

ORDINANCE NO. 021318 -A

**ORDINANCE ABOLISHING THE TOWN MARSHAL SYSTEM AND
ESTABLISHING THE McCORDSVILLE BOARD OF
METROPOLITAN POLICE COMMISSIONERS**

WHEREAS, the Town McCordsville Police Department currently operates under a Town Marshal system, as provided in Indiana Code § 36-5-7; and

WHEREAS, Indiana Code § 36-8-9-2 authorizes the Town Council, by ordinance, to abolish the Office of Town Marshal and to establish a Board of Metropolitan Police Commissioners to govern the operation, management and control of the police department; and

WHEREAS, the Town's current Town Marshal has requested that the Town Council authorize qualifying members of the police department to participate in the 1977 Police and Firefighters Pension and Disability Fund and that the Town of McCordsville obligate itself to make the required contributions to the Fund; and

WHEREAS, the Town's current Town Marshal believes that the increased benefits available to officers who participate in the Fund will enhance the benefits offered to members of the police department and improve the Town of McCordsville Police Department's ability to recruit and retain qualified law enforcement officers; and

WHEREAS, the officers of the Town of McCordsville's Police Department are not eligible to participate in the Fund unless the Town of McCordsville abolishes the current Town Marshal system and establishes a Board of Metropolitan Police Commissioners; and

WHEREAS, the establishment of a Board of Metropolitan Police Commissioners is advantageous because the responsibilities for officer qualifications, officer discipline and selection of the Chief of Police are transferred from elected officials to a police commission; and

WHEREAS, the Town Council of the Town of McCordsville, Indiana, believes that replacing the Town Marshal system with the Board of Metropolitan Police Commissioners system would be in the best interest of the Town's Police Department and the Town's citizens.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana, as follows:

SECTION I

Title III, Chapter 35, of the Town of McCordsville Code of Ordinances, is hereby amended by adding Chapter 35.06 to read as follows:

§ 35.06 POLICE DEPARTMENT.

(A) *Board of Metropolitan Police Commissioners Established.* There is hereby established a Board of Metropolitan Police Commissioners for the Town of McCordsville, Indiana, as provided in Indiana Code § 36-8-9, and the Office of Town Marshal is hereby abolished, effective January 1, 2018.

(B) *Board Membership.*

(1) The Board of Metropolitan Police Commissioners shall consist of three (3) members appointed by the Town Council. The members must be of good moral character, have no felony convictions for criminal acts, and legal residents of the Town of McCordsville. Not more than two (2) members may be of the same political party, if individuals who satisfy this requirement can be found to serve on the Board with reasonable and diligent efforts. Members of the Town's Police Department may not be appointed to serve on the Board. A member of the Town Council may be appointed to serve on the Board as an ex officio member, subject to the provisions set forth herein.

(2) The Town Council may, by Ordinance, increase the number of Board members to five (5), provided that the amended ordinance and the appointment of Board members satisfy all requirements of Indiana Code § 36-8-9-3.1(a) and all other applicable statutes.

(3) The Town Council may appoint one (1) Town Council member to serve as an ex officio member, who must vacate their membership upon the end of the Council member's term or vacating of office. Said ex officio member may not receive compensation for their service, nor are they required to post a bond.

(C) *Term.* The Board members' terms shall be three (3) years, expiring on January 1 of the third year after the member's appointment. However, to establish staggered terms, one (1) initial member shall be appointed for a one-year term, one (1) initial member shall be appointed for a two-year term, and one (1) initial member shall be appointed for a three-year term. Each member serves at the pleasure of the Town Council and may be removed for any cause that the Town Council considers sufficient.

(D) *Powers and Duties.*

(1) As provided in Indiana Code § 36-8-9-4, the Board shall have the following powers and duties:

(a) *Appointment of future officers.* The Board shall appoint persons to serve in the Town's Police Department, subject to the qualifications for employment determined by the Board and approved by the Town Council.

(b) *Appointment of Police Chief.* The Board shall grandfather in and appoint the currently serving Town Marshal to the position of Police Chief.

(c) *Future Appointments of Police Chief.* The Board, at such time as necessary, shall appoint one (1) person to serve as Police Chief.

(d) *Appointment of future civilian employees.* The Board may appoint other employees that are necessary to carry on the work of the Police Department.

(e) *Recommendations for Compensation.* The Board may recommend and the Town Council shall determine the compensation to be paid to members of the Police Department.

(f) *Safety Board.* The Board constitutes the Town's Safety Board for purposes of suspension, demotion, or dismissal of any member of the Police Department. Proceedings for the suspension, demotion, or dismissal of Police Department members shall be conducted in the manner prescribed by Indiana Code § 36-8-3-4. The disciplinary provisions of Indiana Code § 36-8-3-4.1 also apply to the Safety Board and the Police Chief.

(g) *Adoption of General Orders and Policies.* The Board may make general orders and policies for the government and discipline of the Police Department and make special and general orders to the Department through the Police Chief, who is the executive head of the Department.

(2) The Board shall have all other powers and duties as provided by Indiana statute.

(3) The Board shall adopt and maintain rules governing the conduct of its business, including, but not limited to, rules concerning its meetings, the selection of appointment of persons to be employed as member of the Police Department, promotions and demotions of Department members, and the discipline or dismissal of Department members.

(E) *Oath and Bond.* Before performing any function of a Board member, each person appointed to serve as member shall:

(1) Take and subscribe before the Clerk of the Hancock County Circuit Court an oath or affirmation of office and an oath or affirmation that in each appointment or removal made by the Board to or from the Town's Police Department, the member will

not appoint or remove a member of the Town's Police Department because of the political affiliation of the person or for another cause or reason other than that of the person's fitness to serve as a member of the Town of McCordsville Police Department.

(2) Give bond in the penal sum of Five Thousand Dollars (\$5,000.00), payable to the State of Indiana and conditioned upon the faithful and honest discharge of the Board member's duties. The bond must be approved by the Town Council.

SECTION II

Title III, Chapter 35, of the Town of McCordsville Code of Ordinances is hereby amended by adding Chapter 35.07 to read as follows:

§ 35.07 POLICE CHIEF.

(A) The Chief of the Town of McCordsville Police Department is the executive head of the Police Department. All members of the Police Department, sworn and civilian, shall serve subject to the orders of the Police Chief.

(B) The Police Chief shall have the powers and duties prescribed by statute and town ordinance, including statutory disciplinary powers.

(C) The Police Chief shall be responsible for the keeping of the records and the making of reports concerning the activity of the Police Department as may be required by statute or town ordinance.

SECTION III

That any other existing Town ordinances, or any parts thereof, inconsistent with or superseded by these revisions to the Town of McCordsville Code of Ordinances are hereby repealed and of no effect.

SECTION IV

Because an emergency exists, this Ordinance shall be in full force and effect on January 1, 2018.

SECTION V

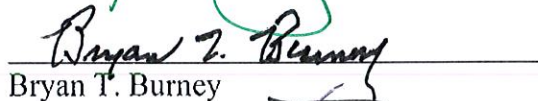
Introduced and filed on the 13th day of February, 2018. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 5 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

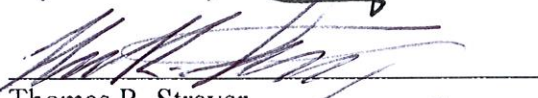
Duly ordained and passed this 13th day of February, 2018 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN OF McCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

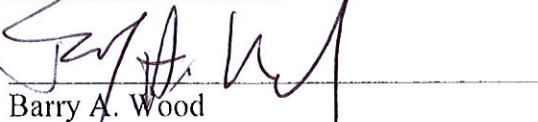
Voting Affirmative:


Larry J. Longman

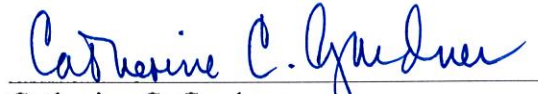

Bryan T. Burney


Thomas R. Strayer


Branden D. Williams


Barry A. Wood

ATTEST:


Catherine C. Gardner
Clerk-Treasurer

Voting Opposed:

Larry J. Longman

Bryan T. Burney

Thomas R. Strayer

Branden D. Williams

Barry A. Wood

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock: