

ORDINANCE NO. 2024/44

**AN ORDINANCE OF THE CITY OF GREENFIELD, INDIANA COMMON COUNCIL
TO SET FORTH AND CLEARLY DEFINE THE SCOPE OF THE MERIT
COMMISSION'S AUTHORITY WITHIN THE GREENFIELD FIRE TERRITORY
SET FORTH UNDER INDIANA LAW**

WHEREAS, the Greenfield Fire Territory (the "Fire Territory") was established in 2008 pursuant to an Interlocal Cooperation Agreement entered into by the City of Greenfield, Indiana and Center Township in Hancock County, Indiana; and

WHEREAS, under the terms and conditions of the Interlocal Agreement establishing the Fire Territory, the City of Greenfield Board of Works (the "Board of Works") serves as the Fire Territory's governing board; and

WHEREAS, pursuant to I.C. 36-8-3.5-5.5(d), (e) and (f), a merit system is established for the members of the Fire Territory by operation of law on January 1, 2025 unless, not later than December 31, 2024, the Board of Works, by an affirmative vote of at least a majority of its members, adopts a resolution rejecting establishment of a merit system and the resolution is approved by an affirmative vote of at least a majority of the active full-time, paid members of the Fire Territory; and

WHEREAS, the Board of Works adopted Resolution # 2024/081324BOW-2 on August 13, 2024, affirming the use of the Board of Works to provide oversight for Fire Territory personnel matters and rejecting the establishment of a merit system for the Fire Territory, subject to the approval of a majority of the active full-time, paid members of the Fire Territory pursuant to I.C. 36-8-3.5-5.5(e); and

WHEREAS, a majority of the active, full-time, paid members of the Fire Territory voted against Resolution # 2024/081324BOW-2 by a vote of 33-2 on September 5, 2024 indicating the Fire Territory members favored the establishment of a merit system; and

WHEREAS, the Common Council of the City of Greenfield (the "Council"), desires to adopt this Ordinance to set forth and clearly define the scope of the Merit Commission's authority within the Fire Territory by identifying the provisions under I.C. 36-8-3.5 that are: left to its discretion, are delegated to the Board of Works, or are delegated to the Merit Commission; and

WHEREAS, the merit system established under I.C. 36-8-3.5-5.5 is subject to dissolution, pursuant to I.C. 36-8-3.5-5.5(i) as both the Board of Works and the active full-time paid members of the Fire Territory are required to vote between January 1, 2029 and January 31, 2029 whether to retain or dissolve the merit system and should either party vote to dissolve the merit system, it is so dissolved.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA AS FOLLOWS:

SECTION I

The City of Greenfield Code of Ordinances is hereby amended to include a new Section 31.42 as follows:

FIRE DEPARTMENT MERIT COMMISSION

- (A) For purposes of this section, “Fire Department,” has the meaning set forth in Section 35.01.
- (B) By operation of I.C. 36-8-3.5-5.5, a Merit Commission is established for the Fire Department effective January 1, 2025.
- (C) The Merit Commission shall have powers and duties that are limited to selection, appointment, performance evaluation, promotion, demotion, discipline and dismissal of the full-time, paid active members of the Fire Department, as determined by the rules adopted by the Merit Commission.
- (D) The Board of Works may, at its discretion, further limit the powers and duties of the Merit Commission by passage of a resolution.
- (E) The initial members of the Merit Commission shall be appointed not later than March 1, 2025. In accordance with I.C. 36-8-3.5-1.1(c) and the requirements in I.C. 36-8-3.5-6(c), the Merit Commission shall be comprised of nine (9) members as follows:
 - (1) The five (5) members of the Board of Works;
 - (2) Two (2) members, elected by the active members of the Fire Department pursuant to the procedure in I.C. 36-8-3.5-8, who are of different political parties, as determined through the voter’ registration records of the three (3) most recent primary elections and who meet the following qualifications:
 - a. Must have been a legal resident of the territory within the Fire Department’s jurisdiction for three (3) consecutive years immediately preceding the commissioner’s term;

- b. Be a person of good moral character;
- c. Be a person of at least twenty-one (21) years of age;
- d. May not be an active member of a police or fire department or agency; and
- e. Must not receive any remuneration as salary from the City, Center Township in Hancock County, or the Fire Department.

(3) One (1) member, elected by the active members of the Fire Department pursuant to the procedures in I.C. 36-8-3.5-8, who meets the following qualifications:

- a. Must have been a legal resident of the territory within the Fire Department's jurisdiction for three (3) consecutive years immediately preceding the commissioner's term;
- b. Be a person of good moral character;
- c. Be a person of at least twenty-one (21) years of age;
- d. Must not be an active member of a police or fire department or agency;
- e. Must not be a past member of a police or fire department or agency; and
- f. Must not receive any remuneration as salary from the City, Center Township in Hancock County, or the Fire Department.

(4) One (1) citizen member appointed by the Council who meets the following qualifications:

- a. Must have been a legal resident of the territory within the Fire Department's jurisdiction for three (3) consecutive years immediately preceding the commissioner's term;
- b. Be a person of good moral character;
- c. Be a person of at least twenty-one (21) years of age;
- d. Must not be an active member of a police or fire department or agency;
- e. Must not be a past member of a police or fire department or agency; and
- f. Must not receive any remuneration as salary from the City, Center Township in Hancock County, or the Fire Department.

(F) The terms of office members appointed under (E)(1) coincide with their terms on the Board of Works. The term of office for members appointed under (E)(2), (E)(3) or (E)(4) is four (4) years, however, the initial term shall be for two (2) years for:

- (1) One (1) of the members appointed under (E)(2); and
- (2) The member appointed under (E)(4).

(G) The Board of Works may, at its discretion, determine a per diem to be paid to each

commission member appointed under (E)(2), (E)(3) or (E)(4) for each day of actual service for the commission.

(H) Each commission member shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the Board of Works.

SECTION II

Section 35.01 is subject to repeal in January, 2029 pursuant to IC 36-8-3.5-5.5(i). Between January 1, 2029 and January 31, 2029, the Board of Works and the active full-time paid members of the Fire Department shall vote to either retain or dissolve the merit system. A vote to dissolve the merit system by at least a majority of the Board of Works or a majority of the active full-time paid members of the Fire Department results in a dissolution of the merit system and a repeal of Section 35.01. Should a dissolution of the merit system occur, all powers and duties of the Merit Commission shall return to the Board of Works unless otherwise determined by the Council.

SECTION III

Should any provision, section, paragraph, sentence, clause or any other portion of this ordinance be declared by a court of competent jurisdiction to be to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION IV

This Ordinance shall be in full force and effect from and after the 1st day of January 2025 after its passage and signing by the Council.

SECTION V

Introduced and filed on the ____ day of _____, 2024. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8. On the ____ day of _____, 2024, a motion to approve the above on second reading was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8. Upon a motion to approve the above on third reading was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this ____ day of _____, 2024 by the Common Council of the City of Greenfield, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA

Voting Affirmative:

Voting Opposed:

John Jester

John Jester

Amy Kirkpatrick

Amy Kirkpatrick

Jeff Lowder

Jeff Lowder

Thomas Moore

Thomas Moore

Joyce Plisinski

Joyce Plisinski

Dan Riley

Dan Riley

Anthony Scott

Anthony Scott

ATTEST:

Lori Elmore, Clerk-Treasurer

Presented by me to the Mayor this ____ day of _____, 2024.

Lori Elmore, Clerk-Treasurer

Approved by me this ____ day of _____, 2024.

Guy Titus, Mayor
City of Greenfield, Indiana