

ORDINANCE NO. 2024-20

**AN ORDINANCE ESTABLISHING THE
TOWN OF EDINBURGH POLICE PENSION BOARD**

WHEREAS, the Edinburgh Town Marshal and police officers of the Edinburgh Police Department are currently enrolled in and members of the Public Employees' Retirement Fund ("PERF").

WHEREAS, the Edinburgh Town Council ("Town Council") has considered the benefits that the 1977 Police Officers' and Firefighters' Pension and Disability Fund created pursuant to Indiana Code 36-8-8-4 ("1977 Fund") and administered by the Board of Trustees of the Indiana Public Retirement System established by I.C. 5-10.5-3-1 ("System Board") would provide to the Town of Edinburgh's Police Chief and police officers if the Town of Edinburgh were to participate in the 1977 Fund.

WHEREAS, the Town Council was required to abolish the office of Town Marshal in order to enroll its police officers in and participate in the 1977 Fund.

WHEREAS, the Town will adopt the appropriate resolutions that are required for participating units of the 1977 Fund.

WHEREAS, in order to participate in the 1977 Fund, I.C. 36-8-8-2.1(b) requires the establishment of a local board that is composed in the same manner described in I.C. 36-8-6-2(b).

WHEREAS, I.C. 36-8-8 requires a local board to perform duties and make determinations in accordance with the provisions of I.C. 36-8-8.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF EDINBURGH, INDIANA, ORDAINS AND ENACTS THE FOLLOWING:

1. Definitions.

- A. "Police Department" means the Edinburgh Police Department.
- B. "Police Chief" means the Chief of the Edinburgh Police Department and any person specifically designated as the authority in charge by the Police Chief during the Police Chief's absence.
- C. "Local Board" means the Town of Edinburgh Police Pension Board as provided in I.C. 36-8-8-2.1(b) and IC 36-8-6-2(b).
- D. "Member" means a full-time police officer of the Edinburgh Police Department, including the Police Chief.

2. Establishment of Police Pension Board. Pursuant to I.C. 36-8-8-1, et seq., the Town of Edinburgh Police Pension Board ("Local Board") is hereby established.

3. Local Board Membership. The Local Board shall be composed of seven (7) trustees as follows:

- A. President of the Edinburgh Town Council who is an ex officio voting trustee.
- B. Edinburgh Clerk-Treasurer, who is an ex officio voting trustee.
- C. Police Chief who is an ex officio voting trustee.
- D. One (1) retired member of the Police Department, elected for the term and in the manner provided below.
- E. Three (3) active Members elected for the terms and in the manner provided below.

4. Initial Election of Trustees. The terms of the initial Local Board trustees shall be as follows:

- A. The first election of the active Member trustee and the retired member trustee shall be held within thirty (30) days of the effective date of this Ordinance at a meeting of the Members at the Town's police station.
- B. The Police Chief shall post a notice in at least one (1) prominent location at the police station setting the date, time, and place of the meeting to nominate candidates and elect trustees of the Local Board. The notice shall be posted at least forty-eight (48) hours before the scheduled meeting.
- C. At this meeting, the Members of the Police Department shall nominate candidates from among the active Members of the Police Department for election to the Local Board. Immediately thereafter, the Members shall vote for three (3) active candidates. The three (3) active member candidates with the most votes shall serve as Trustees of the Local Board.
- D. At this same meeting, the Members of the Police Department shall also nominate candidates from among retired members of the Police Department for election to the Local Board. Immediately thereafter, the Members shall vote for one retired member candidate. The one retired member of the Police Department with the most votes shall serve as Trustee of the Local Board.
- E. The active member Trustees will serve staggered terms as determined by lot. One will serve a one (1) year term. One will serve a two (2) year term. One will serve a three (3) year term. Thereafter, the active members are elected for three-year terms in the manner provided in Section 5, below.
- F. The retired member shall be elected for a term of three (3) years.

5. Election of Trustees.

- A. Upon expiration of the terms of the initial Local Board trustees, the retired member trustees and the active Member trustee shall be elected by the Members.
- B. An election shall be held every year after the Local Board is established at a meeting of the members of the Police Department at the Town's police station on the second Monday in February.
- C. Trustees are elected for three-year terms, succeeding those trustees whose terms of office expire on that date.
- D. Trustees hold their offices until their successors are elected and qualified.

6. Management by Board of Trustees

- A. If a vacancy occurs on the Local Board among those trustees elected by the Police Department, the Police Department shall, within a reasonable time, hold a special meeting upon the call of the Town Council President and elect a successor for the remainder of the trustee's term.
- B. A majority of all the trustees constitutes a quorum for the transaction of business.
- C. Trustees receive no pay for their services and shall be paid only their necessary expenses.
- D. Trustees shall be paid their necessary traveling expenses when acting upon matters pertaining to the 1977 Fund.
- E. The Local Board may make all necessary bylaws for:
 - i. Meetings of the trustees and
 - ii. The manner of their election, including the counting and canvassing of votes.
 - iii. All other matters connected with the proper execution of their duties.

7. Local Board Officers.

- A. The Town Council President is the President of the Local Board.
- B. The Edinburgh Clerk-Treasurer is the Treasurer of the Local Board.

- C. The Local Board shall select one of its members as the Secretary.
- D. The President shall preside over all meetings of the Local Board.
- E. The Secretary shall keep a true account of the proceedings of the Local Board and of the Police Department when acting upon matters relating to the 1977 Fund, and turn over to the secretary's successor all books and papers pertaining to the office.
- F. The Secretary shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the secretary's duties.

8. Employment Standards for Police Officers.

- A. The Edinburgh Metropolitan Board of Police Commissioners, as the appointing authority of police officers, shall adopt standards for police officers establishing a physical agility test that:
 - i. Does not discriminate on the basis of sex;
 - ii. Reflects the essential functions of the job;
 - iii. At a minimum includes testing required by I.C. 36-8-3.2-3.5(a)(3), as amended, including the following:
 - 1. Muscular strength;
 - 2. Muscular endurance;
 - 3. Cardiovascular endurance; and
 - 4. Musculoskeletal flexibility.
- B. The Edinburgh Metropolitan Board of Police Commissioners may also adopt standards for police officers establishing a general aptitude test.
- C. The physical agility test standards and the general aptitude standards required by I.C. 36-8-3.2-3.5 must be presented to the law enforcement training board established under I.C. 5-2-1-3 for review, as required by I.C. 36-8-3.2-3.5(c).
- D. The Edinburgh Metropolitan Board of Police Commissioners, or its designee, shall administer the agility and aptitude tests to applicants and shall certify the results to the Local Board before extending an offer of employment.
- E. The Town of Edinburgh's administration of employment standards for police officers shall be in a manner that is consistent with the Americans with Disabilities Act, to the extent required by the Act.
- F. The Edinburgh Metropolitan Board of Police Commissioners may establish additional standards as a condition of employment which shall be in addition to the standards required by I.C. 36-8-8-19 and the standards identified by I.C. 36-8-3.2-3.5, set forth above.

9. Powers and Duties. Pursuant to I.C. 36-8-8 and I.C. 36-8-3.2, the Local Board shall have the following powers and duties:

- A. The Local Board shall make all rules necessary for the discharge of its duties and shall hear and make all determinations required by the laws of the State of Indiana.
- B. Certify to the System Board that an applicant to become a police officer has passed the minimum agility and aptitude tests set forth in I.C. 36-8-3.2.
- C. Certify to the System Board the results of the baseline statewide physical examination and the baseline statewide mental examination.
- D. Submit the certification of the results of the baseline statewide physical examination within six (6) months of the date of the examination, as required by 35 IAC 2-9-5(c).
- E. Conduct hearings under I.C. 36-8-8-12.7 to determine whether a member of the 1977 Fund has a covered impairment as defined by IC. 36-8-8-12.3.
- F. Make determinations required by I.C. 36-8-8-12.5 as to whether the fund member has a Class 1, Class 2, or Class 3 impairment.

- G. Conduct hearings and make determinations concerning impairments or disability under I.C. 36-8-8-12.7 and make the recommendations to the System Board.
- H. If the Local Board determined that a covered impairment exists and the safety board (Edinburgh Metropolitan Board of Police Commissioners) has determined that there is no suitable and available work within the Police Department, considering reasonable accommodation to the extent required by the Americans with Disabilities Act, or if the fund member has filed an appeal under I.C. 36-8-8-12.7(o), the Local Board shall submit its determinations and the safety board's determination to the System Board's director.
- I. Make determinations, pursuant to I.C. 36-8-8-13.5 concerning impairments and forward determinations to the System Board as required by I.C. 36-8-8-13.5.
- J. Review a fund member's impairment pursuant to I.C. 36-8-8-13.7.
- K. Make determinations under I.C. 36-8-8-13.8 and 14.1 when a Member dies.
- L. Designate a community mental health center or a managed care provider (as defined in I.C. 12-7-2-127(b)), a hospital, a licensed physician, or a licensed psychologist to administer the baseline statewide mental examination, pursuant to I.C. 36-8-8-19(c). The examining physician must have no pre-existing personal relationship with the applicant. The results of the mental examination shall be interpreted by a licensed physician or a licensed psychologist.
- M. Determine the standards for passing the baseline statewide mental examination, pursuant to I.C. 36-8-8-19(c) and 35 IAC 2-9-4(c).
- N. Name the physician(s) who will conduct the statewide physical examination and mental examination, pursuant to I.C. 36-8-8-19(e).
- O. Determine whether a candidate passes the additional local physical and mental standards, if any, established by the Town Council pursuant to I.C. 36-8-3.2-6.
- P. Issue subpoenas, discovery orders, and protective orders in accordance with the Indiana Rules of Trial Procedure to facilitate the receipt of accurate and original documents necessary for the proper administration of I.C. 36-8-8.
- Q. The Local Board shall have the powers and duties granted by the Indiana General Assembly from time to time.

10. Police Pension Fund. The Edinburgh Police Pension Fund is hereby established.

- A. The source of money for the Edinburgh Police Pension Fund will be payroll deductions for the employer's share and the employee's share of pension benefits required for participation in the 1977 Fund, and any other money appropriated by the Town Council for this fund.
- B. The fund shall be used only for the transfer of the employer contributions required by I.C. 36-8-8-6 and the employee contributions required by I.C. 36-8-8-8 into the 1977 Fund and for any other purpose required by I.C. 36-8-8.
- C. This is a non-reverting fund.

11. Construction of Clause Headings. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

12. Repeal of Conflicting Ordinances. The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.

13. Severability of Provisions. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.

14. **Duration and Effective Date.** The provisions set forth in this ordinance become and will remain in full force and effect (until their repeal by ordinance) on the day of passage and adoption of this ordinance by signature of the executive in the manner prescribed by I.C. 36-5-2-10.

INTRODUCED on the 14th day of **October, 2024.**

DULY PASSED on this 28th day of October, 2024, by the Town Council of the Town of Edinburgh, Indiana, having been passed by a vote of 5 in Favor and 0 Opposed.

EDINBURGH TOWN COUNCIL



Ryan Piercefeld, Council President



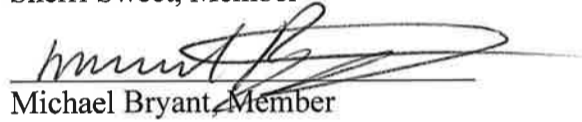
Miriam Rooks, Vice President




Debbie Buck, Member



Sherri Sweet, Member



Michael Bryant, Member

ATTEST:


Rhonda Barrett, Clerk-Treasurer