

Ordinance Number: 091118

**AN ORDINANCE ESTABLISHING THE TOWN OF MCCORDSVILLE
POLICE PENSION BOARD AND ESTABLISHING THE POLICE PENSION FUND**

WHEREAS, the Town's police department has recently transitioned from a Marshal system under Indiana Code §36-5-7 to a system governed by a board of metropolitan police commissioners under Indiana Code §36-8-9; and

WHEREAS, Indiana law requires that if a town establishes a Board of Metropolitan Police Commissioners, the Town shall participate in the 1977 police officers' and firefighters' pension and disability fund ("the 1977 fund"); and

WHEREAS, Indiana law requires the Town to establish a Pension Board in connection with its participation in "the 1977 fund"; and

WHEREAS, Indiana law also requires the Town to establish a Police Pension Fund in which it will hold all funds to be paid into "the 1977 fund", and this fund should be established; and

WHEREAS, the Town Council now finds that a Police Pension Board and a Police Pension Fund should be established, as required by Indiana law.

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, that:

SECTION I

Title III, Chapter 35 of the McCordsville Town Code, which provides for the Town's Organizations, is amended to adding a new Section, Section 35.06, which will read as follows:

35.06 POLICE PENSION BOARD

35.061 ESTABLISHMENT OF POLICE PENSION BOARD

There is hereby established the Town of McCordsville, Indiana Police Pension Board as provided in Indiana Code §36-8-8 and §36-8-6-2.

35.062 ORGANIZATION OF BOARD

A. **Board Members.** The Police Pension Board consists of 7 members, as follows:

- 1.) The President of the Town Council;
- 2.) The Town Clerk Treasurer;

- 3.) The Police Chief;
- 4.) One retired member of the Town's Police Department; and
- 5.) Three active members of the Town's Police Department.

B.) Ex Officio Members. The Town Council President, the Clerk-Treasurer, and the Police Chief are ex officio voting members of the Board.

C.) Election and Terms:

1.) Election of Board Members by Police Department Members. The Board members who are the retired police department member and the three active department members shall be elected by the police department members. The initial election will be held at the police station within 30 days of the effective date of this ordinance. Thereafter, the elections shall occur at a meeting of the department members held at the police station on the second Monday in February of each year. The initial members of the Board who are active members of the Police Department will serve staggered terms, with one serving a one-year term, one serving a two-year term, and one serving a three-year term, as determined by the Board. Thereafter, these Board members are elected for terms of three years, succeeding those Board members whose terms of office expire on that date. These members hold their offices until their successors are elected and qualified.

2.) Terms of Other Board Members. The terms of the President of the Town Council, Clerk-Treasurer and Police Chief will be the same as the term of their respective offices.

3.) Vacancies. If a vacancy occurs on the Board among the members elected by the departmental members, the police department members shall hold a special meeting upon the call of the Town Council President and elect a successor for the remainder of the vacating member's term.

4.) Notices. Notice of a meeting at which an election will be held by department members must be given to all active police department members at least five days before a meeting.

D.) Officers. The Town Council President serves as the president of the Board, the Clerk-Treasurer serves as its treasurer, and the Board shall elect one member to serve as secretary.

E.) Quorum. A majority of the Board's members shall constitute a quorum for transacting business.

F.) Powers and Duties. The Board shall have all the powers and duties provided under Indiana Law.

G.) Compensation and Reimbursement. The Board members shall not receive payment for their services and shall be paid only their necessary expenses. However, the Board members, the secretary, and each member of the police department selected by the Board shall be paid their necessary traveling expenses from the 1977 fund when acting upon matters pertaining to the fund as recommended by the Pension Board and approved by the Metropolitan Police Commission.

H.) Bylaws and Rules. The Board may make all necessary bylaws or rules for its meetings and all matters relating to the conduct of its business, and it shall keep and maintain records of its business.

SECTION II

Title III, Chapter 34 is also amended in order to add the Police Pension Fund, and this new section will read as follows:

34.35 POLICE PENSION FUND

- A.) **Establishment of Fund.** This is established and created by the McCordsville Metropolitan Police.
- B.) **Source of Funds.** The source of money in this fund will be from payroll deductions for the employer's share and employee's share of pension benefits required by participation in the 1977 Police Pension Fund and any other money appropriated by the Town Council for this fund including but not limited to an initial contribution of \$1000 from the LLE fund.
- C.) **Use of Funds.** The money in this fund will be used only for transfer of money to the 1977 Police Officers' and Firefighter Pension and Disability Fund and other lawful purposes.
- D.) **Non-Reverting Fund.** This is a non-reverting fund.

SECTION III

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

SECTION IV

This ordinance will be effective immediately upon its passage.

SECTION V

Introduced and filed on the 11th day of September, 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.

Approved on passage the 11th day of September, 2018 by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF McCORDSVILLE, INDIANA

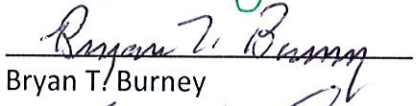
Voting Affirmative:

Voting Opposed:



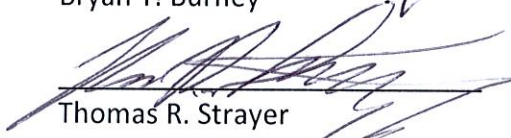
Larry J. Longman

Larry J. Longman



Bryan T. Burney

Bryan T. Burney



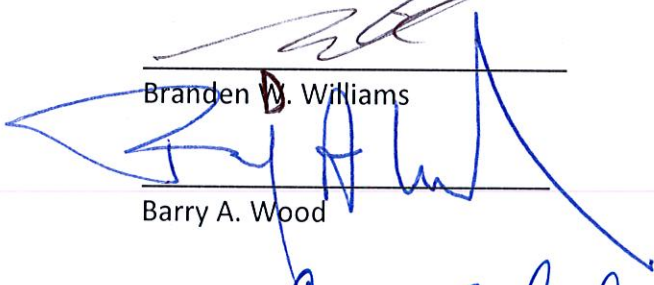
Thomas R. Strayer

Thomas R. Strayer



Branden W. Williams

Branden W. Williams



Barry A. Wood

Barry A. Wood

ATTEST: 

Catherine C. Gardner, Clerk-Treasurer