

RESOLUTION NO. 01-2025
A RESOLUTION OF THE BOARD OF PUBLIC SAFETY OF THE CITY OF SOUTH BEND CONCERNING THE MEETING AND ELECTION PROCEDURES FOR THE FIRE MERIT BOARD

WHEREAS, the South Bend Board of Public Safety (“Board”) exists and operates pursuant to I.C. § 36-4-9-5 and Ind. Code § 36-8-3-2 and has exclusive control over all matters relating to the South Bend Fire Department; and

WHEREAS, the City of South Bend has adopted a Fire Department Merit Commission established under I.C. 36-8-3.5 (the “Merit Board Act”); and

WHEREAS, the Merit Board Act requires a merit commission to be created consisting of five (5) total Commissioners, with two (2) of the Commissioners elected by the members of the South Bend Fire Department (“SBFD”);and

WHEREAS, pursuant to Section 8 of the Merit Board Act, the Board is required to set the meeting and establish applicable procedures for the election of Commissioners by the active members of the Fire Department; and

WHEREAS, the Board must give at least three (3) weeks’ notice of said election meeting to all active members of the department; and

WHEREAS, the Board now desires to set a date for said meeting and establish the process for election.

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

1. A meeting of the members of the South Bend Fire Department is hereby set for **February 6, 2025, at 4:00 p.m.** in the **Council Chambers** on the **4th floor** of the **County-City Building, 227 W. Jefferson Boulevard, South Bend, IN 46601** for purposes of electing two (2) members to the newly established Fire Merit Board.

2. In accordance with the requirements of the Merit Board Act, the election meeting shall be closed to the public and may only be attended by active sworn members of the SBFD.

3. Individuals interested in being considered as a candidate for elected Commissioner must apply to be considered for vote by the members on a website managed by the City of South Bend, namely the following website: <https://southbend.in.gov/meritboard>.

4. The deadline to submit merit board commissioner applications shall be 4:00 p.m. EST on February 4, 2025.

5. The City Legal Department will screen applications initially to determine whether each application is complete and whether each satisfies all of the minimum requirements of

eligibility required by the Merit Board Act:

- a. Legal residency in the City of South Bend for at least three (3) consecutive years immediately preceding the application submission;
- b. At least twenty-one (21) years of age;
- c. Not an active member of a fire department or police department or agency;
- d. Not receiving remuneration as salary from the City of South Bend;
- e. Candidate is a person of good moral character;
- f. Political affiliation provided through voters' registration records of the three (3) most recent primary elections (note: the Merit Board Statute requires the elected Commissioners be of different political parties); and
- g. Whether they are a past member of a fire department or police department or agency (note: the Merit Board Statute imposes a limitation of two (2) total commissioners out of five (5) that may be past members of a fire or police department).

6. The members of the SBFDD will be provided with access to the information submitted by the eligible applicants.

7. The members of the SBFDD may schedule their own separate meeting(s) in advance of the election meeting to discuss, or hear from, any prospective candidates, or to agree to other procedures for the meeting that do not otherwise conflict with this Resolution.

8. The City of South Bend will provide access to an online portal for voting on eligible applicants on February 6, 2025 from the hours of 8:00 a.m. through 3:00 p.m.

9. The City Clerk or their designee will be the only authorized party that can access the voting results to determine the election results, and will prepare a certified report of the results, including the vote count for each candidate, in a sealed envelope.

10. At the election meeting, a member of the Local 362 executive board will open the meeting and a chair (the "Chair") will be selected as determined by the membership physically present in attendance.

11. The Chair will retrieve the Clerk's sealed envelope containing the results of electronic voting then open and read aloud the contents of the results at the election meeting.

12. After confirming which two (2) candidates were elected by the members, the Chair will confirm which Commissioner will serve a four (4) year term, which will be based on which candidate received the most votes. If there is a tie, the members physically present will vote to determine which candidate will receive the two (2) or four (4) year term.

13. The appointed Chair of the election meeting will provide notice to the Clerk of the Board of Public Safety concerning the election outcome and duration of the terms of the elected Commissioners.

14. Unless otherwise determined by the members, the election meeting may be attended

by members through electronic means.

15. The Board further approves a notice that describes the procedures for the election meeting, attached hereto as Exhibit A, which must be read during shift roll calls, and will be posted in prominent locations in the stations of the department, and comply in all other respects with the requirements of the Merit Board Act.

16. This Resolution will be in full force and effect upon its adoption.

(Signatures on the following page)

ADOPTED this 15th day of January, 2025.

BOARD OF PUBLIC SAFETY



Daniel Jones, President



Darryl Heller, Member

Lee Ross, Member



Alfred Kirsits, Member



Pamela Claeys, Member

ATTEST:



Theresa Heffner, Clerk

Exhibit A

NOTICE

FIRE MERIT COMMISSIONERS ELECTION DATE AND PROCEDURES

Pursuant to I.C. 36-8-3.5-8, the South Bend Board of Public Safety is required to set the meeting and establish applicable procedures for the election of Fire Department Merit Commissioners by the active members of the Fire Department. The following date, time, location, and procedures have been set by the South Bend Board of Public Safety:

1. A meeting of the members of the South Bend Fire Department is set for **February 6, 2025, at 4:00 p.m.** in the **Council Chambers** on the **4th floor** of the **County-City Building, 227 W. Jefferson Boulevard, South Bend, IN 46601** for the purposes of electing two (2) members to the newly established Fire Merit Board.
2. In accordance with I.C. 36-8-3.5-8, the election meeting shall be closed to the public and may only be attended by active sworn members of the South Bend Fire Department (“SBFD”).
3. Individuals interested in being considered as a candidate for elected Commissioner must apply to be considered for vote by the members on a website managed by the City of South Bend, namely the following website: <https://southbendin.gov/meritboard>.
4. The deadline to submit merit board commissioner applications shall be 4:00 p.m. EST on February 4, 2025.
5. The City Legal Department will screen applications initially to determine whether each application is complete and whether each satisfies the minimum requirements of eligibility required under IC 36-8-3.5, namely:
 - a. Legal residency in the City of South Bend for at least three (3) consecutive years immediately preceding the application submission;
 - b. At least twenty-one (21) years of age;
 - c. Not an active member of a fire department or police department or agency;
 - d. Not receiving remuneration as salary from the City of South Bend;
 - e. Candidate is a person of good moral character;
 - f. Political affiliation is provided through voters’ registration records of the three (3) most recent primary elections (note: IC 36-8-3.5 requires the two (2) elected Commissioners be of different political parties); and
 - g. Whether they are a past member of a fire department or police department or agency (note: IC 36-8-3.5 imposes a limitation of two (2) total Commissioners out of five (5) that may be past members of a fire or police department).
6. The members of the SBFD will be provided with access to the information submitted

by the eligible applicants.

7. The members of the SBFD may schedule their own separate meeting(s) in advance of the election meeting to discuss, or hear from, any prospective candidates, or to agree to other procedures for the meeting that do not otherwise conflict with these procedures.
8. The City of South Bend will provide access to an online portal for voting on eligible applicants on February 6, 2025 from the hours of 8:00 a.m. through 3:00 p.m.
9. 9. The City Clerk or their designee will be the only authorized party that can access the voting results to determine the election results, and will prepare a certified report of the results, including the vote count for each candidate, in a sealed envelope.
10. At the meeting, a member of the Local 362 executive board will open the meeting and a chair (the "Chair") will be selected as determined by the membership physically present in attendance.
11. The Chair will retrieve the Clerk's sealed envelope containing the results of electronic voting then open and read aloud the contents of the results at the election meeting.
12. After confirming which two (2) candidates were elected by the members, the Chair will confirm which Commissioner will serve a four (4) year term, which will be based on which candidate received the most votes. If there is a tie, the members physically present will vote to determine which candidate will receive the two (2) or four (4) year term.
13. The appointed Chair of the election meeting will provide notice to the Clerk of the Board of Public Safety concerning the election outcome and duration of the terms of the elected Commissioners.
14. Unless otherwise determined by the members, the election meeting may be attended by members through electronic means.