

TOWN OF YORKTOWN, INDIANA

ORDINANCE # \_\_\_\_\_

A PROPOSAL FOR AN ORDINANCE ESTABLISHING A MERIT SYSTEM FOR THE  
POLICE DEPARTMENT OF THE TOWN OF YORKTOWN, INDIANA

*Whereas*, the Town of Yorktown, Indiana desires to create a system which promotes fairness and equal opportunity for its police officers in hiring and promotions as well as disciplinary matters; and

Whereas, the statutes of the State of Indiana lay out a process for creating a Police Merit Commission which accomplishes these objectives;

**NOW, THEREFORE BE IT ORDAINED** BY THE COMMON COUNCIL OF THE TOWN OF YORKTOWN, INDIANA as follows:

1. The Town of Yorktown hereby exercises the power of establishing a merit system for the full-time, paid Police Department of the Town of Yorktown under Indiana Code §36-8-3.5-1 et seq. The provisions contained herein shall apply only to the full-time, paid Police Department of the Town of Yorktown and not to any Town of Yorktown volunteer, reserve, or other special component or components of the Police Department whose members are not full-time, paid members of the Police Department.
2. In all respects the merit system provided for herein shall be governed by Ind. Code §36-8-3.5-1 et seq. including, without implication of limitation, the following specific provisions as from time to time amended by the General Assembly of the State of Indiana:
  - a. The Commission shall consist of five (5) Commissioners who shall be appointed as follows:
    - i. two (2) persons, who must be of different political parties, appointed by the Council President;
    - ii. one (1) person appointed by the Common Council; and
    - iii. two (2) persons, who must be of different political parties, elected by the active members of the Yorktown Police Department.
  - b. The Commissioners shall further meet the qualifications laid out in Ind. Code 36-8-3.5-6 and serve for the terms provided for pursuant to Ind. Code §36-8-3.5-7.
  - c. The Commission shall adopt rules for its governance as provided by Ind. Code §36-8-3.5-9 and adopt rules for the selection and appointment of persons to be employed as members of the Police Department, promotions and demotions of

members of the Police Department, and disciplinary action or dismissal of members of the Police Department pursuant to Ind. Code §36-8-3.5-10; Those rules shall follow the provisions of Ind. Code §§ 36-8-3.5-11 through 17.

3. Within sixty (60) days after the adoption of this ordinance, notice shall be given to all active, full time, paid members of the Yorktown Police Department that a meeting will be held to approve or reject the merit system. The notice shall be given at least three (3) weeks prior to the scheduled meeting and shall be posted, indicating the date, time, place, and purpose of the meeting, in prominent places in Town Hall and in any and all locations of roll call. Only those active, full time, paid members of Yorktown Police Department may attend the meeting. The members shall select one person amongst themselves to chair the meeting. All voting must be by secret written ballot.
4. A copy of this ordinance shall be distributed to each active, full time, paid member of the department at least one (1) week prior to the meeting referenced in section 3.
5. This ordinance is subject to ratification by a majority of the active members of the Yorktown Police Department. If a majority vote to approve the merit system, it goes into effect, pursuant to IC 36-8-3.5-4(d), as of January 1, 2023. If a majority do not vote to approve, this ordinance shall be of no force and effect.

Approved by the Town Council of Yorktown this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Lon Fox, Town Council President

ATTEST:

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Lance Turner, Town Clerk/Treasurer