

ORDINANCE 2024-28
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA

AN ORDINANCE ESTABLISHING A MERIT SYSTEM FOR THE ZIONSVILLE POLICE
DEPARTMENT

WHEREAS, the Indiana legislature recently enacted Ind. Code § 36-8-3.5-5.5, which states that local governments that have a police department with at least twelve (12) paid members, serve a geographical area that has a population of at least twenty thousand (20,000) people and have not established a merit system are required to either establish a merit system for its eligible department or affirmatively opt out of creating said merit system; and

WHEREAS, the Town of Zionsville Police Department (“Department”) has more than twelve (12) paid members and serves a geographical area that contains more than twenty thousand (20,000) people; and

WHEREAS, the Town Council of the Town of Zionsville, Indiana now finds that public safety within the Town would be best served by establishing a merit system for the Department pursuant to Ind. Code § 36-8-3.5-1 *et seq.*

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

Section 1: The foregoing Recitals are incorporated herein by this reference.

Section 2: Title III, Chapter 31, Section 31.29 is hereby added to the Town of Zionsville Code of Ordinances and shall read as follows:

“§ 31.29 POLICE DEPARTMENT MERIT SYSTEM

(A) *Establishment of Zionsville Police Department Merit System.* Effective January 1, 2025, a merit system is hereby established for the Zionsville Police Department ("Department") to govern the selection and appointment of persons to be employed as members of the Department, and to govern the promotion, demotion, discipline and dismissal of members of the Department, all in accordance with the terms and provisions of Ind. Code § 36-8-3.5-1 *et seq.*, which are hereby adopted in their entirety and constitute the basis for the merit system established by this section.

(B) *Police Department Merit Commission.* The Town of Zionsville Police Department Merit Commission (“Commission”) is hereby established to administer the Department

merit system. The Commission shall consist of five (5) Commissioners, including two (2) persons, who must be of different political parties, appointed by the Mayor, two (2) persons, who must be of different political parties, elected by the active Department members, and one (1) person appointed by the Town Council.

(C) Commissioner Requirements.

- (1) Each Commissioner must be: 1) at least twenty-one (21) years of age; 2) of good moral character; and 3) a legal resident of the Town for at least three (3) consecutive years before his or her term.
- (2) A Commissioner may not be an active member of the Department and not more than two (2) Commissioners may be past members of a police or fire department or agency.
- (3) A Commissioner may not receive any remuneration as salary from the Town.
- (4) Each Commissioner shall take an oath of office to conscientiously discharge his or her duties, a signed copy of which shall be filed with the Board of Metropolitan Police Commissioners.
- (5) The Town Council may, upon the recommendation of the Board of Metropolitan Police Commissioners, determine a per diem to be paid to each commissioner for each day of actual service for the commission.

(D) Commissioner Terms.

- (1) The term of a Commissioner is four (4) years. However, one of the Mayor's and one of the Department's initial appointees shall serve for two (2) years. Thereafter, terms for said initial appointees shall be four (4) years. Commissioners shall holdover until their successor is qualified and appointed.
- (2) A vacancy on the Commission shall be filled within thirty (30) days by the appointing or electing authority, and such selection is for the remainder of the unexpired term.
- (3) A Commissioner serves at the pleasure of the appointing or electing authority and may be removed at any time pursuant to Ind. Code § 36-8-3.5-7.

(E) Merit Ranks. The order of merit ranks will be officer, sergeant and lieutenant.

Members of the Department who hold the rank of officer, sergeant or lieutenant as of December 31, 2024, shall retain that rank and be considered merit officers, sergeants or lieutenants. Years of service in the rank of officer shall accrue from date the officer's probationary period was completed. The years of service for sergeants and lieutenants will accrue from their original date of promotion to said position.

(F) *Hiring and Promotion Lists.* Hiring and promotion lists in effect on December 31, 2024, shall remain in effect for one year from the date on which they were first accepted.

(G) *Upper Level Policymaking Positions.* An upper level policymaking position refers to the position held by the Police Chief and to each position held by members of the Department in the next rank and pay grade immediately below the Police Chief.

(1) The Police Chief is appointed by the Mayor. As a Department Head of the Town, the Police Chief may only be removed pursuant to the procedures set forth in Reorganization section ZR2A24.

(2) The Police Chief shall appoint and may remove the other upper level policymaking positions within the Department.

(3) The removal of a member from an upper level policymaking position is removal from that rank only, not removal from the Department. When a member is removed from an upper level policymaking position, the member shall be appointed by the Commission to the merit rank in the Department that the member held at the time of the member's upper level policymaking position appointment or to any rank to which the member had been promoted during the member's tenure in the upper level policymaking position. If such a rank is not open, the member is entitled to the pay of that rank and shall be promoted to that rank as soon as an opening is available.

(H) *Ratification of Merit System.* The establishment of a merit system by this section is subject to the approval of the merit system by a majority of the active members of the Department. A meeting of the active members of the Department for the purpose of their voting by secret ballot to accept or reject the merit system shall be convened within sixty (60) days after the adoption of this ordinance pursuant to Ind. Code § 36-8-3.5-4."

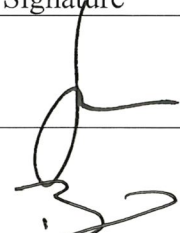
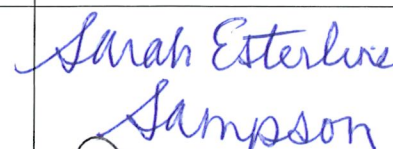
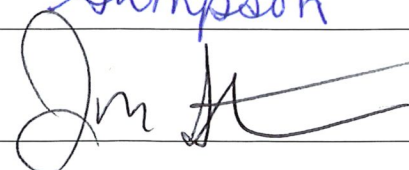
Section 3: If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 4: The provisions of this Ordinance shall take effect following the date of its passage and action by the Town Council and the Mayor in the manner prescribed by Reorganization section ZR2A18 and shall remain in full force and effect until amended or repealed by ordinance of the Town Council.

Introduced and filed on the 4th day of November, 2024. A motion to consider on First Reading was sustained by a vote of 7 in favor and 0 opposed, pursuant to Ind. Code § 36-5-2-9.8.

SO ORDAINED, this 18th day of November, 2024, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

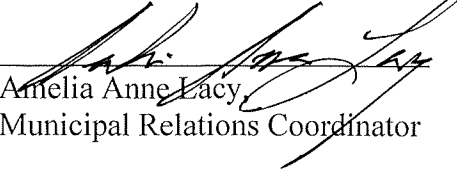
**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA Signature	NAY Signature
Jason Plunkett, President		
Brad Burk, Vice-President		
Tim McElderry, Member		
Craig Melton, Member		
Evan Norris, Member		
Sarah Esterline Sampson, Member		
Joseph Stein, Member		

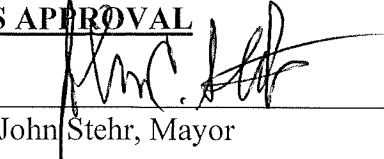
Ordinance 2024-28

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville Mayor John Stehr on the 18th day of November, 2024, at 11⁰⁰ ~~A~~.m.

ATTEST:


Amelia Anne Lacy
Municipal Relations Coordinator

MAYOR'S APPROVAL


John Stehr, Mayor

11-18-2024
Date

This Ordinance was prepared by Jon Oberlander, Chief Legal Counsel, on 9/11/2024 at 1:53 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.