

**FIRE SPECIAL SERVICE DISTRICT COUNCIL  
INDIANAPOLIS, MARION COUNTY, INDIANA  
SPECIAL MEETING  
Monday, November 22, 1982**

A Special Meeting of the Fire Special Service District Council of Indianapolis, Marion County, Indiana, convened in the Council Chambers of the City-County Building at 7:27 p.m., Monday, November 22, 1982. President Stewart in the Chair.

**ROLL CALL**

The Chair instructed the Clerk to take the roll. Twenty members being present, she announced a quorum.

*PRESENT: Borst, Boyd, Brinkman, Campbell, Durnil, Hawkins, Holmes, Howard, Journey, McGrath, Nickell, Page, Rader, Rhodes, Sawyers, Stewart, Strader, Tintera, Vollmer, West*

**OFFICIAL COMMUNICATIONS**

The Chair called for the reading of Official Communications. The Clerk read the following:

**TO THE MEMBERS OF THE FIRE SPECIAL SERVICE DISTRICT  
COUNCIL OF INDIANAPOLIS-MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

You are hereby notified that there will be a **SPECIAL MEETING** of the Fire Special Service District Council held in the City-County Building, in the Council Chambers, on Monday, November 22, 1982, at 6:40 p.m. The purpose of such MEETING being to conduct any and all business that may properly come before the special meeting of the Council.

Respectfully,

s/Betty Stewart, President  
Fire Special Service District Council

**TO THE HONORABLE PRESIDENT AND MEMBERS OF THE  
FIRE SPECIAL SERVICE DISTRICT COUNCIL OF THE CITY  
OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the Indianapolis NEWS and the Indianapolis COMMERCIAL on November 11 and 18, 1982, a copy of NOTICE TO TAXPAYERS of a Public Hearing on Fire Special Service District Fiscal Ordinance No. 4, 1982, to be held on Monday, November 22, 1982, at 6:40 p.m., in the City-County Building.

Respectfully,

s/Beverly S. Rippy  
City Clerk

**TO THE HONORABLE PRESIDENT AND MEMBERS OF  
THE FIRE SPECIAL SERVICE DISTRICT OF THE CITY OF  
INDIANAPOLIS AND MARION COUNTY, INDIANA:**

Ladies and Gentlemen:

I have this day approved with my signature and delivered to the Clerk of the Fire Special Service District, Mrs. Beverly S. Rippy, the following resolution:

**SPECIAL RESOLUTION NO. 2, 1982, authorizing the officers of the Fire Special Service District to appeal to the State Board of Tax Commissioners for an increase in the tax rate and levy as fixed by the County Board of Tax Adjustment and for an approval of a tax rate and levy sufficient to fund certain appropriations as originally submitted to the Marion County Board of Tax Adjustment.**

Respectfully submitted,

s/William H. Hudnut, III  
Mayor

**CORRECTION OF THE JOURNAL**

The Chair called for additions or corrections to the Journal of November 8, 1982. There being no additions or corrections to the Journal, the minutes were approved as distributed.

**SPECIAL ORDERS, PUBLIC HEARING**

F.S.S.D. F.O. NO. 4, 1982. Councillor Holmes reported that this proposal authorizes the issuance of tax anticipation time warrants for the Consolidated Fire Force Account and the Firemen's Pension Fund. The Public Safety and Criminal Justice Committee recommended passage by a vote of 4-0 on November 17, 1982. The President called for public testimony at 7:29 p.m. There being no one present to testify, Councillor Holmes moved, seconded by Councillor Howard, for adoption. F.S.S.D. F.O. NO. 4, 1982, was adopted on the following roll call vote; viz:

*18 YEAS: Borst, Boyd, Brinkman, Campbell, Durnil, Hawkins, Holmes, Howard, Journey, McGrath, Page, Rader, Rhodes, Sawyers, Stewart, Strader, Vollmer, West*  
**NO NAYS**

*2 NOT VOTING: Nickell, Tintera*

**FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1982, reads as follows:**

**FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 4, 1982**

**A FISCAL ORDINANCE approving temporary tax anticipation borrowing and authorizing temporary loans for the use of the Consolidated Fire Force Account and the Firemen's Pension Fund during the period January 1, 1983, to June 30, 1983, in anticipation of current taxes levied in the year 1982, and collectible in the year 1983, authorizing the issuance of tax anticipation time warrants to evidence such loans; pledg-**

ing and appropriating the taxes to be received in said Account and Fund to the payment of said tax anticipation time warrants including the interest thereon; and fixing the time when this ordinance shall take effect.

WHEREAS, the Controller has represented and the Special Service District Council of the Fire Special Service District of the City of Indianapolis now finds that there will be insufficient funds in the Consolidated City Fire Force Account to meet the current expenses payable from said Account prior to June, 1983, distribution of taxes levied for said Account; and

WHEREAS, the June, 1982, distribution of taxes to be collected for said Consolidated City Fire Force Account will amount to more than seven million dollars (\$7,000,000) and the interest cost of making a temporary loan for said Consolidated City Fire Force Account; and

WHEREAS, the Controller has represented and the Special Service District Council of the Fire Special Service District now finds that there will be insufficient funds in the Firemen's Pension Fund to meet the current expenses for the payment of pensions and benefits to retired members and dependents of deceased members and other death benefits payable from said Fund prior to the June, 1983, distribution of taxes levied for said Fund; and

WHEREAS, the June, 1983, distribution of taxes collected for said Firemen's Pension Fund will amount to more than one million nine hundred thousand dollars (\$1,900,000) and the interest cost of making a temporary loan for said Firemen's Pension Fund; and

WHEREAS, a necessity exists for the making of temporary loans for said Account and Fund in anticipation of current revenues for said Account and Fund actually levied and in course of collection for the year 1983; now, therefore:

**BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL  
OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:**

SECTION 1. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Consolidated City Fire Force Account of said City in the amount of seven million dollars (\$7,000,000) in anticipation of current tax revenues actually levied and in course of collection for said Account for the year 1983, which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate or rates per annum not to exceed the maximum rate provided by law, the exact rate or rates of interest to be determined by competitive bidding at advertised public sale as hereinafter provided, and said warrants to be substantially in the form set forth in Section 4. Said warrants shall be dated as of the date or dates of delivery of said warrants and the interest accruing on the warrants to the date of maturity shall be added to and included in the face value of the warrants. Said warrants shall mature and be payable on June 28, 1983. Said warrants including interest shall be payable from the Consolidated City Fire Force Account, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Consolidated City Fire Force Account from the June, 1983 distribution of taxes for said Consolidated City Fire Force Account, viz. seven million dollars (\$7,000,000) to the 1983 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and to the 1983 Budget Fund No. 087, Character 3, Other Services and Charges, Interest (Temporary Loans) the amount of interest on said principal computed from the date or dates of said warrants to the date of maturity at the interest rate or rates bid by successful bidder or bidders for said warrants.

SECTION 2. The City of Indianapolis is authorized to borrow on a temporary loan for the use and benefit of the Firemen's Pension Fund of said City the amount of one million nine hundred thousand dollars (\$1,900,000) in anticipation of current tax revenues actually levied and in course of collection for said Fund for the year 1983, which loan shall be evidenced by tax anticipation time warrants bearing interest at a rate or rates of interest to be determined by competitive bidding at advertised public sale as hereinafter

provided and said warrants to be substantially in the form set forth in Section 4. Said warrants shall be dated as of the date or dates of delivery of said warrants and the interest accruing on the warrants to the date of maturity shall be added to and included in the face value of the warrants. Said warrants shall mature and be payable on June 28, 1983. Said warrants including interest shall be payable from the Firemen's Pension Fund, and there is hereby appropriated and pledged to the payment of said warrants including interest a sufficient amount of the current revenues to be received in said Firemen's Pension Fund from the June, 1983 distribution of taxes for said Firemen's Pension Fund, viz., one million nine hundred thousand dollars (\$1,900,000), to the Firemen's Pension 1983 Budget Payment of Temporary Loans (hereby created) for the payment of the principal of the warrants evidencing such temporary loan, and to the Firemen's Pension Fund 1983 Budget Fund No. 088, Character 3, Other Services and Charges, Interest (Temporary Loans) the amount of interest of said principal computed from the date or dates of said warrants to the date of maturity at the interest rate or rates bid by the successful bidder or bidders for said warrants.

SECTION 3. Said tax anticipation time warrants shall be executed in the name of the City of Indianapolis by the Mayor of said City, countersigned by the Controller of said City, the corporate seal of said City to be affixed thereto and attested by the Clerk. Said warrants shall be payable at the office of the Marion County Treasurer, ex officio Treasurer of the City of Indianapolis.

SECTION 4. Said tax anticipation time warrants shall be issued in substantially the following form (all blanks, including the appropriate Fund or Account, amounts, dates, statutory citations, and other data, to be properly completed prior to the execution and delivery thereof):

No. \_\_\_\_\_ Principal and Interest \$ \_\_\_\_\_

CITY OF INDIANAPOLIS  
TAX ANTICIPATION TIME WARRANT  
\_\_\_\_\_ (FUND) (ACCOUNT)

On the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, the City of Indianapolis, in Marion County, Indiana, promises to pay to the bearer, at the office of the Marion County Treasurer, ex officio Treasurer of the City of Indianapolis, the sum of \_\_\_\_\_ including interest on the principal amount of this warrant from the date hereof to maturity, payable out of and from taxes levied in the year 19\_\_, and payable in the year 19\_\_, which said taxes are now in course of collection for the \_\_\_\_\_ (FUND) (ACCOUNT) of the City of Indianapolis, with which to pay general and current operating expenses of \_\_\_\_\_.

This Tax Anticipation Time Warrant is one of a series of warrants aggregating a sum of \_\_\_\_\_ exclusive of interest added thereto to maturity, evidencing a temporary loan in anticipation of taxes levied and in course of collection for the (FUND)(ACCOUNT) of said City.

Said temporary loan was authorized by an ordinance duly adopted by the \_\_\_\_\_ of the City of Indianapolis, at (a) meeting(s) thereof duly and legally convened and held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_, for the purpose of providing funds for the \_\_\_\_\_ (FUND) (ACCOUNT) of said City of Indianapolis, in compliance with I.C. 36-3-4-22.

The consideration of said warrant is a loan made to the City of Indianapolis in anticipation of taxes levied for the \_\_\_\_\_ (FUND) (ACCOUNT) of said City for the year 19\_\_, payable in the year 19\_\_, and said taxes so levied are hereby specifically appropriated and pledged to the payment of said Tax Anticipation Time Warrants.

It is hereby certified and recited that all acts, conditions, and things required to be done precedent to the authorization, preparation, complete execution, and delivery of said warrants have been done and performed as provided by law.

IN WITNESS WHEREOF, the City of Indianapolis has caused this warrant to be signed in its corporate name by its Mayor and attested by the Clerk of the City-County Council, the corporate seal of said City hereunto affixed, and countersigned by the Controller of the City of Indianapolis.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

CITY OF INDIANAPOLIS

By: \_\_\_\_\_  
Mayor of the City of Indianapolis

COUNTERSIGNED:

By: \_\_\_\_\_  
Controller of the City of Indianapolis

ATTEST:

By: \_\_\_\_\_  
Clerk of the City-County Council

(SEAL)

SECTION 5. The Controller is hereby authorized and directed to have said tax anticipation time warrants prepared, and the Mayor, the Controller, and the Clerk are hereby authorized and directed to execute said tax anticipation time warrants in the manner and substantially the form hereinbefore provided. The Controller shall sell said warrants at public sale. Prior to the sale of said warrants, the Controller shall cause to be published a notice of sale once each week for two consecutive weeks in two newspapers of general circulation, printed in the English language and published in the City of Indianapolis, as provided by law. All bids for said warrants shall be sealed and shall be presented to the Controller at his office, and all bids shall name a separate rate of interest for each issue of warrants, or portion thereof bid for, of each Fund or Account. The warrants of each Fund or Account, or portion thereof bid for, shall be awarded to the bidder or bidders therefore submitting the lowest interest rate or rates. In the event two bidders submit the same interest rate for all or a portion of the warrants of an issue, such warrants shall be awarded to the bidder submitting the greatest premium. Any premium bid shall be used solely for the repayment of the principal of and interest on the warrants of the particular issue. No bid for less than par shall be considered, and the Controller shall have the right to reject any and all bids. The proper officers of the City are authorized to deliver the time warrants to the purchaser or purchasers at the agreed purchase price. The warrants of any issue may all be delivered at one time or in parcels from time to time, pursuant to any agreements or understanding with respect to said delivery by and between the Controller and the purchaser or purchasers of the warrants.

SECTION 6. This ordinance shall be in full force and effect from and after its passage and compliance with all laws pertaining thereto.

SPECIAL ORDERS, FINAL ADOPTION

F.S.S.D. G.O. NO. 1, 1982. Councillor Holmes reported that this proposal amends the Code by adding a new Part III, Fire Merit Law. He stated that due to "Home Rule", the State Fire Merit Law needs to be adopted by the Council in ordinance form. The Public Safety and Criminal Justice Committee recommended passage by a vote of 4-0 on November 17, 1982. Councillor Holmes moved, seconded by Councillor Rader, for adoption. F.S.S. D. G.O. NO. 1, 1982, was adopted on the following roll call vote; viz:

18 YEAS: Borst, Brinkman, Campbell, Durnil, Hawkins, Holmes, Howard, Journey, McGrath, Page, Rader, Rhodes, Saywers, Stewart, Strader, Tintera, Vollmer, West

NO NAYS

2 NOT VOTING: Boyd, Nickell

FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 1, 1982,  
reads as follows:

FIRE SPECIAL SERVICE DISTRICT GENERAL ORDINANCE NO. 1, 1982

A GENERAL ORDINANCE of the Fire Special Service District concerning a merit system for members of the Indianapolis Fire Department.

BE IT ORDAINED BY THE FIRE SPECIAL SERVICE DISTRICT COUNCIL  
OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Appendix A of the "Code of Indianapolis and Marion County, Indiana", is hereby amended by adding a new Part III to read as follows:

PART III. FIRE MERIT LAW

Sec. 1. Chief.

The director shall appoint a chief of the consolidated city fire force who shall serve at the pleasure of the director. The chief shall be selected from those holding the permanent rank of district chief with the force on the basis of prior training and experience and shall have served a minimum of ten (10) years on the force.

The chief shall have general charge of the daily operations of the consolidated city fire force and may appoint such number of executive assistants who shall hold the temporary rank and title of deputy chief or division chief of the consolidated city fire force as he deems necessary to allow him to efficiently discharge his executive duties. The chief shall select the district chief from among those holding the permanent rank of captain in the force and shall select temporary deputy and division chiefs from among those holding the permanent rank of district chief in the force. All appointments of district chiefs shall be subject to the approval of the merit board.

Sec. 2. Fire merit board.

There shall be established a consolidated city fire merit board which shall consist of five (5) members who shall be appointed by the director. The director shall appoint members to the merit board from among resident citizens of the fire special service district and no member appointed to the merit board shall be a member of the consolidated city fire force or hold another elective or appointive office in either a city, town, township, county or the state government. All appointments to the merit board shall be for a term of four (4) years and all persons appointed shall serve during their respective terms and until their respective successors shall be appointed and qualified. Any member of said merit board may be removed by the director with or without cause without right of hearing.

Insofar as practicable, the director shall endeavor to appoint to the merit board one (1) experienced person from each of the following fields:

- a. Professional education;
- b. Business administration, police administration or criminology;
- c. Personnel administration;
- d. Medicine or psychiatry.
- e. Law. This member shall be an attorney, in good standing, admitted to the bar and engaged in the general practice of law in the State of Indiana.

The chief of the consolidated city fire force shall be an ex officio member of the merit board without voting power.

Each member of the merit board shall be a resident voter of the fire special service district. In the event a vacancy occurs on the merit board, the director shall designate a replacement to serve the unexpired term. A member of the merit board may be reappointed for successive terms. The merit board shall set rules for the government of the merit board and included in said rules shall be the time and place for the holding of regular monthly meetings and such special meetings throughout each year as may be deemed necessary to transact its business. Each year the merit board shall select from its members a president, vice-president and secretary.

The merit board shall administer the merit system and shall supervise all appointments of persons to the consolidated city fire force in conformity with the merit selection and appointment procedure created by this appendix and other applicable statutes.

Sec. 3. Appointment to the force.

Any person including a person seeking reappointment or reinstatement, shall be appointed to the consolidated city fire force only in conformity with the following merit selection and appointment procedure created by this section and such rules and regulations as may be established by the merit board, which rules and regulations may change the order of the procedure but not the substance of the procedure as established by this section.

Any resident citizen of the United States of the age of twenty-one (21) years or above and not over the age of thirty-five (35) years having at least a high school education or equivalent is eligible to make application to become a member of the force, however, the age requirement does not apply to a member of the force who has previously been employed thereby. In time of national emergency when the amount of eligible applicants is at a minimum as declared by the merit board and the mayor, the age limit imposed by this section shall be increased to thirty-seven (37) years. Applicants are required to be a resident of the state in which the force is established in order to apply for appointment. Applicants must obtain an application form from the personnel section and must comply with the following requirements:

1. Shall undergo a complete physical examination and have a psychological and/or psychiatric examination at the expense of the applicant. Such psychological or psychiatric examination shall be given by an individual approved by the state board of examiners in psychology or the state board of medical registration or, if a written examination, such exam shall be approved by the state board of examiners in psychology or the state board of medical registration.
2. Shall take a written examination to evaluate both aptitude and intellectual capacity for fire work.
3. Shall attend the fire agility school.
4. Shall have an oral interview with the fire merit board.

The rules and procedures for the above requirements shall be set by the merit board with approval of the chief of the fire department.

The personnel section shall prepare a final list of those applicants eligible for appointment ranked in order of their total combined scores. The written exam shall not be less than fifty percent (50%) of the total score.

Beginning with the highest scoring applicant on the eligibility list, the fire force shall conduct a background investigation into the personal history and character of the applicant. Any information indicating that the applicant has engaged in any conduct or activities that would warrant the disqualification of the applicant from appointment to the force shall also be forwarded to the chairman of the personnel section and shall be made a part of the applicant's file. The file shall be presented to the merit board which shall determine whether said conduct or activities are such as to disqualify the applicant for appointment.

Except as otherwise provided in this appendix, when an applicant for original appointment reaches his thirty-sixth (36th) birthday, his name is automatically removed from the list of eligibles. All persons on the eligible list shall continue on said list for two (2) years after which they must reapply as an applicant; however, those not having previously served in the consolidated city fire force must be within the eligible age limit.

Any applicant who personally or through any other person solicits any member of the merit board to favor his appointment or reinstatement to the force shall be thereby rendered ineligible to any such appointment.

Sec. 4. Vacancies; training school for probationers; probationary period.

The chief shall appoint to the probationary rank of fireman such applicant or applicants as are necessary to fill any vacancies which exist in the force. Eighty percent (80%) of said vacancies to be appointed at one (1) time by the chief shall be filled by taking the highest applicant on the eligibility list and proceeding down the list in order, then the chief shall fill the remaining twenty percent (20%) of the vacancies by selecting any person remaining on the eligibility list. An appointment of a person shall be made without regard to the members of the force being equally divided politically. Each such person so appointed to the force shall be on probation for a period of one (1) year of actual service from the date of his appointment. During the probationary period, the chief may discharge or temporarily suspend a probationer for cause, without right to any hearing before the merit board.

The chief, with approval of the merit board, shall organize and maintain a fire training school for probationers. No probationer shall be assigned to regular active duty until he has attended and successfully completed the training course prescribed by the chief with the approval of the merit board. Failure to complete the school successfully shall result in the probationer's dismissal from the force. After completing the training course, the probationer shall serve the remainder of the probationary period on regular active duty and shall be evaluated quarterly during this period by his immediate superior pursuant to the evaluation system provided for in this appendix.

The appointment of the probationer becomes permanent when he has successfully completed the one (1) year probationary period.

The personnel section with the approval of the director shall be authorized to conduct such recruiting and publicity campaigns in any county of this state as it may determine to be necessary to attract an adequate number of qualified persons to become members of the force.

#### Sec. 5. Retirement.

A member of the fire force shall be required to retire from the force no later than the day of his sixty-fifth (65th) birthday.

#### Sec. 6. Regulation of the force.

Within the limits of this appendix, the chief, with the approval of the director, shall prescribe, adopt, and put into effect such rules and regulations for the government of the force as, from time to time, he deems appropriate. Within the limits of this appendix, the chief, with the approval of the merit board, shall establish a classification of ranks, grades, and positions in the force and shall designate the authority and responsibilities of each rank, grade and position. The chief shall have authority to assign and reassign any member of the force to serve at any fire station within the fire special service district and within the limits of the appendix to perform such duties as he shall designate providing such duties are in accordance with the member's rank, grade and position. The chief shall be authorized to make maximum use of civilian employees in any position in the force so as to release firemen to perform essential force functions.

#### Sec. 7. Merit promotion system.

There shall be established a consolidated city fire merit promotion system which shall be administered in accordance with rules and regulations adopted by the merit board. All promotions of members of the force shall be made in conformity with the promotion system, except in the case of the appointment of the chief by the director and of the appointment of deputy chiefs and district chiefs by the chief. Within the limits of this appendix, the chief, with the approval of the merit board, shall set standards for promotion in conformity with the most widely approved standards of comparable fire departments, and shall establish reasonable prerequisites of training, education and experience for each rank, grade and position in the department.

#### Sec. 8. Evaluations.

The chief, with the approval of the merit board, and with the assistance of the personnel section, shall formulate and establish a system for the evaluation of the performance of each member of the force. The personnel section shall maintain a record of all the evaluations of each member under this system.

#### Sec. 9. Discipline.

(a) The fire chief shall have the ultimate authority to discipline all members of the fire department. However, that authority may be delegated by the chief in accordance with the provisions contained in this section. The authority of the chief to discipline shall be subject only to the fireman's right of appeal to the fire merit board as provided herein.

All disciplinary matters within the department shall be based on one or more of the following infractions:

- (1) violation of any rule, regulation, or order of the department;
- (2) any breach of discipline;
- (3) insubordination;
- (4) neglect of duty;
- (5) immoral conduct;
- (6) conduct unbecoming a fireman;
- (7) substandard performance;

- (8) violation, with the determination by the chief based on a preponderance of the evidence, of any federal, state or local law; and
- (9) failing to cooperate or be truthful.

Pending a disciplinary investigation and hearing involving the above infractions, the chief may suspend without hearing and with or without pay, any member of the fire department. If the suspension is without pay, it shall not exceed ten (10) days. Any suspension pending hearing shall be subject to reinstatement with pay by the chief. Whenever an officer is found not guilty of any infraction, any pay he may have lost due to a suspension shall be paid to him.

(b) The disciplinary board of district chiefs referred to in this section as board shall, among other things, assist the chief in departmental disciplinary matters. The board shall be subordinate and advisory to the chief and shall consist of three (3) member officers with the permanent rank of district chief. Each district chief shall be selected from the working shift on the selected hearing day. The day of the hearing shall be determined by a random selection made by a department chaplain from a lot consisting of the five (5) days immediately following the date the chaplain makes the random selection. A hearing may not be held sooner than twelve (12) hours after the hearing date is selected.

All disciplinary matters shall go before the board for investigation except in cases where the direct or delegated authority of the chief to discipline without hearing is involved. These matters may be referred to the board in writing by any person.

On all matters coming before the board, the board shall, after conducting an investigation, reduce its findings of facts and recommendations to writing. The recommendations shall include a decision as to whether or not disciplinary charges should be placed against any fireman and, if so, what charges. A copy of these findings and recommendations shall then be sent to the department of public safety as well as to the fire chief.

After receiving the findings, the chief, or his designee if the chief so determines, may cause any member of the fire department to be brought before the board upon any charges including those charges recommended by the board. The board shall conduct a hearing on the charges referred to the board by the chief or his designee.

Any fireman so charged shall be notified in writing of the charges and of the time and date of the hearing. In addition, the fireman has the right to have witnesses subpoenaed by the board to testify in his behalf. All testimony before the board shall be under oath. Any fireman appearing before the board, whether as an accused or as a witness, shall cooperate fully with the board and answer all questions truthfully and directly.

The hearing before the board shall be conducted in accordance with written directives of the chief. The board shall, by majority vote, make a finding of guilty or not guilty and reduce it to writing. If the finding is guilty, the board shall make its recommendations for punishment. The findings and recommendations shall then be referred to the chief or his designee for his determination and shall be made available to the accused officer.

For the purpose of all hearings before the chief, the disciplinary board of district chiefs and the merit board, each respectively shall have subpoena power enforceable by the circuit or superior court.

(c) After receiving the findings and recommendations, the chief or his designee may, with or without hearing, concur with the board or may reverse the board in full or in part. After making his determination, the chief or his designee may:

(1) suspend the fireman without pay for up to six (6) months. If the suspension does not exceed a total of ten (10) days, suspension shall be without the right of appeal to the fire merit board. That portion of any suspension exceeding a total of ten (10) days may be appealed to the fire merit board within thirty (30) days;

(2) may demote the officer in rank, however, any demotion may be appealed to the fire merit board within thirty (30) days;

(3) may recommend to the merit board that the officer be discharged, in which case the merit board shall consider such a recommendation in the same manner as an appeal of a chief's determination for suspension or demotion;

(4) may verbally or in writing reprimand the fireman; or

(5) may reinstate with pay any fireman who has been previously suspended without pay.

(d) The chief may delegate the authority to discipline but that authority shall not exceed the following if that discipline is without hearing:

(1) any deputy chief may suspend without hearing any fireman for a total of ten (10) days without pay pending an investigation and hearing of the disciplinary board, with the officer suspended subject to reinstatement with pay by the chief at any time; and

(2) any officer, from the chief down to and including persons holding the rank of district chief may suspend any subordinate without hearing and without pay for a period of twenty-four (24) working hours.

The chief also may delegate to any deputy chief his authority to discipline.

(e) A written report of every suspension under subsection (d) of this section shall be sent to the disciplinary board of district chiefs by the suspending officer within three (3) days after said suspension. Upon request by the suspended officer or upon the discretion of the disciplinary board, the board shall conduct an investigation of the matter and shall refer its findings and recommendations to the chief as well as the officer in question. The chief may reinstate the officer with or without pay.

A copy of all findings of fact and recommendations of the board as well as the chief's determination shall be made a permanent part of the subject fireman's personal record. A copy of all of the findings of fact and recommendations of the board as well as the chief's determination shall also be referred to the department of public safety within fifteen (15) days.

(f) Any member of the fire department may appeal the following to the fire merit board within thirty (30) days:

- (1) that portion of any suspension without pay exceeding ten (10) days;
- (2) any demotion in rank.

The hearing before the merit board shall be an administrative hearing, shall be de novo and shall be a hearing of record. The evidence before the board shall consist of the findings of fact and recommendations of the disciplinary board of district chiefs, the written charges and the determination of the fire chief upon those charges, and any other evidence requested by the board or presented by the aggrieved fireman.

Any fireman appealing any decision of the chief shall be given at least fifteen (15) calendar days prior to notice of the hearing before the merit board.

The appealing fireman may be represented by his legal counsel before the merit board and the fire chief shall be represented by the city attorney or his designee.

The merit board may fully or partially affirm or completely reverse any portion of the chief's determination which is appealable. In the case of a demotion, the merit board may demote an officer only one (1) permanent rank at any one time. The board may order any fireman reinstated with pay for any appealable suspension.

After hearing the evidence, the board shall make a finding by majority vote and reduce its finding and decision to writing. A copy of the finding and decision shall be forwarded to the officer in question and to the department of public safety and shall become a permanent part of the fireman's personal record.

Any member of the fire department may, following a decision of the merit board, file a verified petition in the superior or circuit court of the county for a review of the decision. The petition for review must be filed within thirty (30) days of the written decision of the board. The consolidated city shall be the sole defendant in the petition. Within thirty (30) days after receipt of the summons, the city shall cause the merit board to file a complete copy of the transcript of the hearing. The court, without jury, shall review the record and render its decision as in other administrative reviews. The clerk of the court shall send a copy of the court's decision to the department of public safety and the appealing officer. Either party may appeal the decision of the court.

SECTION 2. (a) The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted. (b) An offense committed before the effective date of this ordinance, under any ordinance expressly or impliedly repealed or amended by this ordinance shall be prosecuted and remains punishable under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

#### ANNOUNCEMENTS AND ADJOURNMENT

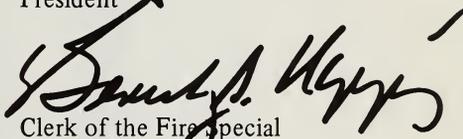
There being no further business, and upon motion duly made and seconded, the meeting adjourned at 7:30 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the Fire Special Service District Council of Indianapolis, Marion County, Indiana, held at its Special Meeting on the 22nd day of November, 1982.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

ATTEST:

  
President

  
Clerk of the Fire Special  
Service District Council

(SEAL)