



Gloucester City Council
CERTIFICATE OF VOTE
Certificate Number: 2011-009

The Gloucester City Council, at a meeting held on **Tuesday, January 11, 2011** at 7:00 p.m. in the Kyrouz Auditorium, City Hall, voted to approve the following actions:

IN CITY COUNCIL:

MOTION: On motion by Councilor Mulcahey, seconded by Councilor Tobey, the City Council voted BY ROLL CALL 7 in favor, 1 (Theken) opposed to Amend the Gloucester Code of Ordinances, "Article II. Fire Department, Chapter 8 Fire Department, Article II Fire Department" as follows:

Chapter 8 FIRE

ARTICLE II. FIRE DEPARTMENT

Amend Article II Fire Department as follows:

Delete sections:

8-16 Composition

8-17 Appointments

Add new Section 8-16 a-b as follows:

8-16 Fire Chief

a) The Mayor shall appoint the Fire Chief who shall hold the office for a term of three years. The appointment of the Fire Chief shall be subject to confirmation by the City Council as provided in section 2-10 of the charter. The Fire Chief is exempt from the provisions of chapter 31 of the General Laws.

b) Within thirty days of the position of the Fire Chief being declared vacant, the Mayor shall appoint a temporary Fire Chief who shall serve until a permanent chief is selected in accordance with the provisions hereof.

Add new: Section 8-17 Selection of Fire Chief; qualifications.

The Fire Chief shall be selected by the Mayor and shall have the following minimum qualifications:

(a) The Fire Chief shall be a fire safety professional with a minimum of 15 years experience in federal, state, county, municipal or military firefighting, no less than five of which shall be in a progressively responsible fire safety management and emergency medical services position;

(b) The Fire Chief shall have an Associates Degree in Fire Sciences or related field and hold a minimum rank of Deputy Chief or higher for a minimum of three years in a fire fighting environment;

(c) Preference shall be given to candidates who have experience with the following:

- i) certification from the National Fire Academy Executive Officer Program;
- ii) financial management, innovations in fire operations, and information technology as it pertains to fire safety;
- iii) labor relations, community relations, mediation and facilitation skills; and including staff development and training.

(d) Preference may also be given to candidates who have experience with the following:

- i) in a multi-lingual and multi-cultural urban fire safety environment from municipalities with a population of 30,000 or more residents, possess managerial experience in a similar structure as the Gloucester Fire Department,
- ii) bilingual, with the second language reflecting the linguistic diversity of the citizens of Gloucester.

[Subsections 8-18 (b) and (c) shall remain in effect and be renumbered as 8-21 (b) and (c).]

Delete section 8-18(a) and add new 8-18 (a) – (e):

8-18 Selection of Fire Chief; Manner of Appointment.

(a) The candidates for Fire Chief shall be reviewed by a selection committee consisting of the following individuals:

- (i) The Personnel Director, who shall serve as the Chair of the Selection Committee;
- (ii) One member of the City Council to be appointed by the President of the City Council;
- (iii) Two members of the general public to be appointed by the President of the City Council, with at least one of said members being a representative of the city's socioeconomic and racial and ethnic segments;
- (iv) Two members of the general public to be appointed by the Mayor with at least one of said members being a representative of the City's socioeconomic and racial and ethnic segments;
- (v) Two sworn firefighters of the Gloucester Fire Department to be elected by the union representing members of the Fire Department.
- (vi) A public safety official appointed by the Mayor, who shall be the Emergency Management Director if such position exists at that time.

The Mayor may appoint appropriate support personnel to facilitate the operations of the selection committee.

(b) In consultation with the selection committee and the purchasing agent, the Mayor shall select a qualified recruitment and assessment consultant to analyze candidates for Fire Chief. After consultation with members of the public at community meetings, the consultant shall develop selection criteria; recruit qualified candidates; and select the most qualified candidates which shall be no more than seven or less than three who shall be considered finalists and administer the selection process to these candidates. The process shall consist of, without limitation, a written exam, a professional assessment center and a psychological evaluation.

(c) The Selection Committee shall hold public interviews of the finalists. The Committee shall vote a list of no more than five and no less than three unranked qualified candidates for Fire Chief and shall submit such list to the Mayor. All votes taken by the Selection Committee shall be by majority vote of those present. If the Selection Committee determines that there are fewer than three candidates for Fire Chief, the Selection

Committee shall nonetheless send the names of the candidate(s) to the Mayor. The Mayor may choose to commence a new selection process if the Selection Committee submits a list of fewer than three candidates or for any other reason designated in writing.

(d) The Mayor shall appoint a candidate from the list, subject to confirmation of the City Council. Prior to confirmation, the City Council shall be provided with a copy of the contract negotiated with the candidate selected by the Mayor. The contract may not be subsequently amended without the approval of the City Council. The term of the contract shall be three years. The Mayor may reappoint said Chief for subsequent contractual terms of three (3) years subject to City Council confirmation.

(e) Upon such time as the Mayor shall become aware of a vacancy in the office of Fire Chief, the Mayor shall within a reasonable period of time notify the City Council that a vacancy has occurred. The Mayor shall thereafter commence the process to fill the vacancy, in the manner prescribed herein.

Add new section: 8-19 Powers and duties of Fire Chief

The Fire Chief shall manage the Fire Department. He/she shall be responsible for the discipline and efficiency of the department. He/she shall have control of the department, its officers and members, the care of the fire stations, the care and custody of all the property of the department and shall keep a record of its business.

Add new: 8-20 Composition

The Fire Department shall consist of the Fire Chief, who is not subject to the civil service laws, and as many deputy Fire Chiefs, captains, mechanics, inspectors and firefighters subject to the civil service laws in such numbers as are provided by contract and approved by the City Council. The department may also include supporting administrative staff.

Delete subsection 8-18(a) and add new: section 8-21 Qualifications and appointment of firefighters

(a) The Mayor shall have the power to appoint all firefighters who shall hold their office at the discretion of the Mayor subject to the laws pertaining to civil service and to the collective bargaining agreement. The Fire Chief is exempt from civil service laws and the terms of the collective bargaining agreement. All firefighters are required to be citizens of the United States and within nine months of his/her appointment, to reside within 15 miles of the limits of the City of Gloucester as required by chapter 41 section 99A of the General Laws.

[Consecutively renumber sections 8-19 to 8-25 of Chapter 8, Article II Fire Department as follows:]

- 8-22 Physical examination of firefighters (old sec. 8-19)
- 8-23 Appointees must signify willingness to obey rules (old sec. 8-20)
- 8-24 Firefighters to have motor vehicle license (old sec. 8-21)
- 8-25 Military substitutes (old sec. 8-22)
- 8-26 Fire chief to act as forest warden (old sec. 8-23)
- 8-27 Aid to other cities, towns or fire districts (old sec. 8-24)
- 8-28 Destruction of building to prevent spread of fire (old sec. 8-25)

Linda T. Lowe

Linda T. Lowe, City Clerk

Date:

JAN 21 2011

APPROVED BY THE MAYOR

VETOED BY THE MAYOR

Carolyn A. Kirk

Carolyn A. Kirk, Mayor

Carolyn A. Kirk, Mayor

SIGNED THIS 24 DAY OF Jan, 2011

All Ordinances shall become effective 31 days after passage except:
Emergency Orders and Zoning Amendments shall become Effective Next Day