

ORDINANCE 2024-29
OF THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, INDIANA

AN ORDINANCE ESTABLISHING A MERIT SYSTEM
FOR THE ZIONSVILLE FIRE DEPARTMENT

WHEREAS, the Indiana legislature recently enacted Ind. Code § 36-8-3.5-5.5, which states that local governments that have fire departments with at least twelve (12) paid members, that serve a geographical area that has a population of at least twenty thousand (20,000) people and that 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 Fire 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 ("Town Council") now finds that public safety within the Town will 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 31.28 is hereby added to the Town of Zionsville Code of Ordinances and shall read as follows:

"§ 31.28 FIRE DEPARTMENT MERIT SYSTEM

(A) *Establishment of Zionsville Fire Department Merit System.* Effective January 1, 2025, a merit system is hereby established for the Zionsville Fire 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) *Fire Department Merit Commission.* The Town of Zionsville Fire

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 Safety Board.
- (5) The Town Council may, upon the recommendation of the Safety Board, 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 initial appointees 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 merit ranks will be: firefighter, engineer, lieutenant and captain. Members of the Department who hold the rank of firefighter, engineer, lieutenant or

captain as of December 31, 2024, (see attached Exhibit A) shall retain that rank and be considered merit firefighters or fire officers. Years of service in the rank of firefighter shall accrue from date the firefighter's probationary period was completed. The years of service for officers will accrue from the officer's original date of promotion.

(F) *Hiring and Promotion Lists.* Hiring and promotion lists in effect on December 31, 2024, shall remain in effect for two years 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 Fire Chief and to each position held by members of the Department in the next rank and pay grade immediately below the Fire Chief.

- (1) The Fire Chief is appointed by the Mayor. As a Department Head of the Town, the Fire Chief may only be removed pursuant to the procedures set forth in Reorganization section ZR2A24.
- (2) The Fire 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) *Administrative Appointment Positions.* An administrative appointment positions refer to positions held by members of the Department in specialty assignments in the fire department administration or as an operations Battalion Chief as approved in the salary ordinance.

- (1) The Fire Chief shall appoint and may remove administrative

appointment positions within the Department.

- (2) The removal of a member from an administrative appointment position is removal from that rank only, not removal from the Department. When a

member is removed from an administrative appointment 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 administrative appointment or to any rank to which the member had been promoted during the member's tenure in the administrative appointment 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.

- (I) *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.

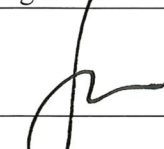
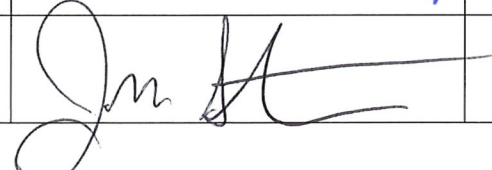
Section 4: The provisions of this Ordinance shall take effect following the date of its passage and action by the Town Council and the Mayor in the manner prescribed by Reorganization section ZR2A18 and shall remain in full force and effect until amended or repealed by ordinance of the Town Council.

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.

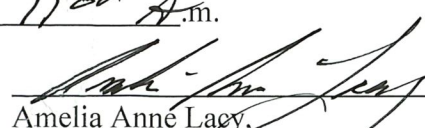
Ordinance 2024-29

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.

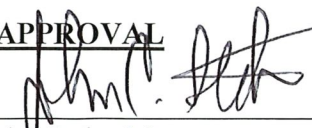
TOWN COUNCIL OF THE TOWN OF
ZIONSVILLE, BOONE COUNTY,
INDIANA

	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		

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 11:00 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 1:18 p.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.

EXHIBIT A

Members of the Department who hold the rank of firefighter as of December 31, 2024.

<u>Name</u>	<u>Date of Appointment</u>	<u>Name</u>	<u>Date of Appointment</u>
Milan J. Vlha	4/1/2007	Jarrett Vardaman	6/17/2019
Steve Gilliam	4/1/2007	Benjamin Shircliff	7/30/2019
Lowell S. Daugherty	4/1/2007	Blake Dougherty	3/5/2020
Kenneth B. Havlin	8/31/2008	Jeremy Anker	5/19/2021
Justin Spivey	12/17/2009	Garry Stutzman III	5/19/2021
Benjamin Johnson	12/17/2009	Andrew Demaree	10/1/2021
Robert Coonfield	12/17/2009	Luka Skudrzik	4/8/2022
Samuel Alley	9/5/2012	Raymond Kline	4/4/2022
Sean Mitchell	5/8/2013	Brian Blazak	4/7/2022
Derrick Pulse	12/2/2013	Elizabeth Campbell	3/28/2022
Jackie Anderson	2/24/2014	Kevin Eggert	3/28/2022
Jacob Bledsoe	4/19/2014	Kaia Warner	5/18/2022
Daniel McRoberts	10/20/2015	Mason Bolduc	8/12/2022
Logan Beam	1/3/2017	Austin Benner	8/12/2022
Kellen Holt	1/20/2017	Trey Cobb	2/27/2023
Jason Powell	3/20/2017	Jesse Felmy	3/6/2023
Abdullakh Abamislimov	3/20/2017	Austin Alcorn	3/6/2023
Dillon Rapp	3/20/2017	Xavier Davis	2/27/2023
Tad Henderson	3/20/2017	Jonathan Rollins	2/27/2023
Tre Schmitt	3/20/2017	Andrew Schulten	12/27/2023
Neil Valestin	10/1/2017	Adam Masters	12/27/2023
Evan Latty	11/6/2017	Douglas Bagg	12/27/2023
Shelby Freese	4/16/2018	John Adolay	1/4/2024
David Martin	1/7/2019	Zach Prickett	12/27/2023
Sean Rumple	3/11/2019	Thomas Bullock	1/10/2024
Nathan Oakes	3/11/2019	Luke Miller	4/29/2024

EXHIBIT A

Members of the Department who hold the rank of Engineer as of December 31, 2024.

<u>Name</u>	<u>Date of Appointment</u>
Scott E. Plummer	9/16/2015
Bennii Shore	7/1/2016
Matthew Petro	2/19/2017
Harley M. Griswold	5/6/2018
Andrew Cammarata	9/26/2021
Joseph S. Weder	9/26/2021
John Ball	8/20/2023
Joseph Goltz	8/20/2023
Edward Frank	7/21/2024
Dustin Campins	11/24/2024
Andrew Phelps	11/24/2024
Matt Coyner	11/24/2024

EXHIBIT A

Members of the Department who hold the rank of Lieutenant as of December 31, 2024.

<u>Name</u>	<u>Date of Appointment</u>
Josh Frost	12/16/2012
Stephen Hayes	12/16/2012
Scott C. Peters	12/16/2012
Mitch Young	2/19/2017
Benjamin Box	5/6/2018
Aaron Gibbons	7/21/2019
Casey Curtis	9/1/2019
Walter Leverich	8/28/2022
Robert Smith	8/20/2023
Matthew Quigley	8/20/2023
Ryan Luttrull	8/20/2023
Steve Snider	8/20/2023

EXHIBIT A

Members of the Department who hold the rank of Captain as of December 31, 2024.

<u>Name</u>	<u>Date of Appointment</u>
James C. VanGorder	3/31/2007
Brian K Miller	4/1/2007
David M. Kail	10/1/2013
Gregory T. Scales	10/1/2013
Jason B. Potts	10/1/2013
Ryan Sparks	7/16/2017
Lance A. Turner	7/16/2017
Elliot Russell	4/16/2018