

CITY-COUNTY GENERAL ORDINANCE NO. 71, 2006
Proposal No. 369, 2006

PROPOSAL FOR A GENERAL ORDINANCE to approve the consolidation of the Washington Township Fire Department with the Indianapolis Fire Department on the effective date of January 1, 2007;

WITNESSETH THAT:

WHEREAS, substantial operational efficiencies, a reduction of administrative costs, and economies of scale may be obtained through the consolidation of certain functions of local units of government; and

WHEREAS, the territory of the Fire Special Service District overlaps a portion of Washington Township, which results in fire protection services in the Township being provided in part by the Washington Township Fire Department and in part by the Indianapolis Fire Department; and

WHEREAS, the fire protection service needs throughout Washington Township are not so varied or dissimilar that their provision by both the Washington Township Fire Department and the Indianapolis Fire Department is required or justified; and

WHEREAS, Indiana statutes authorize the consolidation of a township fire department located in the county into the Indianapolis Fire Department; and

WHEREAS, the Washington Township Board resolved and adopted a Resolution approving the consolidation of the Washington Township Fire Department into the Indianapolis Fire Department on the effective date of January 1, 2007, subject to the provisions of Indiana Code § 36-3-1-6.1, and forwarded such Resolution to the city-county council; and

WHEREAS, the Washington Township Trustee also approved the consolidation of the Washington Township Fire Department into the Indianapolis Fire Department as provided in the Washington Township Board's Resolution, and subject to the provisions of Indiana Code § 36-3-1-6.1; and

WHEREAS, the city-county council, having been advised by various persons and organizations with respect to the anticipated consequences of such a consolidation, now finds that such consolidation will serve the public interest by resulting in the provision of an enhanced level of public safety and fire protection services, with greater efficiency and at a lower cost; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Washington Township Fire Department of Washington Township, Marion County (hereinafter referred to as "WTFD"), shall be and hereby is consolidated into the Indianapolis Fire Department (hereinafter referred to as the "IFD") effective at 12:00:01 a.m. local time on January 1, 2007 (hereinafter referred to as the "effective date"), subject to the provisions of Indiana Code § 36-3-1-6.1. Beginning on the effective date, the IFD shall provide fire protection services within the geographic area of Washington Township previously served by the WTFD, which shall continue to carry a Washington Township designation.

SECTION 2. On the effective date, all of the real property used as the WTFD fire stations, as well as all personal property, equipment, records, rights, and contracts of the Township, for and on behalf of the WTFD, are transferred to and/or assumed by the City, for and on behalf of the IFD. Such real and personal property is set forth as follows:

I. REAL AND PHYSICAL PROPERTY

The real and physical property of the Township shall be divided as follows:

(a) The Township shall retain title to the following real property:

- (1) The Trustee's Office at 1595 East 86th Street;
- (2) Emergency Relief and Support Services (maintenance) at 5117 North Michigan Road; and

- (3) The lease rights to the Small Claims Court at 2184 East 54th Street.
- (b) The City shall acquire title to the following real property, as well as all physical assets contained therein:
 - (1) The fire station at 2508 East 71st Street;
 - (2) The fire station at 2151 West Kessler Boulevard;
 - (3) The fire station at 1599 East 86th Street;
 - (4) The fire station at 8404 Ditch Road; and
 - (5) The fire station at 4045 East 56th Street.
- (c) The City shall acquire ownership of all other Township assets necessary for the continuation of fire service within the former WTFD jurisdiction, including but not limited to the Fire Safety Trailer and SCBA testing equipment.
- (d) The Township shall retain title to all other non-scheduled Township assets used for civil government purposes and/or not solely used for the fire service.

II. VEHICLES

The vehicles and apparatus owned by the Township shall be divided as follows:

- (a) The Township shall retain title to the following vehicles:
 - (1) The 2003 Ford F350 assigned to Car 207;
 - (2) The 2000 and 2001 Ford F150 pickup trucks, if but only if the Township retains responsibility for Support Services; and
 - (3) The 2004 Ford Crown Victoria assigned to Emergency Assistance.
- (b) Title of all other vehicles owned by the Township shall be transferred to the City upon the effective date of consolidation.

III. COMMUNITY INVOLVEMENT

The following community activities shall continue as provided in this general ordinance:

- (a) Fire safety education provided at current levels to the Township schools;
- (b) An annual Washington Township Fire Safety Festival;
- (c) One annual neighborhood smoke detector blitz in each of the five department station districts;
- (d) An annual poster coloring contest; and
- (e) An annual Senior Citizen Chili Supper at Station 221.

The Township commits to retaining ownership and maintaining in good repair all such property owned by the Township or by the WTFD on June 15, 2006, continuously from that date until the effective date of consolidation. The Township further commits to advise and consult with the IFD Chief regarding any acquisition of property, or any agreement to acquire or dispose of property entered into, from June 15, 2006 until the effective date of consolidation. IFD shall continue to operate the fire stations and maintain and staff the fire apparatus currently maintained by WTFD at the same staffing levels as WTFD as of June 15, 2006 until such time as any other fire department is consolidated into IFD. Prior to such further consolidation,

equipment and staffing within the former WTFD jurisdiction may be moved within the former WTFD jurisdiction, and may be moved outside the former WTFD jurisdiction only with the approval of the Township Trustee and Board. The parties specifically acknowledge that the Township is in the process of entering one or more agreements for the long term lease of certain cell towers located on WTFD property. The parties specifically agree that the Township reserves the right to enter such long term agreements and if such agreements are entered prior to January 1, 2007, the City shall enter a lease with the Township, leasing those cell towers back to the Township for a term equal to the agreements entered by the Township and for a lease rental of no more than One Dollar (\$1.00) for the entire term.

SECTION 3. On the effective date, the Township Board shall cease to have any authority over WTFD, including its budget, except as set forth in this general ordinance. All responsibility and authority for the consolidated department shall rest with IFD, the City's Department of Public Safety, the City Controller, the Mayor, and the City-County Council.

SECTION 4. On the effective date, the employees of the WTFD shall cease employment with the WTFD and become employees of the IFD. In this regard, the City shall assume all agreements with labor organizations that are in effect on the effective date of such consolidation and that apply to the employees of the WTFD who become employees of the IFD. Further in this regard, the Township commits to advise and consult with the IFD Chief regarding any termination, layoff, or other reduction in force of WTFD employees, the employment of any additional WTFD personnel, or the promotion of any WTFD personnel from June 15, 2006 until the effective date of consolidation. If deemed appropriate by the IFD and WTFD Chiefs, IFD and WTFD may engage in a joint hiring and promotional process in 2006, subject to fiscal review by the City Controller.

SECTION 5. On the effective date, the duties of the WTFD merit board are transferred to and assumed by the City's civilian fire merit board.

SECTION 6. Upon consolidation, any indebtedness related to fire protection services incurred prior to the effective date by the Township, or by any entity on behalf of the Township, shall remain the debt of the Township and does not become a debt of, and may not be assumed by, the City. Such indebtedness shall include, but not be limited to all personnel costs, utility expenses, legal claims and other expenses of providing fire protection service incurred through December 31, 2006. In this regard, any indebtedness related to fire protection services incurred prior to the effective date by the City shall remain the debt of the City, and property taxes levied to pay such debt may only be levied by the City's fire special service district.

SECTION 7. Upon consolidation, the Township shall retain all cash assets and investments, and the right to receive all tax levies, assessments and other tax distributions due and payable prior to January 1, 2007, whether or not such sums are paid to the Township prior to that date. The Township shall use any cash assets, investments, tax levies, assessments and other tax distributions designated for firefighting purposes, including, but not limited to, firefighting funds and fire cumulative funds, to pay any indebtedness described in SECTION 6 of this general ordinance. The Township may then use any remaining cash assets, investments, tax levies, assessments and revenues designated for firefighting purposes, including, but not limited to firefighting funds and fire cumulative funds, for any purpose permitted by law when the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund.

SECTION 8. Upon consolidation, a WTFD firefighter who was a member of either the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund prior to the effective date, remains a member of his or her respective fund, and shall receive credit for any service as a member of such fund prior to the effective date, as provided in Indiana Code § 36-3-1-6.1, subsections (h)(2) and (h)(3).

SECTION 9. On the effective date, the Township's local boards for the 1937 firefighters' pension or the 1977 police officers' and firefighters' pension and disability fund are dissolved and their services are terminated, as provided in Indiana Code § 36-3-1-6.1, subsection (h)(6). The duties performed by such local boards under Indiana Code Chapter 36-8-7 and Indiana Code Chapter 36-8-8, respectively, are assumed by the City's local boards.

SECTION 10. Upon consolidation, property taxes to fund the pension obligation under Indiana Code Chapter 36-8-7 for members of the 1937 firefighters fund and to fund the obligation under Indiana Code Chapter 36-8-

8 for members of the 1977 police officers' and firefighters pension and disability fund who were members of IFD on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy within the fire special service district and the Township, as provided in Indiana Code § 36-3-1-6.1(h)(7).

SECTION 11. Upon consolidation, the maximum permissible ad valorem property tax levy for fire protection and related services for the Township under Indiana Code Chapter 6-1.1-18.5 for property taxes first due and payable in 2007, is reduced for the Township by the amount equal to the maximum permissible ad valorem property tax levy in 2006 for fire protection and related services for the Township, and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(4)(B).

SECTION 12. Upon consolidation, the ad valorem property tax levy for the Township's fire cumulative building and equipment fund for property taxes first due and payable in 2007, is reduced for the Township by the amount equal to the property tax levy in 2006 for the Township's fire cumulative building and equipment fund and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(5).

SECTION 13. The Township currently uses its certified monthly distribution of the county option income tax (hereinafter referred to as "COIT") to pay the costs of operating WTFD. The Township and the City shall enter into an interlocal agreement regarding the transfer of COIT used to pay the costs of operating the WTFD to the City for the cost of operating IFD in the Township.

SECTION 14. Upon consolidation and through December 31, 2008, or until a countywide fire department is created, whichever occurs earlier, the property tax rate for fire service of residents of the Township who were previously provided fire protection service by WTFD shall not be increased for fire operations. Upon the expiration of this term or the creation of a countywide fire department, whichever is earlier, the property tax rate for fire protection service paid by Township residents previously served by WTFD may be modified by the City and County Council.

SECTION 15. Upon consolidation, the City shall establish, operate, and maintain fire-based emergency ambulance services in that part of the Township currently served by WTFD, as provided in Indiana Code § 36-3-1-6.2.

SECTION 16. Upon consolidation, WTFD firefighters, who are currently represented by Local 416-Washington Township, shall continue to be represented by Local 416 so long as Local 416 is the chosen bargaining representative of the firefighters of the consolidated department. The working conditions contained in the current collective bargaining agreement between Local 416 and IFD and IFD's rules and regulations shall apply to the WTFD firefighters, including the staffing levels set forth in that agreement.

SECTION 17. Salaries of WTFD firefighters should be consistent with IFD within eighteen (18) months of the effective date of consolidation, or no later than July 1, 2008. Prior to that date, the salaries of WTFD firefighters in place for 2006 shall remain in effect and no WTFD firefighter will have a decrease in current contractual pay or benefits. This provision does not limit the ability of Local 416 and the City to negotiate regarding firefighter wages and benefits.

SECTION 18. Upon consolidation and until such time as determined by the IFD Chief, the Board and Trustee, the current community activities of the WTFD set forth in SECTION 2 of this general ordinance shall be continued and funded from the Washington Township Fire Contribution Fund, Inc.

SECTION 19. Section 251-213 of the "Revised Code of the Consolidated City and County," regarding general powers of the public safety director with respect to the city fire force, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 251-213. Director, general powers with respect to city fire force.

The director of public safety shall have the following general powers and duties with respect to the consolidated city fire force and such other specific powers and duties as may be enumerated in this article or as may be granted by the mayor, the city-county council or by law:

- (1) To exercise control of all matters and property relating to and connected with the fire division;
- (2) To divide the ~~fire special service district~~ territory within which the consolidated city fire force has jurisdiction under Section 252-102 of the Code into geographic areas for administrative and operational purposes;
- (3) To administer and oversee the department's fire merit system relating to appointment, transfer, discipline and removal of members and employees of the department pursuant to applicable rules, regulations and laws in accordance with an established merit system;
- (4) To negotiate settlements or agreements with member representatives relating to compensation and benefits;
- (5) To make recommendations to the director of administration relating to employee compensation and benefits;
- (6) To fix the number of employees, members and reservists of the consolidated city fire force;
- (7) To make general and special rules and regulations for the administration and discipline of the consolidated city fire force;
- (8) To determine and implement policies, methods and means by which operations are to be conducted; and
- (9) To appoint individual citizens to supplement the employees and members of the force in the performance of the duties of the force.

SECTION 20. Sections 252-101 and 252-102 of the "Revised Code of the Consolidated City and County," regarding the fire department jurisdiction, powers and duties, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-101. Definitions.

As used in this article, the following words and phrases shall have the following meanings: ascribed to them in this section.

- (a) ~~Chief shall mean~~ means the chief executive officer of the force appointed pursuant to this article.
- (b) ~~Civilian fire merit board shall mean~~ means the consolidated city fire merit board created pursuant to this article.
- (c) ~~Consolidated city fire force or force shall mean~~ means the fire division of the department of public safety.
- (d) ~~Department shall mean~~ means the department of public safety.
- (e) ~~Director shall mean~~ means the director of the department of public safety.
- (f) ~~Employee shall mean~~ means a regularly employed civilian employee of the consolidated fire force.
- (g) ~~Fire special service district shall mean a~~ means the special service district in which the consolidated city fire force shall have jurisdiction created pursuant to IC 36-3-1-6.

(h) ~~Member shall mean~~ means a regularly employed firefighter of the force.

Sec. 252-102. Fire division, jurisdiction, powers, duties.

(a) The fire division of the department shall be known as the consolidated city fire force of Indianapolis. The authority and jurisdiction of the force shall extend throughout the fire special service district ~~created under IC 36-3-1-6 as the same may exist from time to time and such other territory where the consolidated city fire force provides fire protection services as provided by law.~~

(b) It shall be the duty of the consolidated city fire force to suppress all fires which occur in the fire special service district and such other territory, and to prevent the occurrence and spread of such fires; to provide emergency medical services and rescue operations, and to investigate fires.

(c) The consolidated city fire force shall have all powers prescribed in Chapter 591 of this Code and all other powers necessary to these duties and any other powers granted by law, the city-county council or the mayor.

SECTION 21. Section 252-109 of the "Revised Code of the Consolidated City and County," regarding the provision of fire protection services by the fire department outside the fire special service district, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-109. Fire protection by the Indianapolis Fire Department outside the fire special service district.

The Indianapolis Fire Department may provide fire protection or services outside the boundaries of the fire special service district, only under the following circumstances and upon the following conditions:

- (1) ~~If~~ may enter The chief of the Indianapolis Fire Department or the director of the department of public safety enters may enter into any contract or mutual agreement or understanding with the ranking fire officer of any existing municipal or volunteer fire department or with the chief executive officer of any unit of government which maintains or finances an established fire department, wherein the agreement provides for the mutual assistance between the Indianapolis Fire Department and the other fire department such that the ranking officer of the respective fire departments' may request, when necessary, the assistance without charge to the assisted department. The Indianapolis Fire Department is authorized to render such assistance as is requested by the ranking officer on duty with the respective department so long as the rendering of such assistance shall not endanger the citizens of the fire special service district or threaten the ability of the Indianapolis Fire Department to render services within the fire special service district.
- (2) The department of public safety of the city, upon approval of the mayor, may enter into a contract with any person, municipality, or other governmental unit which is situated at a place not within the fire special service district but within the county and which is desirous of contracting with the city for regular fire protection involving the use and services of the Indianapolis Fire Department. The details of such contract shall be specified by the department of public safety, but each contract must provide that the city furnish on a calendar-year basis so much firefighting service and apparatus as may be reasonably necessary on the request of the contracting person, municipality or other governmental unit when a fire exists at the premises of such person or within the boundaries of the municipality or governmental unit, but that obligation to render such services shall not exist at any time that the same would endanger or threaten the services of the Indianapolis Fire Department to the citizens of the fire special service district. The contract shall also provide for a negotiated rate or fees payable as required by the department of public safety for the rendering of such services and may provide for additional charges based on the actual services and apparatus used in the performance of such agreement.
- (3) Upon consolidation of a township fire department into the Indianapolis Fire Department pursuant to IC 36-3-1-6.1, the Indianapolis Fire Department shall provide fire protection or services in the territory where such services were formerly provided by the township fire department.

SECTION 22. Section 252-201 of the "Revised Code of the Consolidated City and County," regarding the fire merit board, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 252-201. Fire merit board.

(a) There shall be established a civilian fire merit board which shall consist of four (4) members who shall be appointed by the director and two (2) members who shall be elected by the active members of the fire department in accordance with IC 36-8-3.5-1. Each member of the merit board shall be a ~~resident voter of the special service district~~ registered voter who resides within the department's jurisdiction as established by Section 252-102 of the Code, and no member appointed or elected to the merit board shall be a member of the department or of any other police or fire department or agency, or hold another elective or appointive office in either a city, town, township, county or state government. Members of the merit board shall serve for a term of two (2) years, and all members, either elected or appointed, shall serve during their respective terms and until their respective successor shall be appointed or elected, and qualified.

An appointed member of the merit board may be removed by the director, with or without cause, without right of hearing. If a vacancy occurs among the members of the merit board appointed by the director, the director shall appoint a replacement to serve the unexpired term. If a vacancy occurs among the members of the merit board elected by the active members of the department, a replacement shall be elected by the active members of the department in accordance with IC 36-8-3.5-8 to serve the unexpired term. A member of the merit board may be appointed or elected for successive terms.

(b) The chief of the department shall be an ex officio member of the merit board without voting power.

(c) Three (3) members of the board shall constitute a quorum for the purpose of taking official action; however, in the event of a tie vote, the recommendation of the chief shall be deemed adopted by the board.

(d) The merit board shall establish rules for its operation. Included in such rules shall be the time and place for holding regular monthly meetings and such special meetings throughout the year as may be deemed necessary to transact its business. Each year the merit board, with the concurrence of the director, shall select from its members a president, vice-president and secretary.

(e) The merit board shall administer and supervise the merit system established by this article.

(f) The city-county council, in accordance with IC 36-3-6-6, may provide the board a monthly stipend of fifty dollars (\$50.00).

SECTION 23. Section 591-102 of the "Revised Code of the Consolidated City and County," regarding definitions applicable in the chapter on fire prevention and protection, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 591-102. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Class 1 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

Class 2 structure means buildings and structures as defined in the Indiana Administrative Code 675 IAC 12-6.

Fire department means the Indianapolis Fire Department and the township fire departments that render fire prevention or protection services to ~~each township~~ the townships in Marion County that are not completely within the boundaries of the Indianapolis Fire Special Service District, and that have not been consolidated into the Indianapolis Fire Department.

Fire prevention bureau means the fire prevention bureau established by this chapter for the Indianapolis Fire Department or of a township fire department located within the county.

Fire prevention chief means the administrative head of a fire prevention bureau appointed pursuant to section 591-202 or 591-203 of this Code.

Hazardous condition means the presence of a structural condition, equipment, utility connection, materials which constitutes or poses a recognized threat of fire or other injury to persons or property.

Private dwelling means a building used exclusively as the personal residence of one (1) or two (2) families.

SECTION 24. Sections 591-201, 591-202, and 591-203 of the "Revised Code of the Consolidated City and County," regarding the establishment, jurisdiction, and organization of fire prevention bureaus, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 591-201. Fire prevention bureaus established; jurisdiction.

(a) As authorized by IC 36-8-17, there is hereby established a local fire prevention bureau within the Indianapolis Fire Department and within each township located within the county that is not completely within the boundaries of the Indianapolis Fire Special Service District, and whose township fire department has not been consolidated into the Indianapolis Fire Department.

(b) The jurisdiction of the various fire prevention bureaus shall be as follows:

- (1) The fire prevention bureau established within the Indianapolis Fire Department shall have jurisdiction within the Indianapolis Fire Special Service District that is coterminous with the jurisdiction of such Department; and,
- (2) Each township fire prevention bureau shall have jurisdiction within the portion of that township which is outside the boundaries of the Indianapolis Fire Special Service District and other municipalities having a municipal fire department.

Sec. 591-202. Organization of the Indianapolis Fire Prevention Bureau.

The fire prevention bureau of the Indianapolis Fire Department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. ~~The jurisdiction of the bureau shall be within the fire special services district.~~

Sec. 591-203. Organization of the township fire prevention bureaus.

(a) The local fire prevention bureau established in each township pursuant to section 591-201 shall be operated under the executive control of the township trustee and the administrative supervision of the township fire chief.

(b) The fire prevention bureau of each township fire department shall be under the supervision of the fire prevention chief appointed pursuant to the applicable personnel rules of the fire department. ~~The jurisdiction of the bureau shall be within each respective township fire service area.~~

SECTION 25. 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.

SECTION 26. 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 provision or 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 27. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this 17th day of July, 2006, at 8:55 p.m.

ATTEST:

Monroe Gray Jr.

Monroe Gray
President, City-County Council

Jean Ann Milharcic
Jean Ann Milharcic
Clerk, City-County Council

Presented by me to the Mayor this 20th day of July, 2006, at 10:00 a.m.

Jean Ann Milharcic
Jean Ann Milharcic
Clerk, City-County Council

Approved and signed by me this 21 day of July, 2006.

Bart Peterson
Bart Peterson, Mayor

STATE OF INDIANA, MARION COUNTY)
CITY OF INDIANAPOLIS) SS:
)

I, Jean Ann Milharcic, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 369, 2006, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 17th day of July, 2006, by a vote of 17 YEAS and 10 NAYS, and was retitled General Ordinance No. 71, 2006, which was signed by the Mayor on the 21st day of July, 2006, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 21st day of July, 2006.

Jean Ann Milharcic
Jean Ann Milharcic
Clerk, City-County Council

(SEAL)

Indianapolis City - County Council
Public Assembly Room
Regular Session

RCS# 2221

7/17/2006 8:55 PM

Proposal: Prop369

Ordinance: G.O. 71

Sponsor: Brown, Sanders, Gray, Conley, Langsford, Keller, Mansfield, Ta

Action: ADOPT

Committee: Rules and Public Policy

Yea: 17 Nay: 10 Abstain: 0 Not Voting: 1 Excused: 1

Yea: 17

Abduallah	Franklin	Mansfield	Randolph
Bowes	Gibson	Moriarty	Sanders
Boyd	Gray	Nytes	
Brown	Keller	Oliver	
Conley	Mahern	Pfisterer	

Nay: 10

Borst	Cockrum	Plowman	Speedy
Bradford	Day	Salisbury	
Cain	McWhirter	Schneider	

Not Voting: 1

Talley

Excused: 1

Langsford

CITY-COUNTY GENERAL ORDINANCE NO. 21, 2007
Proposal No. 158, 2007

PROPOSAL FOR A GENERAL ORDINANCE to approve the consolidation of the Warren Township Fire Department with the Indianapolis Fire Department on the effective date of July 1, 2007;

WITNESSETH THAT:

WHEREAS, substantial operational efficiencies, a reduction of administrative costs, and economies of scale may be obtained through the consolidation of certain functions of local units of government; and

WHEREAS, the territory of the Fire Special Service District overlaps a portion of Warren Township, which results in fire protection services in the Township being provided in part by the Warren Township Fire Department and in part by the Indianapolis Fire Department; and

WHEREAS, the fire protection service needs throughout Warren Township are not so varied or dissimilar that their provision by both the Warren Township Fire Department and the Indianapolis Fire Department is required or justified; and

WHEREAS, Indiana statutes authorize the consolidation of a township fire department located in the county into the Indianapolis Fire Department; and

WHEREAS, the Warren Township Board resolved and adopted a Resolution approving the consolidation of the Warren Township Fire Department into the Indianapolis Fire Department on the effective date of July 1, 2007, subject to the provisions of Indiana Code § 36-3-1-6.1, and forwarded such Resolution to the city-county council; and

WHEREAS, the Warren Township Trustee also approved the consolidation of the Warren Township Fire Department into the Indianapolis Fire Department as provided in the Warren Township Board's Resolution, and subject to the provisions of Indiana Code § 36-3-1-6.1; and

WHEREAS, the city-county council, having been advised by various persons and organizations with respect to the anticipated consequences of such a consolidation, now finds that such consolidation will serve the public interest by resulting in the provision of an enhanced level of public safety and fire protection services, with greater efficiency and at a lower cost; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Warren Township Fire Department of Warren Township, Marion County (hereinafter referred to as "Warren FD"), shall be and hereby is consolidated into the Indianapolis Fire Department (hereinafter referred to as the "IFD") effective at 12:00:01 a.m. local time on July 1, 2007 (hereinafter referred to as the "effective date"), subject to the provisions of Indiana Code § 36-3-1-6.1. Beginning on the effective date, the IFD shall provide fire protection services within the geographic area of Warren Township previously served by the Warren FD.

SECTION 2. On the effective date and subject to Section 6 below, all of the real property used as the Warren FD fire stations, as well as all personal property, equipment, records, rights, and contracts of the Township, for and on behalf of the Warren FD, are transferred to and/or assumed by the City, for and on behalf of the IFD. Such real and personal property is set forth as follows:

I. REAL AND PHYSICAL PROPERTY

The real and physical property of the Township shall be divided as follows:

(a) The Township shall retain title to the following real property:

- (1) The Warren Government Center at 501 North Post Road; and
- (2) Parcel 7037913, located at 700 South German Church Road.

- (b) The City shall acquire title to the following real property, as well as all physical assets contained therein:
- (1) The fire station at 10750 East 10th Street (Station 441);
 - (2) The fire station at 1302 South Franklin Road (Station 442);
 - (3) The fire station at 7604 East 10th Street (Station 443);
 - (4) The fire station at 7345 East 30th Street (Station 444);
 - (5) The fire station at 10601 East 30th Street (Station 445); and
 - (6) Maintenance facility at 7403 East 30th Street.
 - (7) Block "M" of The Woods at Grassy Creek – Section Two, an Addition to Warren Township, Marion County, Indiana, the plat of which was recorded July 26, 2005, as Instrument No. 2005-118242 in the Office of the Recorder of Marion County, Indiana.
- (c) The City shall acquire ownership of all other Township assets necessary for the continuation of fire and ambulance service within the former Warren FD jurisdiction and/or such other assets used for the fire and ambulance service. Such assets include but are not limited to office equipment (e.g., computers, telephones, pagers, cell phones) assigned to Warren FD employees as of March 1, 2007, office furniture in offices assigned to Warren FD employees, the Fire Safety Trailer and SCBA testing equipment.
- (d) The Township shall retain title to all other non-scheduled Township assets used for civil government purposes and/or not solely used for the fire service.

II. VEHICLES

The vehicles and apparatus owned by the Township shall be divided as follows:

- (a) The Township shall retain title to the following vehicles:
- (1) The antique fire engine stored at Station 442 as of March 20, 2007;
 - (2) Vehicle C402; and
 - (3) Vehicle C404.
- (b) Title of all other vehicles owned by the Township shall be transferred to the City upon the effective date of consolidation.

III. COMMUNITY INVOLVEMENT

The following community activities shall continue as provided in this general ordinance:

- (a) Firefighter For A Day Camp;
- (b) Permanent Fitting Station for Car Seats;
- (c) Safety Trailer;
- (d) Fire House Tours;
- (e) Fire Prevention Week Coloring Contest;
- (f) Fire Safety Education in Schools;

- (g) First Grade Safety Program; and
- (h) Warren Cares (assistance to families in need).

The Township commits to retaining ownership and maintaining in good repair all such property owned by the Township or by the Warren FD on March 20, 2007, continuously from that date until the effective date of consolidation. The Township further commits to advise and obtain the written approval of the IFD Chief regarding any acquisition of property, or any agreement to acquire or dispose of property entered into, from March 20, 2007 until the effective date of consolidation. IFD shall continue to operate the fire stations and maintain and staff the fire apparatus currently maintained by Warren FD at the same staffing levels as Warren FD as of March 20, 2007 until there is countywide fire consolidation or December 31, 2008, whichever is earlier. Prior to countywide consolidation or December 31, 2008, equipment and staffing within the former Warren FD jurisdiction may be moved within the former Warren FD jurisdiction, but may be moved outside the former Warren FD jurisdiction only with the approval of the Township Trustee and Board.

SECTION 3. On the effective date, the Township Board shall cease to have any authority over Warren FD, including its budget, except as set forth in this general ordinance. All responsibility and authority for the consolidated department shall rest with IFD, the City's Department of Public Safety, the City Controller, the Mayor, and the City-County Council.

SECTION 4. On the effective date, the employees of the Warren FD shall cease employment with the Warren FD and become employees of the IFD. In this regard, the City shall assume all agreements with labor organizations that are in effect on the effective date of such consolidation and that apply to the employees of the Warren FD who become employees of the IFD. Further in this regard, the Township commits to advise and consult with the IFD Chief regarding any termination, layoff, or other reduction in force of Warren FD employees, the employment of any additional Warren FD personnel, or the promotion of any Warren FD personnel from March 20, 2007 until the effective date of consolidation.

SECTION 5. On the effective date, the duties of the Warren FD merit board are transferred to and assumed by the City's civilian fire merit board.

SECTION 6. Upon consolidation, any indebtedness related to fire protection services incurred prior to the effective date by the Township, or by any entity on behalf of the Township, shall remain the debt of the Township and does not become a debt of, and may not be assumed by, the City. Such indebtedness shall include, but not be limited to all personnel costs, utility expenses, legal claims and other expenses of providing fire protection service incurred through June 30, 2007. In this regard, any indebtedness related to fire protection services incurred prior to the effective date by the City shall remain the debt of the City, and property taxes levied to pay such debt may only be levied by the City's fire special service district or the consolidated fire district as it existed before July 1, 2007.

SECTION 7. Upon consolidation, the Township shall retain all cash assets and investments, and the right to receive all tax levies, assessments and other tax distributions due and payable prior to July 1, 2007, whether or not such sums are paid to the Township prior to that date. The Township shall use any cash assets, investments, tax levies, assessments and other tax distributions designated for firefighting purposes, including, but not limited to, firefighting funds and fire cumulative funds, to pay any indebtedness described in SECTION 6 of this general ordinance. The Township may then use any remaining cash assets, investments, tax levies, assessments and revenues designated for the fire cumulative and fire equipment and building debt funds for any purpose permitted by law when the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund. The Township shall transfer any remaining cash assets, investments, tax levies, assessments and revenues designated for the fire fighting and fire pension funds to the City.

SECTION 8. Upon consolidation, the Township shall transfer and remit to the City any and all receivables owed and revenues collected for the Township for obligations that become due and payable on or after July 1, 2007, budgeted or to have been used in connection with firefighting operations and pensions, including but not limited to cash assets, investments, tax levies, assessments and other tax distributions.

SECTION 9. Upon consolidation, a Warren FD firefighter who was a member of either the 1937 firefighters' pension fund or the 1977 police officers' and firefighters' pension and disability fund prior to the effective date, remains a member of his or her respective fund, and shall receive credit for any service as a member of such fund prior to the effective date, as provided in Indiana Code § 36-3-1-6.1, subsections (h)(2) and (h)(3).

SECTION 10. On the effective date, the Township's local boards for the 1937 firefighters' pension or the 1977 police officers' and firefighters' pension and disability fund are dissolved and their services are terminated, as provided in Indiana Code § 36-3-1-6.1, subsection (h)(6). The duties performed by such local boards under Indiana Code Chapter 36-8-7 and Indiana Code Chapter 36-8-8, respectively, are assumed by the City's local boards.

SECTION 11. Upon consolidation, property taxes to fund the pension obligation under Indiana Code Chapter 36-8-7 for members of the 1937 firefighters fund and to fund the obligation under Indiana Code Chapter 36-8-8 for members of the 1977 police officers' and firefighters pension and disability fund who were members of IFD on December 31, 2006 may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on December 31, 2006 may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy within the fire special service district and the townships whose departments have been consolidated into the fire department of the consolidated city as provided in Indiana Code § 36-3-1-6.1(h)(7).

SECTION 12. Upon consolidation, the maximum permissible ad valorem property tax levy for fire protection and related services for the Township under Indiana Code Chapter 6-1.1-18.5 for property taxes first due and payable in 2008, is reduced for the Township by the amount equal to the maximum permissible ad valorem property tax levy in 2007 for fire protection and related services for the Township, and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(4)(B).

SECTION 13. Upon consolidation, the ad valorem property tax levy for the Township's fire cumulative building and equipment fund for property taxes first due and payable in 2008, is reduced for the Township by the amount equal to the property tax levy in 2007 for the Township's fire cumulative building and equipment fund and such levy is transferred to the consolidated city as provided in Indiana Code § 36-3-1-6.1, subsection (h)(5).

SECTION 14. The Township currently uses its certified monthly distribution of the county option income tax (hereinafter referred to as "COIT") to pay the costs of operating Warren FD. The Township and the City shall enter into an interlocal agreement regarding the transfer of COIT used to pay the costs of operating the Warren FD to the City for the cost of operating IFD in the Township.

SECTION 15. Upon consolidation and through December 31, 2008, or until a countywide fire department is created, whichever occurs earlier, the property tax rate for fire service of residents of the Township who were previously provided fire protection service by Warren FD shall not be increased for fire operations. Upon the expiration of this term or the creation of a countywide fire department, whichever is earlier, the property tax rate for fire protection service paid by Township residents previously served by Warren FD may be modified by the City and City-County Council.

SECTION 16. Upon consolidation, the City shall establish, operate, and maintain fire-based emergency ambulance services in that part of the Township currently served by Warren FD, as provided in Indiana Code § 36-3-1-6.2.

SECTION 17. Upon consolidation, Warren FD firefighters, who are currently represented by Local 416-Warren Township, shall continue to be represented by Local 416 so long as Local 416 is the chosen bargaining representative of the firefighters of the consolidated department. The working conditions contained in the current collective bargaining agreement between Local 416 and IFD and IFD's rules and regulations shall apply to the Warren FD firefighters, including the staffing levels set forth in that agreement.

SECTION 18. Salaries of Warren FD firefighters shall be consistent with IFD on the effective date. This provision does not limit the ability of Local 416 and the City to negotiate regarding firefighter wages and benefits. Further, because the Warren FD civilian paramedics are represented by Local 416, nothing in

this general ordinance limits the ability of the City and Local 416 to negotiate regarding working conditions or wages and benefits for those Warren FD civilian paramedics who become IFD employees as a result of consolidation.

SECTION 19. Upon consolidation and until such time as determined by the IFD Chief, the Board and Trustee, the current community activities of the Warren FD set forth in SECTION 2 of this general ordinance shall continue.

SECTION 20. Upon consolidation IFD shall provide fire protection service to the town of Cumberland in a manner substantially similar to the manner in which Warren FD currently provides such service, subject to any terms that may be negotiated by IFD and Cumberland.

SECTION 21. Upon consolidation, the Township shall transfer title to the real property described as Block "M" of The Woods at Grassy Creek – Section Two, an Addition to Warren Township, Marion County, Indiana, the plat of which was recorded July 26, 2005, as Instrument No. 2005-118242 in the Office of the Recorder of Marion County, Indiana.

SECTION 22. 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.

SECTION 23. 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 provision or 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 24. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this 16th day of April, 2007, at 9:01 p.m.

ATTEST:

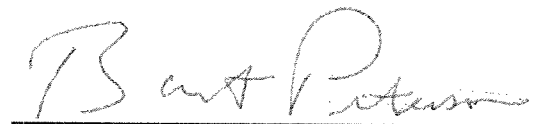

Jean Ann Milharcic
Clerk, City-County Council


Monroe Gray
President, City-County Council

Presented by me to the Mayor this 19th day of April, 2007, at 10:00 a.m.


Jean Ann Milharcic
Clerk, City-County Council

Approved and signed by me this 24th day of April, 2007.


Bart Peterson, Mayor

STATE OF INDIANA, MARION COUNTY))
CITY OF INDIANAPOLIS) SS:
)

I, Jean Ann Milharcic, Clerk of the City-County Council, Indianapolis, Marion County, Indiana, do hereby certify the above and foregoing is a full, true, and complete copy of Proposal No. 158, 2007, a Proposal for GENERAL ORDINANCE, passed by the City-County Council on the 16th day of April, 2007, by a vote of 21 YEAS and 8 NAYS, and was retitled General Ordinance No. 21, 2007, which was signed by the Mayor on the 24th day of April, 2007, and now remains on file and on record in my office.

WITNESS my hand and the official seal of the City of Indianapolis, Indiana, this 24th day of April, 2007.


Jean Ann Milharcic
Clerk, City-County Council

(SEAL)

✓

Indianapolis City - County Council
Public Assembly Room
Regular Session

RCS# 2798

4/16/2007 9:01 PM

Proposal: Prop158 Ordinance: G.O. 21
Sponsor: Gray, Sanders, Conley, Brown, Abdualлах, Franklin, Mahern, Man
Action: ADOPT
Committee: Rules and Public Policy

Yea: 21 Nay: 8 Abstain: 0 Not Voting: 0 Excused: 0

Yea: 21

Abdualлах	Gibson	Moriarty	Randolph
Bateman	Gray	Nytes	Sanders
Boyd	Keller	Oliver	VAUGHN
Brown	Langsford	Pfisterer	
Conley	Mahern	Plowman	
Franklin	Mansfield	Pryor	

Nay: 8

Borst	Cockrum	McWhirter	Schneider
Cain	Day	Salisbury	Speedy

Not Voting: 0

