ORDINANCE NO. 2016-11

AN ORDINANCE ESTABLISHING THE TOWN OF CUMBERLAND POLICE PENSION BOARD AND ESTABLISHING POLICE PENSION FUND

WHEREAS, the Town’s police department has recently transitioned from a Marshal system under Indiana Code §36-5-7 to a system governed by a board of metropolitan police commissioners under I.C. §36-8-9;

AND WHEREAS, Indiana law requires that if a town establishes a board of metropolitan police commissioners, the town must participate in the 1977 police officers’ and firefighters’ pension and disability fund (“the 1977 fund”);

AND WHEREAS, Indiana law requires the Town to establish a Pension Board in connection with its participation in the 1977 fund;

AND WHEREAS, Indiana law also requires the Town to establish a Police Pension Fund in which it will hold all funds to be paid to the 1977 fund, and this fund should be established;

AND WHEREAS, the Town Council now finds that a Police Pension Board and a Police Pension Fund should be established, as required by law.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Cumberland, that:

1. Title III, Chapter 34 of the Cumberland Town Code, which provides for the Town’s Boards and Commissions, is amended to add a new Section, Section 00-03-34-50, which will read as follows:
"POLICE PENSION BOARD

§00-03-34-50 ESTABLISHMENT OF POLICE PENSION BOARD

There is hereby established the Town of Cumberland, Indiana Police Pension Board as provided in Indiana Code §§36-8-8 and 36-8-6-2.

§00-03-34-51 ORGANIZATION OF BOARD

A. Board Members. The Police Pension Board consists of 7 members, as follows:
   1. The President of the Town Council;
   2. The Town Clerk-Treasurer;
   3. The Police Chief;
   4. One retired member of the Town’s police department; and
   5. Three active members of the Town’s police department.
B. Ex Officio Members. The Town Council President, the Clerk-Treasurer, and the Police Chief are ex officio voting members of the Board.
C. Election and Terms:
   1. Election of Board Members by Police Department Members. The Board members who are the retired police department member and the three active department members shall be elected by the police department members. The initial election will be held at the police station within 30 days of the effective date of this ordinance.

   Thereafter, the elections shall occur at a meeting of the department members held at the police station on the second Monday in February of each year. The initial members of the Board who are active members of the Police Department will serve staggered terms, with one serving a one-year term, one serving a two-year term, and one serving a three-year term, as determined by the Board. Thereafter, these Board members are elected for terms of three years, succeeding those Board members whose terms of office expire on that date. These members hold their offices until their successors are elected and qualified.

   2. Terms of Other Board Members. The terms of the President of the Town Council, Clerk-Treasurer and Police Chief will be the same as the term of their respective offices.

   3. Vacancies. If a vacancy occurs on the Board among the members elected by the department members, the police department members shall hold a special meeting upon the call of the Town Council President and elect a successor for the remainder of the vacating member’s term.

   4. Notices. Notice of a meeting at which an election will be held by department members must be given to all active police department members at least five days before the meeting.
D. **Officers.** The Town Council President serves as president of the Board, the Clerk-Treasurer serves as its treasurer, and the Board shall select one member to serve as secretary.

E. **Quorum.** A majority of the Board’s members shall constitute a quorum for transacting business.

F. **Powers and Duties.** The Board shall have all powers and duties provided by law.

G. **Compensation and Reimbursement.** The Board members receive no pay for their services and shall be paid only their necessary expenses. However, the Board members, the secretary, and each member of the police department selected by the Board shall be paid their necessary traveling expenses from the 1977 fund when acting upon matters pertaining to the fund.

H. **Bylaws and Rules.** The Board may make all necessary bylaws or rules for it meetings and all matters relating to the conduct of its business, and it shall keep and maintain records of its business.”

2. Title III, Chapter 35 is also amended in order to add the Police Pension Fund, and this new section will read as follows:

“§00-03-35-28 POLICE PENSION FUND

A. **Establishment of Fund.** There is established and created the Cumberland Police Pension Fund.

B. **Source of Funds.** The source of money in this fund will be payroll deductions for the employer’s share and employee’s share of pension benefits required by participation in the 1977 Police Pension Fund and any other money appropriated by the Town Council for this fund.

C. **Use of Funds.** The money in this fund will be used only for the transfer of money to the 1977 Police Officers’ and Firefighter Pension and Disability Fund and other lawful purposes.

D. **Non-Reverting Fund.** This is a non-reverting fund.”

3. Any other existing town ordinances, or any parts thereof, inconsistent with or superseded by these revisions to the Town Code are hereby repealed and of no effect.

4. This ordinance will be effective immediately upon its passage.

All of which is ordained by the Town Council of Cumberland, Indiana, this _____ day of June 2016.
A MAJORITY OF THE TOWN COUNCIL OF CUMBERLAND, INDIANA

Joe Siefker, President

Anna Pea, Vice President

Nicole Bell, Council Member

Brian Gitter, Council Member

MARK REYNOLD, COUNCIL MEMBER

ATTEST:

Erica Salmon, Clerk-Treasurer