain Kathy Fulnecky read a brief biography of each officer for the Board Members.

Upon a motion by Pam Claeys, seconded by Lee Ross, and followed by a roll call, the Board approved the hiring of the probationary police officers.

2. SWEARING IN OF PROBATIONARY POLICE OFFICERS

City Clerk Bianca Tirado administered the Oath which was then followed by the badge pinning.

3. ACCEPT LETTER OF RESIGNATION – GABRIEL THOM

Police Chief Scott Ruskowski submitted a letter of resignation for Officer Gabriel Thom. Chief Ruskowski stated Officer Thom was sworn into the Department on June 19, 2019, and his effective date of resignation was November 3, 2024. The Board accepted the letter.

4. ACKNOWLEDGE COMMENDATIONS OF LIFE SAVING AWARD

Zachary Overton

Aaron Omanson

Chief Ruskowski stated Officer Zachary Overton and Officer Aaron Omanson's quick actions and life saving measures saved an individual's life on September 7, 2024. Chief Ruskowski commended their efforts. The Board also commended the officers' actions and stated they would be receiving commendation coins.

5. APPROVE LETTER OF RECOMMENDED DISCIPLINARY ACTION – DAVID BOUTSOMSY

Police Chief Ruskowski submitted a letter of recommended disciplinary action to be levied against Police Officer David Boutsomsky.

Upon a motion by Lee Ross, seconded by Al Kirsits, and followed by a roll call, the Board approved Chief Ruskowski's letter of recommended disciplinary action.

6. DETERMINE ADMINISTRATIVE LEAVE PAY STATUS PURSUANT TO I.C. 36-8-3-4(n) – DAVID FINN

Police Chief Ruskowski submitted a letter asking the board to approve the continuance of administrative leave and implore the Board's discretion regarding the paid or unpaid status of the leave to be effective November 17, 2024.

The Board agreed to change his leave from paid to unpaid due to the charges that have been brought against him. If he were to be found innocent, his pay would resume retroactively.

7. APPROVE RESOLUTION NO. 03-2024 – ESTABLISHING THE 2025 HOLIDAY SCHEDULE FOR THE SOUTH BEND POLICE DEPARTMENT

Upon a motion by Pam Claeys, seconded by Lee Ross, and followed by a roll call, the 2025 Holiday Schedule for the South Bend Police Department was approved.

RESOLUTION NO.: 03 - 2024

A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA ESTABLISHING THE 2025 HOLIDAY SCHEDULE FOR THE SOUTH BEND POLICE DEPARTMENT

WHEREAS, the Board of Public Safety of the City of South Bend, Indiana, is empowered by law to establish rules and regulations for the South Bend Police Department; and

WHEREAS, it is in the interest of the City of South Bend that the Police Department holidays be set with certainty.

NOW, THEREFORE, BE IT RESOLVED by the Board of Public Safety of the City of South Bend:

SECTION I. That for all sworn police officers who are assigned to work as their regular schedule, Monday through Friday, 5 days on and 2 days off or 4 days on and 3 days off, the

following holidays shall apply:

New Year’s Day	Wednesday, January 1, 2025
Martin Luther King, Jr. Day	Monday, January 20, 2025
Memorial Day	Monday, May 26, 2025
Juneteenth	Thursday, June 19, 2025
Independence Day	Friday, July 4, 2025
Labor Day	Monday, September 1, 2025
Veteran’s Day	Tuesday, November 11, 2025
Thanksgiving Day	Thursday, November 28, 2025
Day after Thanksgiving	Friday, November 29, 2025
Christmas Day	Thursday, December 25, 2025

In addition to the ten (10) designated holidays above, employees may choose one (1) additional floating holiday subject to South Bend Municipal Code Sec. 2-121 (a), which can be any day of the employee’s choosing subject to supervisor’s pre-approval.

SECTION II. That for all sworn police officers who are assigned to work as their regular work schedule, 6 days on and 3 days off, there shall be no paid holidays. The following dates are designated as Critical Duty Days:

New Year’s Day	Wednesday, January 1, 2025
Memorial Day	Monday, May 26, 2025
Independence Day	Friday, July 4, 2025
Labor Day	Monday, September 1, 2025
Thanksgiving Day	Thursday, November 27, 2025
Christmas Eve	Wednesday, December 24, 2025
Christmas Day	Thursday, December 25, 2025
New Year’s Eve	Wednesday, December 31, 2025

For purposes of the Critical Duty Day stipend, the Critical Duty Day shall start at 6:00 a.m., and last 24 hours.

SECTION III. That officers assigned to the South Bend Community School Corporation shall, while so assigned, follow the holiday schedule set by the South Bend Community School Corporation for its clerical employees. Officers so assigned shall be eligible for Critical Duty Day pay only if assigned temporarily to a regular detail or otherwise eligible.

ADOPTED this 20th day of November, 2024.

s/Daniel Jones, President
s/Lee Ross, Member
s/Alfred Kirsits, Member
s/Pamela Claeys, Member

ATTEST:
s/Theresa Heffner/Clerk

- 8. APPROVE LEXIPOL POLICIES
316 – Missing Persons
317 – Public Alerts
502 – Vehicle Towing

Attorney Kylie Connell submitted the above Lexipol policies for approval and reminded the Board Members and the public that the above policies were submitted to the Board at the October 16, 2024, Board of Public Safety Special Meeting. She noted some of the minor changes in each of the policies and entertained any questions.

Upon a motion by Pam Claeys, seconded by Al Kirsits, and followed by a roll call, Lexipol Policies 316, 317, and 502 were approved.

9. RECEIVE NOTIFICATION OF LESO PROGRAM -NOTIFICATION TO CIVILIAN GOVERNING BOARD AND LOCAL COMMUNITY

Chief Ruzzkowski stated that a lot of people associate this with surplus military which a lot of it is. The SBPD had a large military mess tent so if there is ever a need for FEMA or HEMA action, we have that. As far as the LESO program goes, we haven't used it in several years, but it's nice to have if we need it.

10. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR OCTOBER 2024

Chief Scott Ruzzkowski submitted the October 2024 Monthly Statistical Analysis Report. He noted that they had a sixteen percent (16%) decrease in Part One (1) Offenses. He also added that they had three (3) criminal assault shootings in October. They had a total of fifty (50) criminal assault shootings all year and eight (8) of those were fatal. That means firearms were involved.

Pam Claeys noted that rape had gone up significantly and asked why that might be happening. She also noted that arson has gone up.

Chief Ruzzkowski noted that people may be more comfortable coming forward because they feel safe to do so, unlike in the past. He added that he cannot comment a lot because the Special Victims Unit handles rape cases. As far as arson goes, it's a matter of classification and determination by the fire investigators. He added that the Fire Department carries the heavy lifting on investigations. This is the time of year that people are using electric heaters, kerosene heaters, and things like that.

The OCTOBER 2024 analysis is as follows:

PART 1 OFFENSES	YEAR TO DATE					
	2023	2024	CHANGE	2023	2024	CHANGE
HOMICIDE	3	1	-2	17	8	-9
JUSTIFIABLE HOMICIDE*	0	0	0	1	2	1
RAPE	5	9	4	50	61	11
ROBBERY	15	22	7	202	169	-33
AGGRAVATED ASSLT	93	84	-9	1026	928	-98
BURGLARY RES	34	22	-12	397	314	-83
BURGLARY NON RES	17	6	-11	210	150	-60
LARCENY	181	162	-19	1926	1509	-417
MOTOR VEH THEFT	36	50	14	398	384	-14
ARSONS	13	3	-10	28	36	8
GRAND TOTAL	397	359	-38	4254	3559	-695

Month: **OCTOBER 2024**

<u>PART 1 OFFENSES</u>	<u>2023</u>	<u>2024</u>	<u>CHANGE</u>
HOMICIDE	17	8	-53%
JUSTIFIABLE HOMICIDE*	1	2	100%
RAPE	50	61	22%
ROBBERY	202	169	-16%
AGGRAVATED ASSLT	1026	928	-10%
BURGLARY RES.	397	314	-21%
BURGLARY NON RES.	210	150	-29%
LARCENY	1926	1509	-22%
MOTOR VEH THEFT	398	384	-4%
ARSONS	28	36	29%
GRAND TOTAL	4254	3559	-16%

-16% CHANGE IN PART 1 CRIMES THROUGH OCTOBER 2024 

* This number does not go into the totals as it is not a crime.

D. FIRE DEPARTMENT

1. APPROVE THE 2025 COLLECTIVE BARGAINING AGREEMENT

Attorney Adam Taylor summarized some key highlights. He noted that the Council handles the

financial aspect of this, and they have already approved the salary package by ordinance that is part of this agreement and then the Board of Public Safety is addressing the policies. The things that are more policy oriented, that's the purpose of the agreement. He addressed the financial aspects as a reminder for the public. There was a significant wage increase, ten percent (10%), for most positions in 2025. It is a one (1) year agreement, which means we will be back at the negotiating table which begins June 25th of next year, so it is coming quick. There is also a longevity pay increase that was incorporated. The key factor that we are trying to do in this agreement is move up on what is called the Certified Salary List that the Indiana Pension Fund puts out. At the time of negotiations, we were at forty-two (42) on that list. The fire department would be around sixteenth (16th), although other bargaining units rushed to help negotiate in the area this time. It remains to be seen exactly where we are going to move up to.

Another thing that this contract did was to eliminate firefighter third class, reduce the time it takes for a firefighter to move up and pay to get to first class, and represents an increase in recruit pay from \$48,000 to \$56,000 which represents about a sixteen percent (16%) increase. Those changes were incorporated within the CBA and that is in Article six (6). We attached an appendix to that agreement, which includes most of the things that were in the salary ordinance.

Attorney Taylor drew attention to a few key things in the articles, and these are things that affect really the policies. In article one (1), they referred to a field instructor program. That is something new that is being rolled out and that is to allow EMS employees to provide training on the ambulance to new firefighters. That program is viewed as something that is going to really improve, especially with a lot of new guys that are going to be coming on. In that EMS role they are going to have to train up a lot of people. Article six (6) he mentioned is new and they changed it to incorporate the salary ordinance into the agreement in the compensation section.

Attorney Taylor noted the large staffing requirements section. He noted in the section that the terminology they get used as minimum shift strength and that minimum shift strength number has always been about sixty percent (67%). That means for any given shift, that is the minimum you need to make sure that all apparatus' engines are running. We have staffing shortages right now, but the Union and City agreed to a temporary measure to try to alleviate some of the mandatory overtime that that minimum shift strength requires. Minimum shift strength is significant because once you fall below that number on any given shift, guys from other shifts get mandated and forced to come work overtime. Obviously, they get paid to work that over time and many guys appreciate it, but when you are mandating a lot, it gets to be burdensome on the staff. To relieve some pressure on that, it builds in the ability for that minimum shift strength to be reduced to as low as sixty-one percent (61%) for any given twelve (12) hour period when there are not sufficient voluntary sign ups. SBF employees can still voluntarily sign up to work overtime and we can fill most of those, but there will likely be situations that arise where they are going to shut down one (1) of those apparatuses in a way that is thoughtful to make sure that the City is covered. He noted the intent is not to deprive any area of the city from fire assistance and protection, but there are stations where there are multiple fire apparatuses where those shutdowns would likely happen. This temporary provision is incorporated into the agreement, but it has an expiration date of December 30th, 2025. The hope is that a more competitive salary package coupled with aggressive recruiting efforts will allow this to be something that we can eventually eliminate.

Chief Buchanon stated they want to try to make sure that each of their districts are covered to the best of their ability. That being said, if they have several different apparatuses at our fire houses, they will only have one (1) if they had to shut down one (1) of those other apparatuses. He wished he did not have to shut down any, but they must recognize their staffing shortages. For them not to have to continue the mandate for personnel to work extensive hours over what they are supposed to be working, they have to do that. They have to look at shutting down apparatuses for a particular time period.

Pam Claeys asked if this shutdown would take place for a shift period or for twenty-four (24) hours. Chief Buchanon stated that it could be up to twenty-four (24) hours, but it may only be twelve (12) hours and this is what they wanted. They wanted to try to eliminate mandating personnel to come in on their days off. Firefighters work twenty-four (24) hour shifts, so they don't have the privilege of going home at five (5) p.m. every day. They work from seven (7) a.m. to seven (7) a.m. If someone worked a twenty-four (24) hour shift and then they had to also be mandated for another twelve (12) or twenty-four (24) hour shift, now they are working 48 hours straight. Some may say, well, they are getting paid overtime, but mental health plays a large part

in our existence, and it can really take a toll on our employees. We cannot be expecting them to be their most effective if they are working past the hours that are suitable for them. Unfortunately, in the fire service it takes roughly six (6) months for us to train a recruit to be able to put out in the field. The department must also be selective with hiring and vetting recruits, which takes time.

Lee Ross asked when shutting down an apparatus, is that a whole fire house or just a truck. Chief Buchanon advised that whether it's a pumper truck or a ladder truck, if an emergency comes, it will be picked up by another fire station.

Attorney Taylor noted that part of this package also includes double time rather than time and a half. That will probably increase interest in voluntary overtime, but there is not a good way of estimating exactly how that will work with that incentive.

Dan Jones asked how much this would cost. Attorney Taylor advised that there was a budget increase built into this because this is not a budget neutral contract. There was an increase, but there is an increase in almost every single department in the City of South Bend. He added it cost more and salaries across the board are increasing. Attorney Taylor noted the fairly conservative budget increase is because of the reduced personnel. Ultimately there is going to be an increase in overtime costs, but we are also paying less people, so it kind of balances out.

Pam Claeys asked how many firefighters are part of the union. Chief Buchanon noted that everyone but the Chief, the five (5) Assistant Fire Chiefs, the six (6) Battalion Chiefs, and the administrative staff are a part of the union.

Upon a motion by Lee Ross, seconded by Pam Claeys, and followed by a roll call, the 2025 collective bargaining agreement was approved.

2. APPROVE THE RESOLUTION NO. 04-2024 – ESTABLISHING THE 2025 HOLIDAY SCHEDULE FOR THE SOUTH BEND FIRE DEPARTMENT

Upon a motion by Pam Claeys, seconded by Lee Ross, and followed by a roll call, the 2025 Holiday Schedule for the South Bend Fire Department was approved.

RESOLUTION NO. 04 - 2024

A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND, INDIANA ESTABLISHING THE 2025 HOLIDAY SCHEDULE FOR THE SOUTH BEND FIRE DEPARTMENT.

WHEREAS, the Board of Public Safety of the City of South Bend, Indiana, is empowered by law to establish rules and regulations for the South Bend Fire Department; and

WHEREAS, it is in the best interest of the City of South Bend that the Fire Department holidays be set with certainty.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Public Safety of the City of South Bend:

SECTION I. That all firefighters who work 24-hour shifts are not entitled to holidays off.

SECTION II. That for all firefighters who work 24-hour shifts, Critical Duty Days are as set forth in Article 25 of the current Collective Bargaining Agreement which is in force in 2024 per Article 33 of the Agreement.

SECTION III. That all firefighters who are assigned to work a four or five day work week shall have the following holidays apply, as previously approved by the Board of Public Works:

New Year's Day (observed)	Wednesday, January 1, 2025
Martin Luther King, Jr. Day	Monday, January 20, 2025
Memorial Day	Monday, May 26, 2025
Juneteenth	Thursday, June 19, 2025
Independence Day	Friday, July 4, 2025

Labor Day	Monday, September 1, 2025
Veteran's Day	Tuesday, November 11, 2025
Thanksgiving Day	Thursday, November 27, 2025
Day after Thanksgiving	Friday, November 28, 2025
Christmas Day	Thursday, December 25, 2025

SECTION IV. That all firefighters who are assigned to work a four or five day work week shall have one floating holiday to be taken, upon approval from a supervisor, at the time of their choosing.

ADOPTED this 20th day of November 2024.

s/Daniel Jones, President
s/Lee Ross, Member
s/Alfred Kirsits, Member
s/Pamela Claeys, Member

ATTEST:
s/Theresa Heffner/Clerk

3. FILE MONTHLY STATISTICAL ANALYSIS REPORT FOR OCTOBER 2024

Chief Carl R. Buchanon submitted the monthly statistical analysis report for October 2024. He stated that the fire index of the incident type breakdown, the number of incidents was 2,160 for October. Another number that stands out is how many times they left the fire house and that was 6,128 times. Smoke/CO2 alarm detectors for October are pretty steady, but it could be more because we receive applications for fire alarms daily for residents needing new smoke detectors or carbon monoxide detectors. Because we are short staffed, we can not get out there as much as we want to. We do not just pass out smoke alarms to the public or individuals. We want to make sure that every household has a working one, so therefore we want a certified firefighter or technician, someone that actually has the knowledge and experience to be able to install them where they need to be in a home and we also have them go over a fire escape program with the resident. We do not just give a household a smoke alarm. We want to make sure that it is properly installed and we want to make sure that they have an escape plan just in case of a fire.

Pam Claeys noted that only about three percent (3%) of what the Fire Department does is putting out fires and the rest was everything else they do. Chief Buchanon noted that he would like to say that that is shrouded to our public education and our fire prevention. They are out there, their public information officer as well as their fire marshals, inspectors and investigators, but really credit goes to the entire South Bend Fire Department. Every call that they go on, even if it is an EMS call, gives them an opportunity to look at that environment to see if there is some safety component that they need to address. If they are on a medical call and they notice that the smoke detector appears defective or is non-existent, they can relay that information to the fire prevention bureau and they send someone out or at least have someone contact them and see if they can help install one for them.

OCTOBER 2023	OCTOBER 2024
STRUCTURE FIRES Property Damage--Buildings & Contents (Estimates)	
\$210,500	\$20,700
INSPECTION DIVISON	
74 Inspections	126 Inspections
INVESTIGATION DIVISON	
12 Investigations	07 Investigations
2 Incendiary 5 Accidental 0 Natural 5 Undetermined	2 Incendiary 4 Accidental 0 Natural 1 Undetermined

Investigated Fire Incidents 2024 October

Incident Type	
Building fire	9
Dumpster or other outside trash receptacle fire	1
Total for month	10
Property Use	
Multifamily dwelling	2
Outbuilding or shed	2
1 or 2 family dwelling	6
Total for Month	10
Cause Of Ignition	
Cause undetermined after investigation	1
Intentional	2
Unintentional	4
Total for Month	7
Property loss	
Building fire	74400
Dumpster or other outside trash receptacle fire	4000
Total for Month	\$78,400.00
Content Loss	
Building fire	20700
Dumpster or other outside trash receptacle fire	0
Total for Month	\$20,700.00
Civilian Injury/Death Incidents	
Total for Month	0
Fire Service injury/Death Incidents	
Total for Month	0
Smoke Alarms Present	
Present	3
None present	4
Undetermined	2
Total for Month	9

Fire Index - Incident Type Breakdown

This measure comes from the ESO Fire Index. See national performance at: <https://www.eso.com/resources/fire-index/>

Count of Total Incidents & Exposures

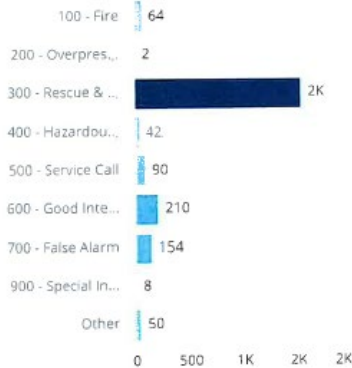
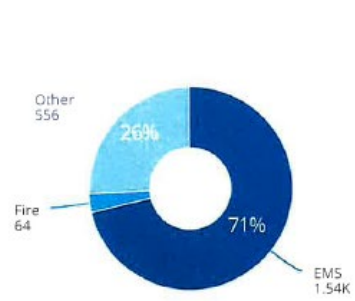
Aid Given/Received

Count of Incidents
2160
Count of Exposures **2160**

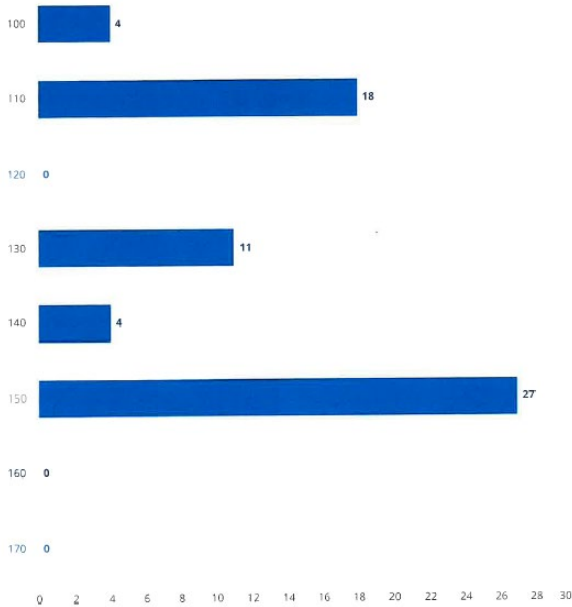
Aid Given
180
Aid Received **1980**

EMS/Fire Incident Breakdown

Count of Incidents by Incident Type

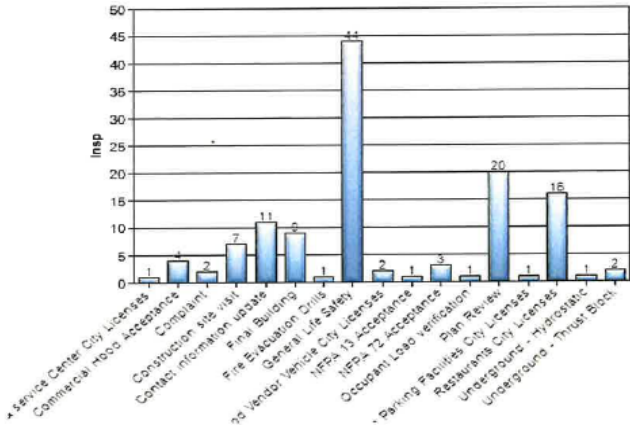
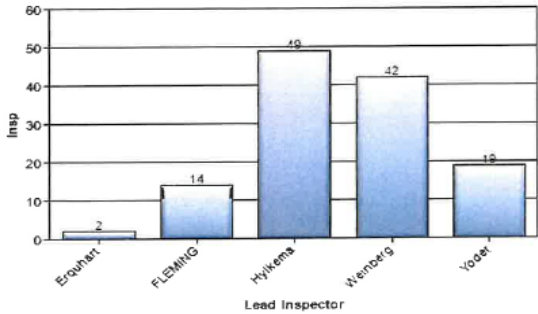


Count of Fire Incidents by Type



2024 October Apparatus Name	Unit Totals
M1661	266
M5	311
M11	189
E10	178
M4	363
E6	226
E2	251
M1	352
E1	254
M9	342
E3	220
TR7	112
E7	218
M1662	290
E8	225
E5	159
M2	409
E4	213
M10	160
E11	136
R1	199
F103	130
TR6	94
M1660	136
TR3	118
F102	132
E9	206
TR1	148
F116	80
F107	1
F112	2
M7	1
F118	4
BOAT9	2
F114	1
Totals	6128

Monthly Inspections





2024	Jan.	Feb.	March	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Y.T.D.
Smoke Alarms	81	131	197	79	124	3	1	31	34	50			731
Carbon Monoxides	29	41	14	4	53	1	0	8	7	16			173
Combinations	0	0	2	0	0	0	0	0	0	0			2
Batteries	9	16	2	21	8	0	0	3	0	6			65
Hearing Impaired	0	0	0	0	2	1	0	0	0	0			3

2024	Community	Risk	Reduction	Services	
	Events	Children	Adults	Educational Supplies	Pub Ed Hours
January	7	64	58	71	9
February	50	58	108	50	1,500
March	7	25	82	97	17
April	2	125	242	518	16
May	6	84	1294	151	10
June	14	523	428	0	25
July	30	579	237	248	26.5
August	27	256	623	260	30
September	16	163	117	117	27.5
October	16	874	530	486	14.5
November					
December					
Totals	175	2751	3719	1,998	1675.5

2024	Requested APRA's	Collected Fees
January	13	\$36.00
February	16	\$9.00
March	18	\$27.00
April	21	\$9.00
May	20	\$9.00
June	13	\$0.00
July	17	\$18.00
August	15	\$9.00
September	25	\$0.00
October	32	\$18.00
November		
December		
TOTALS	190	\$135.00

E. DISCUSSION OF TRANSITION TO MERIT BOARDS

Attorney Weiss started the conversation to inform the Board of what is going on and to answer any questions. She clarified there are still some unknowns at this time, so the conversation will be ongoing. She advised that a new state law requires that certain units of local government shall automatically create merit systems for their police and fire departments, unless the unit and the department members take action to opt out. If not, you are automatically opted into this merit board system which requires approval from both the City Council and the Union Memberships. Under this new law, anyone that

hasn't already established a merit system for their police or fire department before the end of the year and has at least twelve (12) full-time, paid members and provides service to at least 20,000 people will have a merit system established effective January 1st, 2025.

Under Indiana law, the merit boards would be responsible for the hiring, firing, disciplines, promotions, demotions of police, police officers and firefighters. Currently, these responsibilities are under the review of the Board of Public Safety. The Police Department and Fire Department are taking slightly different paths here. The Police Department, with the support of the Fraternal Order of Police and the Mayor, have decided to create a merit board ahead of the statute's December 31st deadline. On November 13th, there was a proposed ordinance to create the Police Merit Board on the Common Council's agenda for the first reading, and this would be back before the Council at its next meeting for potential adoption.

There is a committee meeting tonight for discussion of this at 7:00 p.m. in the County City Building on the 4th floor. You can attend or listen via teams as well. The Fire Department, with support from their local union and the mayor, have decided to wait for the automatic establishment of the Fire Merit Board on January 1st and they will adhere to the default structure of the Merit Board. There would have to be the selection of all the Commissioners and then there would have to be an adoption of policies, so there would be a period of time to get these up and running. In the meantime, the thought is the Board of Public Safety would continue to function as it until these are fully operational. After they are fully operational, I think there is still a debate as to what will happen for the remaining items that are usually under the Board's purview. One (1) option would be to just keep having those meetings for things like policy updates and the monthly stats like some of these other things we saw on the agenda today that were not hiring, promotions, or disciplines. Meetings could be on a less frequent basis which could be quarterly or as needed. Another option is under state law, there can be a combined Board of Public Works and Safety. There used to be one (1) Board and then they were separated some time ago and it could be recombined.

President Jones asked if all the positions would be chosen by Council. Attorney Weiss stated no, noting that the main difference is the Board of Public Safety members are all appointed by the Mayor. The Merit Boards would have two (2) selected by the Mayor, two (2) from the Union membership, and one (1) member chosen by the Common Council. So, it would be a different makeup of the Board and who appoints them. She added that she believed there is also a four (4) year term associated with those appointments. The Board of Safety is just to serve with pleasure, so it can be longer or shorter than four (4) years if the board member wishes.

Al Kirsits thanked Attorney Weiss for the memo she provided and noted that it explains everything and is very well done. As it goes forward, there will be two (2) separate merit Boards, one (1) for the police side, because the people they will choose will probably be different than the fire side. He asked if they would just combine the leftover items into the Board of Public Works and Safety. Attorney Weiss advised that what she had sent to everyone was leaning more in recombining the two (2) boards, but did not know if that is going to happen. It may be that the Board of safety remains as it is and it just has limited review.

Pam Claeys asked if the decision is made by the Common Council. Attorney Weiss advised that there would be a recommendation from the Mayor's office, but it would require Council approval. The Police Merit Board formation and how that would run is on their next agenda for approval. She believes there is a first reading for Fire as well.

Attorney Taylor advised that they had talked about that in the past, but the plan is that there is going to be an ordinance that is read first reading on December 9th that will not get to final reading until January 2025. The way that the Merit Board statute is written says it is automatically established, but then the legislation also says it has to be established by ordinance. We are establishing it by ordinance and the proposed ordinance is basically going to say that we follow the statute and refer to the statutory citations. It is also going to say that in the interim, this kind of stopgap measure which

is built into the police model is that the Board of Public Safety will handle until the Merit Board is fully convened and functional. The way the Merit Statute is written, the Commissioners must be appointed no later than March 1st, 2025. We anticipate it is going to be close to that. The statute says the Board of Public Safety has to give notice for appointments, so there is a three (3) week notice period. Of the three (3) week notice period for the membership to vote on their two (2) candidates, there are some time delays that are built into this that will cause a need for the Board of Public Safety to do some of these actions. Hopefully, there will not be any disciplines or any other matters that need to be addressed in the interim, but ultimately we don't know if that will be the case. It would be ideal if some hiring could be done during that period from January to April. After they are appointed to their positions, they would have to adopt certain rules and I think there might be some public hearing requirements, so there are delays that are built in with all these notice requirements and these other things that have to happen.

Chief Buchanon added that there is a disparity between the Police and Fire. Police had already submitted their ordinance because of the timeline. He noted Fire did not have the ability to start having this conversation because of negotiations on the collective bargaining agreement which took precedence over our time.

Attorney Weiss advised that there is nothing for the Board to really do right now. Since there has been the first filing of the Police Merit Board ordinance, it has started to bring public awareness of this.

Chief Ruszkowski noted that the SBPD had a lot of things going on when this came up, but one (1) size does not fit all. The state is going to do this without any conversation from an administrative perspective with the FOP in general. The good news is we have already opted to make the decisions, whether it comes to discipline, hiring, firing, and promotions. He shared his concerns regarding the community having no input in the decision. It's not about the ordinance. It's about state law and they are trying to find a way to maintain the least invasive process of what they have that works. They couldn't get an answer from anyone downstate. Attorney Connel, our administrative team, and the FOP tried. They all tried to get some definitive answers on something and there was nothing definitive.

Ms. Claeys asked how the Civilian Review Board fits into all of this. Chief Ruszkowski noted that it is just another oversight layer of the proverbial opinion. Attorney Weiss noted that there's a reference in the Community Review Board ordinance that they censor reports to the Board of Public Safety. Maybe that would change to the Mayor's Board instead, but that is the only reference to the Board of Safety and their structure.

The Board members noted that they have not had anything sent to them from there. They asked if it was just the recap of their meeting. Attorney Weiss noted that it was from the first meeting last week.

Attorney Taylor added that he and Attorney Connell tried to keep this very basic. He stated that the fire perspective on it was always a little different than the police perspective because the Union was much more in support of this and it makes sense given that the Professional Firefighters Union of Indiana (PFFUI) was the key. They were lobbying effort behind the implementation of this. There was a lot more support on the Fireside Board and I can understand why the state union was in supportive of it. A lot of that was driven by departments that didn't have as robust of a process.

Attorney Weiss closed by stating that they can continue to provide updates on this topic once more is available. Some of it is still up in the air right now.

F. PRIVILEGE OF THE FLOOR

No one was online or in person wanting to speak.

G. ADJOURNMENT

There being no further business to come before the Board, upon a motion by Lee Ross,

seconded by Pam Claeys, and carried by roll call, the meeting was adjourned at 10:39 a.m.

BOARD OF PUBLIC SAFETY

Dan Jones

Daniel Jones, Member

Lee Ross

Lee Ross, Member

Alfred P. Kirsits

Al Kirsits, Member

Pamela Ann Claeys

Pamela Claeys, Member

ATTEST:

Theresa Heffner

Theresa Heffner, Clerk