

RESOLUTION 2009-R-18

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF JEFFERSONVILLE,
INDIANA, AMENDING THE ESTABLISHMENT OF A MERIT BOARD FOR THE
JEFFERSONVILLE FIRE DEPARTMENT

WHEREAS, the Common Council of the City of Jeffersonville, under the authority granted to it by the Indiana Code, established a merit system for its fire department by City of Jeffersonville Resolution 2008-R-29; and

WHEREAS, a majority of the active members of the Jeffersonville Fire Department voted to approve merit system in 2008, and the merit system took effect in the City of Jeffersonville on January 1, 2009; and

WHEREAS, a merit commission consisting of five (5) commissioners was established for the fire department in accordance with the Indiana Code by City of Jeffersonville Resolution 2008-R-29; and

WHEREAS, the current City of Jeffersonville Fire Merit Commission was unable to adopt rules governing (1) the selection and appointment of persons to be employed as members of the department, promotions, (2) promotions and demotions of members of the department, and (3) disciplinary action or dismissal of members of the department within ninety (90) days after being selected; and

WHEREAS, by passing this Resolution, the intent of the City of Jeffersonville Common Council is to comply with the provisions of the Indiana Code in its established merit system and the Fire Department Merit Commission's adoption of governing rules.

WHEREAS, the City of Jeffersonville Common Council has consulted with the Executive Board of the Jeffersonville Fire Union Local #558, and they concur with the actions taken by the City of Jeffersonville Common Council through this Resolution. (See Exhibit "A")

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Jeffersonville, that it specifically and affirmatively finds as follows:

1. That the City of Jeffersonville Common Council, by the authority granted under Indiana Code § 36-8-3.5-1(f), amends City of Jeffersonville Resolution 2008-R-29.
2. That because the current Jeffersonville Fire Department Merit Commission has not adopted its governing rules within ninety (90) days of being selected as required by the Indiana Code, the Common Council absolves the current commissioners of the City of Jeffersonville Fire Merit Commission.
3. Each of the bodies with authority to appoint or elect members to the Jeffersonville Fire Merit Commission shall make their appointment(s) to the City of Jeffersonville Fire Merit Commission in accordance with the Indiana Code, within thirty (30) days after this Resolution is passed.
4. Nothing contained in this resolution disqualifies a current commissioner of the City of Jeffersonville Fire Merit Commission from being appointed or selected to the Commission subsequent to the formal adoption of this resolution.
5. Each selected commissioner shall take an oath of office to conscientiously discharge the commissioner's duties. A signed copy of the oath shall be filed with the safety board.
6. Within ninety (90) days after the commission is selected, the commission shall adopt rules governing:
 - a. the selection and appointment of persons to be employed as members of the fire department, subject to applicable pension statutes;
 - b. promotions and demotions of members of the fire department; and
 - c. disciplinary action or dismissal of members of the department.
7. Before the rules stated in paragraph 5 are adopted by the commission, the commission must hold a public hearing to consider the adoption of the proposed rules. At least ten (10) days before the public hearing, the commission must have a notice of the hearing published in accordance with Indiana Code § 5-3-1. The notice must state the time and place of the hearing and give briefly the subject matter of the proposed rules.

8. The commission shall comply with all other sections of the Indiana Code in the adoption of its governing rules and procedures.
9. Upon the adoption of its governing rules and procedures within the ninety (90) days after being selected, as proscribed by the Indiana Code, the City of Jeffersonville Fire Merit Commission shall assume its statutory duties and responsibilities on January 1, 2010, and the City of Jeffersonville's merit system for its fire department shall become effective.
10. The Jeffersonville Fire Merit Commission shall provide copies of the permanent record of each of its meetings to the office of the City of Jeffersonville Clerk-Treasurer. Further, the Jeffersonville Fire Merit Commission shall comply with all federal, state, and local rules, regulations, laws, and ordinances regarding keeping and preserving meeting records.
11. The City of Jeffersonville Fire Merit Commission may not employ or appoint an attorney or a secretary without the authorization and approval of the City's Executive.
12. 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:

Voted Against:

Ronald Sproom
MS
Connie Sellers
Edward M. G. [unclear]
Mike Smith

Passed this 17th day of October, 2009.

Thomas R. Galligan
Mayor Thomas Galligan, Mayor

Attest:

Peggy Wilder
Peggy Wilder, Clerk-Treasurer