

Your Committee, to which this proposal was referred, has amended the proposal to read as follows and recommends its adoption as amended.

CITY COUNTY COUNCIL

PROPOSAL NO. 68, 2012

CITY OF INDIANAPOLIS-MARION COUNTY, INDIANA

INTRODUCED: 02/13/2012

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillor Brown

DIGEST: amends the Code with respect to merit board member selection ~~and provisions relating to the recruitment, retention and promotion of members~~

SOURCE:

Initiated by: Councillor Brown

Drafted by: Fred Biesecker, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: February 9, 2012

CITY-COUNTY GENERAL ORDINANCE NO. _____, 2012

A PROPOSAL FOR A GENERAL ORDINANCE to amend the Chapters 252 and 279 of the Revised Code of the Consolidated City and County respecting merit board member selection ~~and amending provisions relate to the recruitment, retention and promotion of members.~~

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 252 of the Revised Code of the Consolidated City and County, is hereby is amended by adding the language that is underscored and by removing the language that is stricken through, as follows:

Sec. 252-201. Civilian fire merit board.

(a) There is hereby established a civilian fire merit board that shall be composed of ~~four three (43)~~ two (2) members appointed by the director, ~~three (3) two (2)~~ two (2) members appointed by the city-county council, ~~none neither~~ of whom shall be a member or retiree of the department or of any other police or fire department or agency, and ~~two three (23) two (2)~~ two (2) members elected by the active members of the Indianapolis fire department in accordance with IC 36-8-3.5-1, one of whom shall be a member of the community who is not a spouse or dependent child of an active member of either IMPD or IFD or of an owner or employee of a contract service provider to either department; and subject to the following requirements and / or limitations:-

(1) Each member of the merit board, appointed or elected, shall be a registered voter who resides within the department's jurisdiction as established by Sec. 252-102 of the Code;

(2) and nNo member appointed or elected to the merit board shall be a member of the department or of any other police or fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government;

(3) No member appointed or elected may be a spouse or dependent child of an active member of either IMPD or IFD or of an owner or employee of a contract service provider to either department;

(4) Of the members elected or appointed, not more than:

(i) Two (2) One (1) of the members appointed by the public safety director; or

(ii) Two (2) One (1) of the members appointed by the city-county council

shall belong to the same political party.

(b) Initial appointments made by the council and director of public safety shall be for terms beginning July 1, 2012 and ending December 31, 2013 and those elected for terms ending December 31, 2013. Thereafter, Mmembers of the merit board shall be elected or appointed serve for a terms of two (2) years, and all members, either elected or appointed, shall serve during their respective terms and until their respective successor shall be appointed or elected, and qualified; provided, no member may serve for more than sixty (60) days after the expiration of his or her term.

A board member may be removed for just cause, including nonattendance, by a two-thirds (2/3) vote of the board. However, An any member appointed member of the merit board appointed by the director may be removed by the director, with or without cause, and without right of hearing.

If a vacancy occurs among the members of the merit board appointed by the director, the director shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the merit board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with IC 36-8-3.5-8 to serve the unexpired term. If a vacancy occurs among the members of the merit board appointed by the city-county council, the city-county council shall appoint a replacement to serve the unexpired term.

A member of the merit board may be appointed or elected for successive terms.

~~(b)~~ (c) The chief shall be an ex officio member of the merit board without voting power.

~~(c)~~ (d) Three (3) Five (5) Four (4) members of the board shall constitute a quorum for the purpose of taking official action; however, in the event of a tie vote, the recommendation of the chief shall be deemed adopted by the board.

~~(d)~~ (e) The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the director, shall select from its members a president, vice-president and secretary.

~~(e)~~ (f) The merit board shall administer and supervise the merit system established by this article.

~~(f)~~ (g) The city-county council, in accordance with IC 36-3-6-6, may provide the board members a monthly stipend of fifty dollars (\$50.00).

SECTION 2. Chapter 279 of the Revised Code of the Consolidated City and County, is hereby is amended by adding the language that is underscored and by removing that language that is stricken through, as follows:

Sec. 279-232. Merit board established.

(a) The merit board for the Indianapolis Metropolitan Police Department is established, effective January 1, 2007.

(b) The board and merit systems of the Indianapolis Police Department and the sheriff's department are abolished, and the duties of those boards are transferred and assumed by the board, effective January 1, 2007 unless otherwise provided in this chapter.

Sec. 279-233. Appointment or election of board members; qualifications.

(a) The board ~~consists~~ shall be composed of ~~seven (7) nine (9) six (6)~~ members elected or appointed as follows:

- (1) ~~Four (4) Three (3) Two (2)~~ members appointed by the director of the department of public safety;
- (2) ~~For the first term of the board, one (1) member appointed by the metropolitan law enforcement consolidation transition authority;~~
- (3)(2) ~~For all subsequent terms of the board, one (1) Three (3) Two (2) members~~ appointed by the city-county council; and
- (4)(3) ~~Two (2) Three (3) Two (2)~~ members elected by a majority vote of the active members of the department, one of whom shall be a member of the community who is not a spouse or dependent child of an active member of either the IMPD or IFD or an owner or employee of a contract service provider to either department.

(b) An active member of the department may not serve on the board.

(c) Initial appointments made by the council and director of public safety shall be for terms ending December 31, 2013 and those elected for terms beginning July 1, 2012 and ending December 31, 2015 2013. Thereafter, ~~the term of office for an appointed or elected member of the board is four (4) years, beginning on the date the member is qualified and assumes office, or for the remainder of an unexpired term. Members of the board serve during their respective terms and until their successors have been appointed and qualified;~~ provided no member may serve for more than sixty (60) days after the expiration of his or her term.

~~(d) Not more than:~~

- (1) ~~Two (2) of the members appointed by the public safety director; or~~
- (2) ~~One (1) Two (2) of the members elected by the members of the department; or~~

~~may belong to the same political party~~

(d) Of the members elected or appointed, not more than:

- (i) Two (2) One (1) of the members appointed by the public safety director; or
- (ii) Two (2) One (1) of the members appointed by the city-county council

shall belong to the same political party.

(e) No member appointed or elected may be a spouse or dependent child of an active member of either IMPD or IFD or an owner or employee of a contract service provider to either department.

~~(e)(f)~~ Each member of the board must reside in the county.

~~(f)~~ (g) Each member of the board may be removed for cause duly adjudicated by declaratory judgment of the Marion Superior Court.

~~(g)~~ (h) Each member of the board is entitled to receive reimbursement from the county for actual expenses incurred while serving as a member.

~~(h)~~ (i) As soon as practicable after they are appointed and elected, the members of the board shall meet upon the call of the public safety director and organize by electing a president and a secretary from among their membership.

(j) ~~Four (4) Five (5) Four (4)~~ members of the board constitute a quorum for the transaction of business.

(k) The board must hold regular monthly meetings throughout the year as is necessary to transact the business of the department.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2012, at _____ p.m.

ATTEST:

Maggie A. Lewis
President, City-County Council

NaTrina DeBow
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2012, at 10:00 a.m.

NaTrina DeBow
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2012.

Gregory A. Ballard, Mayor