

MINUTES OF THE FIRE CIVIL SERVICE APRIL 12, 2021

Commissioner Hazel: The regular meeting for the East Chicago Fire Civil Service Commission, will now come to order (442PM). Dina may I please have a roll call.

Roll Call: Commissioner Hazel, present Commissioner Wiedemann, present.

Commissioner Hazel: Okay. And who else do we have available for the meeting? Is the Chief and Attorneys?

Rec'd Secretary Dina Rodriguez: The chief is on, and I have Attorney Harris and Attorney Tolbert also on the line. We also have several, several attendees tonight.

Commissioner Hazel: Okay, great. Alright, let's move to our first order of business. I make a motion. Well, can I have a motion to accept last month's meeting minutes? Actually February's meeting minutes.

Commissioner Wiedemann: Before that, are we going to recognize either Commissioner Thayer or Commissioner Cauley?

Attorney Harris: I think the record should reflect their attendance pursuant to our last executive session that we held. I think what was agreed upon and understood by all the participants is that going forward. While there's pending litigation there wouldn't be any voting from the two Commissioners that are in question. They should attend, they should receive all the information they should participate with the exception of voting.

Until such time, that that litigation is resolved. I think that I think it was made clear, that, that would prevent us from having to go back and do any—take another vote in the event, the court changes, someone affirms something, whatever the case may be, we don't want to have inconsistent decisions by the commission. So I agree with Commissioner Wiedemann, we should acknowledge their presence that they are in attendance and participating.

Recd Secretary Dina Rodriguez: So then are they called at roll call?

Attorney Harris: I think for the record if I think they should be called at roll call so it's clear that they're in attendance, okay? But for roll call, for purposes of voting, they wouldn't be based on our discussion at the last executive session.

Commissioner Hazel: They would abstain from voting.

Attorney Harris: They don't even need to be called to vote.

Unknown Speaker: Yeah, I got something to say about that. I don't think that's right. Commissioner Thayer is a sworn commissioner by the judge.

Attorney Harris: I'm not sure who's speaking, but they're out of order.

Recd Secretary Dina Rodriguez: Please refrain from speaking until your addressed.

Commissioner Hazel: Okay, thank you.

Unknown Speaker: Commissioner Wiedemann or any of the Commissioners may I speak?

Commissioner Wiedemann: Commissioner Hazel is the chair and, I just think being that there is so many people on and we can't see everybody's names and Mr. Hazel's on the phone, I would suggest that everybody say their name and ask to have the floor.

Attorney Harris: With all due respect to Commissioner Wiedemann that is not proper protocol for the meeting. If it's not one of the Commissioners that speaking or a participant in the actual commission, it's not open for discussion for anyone who's attending the meeting.

Commissioner Wiedemann: Can anybody make a point of order though?

Attorney Harris: Not if they're not a participant in the actual meeting, if you are not a member of the commission you would shouldn't be making a point of order.

Commissioner Hazel: There will be a point in time where there's a section in the meeting for that and that will be allowed.

Unknown Speaker: I understand Commissioner Hazel, but this is important that Commissioner Thayer be allowed to speak on matters. That's why I want to address this now.

Commissioner Hazel: Okay. But we have a point of order for it. And we have a current litigation going for that. So we got to speak to that first. Everyone may I say this, if we do this, we'll never get through the meeting, we have a point of order for the meeting. I would like to go according to the point of order, the attorneys have set aside a structure of how the meeting should go. So if we keep restructuring, the meeting we're never going to get through it. We're going to stick to the order of the meeting is how this meeting is going to go period. That's how it's going to go. Okay. So now Dina, can you acknowledge the two Commissioners and we're going to move on to the point of order so this meeting can move forward.

Recd Secretary Dina Rodriguez: I know Mr. Thayer is present; is Mr. Cauley present? Mr. Cauley?

Commissioner Wiedemann: He was present; he was one of the phone numbers that popped up. Anybody know his phone number?

Recd Secretary Dina Rodriguez: Mr. Cauley?

Attorney Harris: Someone is connecting. I don't know if that was him or not.

Recd Secretary Dina Rodriguez: Mr. Cauley? I don't think Mr. Cauley is with us today.

Attorney Harris: If he's not, it is ok it's not required for him to be here necessarily but he received notice if he attends, he attends, if he doesn't, he doesn't.

Attorney Tolbert: Can I make one comment for the record, just on behalf of the Chief. I understand, that Attorney Harris has set the record in there has been agreed order of procedure in terms of how this meeting will go. But again, because we have pending

litigation and I am representing the Chief in that litigation with respect to the inappropriate sitting of Mr. Thayer. I want to make sure that I preserve the record and object to any and all participation of Mr. Thayer in this proceeding even being acknowledged. And I want to make sure for the record that I'm not waiving and the Chief is not waiving any objections or legal arguments with respect to his participation or even acknowledgement in this meeting. So I want that to be clear for the record.

Mr. Thayer: Nor am I making such waiver.

Attorney Harris: So if I could just comment really quickly. Commissioner Hazel, again, this is awkward circumstances that we're in. There is litigation that's pending, Attorney Tolbert is doing his job in terms of preserving his arguments, that is pending in court as the attorney for the Chief. I made the recommendation that we do allow Mr. Thayer to participate as well as Mr. Cauley until such time that we have a final decision from the court. And I made that recommendation just in the best interest of the commission. So that it later could be determined that the appointment of Mr. Thayer is upheld. And if that's the case he was never precluded from participating in the meeting. So what we're trying to do from the commission's, point of view is make the best out of a situation that has us all in limbo without infringing upon anyone's rights. We understand that there is controversy right now. It's pending in court, but this is the best circumstance that could be suggested under the circumstances. So you know, with that being said, I think if as Commissioner Hazel suggested, if we can get through the agenda as best we can with a kind of a common understanding of we're in an awkward situation but proceeding as best we can I think every effort was made not to cancel meetings during the period of time. That this matters in litigation but instead with the two commission members, still moving forward with doing business as a quorum of the commission and with the other members, Mr. Thayer whose appointment is in question also being able to participate at least in terms of attending and being acknowledged during the meeting. So, with that being said, Commissioner Hazel, thank you.

Commissioner Hazel: Thank you, Attorney Tolbert and also thank you Attorney Harris, and I just want to have my say on it and then we'll move forward. This is in no way how we are conducting this meeting. This is in no way a disregard to the voting of Mr. Thayer or in no way a disregard of Mr. Cauley's appointment but because of the current litigation this is the best way to handle these meetings. We just want to have the proper

protocols, followed as it pertains to the legal proceedings. We had an understanding from the last meeting that this is how these meetings will go until the court has upheld it's a pending ruling. Okay, so that being said, we're going to move forward. Commissioner Wiedemann? Are you in agreement? With the way the meeting is going to go before we move forward?

Commissioner Wiedemann: Well, we did have that executive session and we spoke on it and I don't want to say it was rushed or was you know, or coerced or anything. But after the meeting I did reflect on it a little bit more and I you know, I do have a problem with there's a court order in place and not allowing a member to participate according to a court order. So, I mean, it does bother me, it does bother me that Mr. Thayer was sworn in by the city clerk and I mean, I do, I do have issues with in that. I did send, I believe I should have sent the email to Mr. Harris, I sent it to you and I think Dina also that, you know, my opinion on that.

Commissioner Hazel: I understand and at that same time, that means we have four Commissioners. At this point we just want, we just want the court to make its decision according to the court filings.

Attorney Harris: Okay, so just, so we're clear. This is Attorney Harris, there isn't a reason to reach a consensus on how we're going to proceed on this. I did get Commissioner Wiedemann email after the executive session. It was a complete 180 from what he expressed in our executive session. It was clear by not only Commissioner Wiedemann, but also, Mr. Thayer that this was a reasonable approach going forward for our next meeting until such time that the litigation concluded. How that changed after that executive session in terms of Commissioner Wiedemann's opinion? I don't know. But at that point a decision was made during your executive session. The agenda has been set based upon what was conducted during that time. And I would suggest we can just proceed with the agenda as is. Otherwise, we'll be here all night.

Mr. Thayer: At 250 today. I received several documents. Legal documents. They weren't certified which doesn't bother me but the fact is the documents should not be submitted at such a late date.

Attorney Harris: Just to be clear, Mr. Thayer the documents he's referring to are documents that I sent out. They're not the subject of this meeting. They're not on the agenda. They were for information purposes only.

Mr. Thayer: Then you probably should have held them.

Attorney Harris: They're not on the agenda and they were provided to all the relevant parties as quickly as possible. I don't have any reason to hold on to it. I want to share the information. The information was filed Friday and the copies were provided on Monday. It's not the subject of this meeting

Commissioner Hazel: We do have an agenda that we need to get to. There is some other business that must be taken care of. All right? Gentlemen, and ladies, now that we have that clear may I have a motion to accept February's meeting minutes because we didn't have one in March.

Commissioner Wiedemann: I make a motion to accept.

Commissioner Hazel: I second. Dina roll call.

Recd Secretary Dina Rodriguez: Commissioner Hazel. Yes, Commissioner Wiedemann. Yes.

Commissioner Hazel: Okay, Correspondence. We have the email to the commission from Commissioner Wiedemann, in regards to the 24-hour resolution. Dina, I know it's a long one but I need you to read this into the meeting, please.

Rec'd Secretary Dina Rodriguez read the following:

**BEFORE THE EAST CHICAGO FIRE CIVIL SERVICE COMMISSION
CITY OF EAST CHICAGO, INDIANA
A Resolution to Create a Civil Service Rule and Regulation for
the Schedule of Line or Suppression Firefighters in the East Chicago Fire
Department**

Whereas on December 7, 2019, the East Chicago Fire Department replaced the traditional and most widely used schedule in the fire service of three shifts or turns, each working twenty-four hours on-duty followed by forty-eight hours off duty, hereafter referred to as "twenty-four-hour schedule";

Whereas the replacement schedule was unheard-of with four turns, each working an eight-hour turn with the start time rotating daily, hereafter referred to as "eight-hour schedule";

Whereas the eight-hour schedule has dispersed the staffing and experience of the former schedule thinly over four turns;

Whereas the eight-hour schedule has caused resentment along with low morale;
Whereas the eight-hour schedule does not appear to be appealing in the retention of our current or future firefighters;

Whereas the East Chicago Common Council of the City of East Chicago had passed Ordinance 19-0029 in support of the twenty-four-hour schedule;

Whereas on March 4, 2021, the Lake Superior Court struck Ordinance 19-0029 but stated that "Civil Service Commission generally has the authority make changes encompassed in Ordinance 190029";

Whereas this Commission was unaware it had such authority, which caused it to be silent with the issue;

Whereas this Commission by law has the duty related to the City of East Chicago Fire Department, to make suitable rules and regulations in the interest of good personnel administration; and

Whereas this Commission is responsible and has full authority over all fully paid employees of the Fire Department of the City of East Chicago; now, therefore, be it "Resolved,"

1. that in the good interest of the East Chicago Fire Department, with the passing of this resolution, the Civil Service Rules and Regulations shall be amended, adding Section 57 to Article 11 under General Rules. It shall read as follows: "The working hours of the line or suppression members of the fire department. It shall be in a manner of three turns with an Assistant Chief in command of each. The regular work schedule shall be twenty-four consecutive hours on-duty followed by forty-eight consecutive hours off duty, also known as a 24/48 or a one-on, two-off schedule. No member shall be required to work more than twenty-four consecutive hours; unless it is in the case of an emergency or staffing has been reduced below minimum staffing levels because members are serving in the United States armed forces. Nothing regarding the schedule as mentioned above shall prevent a member from willingly working more than twenty-four consecutive hours for overtime or trading or donating time."

2. with the passing of this resolution, the Civil Service Rules and Regulations shall be amended, adding Section 58 to Article 11 under General Rules to read as follows: "A turn or shift shall begin at 7:30 AM and end the following morning at 7:30 AM. The Chief may designate those in the chief officer role to begin/end at no earlier than 6:30 AM.

Notwithstanding, the Chief and the firefighters' bargaining unit may agree to adjust any these times as long as the turn or shift length remains twenty-four hours."

3. with the passing of this resolution, the Civil Service Rules and Regulations shall be amended, adding Section 59 to Article 11 under General Rules to read as follows: "The Fire Department shall provide and assign a bed, pillow and linen to each member assigned to line or suppression used for rest periods and nighttime sleeping. The Fire Department shall ensure there will be extra beds, or at the least, beds stripped of its linen at each station to use for the filling of temporary vacancies."; and

4. with this resolution's passing, the twenty-four schedule shall begin as soon as possible but no later than the first day of the next twenty-eight work cycle.

Commissioner Hazel: That's it. Commissioner Wiedemann. Would you like to speak to your resolution?

Commissioner Wiedemann: Sure I'll speak to it. I mean, thank you after I received the ruling from the lawsuit have been placed from the panel of Judges from the council and the mayor situation. The only one that was in conflict and was ruled against that wasn't the council's favor was this one but it did state in there and I go back to it. It stated that Civil Service Commission generally has the authority to make changes, you know, which would have been in our that ordinance that counsel try to pass. If you go through our Civil Service Rules, most of the rules to this day are still based online firefighters working 24 hours. It's almost a given that. That's what they're supposed to be on. I purposely with this resolution. I didn't attack anybody. That's resolution. You might say a little bit with the morale but that's that is the case. Morale is low. We've been losing firefighters left and right but I didn't attack achieve. I didn't attack the mayor. I didn't attack anybody. I just think what's best for this fire department is 24-hour shift the best for most fire departments in this country. I believe it's well over 70%. It's been this way for 20 years. I've been on, I've never heard anybody ever. And we've had firefighters who had Parents on this fire department never spoke of any other schedule. It's just it has eight-hour shift, is not working. We're losing firefighters to other departments. That have said they would not leave. If we were on 24, we're like I said, there are spread thin. We have, we have we're so inexperienced because the membership of this fire department, spread across four turns, compared to three turns, it just makes sense. Immediately go to have four more people per shift. If you go to twenty fours, it's the city gets more bang for their buck. That the proof of the pudding. I'm not going to address the overtime issue because that's I don't have that, I don't have the numbers in front of

me, but I know we're spending more on it. It just I think, like I said, the door was open back in the day for them to put this in Civil Service, they didn't do it. And the judges still think of civil service, is able to put the schedule in there and I like to see it happen.

Commissioner Hazel: What is your ask of the commission?

Commissioner Wiedemann: Ask permission that I call for a vote of this resolution and we will see what happens.

Attorney Harris: Mr. Hazel, if I could, so obviously, Commissioner Wiedemann has the right and it is appropriate for him to review that proposed resolution but just as a point of order that resolution is in the correspondence section of our agenda. So it is not in the new business section, it's not set for a vote, obviously he's presenting it at this meeting, if he would like to ask the chair to include that on the agenda for new business so that the commission can take action. That's something he can request for the next meeting but it is not on the agenda for new business. It is simply correspondence,

Commissioner Wiedemann: Actually according to state law. We don't have to have to follow the agenda.

Attorney Harris: That's the prerogative of the chair and the chair has said, I think pretty emphatically that we're following the agenda for the meeting.

Commissioner Wiedemann: Well actually you just put words in his mouth. I like to have the chair actually saying,

Attorney Harris: He said it at the onset.

Commissioner Wiedemann: He can say that he said well, that's true, but the correspondence to the agenda and he just asked me what I wanted. If he wants to, if he wants to put to a vote he can if he wants to put on next agenda, he can but he's the one that needs to make that decision.

Attorney Harris: Well, I'm just repeating what he said. He said the agenda would be followed.

Commissioner Wiedemann: And he also asked me what do I want to do?

Commissioner Hazel: Okay so Jewell let me understand. So you are saying that if that is put in a correspondence--you're saying technically can't be voted upon.

Attorney Harris: I'm saying that the agenda was set so that this matter that we're discussing now would be discussed obviously in a public meeting but for the purpose of sharing correspondence. Now as chair, you would determine what you want to do with that correspondence. He's asking that it be approved. What I'm recommending to him is that; in order for this to be approved, it should be placed on the agenda for the next meeting in the new business section of the agenda.

Attorney Tolbert: Can I chime in and on behalf of the chief, I don't think this would be an appropriate action item for the commission to take up at this time. Obviously we would have a position with respect to the restructuring essentially scheduling which in my opinion, is the Chief's prerogative in terms of how he would decide to go forward and to put this on the agenda under correspondence and then ask for action item, I don't believe this proper and it doesn't give the Chief adequate time to formally respond and cordially respond to the commission. So that would be my objection.

Commissioner Hazel: Okay, let me ask this Attorney Harris, is this something that we could circle back to in an executive session to have a discussion over?

Attorney Harris: Actually, no, I don't think it's executive session eligible. I think this is something that we should do what we're doing now. And that's, you know, have a discussion during the public meeting, you know, when, when the resolution was being read by Dina into the record and in the explanation by Commissioner Wiedemann, I think all that's appropriate. It should all happen though in a public meeting. My thought is and I understand Attorney Tolbert's concern about the Chief's response. My only advice is that it's not appropriate to take a vote on it because it's only correspondence and it's the chairs prerogative if you want it on the agenda in new business at the next meeting, you just direct Dina to do that and it's on the agenda at the next meeting obviously with anything else just like you see on old business with trade days and vacancies, typically when there's new matters that are brought up for discussion, they end up getting reviewed. Studied and then we discuss it at the next meeting. And old

business is the perfect example of that, that it's very rare that something is brought before the commission for the first time and then there's a vote on it immediately. We need to get some feedback from the Chief. We need an appropriate amount of time to respond to it, but I don't think it's inappropriate at the next meeting. If you put it under new business, I think it's just fine.

Commissioner Wiedemann: I'm just curious. Why you want executive session is there something you don't want for the public or were you thinking a special meeting?

Commissioner Hazel: I'm trying to see if we can put more of an understanding in an executive meeting and move the matter forward vs. just waiting a whole other month.

Commissioner Wiedemann: I don't think a special meeting would be out of order.

Attorney Harris: I agree with you.

Dave Mata: This is Dave Mata president for the firefighters local 365. You guys are the commission.

Attorney Harris: If he hasn't been acknowledged by the Commission he shouldn't be speaking.

Commissioner Hazel: What I am trying do is make sure proper protocol and following the advice of the attorneys. Okay. So, absolutely as, as the attorney have both advised. What I would like to do is make sure that this matter is heard in his proper context to put it as new business for the following meeting.

Commissioner Wiedemann: You don't want to have a special you just want to have it on the next meeting.

Commissioner Hazel: Yes. Because from what the attorney is saying is that that the special meeting, we couldn't, decide or vote on it. Am I correct? Attorney Harris. Is that what you're saying?

Attorney Harris: No, I was actually saying that you couldn't discuss this in an executive session. If you wanted to conduct a special meeting, you can conduct a special meeting, it would be a public meeting.

Commissioner Hazel: Oh, I understand. Okay, so I tell you what; can we do that?

Attorney Harris: You can I think you just need to get it coordinated. Obviously. All of you can talk with Dina afterwards to make sure you're able to coordinate a date and time for a special meeting. But yes it can be discussed in a special meeting as long as it's public; in executive session the public's excluded, this wouldn't be eligible for an executive session.

Commissioner Hazel: That's how I want to move this matter forward then. Okay, Mike, you're in agreement with that.

Dave Mata: This is a President Mata, again, I just want to add one thing if it's allowed.

Commissioner Hazel: Go ahead.

Dave Mata: I don't want to just make this. I just want to mention this, you know, we have a lot like Mike was saying, we have a lot of firefighters who have left. We have a lot of firefighters, on the verge of leaving like real soon. This matter here. This matter here, the longer it the longer they delay this we're going to just lose more guys and we can't afford to keep losing people. And if we can get this voted on, the Chief's, going to have plenty of time to get the schedule together. I've already helped Deputy Chief Escobedo come up with several different three turn schedule options, so he has the help to do it. So it's not like it's going to take him a whole lot of time. A lot of figuring out, we barely have enough guys, as it is. So it's pretty easy to get three schedules, three turn schedules together.

Commissioner Hazel: I hear you and I hear what you're saying. At the same time that whatever decision is made, I want it to be a decision that when it's made just like the decision that was made with Commissioner Thayer and we're going back and forth through the courts with it and it's you know so this could be another one of those matters. It's incumbent upon us that we stopped those situations from occurring and

handle it according to the proper protocol. So that we can keep moving forward with whatever decisions that are made. You understand what I'm saying? Let's, let's move forward. You heard the advice of our attorneys, okay, and how it needs to flow through protocol. Let's do that. So that it can, the business can be done correctly. So we don't go back and forth.

Unknown Speaker: Your attorney actually said, you could make the decision today. He said he suggests that you don't. He didn't say, you can't. Okay. I just want to make that clear.

Commissioner Hazel: Okay. I'm going to be clear here we're going to schedule a special meeting.

Commissioner Wiedemann: I have a question, what is the minimum number days to post for a special meeting.

Attorney Harris: It's the same a regular meeting 48 hours.

Commissioner Wiedemann: Okay, I would like to see the special me as soon as you know, it's, you know, feasible for Dina and all parties involved.

Recd Secretary Dina Rodriguez: Councilman Garcia would like to speak he has his hand raised.

Commissioner Hazel: Go ahead.

Councilman Garcia: Yeah. I don't know if it is now, do you have a comment section or can I say something?

Recd Secretary Dina Rodriguez: We do have public comment at the end of the agenda, but it doesn't seem to be flowing that way today.

Councilman Garcia: How is it going to be allowed in? Well, you know what, you know, what if something is brought up the all three. Three Commissioners could vote on it, I don't see why it should be waited on. Peter Thayer was selected by a judge, and until

another judge takes them out. He's a duly elected commissioner. So he should be able to be allowed to vote, not allowing him to vote is a farce. You know until a judge removes him, he's a duly elected Commissioner. I just don't understand it. And also, if anything's brought an agenda it should be voted on. The chairman of the or the president of this commission, doesn't decide what comes on and what comes off? It should be voted on by the commission. And also like I said it looks like is five or six board members here with both of their attorneys? You know I'm saying when the mayor decided with the Chief to change the shift it wasn't discussed with the Union. Why should we do this? You know, what can we do this? No, he didn't. He just did it. You know, let's be fair about it. Let's do this the right way, Mr. Peter Thayer is duly elected by the judge to be on this commission. Thank you.

Commissioner Hazel: You're welcome sir. Thank you. Okay, so Dina, can we get this scheduled as soon as possible date for this special meeting please and get it on the agenda for new business, please.

Recd Secretary Dina Rodriguez: Yes, I will be out of the office tomorrow, but when I return on Wednesday, I will get with both of you to schedule a special meeting.

Commissioner Hazel: All right, thank you. Commissioner Wiedemann, you are you okay with that?

Commissioner Wiedemann: Yes, I am fine with that.

Commissioner Hazel: Okay. Alright, thank you, sir. All right, moving on to our regular business. Is there any regular business? That would be from the Chief?

Commissioner Hazel: Attorney Tolbert. Anything from Chief from regular business.

Attorney Tolbert: Chief Carpenter, are you on?

Chief Carpenter: Yes, I am. No nothing for regular business.

Attorney Harris: Okay. All right. Thank you. Moving on to our new business, we have new applicant testing set for April 17 at 8AM that will be in the ECPD gymnasium. Chief Carpenter are you still over the information for the testing?

Chief Carpenter: I am until the commission appoints a new Chief examiner. So yes, we'll be testing on April 17 at 8AM for sign in is at 8AM and test at 9AM.

Commissioner Hazel: Alright, well, thank you. Moving on to our old business is the trade days. Attorney, Harris. You have a report back from this.

Attorney Harris: Yes. So it's been a little while since we actually talked about this topic and I know I received an email from Commissioner Wiedemann who had some thoughts about how trading days should work. So I got a chance to look through the commission rules regarding trade days and basically so long as the trade form is provided by and approved by the chief, then it's the assistant chief who is left to approve or disapprove of the allowance of any trading. That's pretty much the procedure obviously that this section of the rules there's a lot more language that's there but just to kind of boil it down. That's the basics as to how it's supposed to work. There's a form that needs to be approved by the chief, that sheet that form is to be made available at all of the stations and it's the assistant chief who has the discretion to allow or disallow, the trade, that's my understanding of how the rule works. I don't know if Commissioner Wiedemann wants to add any of his concerns or comments? Since it's been so long since we last spoke about it. But I was basically asked to take a look at how that is intended to work, that's in a nutshell, how it is intended to work. But if commissioner Wiedemann wants to add anything to that's fine.

Commissioner Wiedemann: Yeah, how could I mean, no one thing is, you know, we have a new Chief now. Damon Carpenter and you know, but when it was Chief Serna, that was with, that's the form. We've had the same form for years. All the Chiefs have use that form and I'm sure that Chief Serna and Chief Carpenter have used that form when they traded. It's a form has been accepted in the past, it should be accepted now, as a matter of fact, it's currently at the station's. It's just last trade, I believe might have been Mr. Mata's was told that Chief Serna's rule is still in effect, his memo was still effect. There is no trade. So, but like I said, my main part of that was it says, you know, without exception, you know, in that whole thing and so, and trading. Once again, I mean, we have a we have a test coming this or year this Saturday and we have a low

number attending and we got possibly six people leaving within the month. We're going to hire five from that old list. I mean, we're getting behind when we need to keep these people, every time we lose the firefighter, that's here for three or four years, it takes three or four years to get that back firefighter, can't drive before his first year, he can't be a Capitan until his third year. I mean, it just we're losing, we're just losing bodies and I think this training is very important. We work are scheduled one part of everyday. I was on the same, I was on the same turn like I tell people for over a decade's that means for 10 years, I've worked every third day and eventually a wedding or graduation, a birthday or a birth, something going to fall on one of the days and I rather trade than call off if I could do it. So I think the trade they benefit I think, and I think it should be allowed and hopefully Chief Carpenter, agreed to the approved form and get back with some normalcy.

Dave Mata: If I may this is President Mata, if I may speak on this, also.

Commissioner Hazel: I tell you what, if you don't mind, can we come back to you, under public comment? I'll give you a section to if you could put a pin in it. So we can finish up. We got a few other items and I'm going to open the floor for public comment. Is that okay? Vacancies report back, actually from the fire chief and the union, president, David Mata.

Attorney Harris: In regards to the vacancies this is the section talking about the vacancies and it's a report back at this was something that the former Chief had on his plate. But now it's on yours and should have been some discussion between you and President Mata in regards to this.

Chief Carpenter: President Mata has not reached out to me regarding vacancy, so you can bring me up to speed on which vacancies, he's referring to.

Dave Mata: Okay, no problem. See this. This was actually, when it was a Chief Serna we had all the long term vacancies and temporary move up needed to be filled. We had an issue with that. And at the last meeting we had in February, we brought up that there was some long-term vacancy that weren't being filled. And since then we have Chief Serna and I and Chief Escobedo had got those resolved. That's all I'm saying. This is

kind of more before you got in here, so I have more little more knowledge on this. I can report to the commission if you want me to continue.

Chief Carpenter: Yes, please do.

Dave Mata: Okay, Commissioner Hazel. We did get this, all the positions that needed to be filled as a temporary vacancy were resolved. However, there are a few more coming up and I did fill in Chief, Deputy Chief Escobedo about the upcoming, vacancies, getting ready to happen, so they are aware, I give you a little heads-up, knowledge. So that, you know, we don't run into this issue again and then there may be some more coming up again, with all of these people leaving, we may have to start filling some more voids, which at that point I'll sit with the Union and will sit with the Chief Carpenter and Chief Escobedo kind of go over those.

Commissioner Hazel: Yes, sir. Okay, thank you, I appreciate that. And then again, if you can moving forward loop Chief Carpenter in so that he can be well abreast of what's happening and I think we can get them to come out of handle.

Commissioner Hazel: Okay, moving on to other business. Dina, you have a report that you want to give us in regards to contracting a court reporter, please.

Recd Secretary Dina Rodriguez: Yes, that's correct. So I've been doing boards now for years that I've been with the city and what I've come to do with the board's is I don't do them verbatim. I do the motions and itemize, whatever the discussion was, I don't do it word for word. This board seems to require a little bit more than that. And so with the permission of the commission, I'd like to contract a court reporter. I looked into three different court reporters. I found one that's reasonable. I've used her before. She is available for our schedule, and if you give me the go-ahead, she will be at the next scheduled meeting.

Commissioner Hazel: Okay, any of the attorneys have anything? They want to speak on that?

Attorney Harris: I'll make a comment. This is Attorney Harris. I had a chance, to talk Dina about this as well. And with some of the other boards, I represent we do use the

services of court reporters. And, you know, obviously you're going to get the most accurate record, possible by having a court reporter, transcribe, everything that happens and so I think it makes a lot of sense. I think we do get into a lot of detail we reference groups specifically. We're not just, you know, talking general items. But I think something that Dina is the board secretary is just looking for your consent and that you that you don't object. Otherwise, I think it's within her discretion as well to utilize that service, if she thinks it's necessary in order to properly do her job and she's really just asking saying, hey does anyone have a problem with her doing this?

Commissioner Hazel: Okay, I don't have a problem with it at all. Commissioner Wiedemann,

Commissioner Wiedemann: I don't have a problem with it because that way it will be in be accurate to be much easier. I mean, I think once we do actually live meetings because it's a little bit easier to control the meeting and see when you speak in and say your name. You will also want to do here since their space bar. But I do have a question here. Is anybody in the city can have a problem? Last time, the commission, spent some money, they gave a secretary a raise and it was taken back. So I'm just curious if we are going to be okay with that.

Attorney Harris: So, I think that's something. I think it's something that's going to find out real soon, right?

Recd Secretary Dina Rodriguez: Yes. And actually, there is a budget allotted for it. Actually, this board and the Police Merit Commission board were the only two boards that don't use court reporters the Merit commission, adopted, the use of a court reporter, at their last meeting. And so, I just figured, I'd give it a try here and bring it to the Fire Civil Service Commission.

Commissioner Hazel: Okay, do we need a motion for that attorney?

Attorney Harris: You don't, if we were going to go to the extent of executing a contract with court reporters, that's something that would have to be on the agenda for your approval. But right now, if it's already budgeted Dina's, just asking if there's anyone have a problem with her moving forward, with expending, those funds that are already

in the budget. But again, if there's going to be an agreement that needs to be executed, then that should be on the next agenda under new business, for your approval, with a vote.

Commissioner Hazel: I don't have a problem with it.

Commissioner Wiedemann: This is Wiedemann again, but it's not budget for the regular meeting special meetings.

Recd Secretary Dina Rodriguez: If there should be a hearing, we have a contractual Services budget.

Commissioner Wiedemann: Okay. I just want to make sure we don't run out of money on this and then we have a hearing. Now we have a problem.

Commissioner Hazel: So, okay, all right. All right. Well, Dina. You have your answer to move forward.

Recd Secretary Dina Rodriguez: Thank you very much.

Commissioner Hazel: All right. No, thank you. Public comment, President Mata. Can we circle back to yours? I didn't want to forget that. You had a comment in regards to the trades. Correct. Yes, sir. Okay, go ahead. All right. Thank you.

Dave Mata: Just to touch back again on Mike. Commissioner Wiedemann was saying about the trades. I did put in the trade last week, I had some Union business and, you know, according to Civil Service rules, I can go for Union business, but I thought I would try to do a trade to prevent having to use over time or anything, and, of course, it was denied, but because it was denied, they took a rig out of service so I can go on my Union business. So this is important for us to have this. This is beneficial for the chief as well, you know, so he can better manage. People do not have to worry about over time taking rigs out of service. So this is something that definitely is beneficial for both firefighters and the city especially in the situation. We're so short-handed, it would prevent a lot of call offs you guys are calling off all the time because they're exhausted and if guys are willing to trade for them and work their shift that's less people that we

have to spend over time on and less chances of rigs going out of service again. So, I just want to add that, that was, I was the last person, put the trade in and, you know, I just thought I'd give it a shot and see, maybe it would work but, of course, hopefully, with this we can get these back, it's going to help everybody.

Commissioner Hazel: Yes, sir. Okay, thank you, President. Mata, is there any other public comment?

Recd Secretary Dina Rodriguez: Yes. Councilman Robert Garcia.

Councilman Robert Garcia: I just want to reiterate that Peter Thayer is a duly appointed, Commissioner by the judge and you should be able to vote. It sad for me to hear this today. Also, you the Commission needs to start having in person meetings, the council chambers is open to this commission but this in person meeting should start very soon or at the next meeting should be in person that's it.

Commissioner Hazel: Okay, thank you, sir. Thank you. All right, is there anyone else with anything?

Dave Mata: What's happening as far as the chief examiner goes? Chief Carpenter is now Chief he cannot be Chief Examiner. Chief Examiner spot has vacated, we have somebody on the list, another firefighter who passed that exam. He's on the list right now. What's going to happen with that since you know, we need an examiner moving forward, does he just be sworn in or however that works since he's on the list already?

Commissioner Hazel: Attorney Harris do you have a take on that one?

Attorney Harris: No, because I'm not quite sure how that goes. I don't have a take on that one way or the other. It's not something that I've looked at before. That may be something that might be Chief related. I don't know if Attorney Tolbert has any thoughts on that, but it's not something that I've looked at before. I can look at it and report back at the next meeting, but I didn't realize that, you know, that was going to be a topic of discussion. For today. But I do understand the question though, obviously, with Chief Carpenter becoming Chief, obviously that it's a timely question. I just haven't looked at it.

Commissioner Wiedemann: That's not the rules. There is no expiration date when they have a chief examiner test. The only time they have a test is when the list depletes itself, it doesn't talk about expiration, doesn't talk about the only one to list depletes itself that you have a new test. So you're always going to have a list. So Chauffer Hernandez is the only person that's on that list. So I mean he should actually, it's not a Chief question, it's a civil service question. It should actually be the Chief cannot function as Chief examiner because the Chief Examiner has to do his part investigations for discipline and what not for the fire department. So they can't be the same person. Chauffeur Hernandez is the only on the list. It doesn't expire. He should be it.

Chief Carpenter: This is Chief Carpenter. I just want to say something really quick. Commissioner Wiedemann, I have enough on my plate as Chief, so if you don't want my help doing the Chief Examiner job. I will bow out immediately. So I'm trying to help you guys out. You can get that replacement. So let's just make that clear. Secondly, when it comes to the Chief Examiner position—the chief examiner is reappointed every two years I believe. So, I don't know how that factors into the list being expired or not, but that position is not permanent.

Recd Secretary Dina Rodriguez: If I can chime in, I very much need the Chief's assistance because I'm still learning a lot of the things that are on this board and since he's the Chief Examiner, that was on here at the time, I would still need his assistance there. So that's my two cents.

Dave Mata: Right? And I agree. And again, this President Mata again. I'm not in any way, shape, or form trying to rush Chief Carpenter off the Chief Examiner position. All we're trying to do is clarify who the next guy on the list, it would be wise for Chief to continue stay on to try to help out the new Chief Examiner. If it is, Chauffer Hernandez. Nobody's trying to rush you off Chief. We're just trying to establish if Chauffer Hernandez is the next guy up.

Attorney Harris: Commissioner Hazel, if I could address this. This is a good example. I don't have an opinion on this, by the way, because I haven't looked at it yet as I said, but this is a good example of how of why topics like this need to be brought up, but need to be looked into and then brought up again at the following meeting because

obviously everything is rule driven when it comes to the commission and we want to make sure not only is it just the issue of who's on the list but what is the proper procedure for making sure an eligible person gets appointed into that position? And I don't know that any of us have enough background to know the answer to those questions, like that off the top of our head. So I only wanted to make the comment that I'm glad that the issue was raised. It seems like it's timely, but if we could also have that issue added to the agenda for the next meeting, then we can all be prepared and the commission will be in a position to take some action. But again I think that President Mata raised that kind of for awareness and information purposes but with the expectation that we need to work on that at the next meeting.

Commissioner Hazel: I totally agree and thank you President Mata for bringing that topic up. I agree. It was extremely timely, thank you. Okay. Are there any other public comments before we adjourn today's meeting? Okay. So there will be a special meeting schedule. We will find that date out before the end of the week. Is that correct? Dina.

Recd Secretary Dina Rodriguez: I'll try to coordinates my efforts with everyone when I get back on Wednesday to make sure we can coordinate a date and as soon as we have one I will have it posted.

Commissioner Wiedemann: Alright. Thank you so much.

Commissioner Hazel: Alrighty, there are no other comments. I need a motion to adjourn today's meeting.

Commissioner Wiedemann: Motion to adjourn.

Commissioner Hazel: I second, the motion. Roll call please.

Recd Secretary Dina Rodriguez: Commissioner Hazel. Yes. Commissioner Wiedemann. Yes.

Commissioner Hazel: Alright, everyone, thank you. Meeting is adjourned. 543PM