

**NOBLESVILLE FIREFIGHTER MERIT COMMISSION  
MEETING MINUTES  
April 21, 2021  
4:00 P.M.**

Commissioner Sarah Russell Goddard called the April 21, 2021 Noblesville Fire Merit Commission Meeting to order.

Commissioners present were:

**COMMISSION MEMBERS**

Commissioner Sarah Russell Goddard  
Commissioner Dale Martz  
Commissioner Mike Navarro  
Commissioner Chris Renner

Chief Matt Mitchell and Assistant Chief Adam Biddle (representing the Noblesville Fire Department); Tony Murray (representing Hamilton County Professional Firefighters Association Local 4416); and attorney Jeff Earl were all present for the meeting.

**APPROVAL OF MINUTES**

Commissioner Renner motioned to approve the minutes from the February 17, 2021 Merit Commission Meeting.

Commissioner Martz seconded the motion.

**VOTE TO APPROVE MINUTES**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion was passed.

**APPROVAL OF AGENDA**

Commissioner Renner motioned to approve the agenda.

Commissioner Martz seconded the motion.

**VOTE TO APPROVE AGENDA**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion was passed.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

Agenda Item 1: Merit Commission to consider extending the current joint hiring list until August 18, 2021 (Chief Matt Mitchell)

Chief Mitchell said that as the commission is aware, we are in the middle of the 2021 hiring process. Unlike prior years, this is not a joint hiring process—it is an NFD process only. We have had 772 applicants sign up for this hiring process. PIO Trevor Hash assembled a team and made a lot of marketing and recruitment efforts which really helped bolster the number of applicants. With the COVID delay, we will not be able to get a list produced prior to the April 17, 2021 expiration of the current list. Merit Rules state that we shall maintain a list, so we are asking the Merit Commission to extend this current list until August 18, 2021. We do not have any intentions of hiring off of this list. We have some hires coming up and we intend to hire them off of the new list. We are simply trying to comply with your rule. Chief Mitchell mentioned one potential caveat which is that we have applied for a SAFER grant from the federal government for 6 firefighters. If we are successful with the grant application, the Merit Commission may have to convene for a special meeting so that we can get the list approved if we get the list early so we can get started on that grant hiring process because we are very limited on the time frames. Chief Mitchell said he doesn't think this will happen but wanted to mention that. He anticipates NFD will have the new hiring list for the Merit Commission to approve at the August 18, 2021 meeting.

Commissioner Martz made a motion to approve extending the current joint hiring list until August 18, 2021.

Commissioner Renner seconded the motion.

**VOTE TO APPROVE EXTENDING THE CURRENT JOINT HIRING LIST UNTIL AUGUST 18, 2021**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 2: Merit Commission to consider four (4) Merit Promotions to Lieutenant effective June 14, 2021 (Chief Matt Mitchell)

Chief Mitchell stated that there are four individuals who promoted to the rank of Lieutenant from the list that the Merit Commission has previously approved. Chief stated that NFD went right down the list. The four individuals are Colin Fogarty, Justin Pigors, Drew Kjeldsen, and Trevor Hash. Chief Mitchell asked the Merit Commission to promote these individuals the rank of Lieutenant effective June 14, 2021. Chief stated Trevor Hash is currently a Division Chief which is a non-merit rank, so he will accept the merit rank of Lieutenant but

will not accept the position and will instead remain in the Division Chief spot. Chief Mitchell stated that the NFD has done this a number of times.

Commissioner Navarro made a motion to approve the promotion of the four individuals listed to Lieutenant.

Commissioner Martz seconded the motion.

**VOTE TO APPROVE THE MERIT PROMOTION OF COLIN FOGARTY, JUSTIN PIGORS, DREW KJELDEN, AND TREVOR HASH TO LIEUTENANT EFFECTIVE JUNE 14, 2021**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 3: Merit Commission to consider a change to Rule/Regulation 8.15 – Residence Requirement (Chief Mitchell)

Chief Mitchell distributed a packet of information for the Merit Commission to look over. The bottom of page 30 references Rule 8.15. Chief Mitchell stated we have dealt with this rule before and the rule was that a department member had to live in a county that was contingent to Hamilton County. Then the rule was changed by statute that a member could be 50 miles from the outside border of his/her department's jurisdiction. This change happened in June 2019. The state legislature has changed this section again to eliminate the residency requirement. A department member can now live anywhere and still serve. To comply with state law, NFD is proposing changing this rule to now state that "All Noblesville Fire Department members must comply with I.C. 36-8-4-2". The Governor has signed this change and it will be effective on July 1, 2021. Chief Mitchell is asking Merit Commission to approve this change with an effective date of July 1, 2021.

Commissioner Goddard stated that she believes this makes sense—that when she writes policies and refers to statutes, it's easier to just refer to the statute, so if it changes you are still okay. Chief Mitchell states that is why we are asking for this change—so that NFD does not have to keep bringing changes in front of the Merit Commission.

Commissioner Martz asked if department members can live anywhere. Chief Mitchell responded he needs to read the House bill but he believes it has to be in the state. He asked John Huseman if that was correct. Mr. Huseman stated that essentially it says they have to have adequate means of transportation into their jurisdiction, have a working telephone, and maintain communication with their department.

Commissioner Renner made a motion to approve the proposed change to Rule/Regulation 8.15 – Residence Requirement.

Commissioner Martz seconded the motion.

**VOTE TO APPROVE THE PROPOSED CHANGE TO RULES AND REGULATIONS 8.15**

Commissioner Goddard	Aye
Commissioner Martz	Aye

Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 4: Merit Commission to consider a change to Rule/Regulation 8.16 – City Vehicles (Chief Matt Mitchell)

Chief Mitchell states that the next agenda item is a result of the change that Merit Commission just made to Rule/Regulation 8.15. Chief Mitchell is asking for a rule addition to Rule/Regulation 8.16 dealing with administration vehicles. Chief Mitchell referenced page 31 in the packets provided to Merit Commission members. Chief Mitchell said that keeping in mind the residency rule that was just changed, we are looking at department members who have take home vehicles. We would like to develop a rule that is reasonable so that these members can meet the residency requirement while we have a conservative approach as it relates to a take home vehicle. Chief Mitchell is proposing that anyone with a take home vehicle can take that vehicle two counties outside of Hamilton County. The proposed change also includes that there is a response responsibility as well. The member must respond as determined by the Fire Chief. Also, we have firefighters who periodically take department vehicles outside of that two county restriction for training and that would be included in this rule.

Commissioner Renner made a motion to approve the proposed changes to Rule/Regulation 8.16 – City Vehicles.

Commissioner Martz seconded the motion.

**VOTE TO APPROVE THE PROPOSED CHANGES TO RULES AND REGULATIONS 8.16**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda Item 5: Merit Commission to consider approval of the 2021 NFD Engineer Process (Assistant Chief Adam Biddle)

Assistant Chief Biddle distributed packets that explained the proposed 2021 engineer process to each Merit Commission member. Chief Biddle stated that for the officer promotion process, we hire an outside company to manage the process. However, due to the complexity of the engineer process, we are unable to use an outside company and have to manage the process internally. The engineer process is conducted every two years and does mirror the outside company's process that NFD uses for officer promotions. The packets that were distributed highlight how we handle this process for engineers. Chief Biddle reviewed all of the items included in the packet.

Commissioner Goddard asked if there have been any significant changes to this process since 2020.

Chief Biddle answered that no significant changes, other than the addition of a new book which was suggested by a current Engineer. Also, we do make some changes so that no applicant becomes good at the process solely based on the amount of times he or she goes through the process.

Commissioner Martz made a motion to approve the 2021 NFD Engineer Process.

Commissioner Renner seconded the motion.

**VOTE TO APPROVE THE 2021 NFD ENGINEER PROCESS**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Agenda item 6: Merit Commission to consider a change to Rule/Regulation 8.5 – Nepotism (Chief Matt Mitchell/Tony Murray, President of IAFF Local 4416)

Chief Mitchell stated that he has been in communication with Jon Mayes about this current Rule/Regulation. Chief Mitchell referenced page 28 in the packets that were distributed to each member.

Commissioner Goddard asked if they had discussed this about a year ago. Chief Mitchell responded that yes, we discussed we were going to look at making a change.

Tony Murray distributed packets to the Merit Commission members which contained the state statute on nepotism. He also distributed the city's current policy. Mr. Murray stated that we have some new and additional information since this was discussed before Merit Commission about a year ago. The rule that Merit Commission passed a few years ago was 1) to reflect changes in the state statute (which occurred around 2012) and 2) to adopt more stringent rules about nepotism than what the state statute required. Based on new information, Mr. Murray said that Merit Commission did not have jurisdiction to pass a rule that made more stringent rules regarding nepotism than the state statute. The statute states that more restrictive language could be adopted but that would have had to come from the legislature body of the unit which in this case would be the Noblesville Common Council. Mr. Murray said that our request is that this Rule/Regulation 8.5 as it exists today be stricken in its entirety and that this commission acknowledges that Indiana Code 36-1-20.2 is what we would be bound by. Tony Murray states that Local 4416 and Chief Mitchell agree that there may be some opportunities to create some guidance language to clarify functionally how firefighters may work on the scene. This would be included in our Standard Operating Guidelines (SOGs). If this request [striking Rule/Regulation 8.5] is approved, there should be no concern about having any conflict with what was raised by the Merit Commission as questions about a year ago, because current SOGs already handle and take care of those concerns.

Chief Mitchell stated that he was in communication today with Jon Mayes to reiterate that his opinion is that the Merit Commission does not have jurisdiction here because the current rules are more stringent than the state statute. The Common Council would have that jurisdiction and the Council did in fact approve the language from the city in the handbook that was distributed to the members of the Merit Commission. Chief Mitchell stated that the SOG that Mr. Murray mentioned (which does not require approval by the Merit Commission) would a document that we would further delineate and make sure that everyone understands

what the actual rule states. Chief Mitchell states that he has to sign a document every year that states the NFD is not in violation of the nepotism policy. We are very diligent to make sure we are not in violation of the nepotism policy. Chief Mitchell stated that he believes NFD has been adversely affected by the current existing rule which we are now asking to be stricken.

Mr. Murray stated that Local 4416 members largely support this.

Commissioner Goddard asked if Merit Commission didn't have jurisdiction to make this rule, then do they have jurisdiction to strike the rule.

Attorney Jeff Earl stated that they do have the authority to do so.

Commissioner Renner made a motion to strike the Rule/Regulation 8.5 – Nepotism

Commissioner Martz seconded the motion.

**VOTE TO STRIKE RULE/REGULATION 8.5 – NEPOTISM**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The motion passed.

Commissioner Renner made a motion to adjourn the meeting.

Commissioner Navarro seconded the motion.

**VOTE TO ADJOURN MEETING**

Commissioner Goddard	Aye
Commissioner Martz	Aye
Commissioner Navarro	Aye
Commissioner Renner	Aye

The meeting was adjourned.