

REGULAR MEETING – MARION COMMON COUNCIL – SEPTEMBER 3, 2019 – 7:00 P.M., CITY HALL

The Common Council of the City of Marion, Indiana met in regular session on Tuesday, the 3rd day of September, 2019 at the hour of 7:00 pm in the Council Chambers, City Hall.

Before the prayer was given, Fire Department Chaplain Jeff Johns asked for a moment of silence for Dale Estill's family. Dale was a firefighter who retired and he just passed away.

On the call of the roll the following members were shown to be absent or present as follows:

Present: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller.

Absent: Henderson.

The minutes of the previous regular meeting of August 20, 2019 were presented. On a motion by Councilwoman Deb Cain, 2nd by Councilman Don Batchelor, the minutes were approved as presented by the following vote. Aye: Brunner, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Abstain: Smith.

Council President Alan Miller told Councilman Henry Smith he should have welcomed him back during the roll call. They have missed him. Glad to see he is doing well and may it continue. Councilman Jim Brunner said he is ready to race anyone out to the parking lot. He's got speed racer right here so be careful. Miller said most of them won't be a threat to him.

There were no committee reports given at tonight's meeting.

Councilman Brad Luzadder told the Council that in front of everyone is an invitation to Let My Light Shine's fundraiser on Sunday, this coming Sunday, from 11:30 am to 1:00 pm. The donation is \$10.00. The reason for that is Let My Light Shine is the organization that actually places solar lights on all of our graves at the Marion National Cemetery. They're the only cemetery that's allowed in which to do that. They petitioned the federal government, they approved and that was eight years ago and currently, they have 9,000 lights to go out. They're purchasing another 4,000 so they're going to be really, really close to getting every light out on every grave at the National Cemetery and everybody that comes, it's \$10.00 for the light, takes care of the batteries and the storage of those and then also he gave them when they will be placing them out is October 26th and they'll be removed on November 16th, in time for the Wreaths Across America. But this Sunday is the meal, and again, every person that comes, the \$10.00 is a new light that's going to be able to go out onto the graves. So, everyone is invited to that. Anyone in the audience, he does have invitations for them as well. If anyone would like, at the end of the meeting, he will be happy to come out and hand them to them, Luzadder said.

NEW BUSINESS

Agreement between the City of Marion, Indiana and the International Association of Firefighters Local 676. Fire Chief Geoff Williams told the Council they started back in May of 2018. A lot of different changes in the contract. Some wording here, some wording there. Came to an agreement after mediation. He feels like this is the best that it's going to be for now on this contract. They presented it to the Board of Works this morning and they approved it this morning so he'd like their approval tonight. If they have any questions, maybe one of them could answer those, Williams said. Council President Alan Miller said he wondered if any of the other Council members noted what he saw as the amusing reference in the Fire Contract, discovering that the Fire Department is responsible for enforcing Marion's Pinball Ordinance. Miller said the Chief has no idea how that ever happened or whether they ever had a Pinball Ordinance or whatever. He said he (Williams) said Linda Wilk caught it. Us journalists are always nitpicking stuff like that, Miller said. Councilman Dave Homer asked if Chief Williams or maybe Jordan could kind of elaborate on what issues that they turned into the Board of Works that they approved and what changes were made in the contract. Chief Williams told Homer it's the same one they gave them but the Manpower Permitting Days and Personal Leave Days. Their Manpower Permitting were changed to Personal Leave Days, Article 28. Staffing, Article 21. He believes that was Section 21.1. You know, he thought about this Sunday night and he probably should have broke it down for them that

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way. That way they could see each one of them. Article 19.4, letter F. He asked Homer if he wanted him to go over each one of these as he's standing there. Homer replied, sure. He thinks the Council, if the Council would agree. Just like to know some of the changes that were made, he said. Williams said, okay, on Article 28, back to that, it was Manpower Permitting Days in the former contract that they're working out of now. The Union wanted it to move to Personal Leave Days. And some of those will be different from the MP Days of Manpower Permitting. These are PL Days now. The staffing, there was a strange thing that's in 21.1. The Shift Commander, they've changed the Shift Commander. Different names over the years, Deputy Chief, Assistant Chief, just about everything, switched them back and forth. At one point in time, the Assistant Chief didn't count as the head of the shift at that time. They are a bargaining unit and they wanted them to count so just cleaned up that language right there. That's what the city asked for. Article 19, hours of work, overtime, and this was 19.4. This was basically for the Investigators. We've only got three of them and sometimes two of them will go out of town and we'll be left with just one and if that's his working day and he takes a vacation day, he has really no incentive to answer the phone. So, they changed that so that that person can receive overtime even though they are working on their duty day. And that's happened, he thinks, at least twice. Section 19.4, the Union wanted job related training added to that. There's been many times where an individual would be signed up way in advance to go to a class and they'll get called for overtime. That's something that they feel like it's overtime or go to this class and sometimes they take the overtime instead of going to the class or sometimes they go to the class and miss out on the money. So they wanted to afford them the opportunity to be able to be on that list still for the overtime. 32.2. Williams asked, what did we change on that one? Was it just that? President of the Firefighters Union Jordan Lamb said, yeah because it was interpreted here that it was just, he means.... On 32.2, it's each bargaining unit employee is entitled to three duty days off per calendar year due to illness or injury and there was some pushback from the Administration that they had to use their three sick days first, even if they had a doctor's slip. So they changed it to three unexcused sick days that they don't have to require a doctor's slip is that change, Lamb said. Chief Williams said, Article 32, Sick Leave, they cleaned up a little bit of the language. Section 32.4 says maximum sick leave provided for a 12 month period beginning on the date of the illness or injury. And then Article 50, Term of Agreement, the contract, they easily agreed upon that, January 1st, 2019 to December 31, 2020. Mr. Lamb stated, then they had, in Article 50, the first part, well wait, okay, it is now C, it's effective January 1, 2020, base pay shall be increased by 3% subject to Council approval. So a 3% raise for next year. And then Section 30.1 was their holiday pay. A couple of years ago, they took \$1,000 from their holiday pay and put it on their base to try to get their pension base up for those who were getting ready to retire. And it wasn't any new money. They just transferred \$1,000 every year from their holiday pay and they negotiated through the mediation that holiday pay will be increased by \$500 in 2019 and \$1,000 in 2020. Councilman Henry Smith asked, when he says base, they're just transferring from that one department to another. Lamb told Smith, yeah, they get holiday pay based on, you know, they never know, he means they see what schedule but they all work holidays so they just get a set amount. Well, two years ago, no it's been longer than that, Seybold was Mayor, they were just trying to get their pension base up so that when they retire, it's obviously based off that so they transferred \$1,000 from their holiday pay on to their base every year. Now, they are getting that back, basically. So their pension will stay the same but now their holiday pay will go up, back to, well \$500 this year and \$1,000 next year. Smith asked, now, is there any reason why they went for one year? Lamb said, he's sorry. Smith asked, is there any reason why they just did it for one year? Lamb told Smith, transferred the money? They did it for the last four years. Smith said, no, the contract. Lamb asked, oh, why did they do a one year contract? They did a two year, this year and next year. And by state law, you can only go one year into the next administration. Yeah, so they have to negotiate next year. Council President Alan Miller said, yeah, he just wanted to clarify. There's no retroactive pay increase for 2019. Even though it's a 2019-2020 contract, the pay increase kicks in in the coming year. He guessed, they're not paying them retroactively 3% for this year. Lamb stated, no, it's next year. Chief Williams told Miller, if you, yeah, if you pass that later. Miller said, he was curious too, the formula for health insurance, was that changed? As he understands it, the base health care premium was set in, it was the amount paid in 1997. Now they're on a 60/40 payment on the increase over that. Is that new or have they always paid... So if the insurance goes up certain amounts, they're picking up 40% of the increase. Mr. Lamb told Miller, no, that's just kind of in there. He means, that's one of those things where if you try to change it then the other side wants something so it kind of just stays. Like if you see the high insurance, it says it has to be the same as it was in 1997. Miller replied, okay, yeah, that's fine. He thought it was new. He didn't know the 60/40 thing.... Lamb said, no, the Union has no

negotiation power on what they pay in insurance. Mr. Miller told the Chief, a question for him, specialized pay, specialized teams. It says that he determines how many firefighters receive specialty pay. Now, the EMT, he understands, he guessed that would be all of them because they're required to become an EMT, if they're not already. How many people are they paying to be scuba team members? Chief Williams told Miller, 13 for the Dive Team and 19 for the Hazmat Team. Actually, he thinks it's 20 at this time. Miller said he thinks the only other question he had, so many pages in there, it may be a question for their attorney. Several references in there to this so called "Fair Share Fee" for firefighters that choose not to join the Union. Is that contradictory to Indiana's Right to Work Law? Council attorney Phil Stephenson told Miller he asked him a question he can't answer right off the top of his head but as he has understood it, they have no right to compel them to make those payments. Miller responded, well, that's what he got from reading this. Was the Right to Work legislation specifically upheld for teachers? Is that where the, profession where that question came? Stephenson said he thinks that's where the original, what the original lawsuit was over. Miller told Stephenson, okay, so he says he would assume the contract language stands and it does not contradict whatever the Right to Work Law may say and Stephenson told Miller yes. Mr. Miller told the Chief he would assume it goes without saying that they were negotiating the pay increase with City Administration people at the table. Obviously, he assumes the Controllor, the Mayor, Chief of Staff believe that the budget for 2020 can handle the raises. He was hoping to have Julie (Flores, City Controllor) or somebody here to tell him yeah, we can accommodate it but he assumes the people at the table are the ones she's listening to and drafting the budget. Chief Williams replied, he hopes so. You know, he thinks maybe it was in June or July when they were talking about that but yeah, he thinks she says it's okay. He thinks she's okay with it. Miller asked the Council members, did we ask her? He doesn't think she discussed the fiscal impact of that, did she? Well, okay, they'll address that with Mrs. Flores later. It'd be a nice figure to have though. Other questions, for the Chief or for Jordan, Miller asked. Councilman Jim Brunner asked the Chief, right now, how many current, active members does he have on the Fire Department? Chief Williams told Brunner, 57. They are budgeted for 58. They are looking to replace here real soon. Brunner asked, does he have any idea how that falls, say five years ago or 10 years ago? Up? Down? Same? Williams replied, it always decreases. You know, 20 years ago, they had 72. He wants to say maybe 1984, they had 84 guys. He thinks it's just kind of what the sign of the times is for Marion, a decrease in population. You know, the run numbers are still the same. He means, they're still putting out 52 fires and still doing EMS so a lot more work with a lot less guys. Mr. Miller said he was a bit intrigued by one thing in there, based on a question he asked him at the pre-budget hearings, whether they ought to consider closing a fire station. He noticed there is one item in there that addresses that issue, that the city shall have a minimum of three fire stations and a process seemed to be established in this contract for having a conversation about that. Is that something, it wasn't added after he asked him the question, he's sure, but is that the intent of that? That a conversation may be held about how many fire stations we need? Williams told Miller he thinks that's been in there for a long time, at least 20+ years, and he knows Ron Mowery did a study in the late '90s, mid-'90s he thinks it was so he thinks that was added into it probably around that time. So it's nothing new, Williams said. Miller stated, it's not new language, it's just language that nothing has ever come of. Williams responded, there's things that they just leave in there and move on. Miller asked, other questions? For the Chief or Jordan? Councilman Homer said he just wanted to make one comment to kind of follow up about the number of firefighters and the population. He just wants, you know, he knows this has been an issue with the numbers of who we need, how many we need and that kind of thing but he thinks we need to remember that our infrastructure here in the community is still built out for about 40,000 people. So he thinks they have to take that into account, even though we say our population has declined and the numbers go down and that sort of thing. So he just wanted to make that point, that we're still covering a large area and required to do that, even though population continues to go down. Councilman Brad Luzadder said, and it should also be noted, Chief, that every ambulance assist, our guys are out there doing the work. They're doing just about 100% of the lifting in and out of the vehicles and it's a tough job. They're having to lift large amounts of weight and some of our firefighters have been injured, helping with ambulance assists and there is no monies coming back to us from the hospital and our guys are putting their lives on the line. So that should also be referenced there. He thinks they do a heck of a job for the work in which they are required in which to do. Council President Miller told Mr. Stephenson he assumes this just requires one vote to approve the agreement and Stephenson told him it does. Miller stated, so their decision tonight is the only step in the legal process. Being no further questions or comments from the Council, Miller said he's ready for a motion. Motion was made by Luzadder to pass the agreement between the City of Marion and the International

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Association of Firefighters Local 676. Motion was seconded by Councilwoman Lynn Johnson and Councilman Brunner and carried by the following vote. Aye: Brunner, Smith, Batchelor, Cain, Homer, Johnson, Luzadder and Miller. Nay: None. Councilman Brunner thanked the firefighters for all they do for us and told them to have a safe year.

Being no further business to come before the Council, on a motion by Brunner, 2nd by Johnson, the meeting adjourned. Time being 7:26 p.m.