Cumberland Town Council

Ordinance 2019-04

Amending Board of Metropolitan Police Commissioners

Whereas, the Cumberland Town Council established the Cumberland Board of Metropolitan Police Commissioners (“Board”) in 2015; and

Whereas, the establishing ordinance, Town Council Ordinance 2015-18, designated the Board shall consist of three members appointed by the Town Council; and

Whereas, Indiana Code § 36-8-9-3.1 allows the Town Council to expand the Board from three members to five members; and

Whereas, there are currently no Town Council members appointed to the Board; and

Whereas, to promote greater unity between the Town Council and the Board, the Town Council finds that it is in the best interest of the Town, and its citizens, to increase the members of the Board from three to five; and

Whereas, the Town Council finds that no more than two of the five members of the Board shall also be Town Council members.

Therefore, it is ordained that the Town of Cumberland Code of Ordinances, § 00-03-33, is amended and the amended section shall read as written in Exhibit A.

It is further ordained that this ordinance shall be effective upon adoption.

It is further ordained that any other provision of the Town Code which is not specifically amended by this ordinance shall remain in full force and effect.

Adopted this 26th day of March 2019.

Ordinance 2019-04
Cumberland Town Council:

Joe Siefker, President

Anna Pea, Vice President

Nicole Bell, Member

Aaron Cutshaw, Member

Brian Gritter, Member

Attest:

Erica Salmon, Clerk-Treasurer
§ 00-03-33-01 BOARD OF METROPOLITAN POLICE COMMISSIONERS ESTABLISHED.

There is hereby established a Board of Metropolitan Police Commissioners for the Town of Cumberland, Indiana, as provided in Indiana Code 36-8-9, and the office of Town Marshal is hereby abolished, effective January 1, 2016.

§ 00-03-33-02 BOARD MEMBERSHIP.

A. The Board of Metropolitan Police Commissioners shall consist of five members appointed by the Town Council. The members must be of good moral character and legal residents of the town. Not more than three members may be members of the same political party, if individuals who satisfy this requirement can be found to serve on the board with reasonable and diligent efforts. Members of the town’s police department may not be appointed to serve on the Board. Town Council members may serve on the Board as ex officio members. No more than two Town Council members may serve on the Board at any one time.

§ 00-03-33-03 TERM.

The board members’ terms shall be 3 years, expiring on January 1 of the third year after the member’s appointment. However, to establish staggered terms, one initial member shall be appointed for a one-year term, one initial member shall be appointed for a two-year term, and one initial member shall be appointed for a three-year term. Each member serves at the pleasure of the Town Council and may be removed by the Town Council for any cause that it considers sufficient. The terms of not more than two Board members may expire each year.

A Town Council member vacates the member’s position on the Board when the member is no longer a member of the Town Council.

§ 00-03-33-04 POWERS AND DUTIES.

A. As provided in I.C. §36-8-9-4, the Board shall have the following powers and duties:
1. Appointment of Members. The Board shall appoint persons to serve in the town’s police department, subject to the qualifications for employment determined by the Board and approved by the Town Council.
2. Appointment of Police Chief. The Board shall appoint one person to serve as the police chief.
3. Appointment of civilian employees. The Board may appoint other employees that are necessary to carry on the work of the police department.
4. Recommendations for Compensation. The Board may recommend and the Town Council shall determine the compensation to be paid to members of the police department.
5. Safety Board. The Board constitutes the town’s safety board for purposes of the suspension, demotion, or dismissal of any member of the police department. Proceedings for the suspension, demotion, or dismissal of police department members shall be conducted in the manner prescribed by I.C. §36-8-3-4. The disciplinary provisions of I.C. §36-8-3-4.1 also apply to the safety board and the police chief.

6. Adoption of Rules and Orders. The Board may make general and special rules for the government and discipline of the police department and may make special and general orders to the department through the police chief, who is the executive head of the department.

B. The Board shall have all other powers and duties as provided by Indiana law or town ordinances.

C. The Board shall adopt and maintain rules governing the conduct of its business, including but not limited to rules concerning its meetings, the selection and appointment of persons to be employed as members of the police department, promotions and demotions of department members, and the discipline or dismissal of department members.

§ 00-03-33-05. OATH AND BOND.

A. Before performing any function of a board member, an individual appointed to serve as a member shall take and subscribe before the Clerk of the Marion County Circuit Court an oath or affirmation of office and an oath or affirmation that in each appointment or removal made by the Board to or from the town’s police department, the member will not appoint or remove a member of the town police department because of the political affiliation of the person or for another cause or reason other than that of the person’s fitness; and

B. This section does not apply to a Board member who is a member of the Town Council. Before performing any function of a board member, an individual appointed to serve as a member shall take and subscribe an oath or affirmation of office before the Marion County Circuit Court Clerk.

C. This section does not apply to a Board member who is a member of the Town Council. Before performing any function of a board member, an individual appointed to serve as a member shall give bond in the penal sum of $5,000, payable to the state and conditioned upon the faithful and honest discharge of the member’s duties. The bond must be approved by the Town Council.

§ 00-03-33-06. SALARY.

The members’ salaries shall be set by the Town Council. A Board member’s salary is payable monthly out of the Town treasury. A Board member who is also a member of the Town Council may not receive compensation as a Board member.