

November 1, 2021

The Board of Public Works & Safety met on Monday, November 1, 2021, at 10:00 a.m. in the Marion City Council Chambers. Present were Linda Wilk, Cindy Cunningham, Brian Flynn and Janice Adams and secretary to the board.

Motion to approve the minutes for October 14, 2021- Brian Flynn; seconded Cindy Cunningham.
Motion carried.

Motion to approve the minutes for October 18, 2021- Brian Flynn; seconded Cindy Cunningham.
Cindy Cunningham and Janice Adams abstained.

Electronic Meeting

Brian Flynn: I have got before you board you can see a couple of places I highlighted in red. They were just really question marks for me. I think the first one is under the restrictions of board members participation. Number 3, it just talks about when you cannot meet electronically. "Adoption of the budget, a reduction in personnel, the initiation of referendum, the establishment of a fee (or increase in a fee), the establishment of (or increase in) a penalty, eminent domain authority, or the establishment of a raise in, or the renew of a tax." How many of those things do we do?

Linda Wilk: Aisha?

Brian Flynn: I mean, I don't think we have anything to do with tax renewals. We do have some fees for like buildings that are going to be demolished and no responses so that one is appropriate.

Linda Wilk: Yeah. (Inaudible)

Brian Flynn: That is the other piece of the (inaudible) I think that I would like to strike the adoption of the budget and the last part the establishment of a raise in or the renewal of a tax. I am not sure about eminent domain. Is that part of our (inaudible)? I have never been exposed to anything like that.

Linda Wilk: Yeah,

Brian Flynn: I would suggest that we remove that language as well. Any other comments on that section before I move on? The next section in Conducting Meetings When A Disaster Emergency Exists. We talked about this a little bit earlier, it identifies as who declares a disaster emergency. The governor obviously is one, the mayor would be one, and this language suggested the board of commissioners or president of the town council. In my opinion both of those can be stricken. I don't think those are governing bodies that declare an emergency.

Linda Wilk: The only thing I can see as a board of commissioners would be for the whole county if they would declare it. That would include the city.

Brian Flynn: That is my point.

Linda Wilk: But the president of the town council absolutely not.

Brian Flynn: That is a real good point too. Thanks. So I would move that we strike the president of the town council from that section. And for us it is good to go with those edits.

Linda Wilk: Are there any questions or comments about the electronic meeting policy? If not are we ready to make a motion to approve that?

Motion to approve the electronic meeting policy with the noted edits-Brian Flynn, seconded Cindy Cunningham.

Motion carried.

Chief and Deputy Chief Handbook

Brian Flynn: I have just got a couple of points. Probably more clarification than anything else. Page 27 this about the use of leave and we did make the edit of requesting the leave to be three consecutive working days. The second part that I just wanted to touch base with today is the very last sentence on page 28 addressing the long term paid sick leave up to the following. It identifies 13 weeks for non-job related, 26 weeks for job related illness or injury and I think that if we look to the very beginning. The first paragraph of this section it says calculation begins the first year of service of the fire department and not the beginning date of deputy chief, fire chief. My question I guess for clarification is that 26 weeks in a calendar year or is it more like the Family Medical Leave more like 26 weeks from the date it is first initiated? There really is no clarification I could find.

Linda Wilk: Yeah. I would say both fire chief, police chief and either of you or both of you have comments or input on that that would be helpful.

Chief Paul David: We had this same issue in the contract because it did not specify and that is a great question. I know it was an oversight on mine as well my site as well not reading that clearly. We did have that same argument with the union whether it would start at the date of injury or if was to include just a calendar year. We never really came to terms on exactly what that meant. So, it is a gray area.

Brian Flynn: Okay, I think my only concern is if it is identified as calendar year that actually would give them the potential for 52 weeks. If the last 26 weeks of one calendar year and then the next calendar year you can continue 26 more weeks there 52 weeks we are without a chief or assistant chief with this policy.

Chief David: Sure, and the contract that the firefighters have is actually a longer time then what is permitted here. We get up to six months off for non-duty related and then a year off for so you can see where that would be a problem. You know as far as labeling it as calendar or time frame of onset of illness etc. So it is an issue.

Brian Flynn: Well I think you know we have the authority we are the body that makes that decision I think here and you know I don't want to make it without the input of those who are affected. So my question is, is there a problem with it being 26 weeks from the initiating date of use?

Chief David: I don't have a problem with that. Personally but JP, chief? I think it would be circumstantial.

Chief Angela Haley: If we are talking about per incident then I don't...

Brian Flynn: This is a long term care, long term paid sick leave.

Chief David: Yeah, would it be out of the question to add up for review at twenty something weeks? Do you see what I am saying? Let's say we have cancer and it is a long term issue would that be acceptable language? You know up for review maybe at the time, if it exceeds that?

Brian Flynn: I think that is reasonable language. That gives some flexibility based on individual circumstances.

Chief David: It is the same flexibility that I have as a chief. If we have got an individual off for a long term illness or injury I can extend that. I can vote to hey let's extend this and give them a few more weeks. They are going to be done with rehab or whatever the case maybe and get them back to work rather than loosing that employee and suffering, hiring another one, training and all of that. So, maybe that will be acceptable.

Linda Wilk: I think it needs to be very clear that it is per incident too. I am not sure the way I read that it doesn't say...

Brian Flynn: It does not say.

Chief David: No, I agree.

Linda Wilk: I agree with Chief Haley's point it should be per incident.

Chief David: I agree. Good catch there.

Brian Flynn: Thank you. I think it will take me a little while to adjust the language to come up with something that is appropriate and we can either do that right now or we can wait until next meeting.

Linda Wilk: Is there an urgency do you feel to get this done. This, is it important to get this done today or for sure this year. I am sure you would want it done, what are you doing right now? Are under this at all? Or what are you using currently?

Chief David: Honestly we do go off of this. Through our department we have. So yeah at the end of the year as long we get it done before the start of next year I feel will be adequate for us. I am not sure how Chief Haley feels.

Chief Haley: I would rather get it done and it be right then to rush through it and have to reevaluate or redo the work. I think, I think that we just do it and do it right.

Linda Wilk: Yeah.

Brian Flynn: I agree. I think with that you know I will volunteer to work on that language and identify that it is per injury and then will be reviewed after 26 weeks for a possible extension if necessary.

Chief David: You may get with Judge Hunt on that because we did have a grievance on that language in the contract so I would probably tough base with him and feel him out on it to see where he stands on that.

Linda Wilk: Okay.

Brian Flynn: Okay, very good. Thank you. Appreciate it.

Chief David: Thank you.

Linda Wilk: So, what before you leave is there anything else you saw in the manual?

Chief David: That was the only thing that caught my eye. I am not sure if Chief Haley had any issues with it.

Chief Haley: I haven't had time to review it. I have been too busy with other things so at this time no.

Linda Wilk: Is it realistic then to put it on the agenda next time? I want to make sure you both have had time to review it and you know if we want to have this right. Is that realistic?

Chief Haley: I will give it a good try. I can't guarantee it but for some reason I seem to be very, very busy right now but yes, I will, I will work on it.

Linda Wilk: Well would it be more realistic for the first meeting in December?

Chief Haley: That will give me more time yes.

Linda Wilk: Okay, are we okay with that?

Brian Flynn: I am okay with that.

Linda Wilk: So the plan will be that we will have revisions out ahead of time Aisha, is that will that work.

Aisha Richard: Yes.

Linda Wilk: And then we it will be approved at the first meeting in December.

Chief David: Okay.

Linda Wilk: Okay.

Brian Flynn: So I will work on those revisions and get them to Aisha and you can just send them out.

Linda Wilk: And so you don't keep printing off because I know it is a lot to print off if you just send it electronically that will be, I mean I appreciate you giving this.

Brian Flynn: And you can just do the necessary pages.

Linda Wilk: Yeah.

Aisha Richard: Okay.

Brian Flynn: We have touched (inaudible). Again, this language is for both chiefs' and assistant chiefs'. I think it is page 45 where it is referenced again. So I will make the language identical as it is now with the edits.

Chief David: Okay.

Linda Wilk: And just so I am clear there is some yellow highlighted comments those are the changes that we requested last time and have been made correct?

Aisha Richard: Yes.

Linda Wilk: So Angie or Chief Haley when you look at that you will see that those few changes were made as well.

Brian Flynn: Thank you.

Chief David: Thank you all.

Motion to hold off doing anything with the fire and police chief, deputy policy until the first meeting in December-Cindy Cunningham; seconded Brian Flynn.

Motion carried.

Public Comment

Robin Fouce: Hello everyone. I appreciate the work you have done for this. While I can certainly understand the time frame of wanting to get a final product I think the process that we are going through is a good thing and I just really encourage you yes to get it done but not to rush it because you want to good solid final product in the end. I think you are working toward that, you know I would encourage us not to be so intent on getting a deadline and we need a deadline certainly. We can't go on forever but really just give the feedback that we need and the revisions we need to have a really solid final product. I know that you are working toward that so good work. Thank you.

Linda Wilk: Thank you. Is there any other public comment? The next item is payment of the bills.

Motion to approve the payment of the bills for November 1, 2021- Cindy Cunningham; seconded Brian Flynn.

Motion carried

Motion to adjourn- Brian Flynn; seconded Janice Adams.

Meeting adjourned.

Linda Wilk-Vice President
Board of Public Works & Safety

ATTEST:

Aisha Richard- Secretary
Board of Public Works & Safety