

PUBLIC AGENDA SESSIONOCTOBER 10, 2007

The Board of Public Safety met in the Public Agenda Session at 8:00 a.m. on Wednesday, October 10, 2007 with Board Members Juanita Dempsey, Donald Alford, Patrick D. Cottrell and Bruce J. BonDurant present. Also present were Board Attorney Thomas Bodnar, Police Chief Thomas Fautz, and Fire Chief Howard Buchanon.

The meeting was held in the Board of Public Works Meeting Room, 13th Floor County City Building, South Bend, Indiana.

Board members discussed the following items from the agenda:

- Resignation of President Jesusa Rodriguez

Mr. Bodnar stated he received an e-mail from President Rodriguez announcing her resignation from the Board of Public Safety. Mr. Bodnar informed the Board they would need to elect a new president and they could do that today or at the next meeting. The Board chose to wait and discuss it.

- Reschedule November Meeting

Mr. Bodnar stated the Fire Department was requesting to swear in firefighters in November and would like to have a special meeting on November 28 to do so. The Clerk of the Board was requesting the regularly scheduled meeting of November 21 be switched to November 28. Mr. Bodnar noted November 21 is the day before Thanksgiving and some Board members will be out of town. Also, there is a Board of Works meeting scheduled for the same day and time, so there is a conflict. The Board agreed to switch the regular meeting date to November 28, 2007.

- Reschedule December Meeting

Police Chief Thomas Fautz stated he would like to request a special meeting in December. The Police Department needs to swear in a Police officer. Mr. Bodnar requested they discuss this change at a later date, after checking schedules.

- Minutes

Mr. Cottrell questioned whether the wording in the Minutes of September 27, 2007, in Charges 07-04, should state "in the Executive Session of this special meeting" instead of "in the Executive Session following this special meeting." Mr. Bodnar stated this was verbatim wording and should not be changed.

- Finding of Facts - Charge 07-03 - Fire Department

Fire Chief Buchanon stated he received a phone call last night, October 9, 2007, from Captain James Gadacz stating he has decided to retire from the Fire Department. Chief Buchanon presented the Board with a letter from Captain Gadacz requesting they approve his retirement, effective October 9, 2007. The Board questioned whether they should still present their Findings of Fact. Mr. Bodnar stated they could, for the record, but it would be preceded by Captain Gadacz's retirement. Chief Buchanon stated Captain Gadacz will lose some of his pension due to bad time on his record.

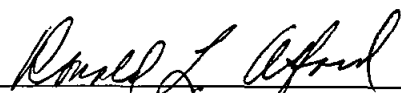
- Appeal of Discipline - Police Department

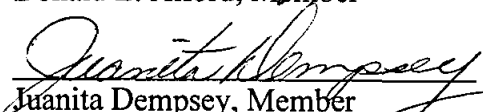
Police Chief Thomas Fautz presented the Board with his response to Lieutenant Scott Ruszkowski's appeal of his discipline. Chief Fautz is asking the Board to deny Lieutenant Ruszkowski's request for a hearing. He stated when viewing the video of the arrest under question, it is clear that Lieutenant Ruszkowski did not follow proper procedure. This is a first discipline of this type for Lieutenant Ruszkowski, and Chief Fautz feels that the discipline will correct any future problems and is enough.

ADJOURNMENT

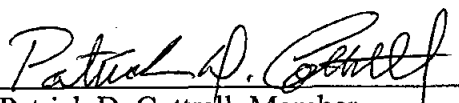
There being no further business to come before the Board, the meeting adjourned at 8:29 a.m.

BOARD OF PUBLIC SAFETY


Donald L. Alford, Member


Juanita Dempsey, Member

PUBLIC AGENDA SESSIONOCTOBER 10, 2007


 Patrick D. Cottrell, Member


 Bruce J. BonDurant, Member

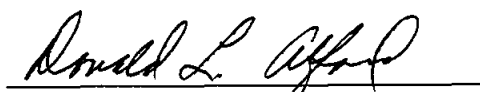
ATTEST:

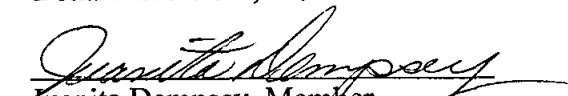

 Linda M. Martin, Clerk

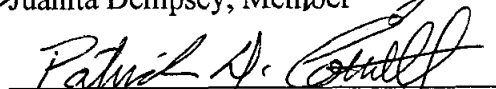
EXECUTIVE SESSIONOCTOBER 10, 2007

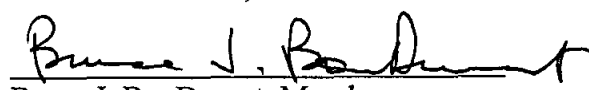
The Board of Public Safety met in Executive Session on Wednesday, October 10, 2007, at 8:34 a.m. The meeting was held in the Mayor's Conference Room, 14th Floor, County City Building, South Bend, Indiana, for the purposes specified in I.C. 5-14-1.5-6.1 (b) (2) (B) and (b) (6) (A). Board Members Juanita Dempsey, Donald L. Alford, Bruce J. BonDurant and Patrick D. Cottrell were present. Also present were Board Attorney Thomas Bodnar, Police Chief Thomas Fautz, and Fire Chief Howard Buchanon. Board members did not discuss any subject matter other than the subject matter as specified in the Public Notice. The meeting adjourned at 9:25 a.m.

BOARD OF PUBLIC SAFETY

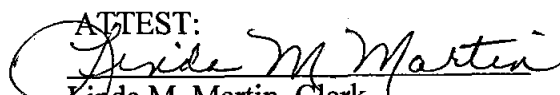

 Donald L. Alford, Member


 Juanita Dempsey, Member


 Patrick D. Cottrell, Member


 Bruce J. BonDurant, Member

ATTEST:


 Linda M. Martin, Clerk

REGULAR MEETINGOCTOBER 10, 2007

The Board of Public Safety met in the regular meeting at 9:28 a.m. on Wednesday, October 10, 2007, with Board Members Juanita Dempsey, Donald Alford, Bruce J. BonDurant and Patrick D. Cottrell present. Also present were Police Chief Thomas Fautz, Fire Chief Howard Buchanon and Board Attorney Thomas Bodnar.

The meeting was held in the Board of Public Works Meeting Room, 13th Floor, County City Building, South Bend, Indiana.

ACCEPT MINUTES OF PREVIOUS MEETINGS

Mr. BonDurant made a motion that the minutes of the Public Agenda Session, Executive Session, and Regular meetings of the Board held on September 19, 2007, along with a Special Meeting of September 27, 2007 be approved. Mr. Cottrell seconded the motion which carried.

FIRE DEPARTMENTFINDINGS OF FACT – CHARGE 07-04 – SHANE RICHARDS

In a previous Board of Safety meeting, the Board found that for his actions, Engineer Shane Richards shall be dismissed from the South Bend Fire Department effective immediately as announced on September 27, 2007. Upon a motion by Mr. Cottrell, seconded by Mr. BonDurant

REGULAR MEETINGOCTOBER 10, 2007

and carried, the Findings of Fact were signed.

FINDINGS OF FACT - CHARGES 07-03 - JAMES GADACZ

Mr. Alford announced to those present that Fire Chief Buchanon has presented the Board with a letter of retirement from Captain James Gadacz. Due to this unexpected change of events, the Board would not be presenting their Findings of Fact, and would instead, be approving the retirement of Captain Gadacz. Upon a motion by Mr. Cottrell, seconded by Mr. BonDurant and carried, the retirement was approved effective October 9, 2007.

POLICE DEPARTMENTDENY APPEAL FOR HEARING/UPHOLD AND FILE DISCIPLINE - LIEUTENANT SCOTT RUSZKOWSKI

Mr. Alford advised that Lieutenant Ruszkowski has submitted to the Board a letter of appeal of Disciplinary Charges filed against him by Police Chief Thomas Fautz, and is requesting a hearing. Mr. Alford noted the Board is acknowledging the receipt of Chief Fautz's response to the appeal for a hearing, and requesting the letter be made a formal part of the agenda. A motion was made by Mr. BonDurant to deny Lieutenant Ruszkowski's request for a hearing, seconded by Mr. Cottrell and carried. Mr. BonDurant also made a motion the Board uphold Chief Fautz's decision that Lieutenant Ruszkowski be ordered to take remedial training in verbal judo and constitutional law, and accept the letter of reprimand be placed in Lieutenant Ruszkowski's personnel file. The motion was seconded by Mr. Cottrell and carried.

ACCEPT AND FILE DONATION TO SOUTH BEND POLICE DEPARTMENT

Mr. Alford advised the Board of a generous donation of 104 Audiovox FRS-1000 base station weather band/emergency alert radios from the St. Joseph County Emergency Management Agency made to the South Bend Police Department, on behalf of the Community Oriented Policing. These radios have been donated for the use of the South Bend Police Department VIPS Unit and South Bend Police officers. The value of the donation is approximately \$1,560.00. There being no further discussion, the donation was accepted and filed.

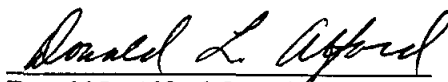
PRIVILEGE OF THE FLOOR

Mr. Ken Marks, Fire Department, asked the Board in what capacity Lieutenant Ruszkowski was being judged; as President of the Fraternal Order of Police, or as a Lieutenant of the Police Department. If he was being disciplined as President of the Fraternal Order of Police, he questioned what authority the Board had over him. Mr. Alford stated the Board was basing their decision on viewing of the video tape of the arrest situation, and Lieutenant Ruszkowski's actions as an arresting officer. Lieutenant Ruszkowski asked Mr. Alford if the Board was saying he did not have probable cause to make the arrest. Mr. Alford stated yes, that is what the Board was saying.

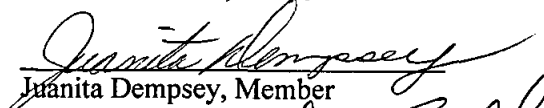
ADJOURNMENT

There being no further business to come before the Board, Mr. Alford declared the meeting adjourned at 9:50 a.m.

BOARD OF PUBLIC SAFETY



Donald L. Alford, Member



Juanita Dempsey, Member

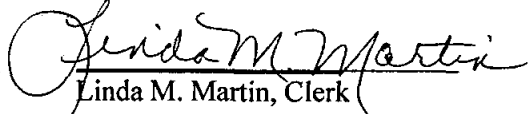


Patrick D. Cottrell, Member



Bruce J. BonDurant, Member

ATTEST:



Linda M. Martin, Clerk

SPECIAL MEETINGOCTOBER 25, 2007

The Board of Public Safety met in a special meeting at 8:00 a.m. on Thursday, October 25, 2007, with Board Members Donald Alford, Juanita Dempsey and Bruce BonDurant present. Board Member Patrick Cottrell was not present. Also present were Police Chief Thomas H. Fautz and Attorney Thomas Bodnar.

The meeting was held in the Board of Public Works Meeting Room, 13th Floor, County-City Building, South Bend, Indiana.

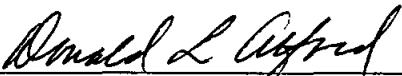
POLICE DEPARTMENTACCEPT AND APPROVE RESIGNATION - CORPORAL JAMIE BUFORD

In a letter to the Board, Police Chief Thomas Fautz stated that Corporal Jamie Buford has submitted a letter requesting to resign from the South Bend Police Department, effective October 25, 2007. Corporal Buford was sworn in the department on July 24, 1992. The Board had originally planned on placing him on unpaid administrative leave, but with this change of events Chief Fautz is asking for their acceptance of the resignation. Therefore, upon a motion by Mr. BonDurant, seconded by Ms. Dempsey and carried, the resignation of Corporal Buford was accepted and approved effective October 25, 2007.

ADJOURNMENT

There being no further business to come before the Board, Mr. Alford declared the meeting adjourned at 8:02 a.m.

BOARD OF PUBLIC SAFETY


Donald L. Alford, Member


Juanita Dempsey, Member


Patrick D. Cottrell, Member


Bruce J. BonDurant, Member

ATTEST:


Linda M. Martin, Clerk