

## **ORDINANCE 2015-15**

### **AN ORDINANCE TO ESTABLISH A POLICE MERIT SYSTEM**

**WHEREAS**, the issue has been reviewed concerning the power of selection, appointment, promotion, demotion, disciplinary action and dismissal of members of the police department of the town of Nashville, Indiana; and

**WHEREAS**, this power has been historically delegated to the Nashville Safety Board now known as the Nashville Metropolitan Police Commission (Commission); and

**WHEREAS**, the Nashville Metropolitan Police Commission recommends the development of a police merit system whose oversight is delegated to a Police Merit Commission; and

**WHEREAS**, the Police Merit Commission would assume the power of selection, appointment, promotion, demotion, disciplinary action and dismissal of members of the police department of the Town of Nashville, Indiana; and

**WHEREAS**, the establishment of a police merit system by ordinance is authorized by statute.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF NASHVILLE, INDIANA THAT:**

#### **TITLE III – ADMINISTRATION**

#### **CHAPTER 33 – DEPARTMENTS BOARDS and COMMISSIONS**

#### **ARTICLE: POLICE MERIT COMMISSION**

##### **Sec. 33.90. Establishment of Merit System**

There is established for the Nashville Indiana Police Department a police merit system as authorized by Indiana Code chapter 36-8-3.5.

(a) The police merit system will be implemented through appointed and elected merit commissioners as authorized by Indiana Code Chapter 36-8-3.5.

(b) The merit commission will be known as the Nashville Police Merit Commission ("Commission").

##### **Sec. 33.91. Procedure for adoption of the merit system; notice to members of police department**

(a) Before the merit system takes effect, it must be approved by a majority of the active members of the police department in a referendum as set forth in I.C. Sec. 36- 8-3.5-3(a).

(b) Within 60 days after adoption of this ordinance establishing a merit system, the Metropolitan Police Commission must give at least three weeks notice to all active members of police department that a meeting will be held to approve or reject the merit system.

(c) The notice shall be posted in prominent places in all stations of the department. The notice must state the time, place, and purpose of the meeting.

## **ORDINANCE 2015-15**

(d) A copy of the ordinance shall be given to each active member of the department at least one week before the date of the meeting. Only active members of the department may attend the meeting. The active members shall select a chair at the meeting. All voting must be by secret written ballot.

(e) The Commission may determine other procedures for the meeting and post such other procedures along with the notice of the meeting in prominent places in all stations of the department in accordance with I.C. §§ 36-8-3.5-4(b) and (c).

(f) If a majority of active members of the police department approve the merit system, it shall take effect on January 1 following the vote.

### **Sec. 33.92 Commissioners**

(a) Initial appointments to the commission shall be made by March 1 following the January 1 police department approval.

(b) The Commission shall consist of:

1. Three persons, who must be of different political parties, appointed by the Town Council;
2. Two persons, who must be of different political parties, elected by the active members of the department.

(c) Each year, the commissioners shall select a president, vice president and secretary.

(d) Each commissioner must take an oath to conscientiously discharge his or her duties. A signed copy of the oath must be filed with the Commission.

(e) Each commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time as set forth in Indiana Code § 36-8-3.5-7.

### **Sec. 33.93. Budget and Records**

(a) The commission shall submit a proposed annual budget to the Town Council as other budgets of the Town are submitted.

(b) The commission shall keep a permanent record of its proceedings.

### **Sec. 33.94. Powers and Duties**

(a) The Nashville Police Merit Commission will have all of the powers and duties as set out in Indiana Code chapter 36-8-3.5, including but not limited to the power of selection, appointment, promotion, demotion, discipline and dismissal of members of the police department.

(b) Indiana Code § 36-8-3.5-11, which provides that the commission may appoint and remove members of the department except for a member in an upper level policymaking position, is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

(c) Indiana Code § 36-8-3.5-14, which provides that the commission may employ instructors, purchase materials and make other expenditures to provide information for applicants for promotion

## ORDINANCE 2015-15

examinations, is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

(d) Indiana Code § 36-8-3.5-17, which provides that the commission may take the following disciplinary actions against a regular member of the department:

- (1) Suspension with or without pay;
- (2) Demotion; or
- (3) Dismissal

is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

(e) Indiana Code § 36-8-3.5-17, which provides that a member of the police department may be disciplined by the commission if the member is convicted of a crime or the commission finds the member guilty of a breach of discipline as defined in I.C. § 36-8-3.5-17, is specifically adopted as a power of the Commission in accordance with the provisions of that Section.

### **Sec. 33.95. Rules**

(a) Within thirty (30) days after the commission is selected, it shall adopt governing rules, subject to applicable laws, statutes, and ordinances, for its own operation, including time and place of regular monthly meetings and special meetings that are necessary to transact the business of the commission. A majority of the commissioners constitutes a quorum, and a majority vote of all the commissioners is necessary to transact the commission's business.

(b) Within ninety days after the commission is selected, the commission shall adopt rules, subject to applicable laws, statutes, and ordinances, governing the police department, including but not limited to:

- (1) Selection and appointment of persons to be employed as members of the police department;
- (2) Promotions and demotions of members of the police department; and,
- (3) Disciplinary action or dismissal of members of the police department.

(c) Before the required rules are adopted by the commission, the commission shall hold a public hearing. At least ten days before the hearing, the commission shall:

- (1) Publish notice of the hearing in accordance with I. C. § 5-3-1;
- (2) Place one copy of the proposed rules on file in the town clerk's office for inspection by the residents of the Nashville, Indiana; and,
- (3) Forward three copies of the proposed rules to the chief of police to be retained on file in the chief's office for inspection at all times by police department members.

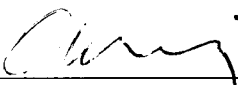
**ORDINANCE 2015-15**

(d) The commission shall adopt rules for determining a performance rating for department members and appeal by department members aggrieved by the rating in accordance with I.C. § 36-8-3.5-15.


(e) The commission shall adopt rules governing promotions of department members in accordance with I.C. §§ 36-8-3.5-13 and 36-8-3.5-16.

This ordinance shall be in full force and effect from and after the first day of January after its passage and signing by the Town Council, and its approval by the majority of active members of the police department as required under Indiana Code Chapter 36-8- 3.5.

**PASSED AND ADOPTED** by the Nashville Town Council this 19th day of NOVEMBER 2015.

  
\_\_\_\_\_  
Council President Charles B. King     yea     nay     abstain

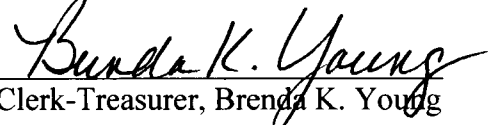
  
\_\_\_\_\_  
Council Vice-President Jane Gore     yea     nay     abstain

  
\_\_\_\_\_  
Council Member Alisha Gredy     yea     nay     abstain

\_\_\_\_\_  
Council Member Arthur Omberg     yea     nay     abstain

  
\_\_\_\_\_  
Council Member Dave Rudd     yea     nay     abstain

ATTEST:

  
\_\_\_\_\_  
Clerk-Treasurer, Brenda K. Young