

## **Resolution No. 2008-R-29**

### **A Resolution Establishing A Merit Board For the Jeffersonville Fire Department**

**Whereas**, the Jeffersonville City Council reasonably believes that the Jeffersonville Fire Department should be entitled to the opportunity to be governed by a Merit Board pursuant to Indiana law;

**Whereas**, the Jeffersonville City Council believes that fairness, impartiality and equity should be adhered to when considering individuals for promotions, hiring and discipline;

**Whereas**, in order to promote these concepts the Jeffersonville City Council adopts the following resolution:

#### **Section One:      DEFINITIONS:**

**“Commission”**      The merit commission for a merit system established pursuant to this resolution

**“Department”**      The Jeffersonville Fire Department

#### **SECTION TWO:    MERIT COMMISSION:**

##### **2.1    Membership and Configuration:**

The Merit Commission shall consist of five (5) members. The commissioners shall be appointed as follows:

- A. Two (2) individuals appointed by the Mayor. These persons shall be of different political parties;
- B. Two (2) individuals appointed by the active members of the Jeffersonville Fire Department. These persons shall be of different political parties;

- C. One (1) individual appointed by the Jeffersonville City Council;
- D. Political affiliation shall be determined by reviewing the voters' registration records of the three (3) most recent primary elections.

**2.2 Requirements for Serving:**

- A. A commissioner must be a person of good moral character;
- B. A commissioner must have been a legal resident of the City of Jeffersonville for three (3) consecutive years immediately preceding the commissioner's term of office;
- C. A commissioner must be at least twenty-one (21) years of age;
- D. A commissioner may not be an active member of a police or fire department or agency. In addition, not more than two (2) of the commissioners may be past members of a police or fire department or agency;
- E. A person shall be prohibited from serving as a commissioner if that person receives any remuneration as a salary from the City of Jeffersonville;
- F. Each commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy shall be filed with the Clerk-Treasurer and the Board of Public Works.

**2.3 Terms and Tenure:**

- A. The term of a commissioner shall be four (4) years.
- B. However, one (1) of the Mayor's initial selections and one (1) of the Department's initial selections shall serve for two (2) years. The Mayor and Department shall distinguish immediately which member shares this status;
- C. The commissioner appointed by the Council shall serve a four (4) year term;
- D. The commissioners serve "at the will" of the appointing agency. Commissioners may be removed for any and/or no reason upon vote of the appointing authority;
- E. Any vacancy shall be filled within thirty (30) days by the appointing or electing authority;

- F. Any commissioner who fails to attend two (2) meetings, during a one (1) year period, of the commission shall be deemed to have resigned his or her appointment and shall be replaced by the appointing authority;**

**SECTION THREE: APPROVAL OR REJECTION OF MERIT BOARD**

**3.1 Meeting Requirements:**

- A. Within sixty (60) days after the adoption of this resolution the Department shall be required to conduct a meeting wherein the active membership shall be permitted to vote upon either the approval of or rejection of the proposed merit board;
- B. The date of the passage of this resolution shall be \_\_\_\_\_. The meeting and election shall be held not later than \_\_\_\_\_;
- C. The Department shall give the membership not less than three (3) weeks notice of said meeting.

**3.2 Notice Requirements:**

- A. The Department shall give not less than three (3) weeks notice to all active members of the department that a meeting shall be held to approve or reject the merit system;
- B. Notice shall be given by posting it in prominent places in all stations of the department. The notice must designate the time, place and purpose of said meeting;
- C. A copy of this resolution shall be distributed to each active member of the Department at least one (1) week prior to the date of the meeting described herein;
- D. **Only active members of the Department may attend the meeting. At the meeting one (1) active member shall be selected to serve as chairman for the sole purpose of conducting said meeting. The members shall have the right to request their legal counsel and/or any other individual to assist in conducting the meeting.**
- E. The vote to either approve or reject the merit board shall be by secret ballot;

F. The ballot shall be pre-printed and shall set the following:

**“Please Circle your choice:**

**I vote to approve the Jeffersonville City Council’s Proposed Resolution Establishing A Merit Board pursuant to Indiana Code.**

**I vote to reject the Jeffersonville City Council’s Proposed Resolution Establishing A Merit Board pursuant to Indiana Code.**

G. The ballots shall be immediately counted and the vote reported to in the open meeting to the membership in attendance. The Department shall notify the Council of the vote within forty-eight (48) hours thereof;

**SECTION FOUR: EFFECTIVE DATE AND APPOINTMENT DEADLINE:**

**4.1 Effective Date:**

- A. If the Department votes affirmatively to accept the City Council’s proposed Merit Board system said system shall become effective **January 1** following the affirmative vote;
- B. If the Department votes to reject the Merit Board another proposal may not be put to a vote within one (1) year after the date of the meeting wherein the original proposal failed.

**4.2 Appointment of Commissioners:**

- A. If the Department affirms the Merit Board all entities shall make their appointments thereto by **March 1** of the year within which the Board becomes effective.

**SECTION FIVE: MERGER PROVISIONS:**

**5.1 Merger of Indiana Code 36-8-3.5 Et. Seq.**

- A. The Jeffersonville City Council, by this resolution, merges all of those provisions of Indiana Code as set forth in IC 36-8-3.5, et. Seq as same relates to the establishment of and the operation of the Merit Board;
- B. The Council specifically adopts all procedures as set forth in said Indiana Code

as it relates to the establishment of the commission.

- C. The Council specifically adopts all of those requirements set forth in Indiana Code for membership to the Department as well as those procedures defined for the purpose of hiring, firing and discipline.
- D. The intent of the Council is to adopt the Indiana Code in its entirety as it relates to the Merit Board. The Council would concede that the Indiana Code shall be controlling on any matter or issue wherein there is a conflict as between this resolution and the Indiana Code section establishing the Merit System.

**Severability Clause:**

Should any section, paragraph, sentence, clause or phrase of this resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this resolution be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this resolution or its application to other persons or circumstances.

This Resolution shall be in full force and effect from and after its passage and approval.

**Voted For:**

MSG  
Scott Brown  
Richard L Wilson  
Conne Sellers  
Chris M. Miller  
Mike Smith

**Voted Against:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Passed this 20 day of October, 2008.

Thomas R. Galligan  
Mayor Thomas Galligan

**Attest:**

Peggy Wilder  
Peggy Wilder, Clerk-Treasurer