**RESOLUTION NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**A RESOLUTION AFFIRMING THE USE OF THE TERRITORY GOVERNING BOARD AND REJECTING THE ESTABLISHMENT OF A MERIT SYSTEM FOR THE GREENFIELD FIRE TERRITORY PURSUANT TO INDIANA CODE 3-8-3.5-5.5**

 **WHEREAS,** the Greenfield Fire Territory (“Territory”) is a joint venture between the City of Greenfield and Center Township, both in Hancock County, Indiana, which was created in accordance with IC \_\_\_\_\_\_\_\_\_\_\_\_ through an interlocal agreement (“Agreement”) to provide fire protection and emergency services to the fire territory area; and

**WHEREAS,** the Agreement establishes the City of Greenfield Board of Public Works and Safety as the governing board (“Board”) of the Territory; and

 **WHEREAS,** the Board has been charged with overseeing personnel matters related to the Territory including hiring, promotion, dismissal, and reprimand; and

 **WHEREAS,** the Territory is an eligible fire department as defined by IC 36-8-3.5-5.5(c) with at least twelve (12) active full-time, paid members providing service to a geographic area that has a resident population of at least twenty thousand (20,000) people; and

 **WHEREAS,** pursuant to IC 36-8-3.5-5.5(d), a merit system is established under IC 36-8-3.5-5.5 for the Territory, effective January 1, 2025, unless before December 31, 2024, a merit system is established for the Territory under IC 36-8-3.5-1.1 or a resolution rejecting the establishment of a merit system is adopted in accordance with IC 36-8-3.5-5.5(e); and

 **WHEREAS,** the process to reject the merit system under IC 36-8-3.5-5.5(e) requires the Board to first adopt a resolution by an affirmative vote of a majority of its members to reject the establishment of a merit system by December 31, 2024, then, the resolution shall be voted on by the active full-time, paid members of the Territory in accordance with the procedures set forth in IC 36-8-3.5-4; and

 **WHEREAS,** the Board believes that at this time, it is in the best interest of the Territory for the Board to continue to provide oversight for the Territory’s personnel matters and to reject the establishment of a merit system for the Territory.

 **NOW, THEREFORE, BE IT RESOLVED**, by the City of Greenfield Board of Public Works and Safety as governing board of the Greenfield Fire Territory that:

**SECTION I**

The Board hereby adopts this resolution (“Resolution”) to reject the establishment of a merit system for the Greenfield Fire Territory pursuant to IC 36-8-3.5-5.5(e).

**SECTION II**

Pursuant to IC 36-8-3.5-4, the active full-time, paid members of the Territory shall hold a meeting (“Meeting”) to conduct a vote upon this Resolution.

**SECTION III**

Pursuant to IC 36-8-3.5-4, the Board hereby adopts the Rules and Procedures governing the Meeting that are incorporated herein as Exhibit A.

**SECTION IV**

 This Resolution shall be in full force and effect from and after its passage in accordance with the law.

Adopted this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2024.

**BOARD OF PUBLIC WORKS AND SAFETY AS GOVERNING BOARD OF THE GREENFIELD FIRE TERRITORY, GREENFIELD, INDIANA**

Voting Affirmative: Voting Opposed:

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Guy Titus, Mayor Guy Titus, Mayor

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Larry Breese Larry Breese

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Katherine Locke Katherine Locke

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Brent Robertson Brent Robertson

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Glenna Shelby Glenna Shelby

Attest:

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Lori Elmore, Clerk-Treasurer

**EXHIBIT A**

**RULES GOVERNING THE VOTING PROCEDURE FOR ACTIVE FULL-TIME, PAID MEMBERS OF THE GREENFIELD FIRE TERRITORY TO VOTE ON THE RESOLUTION TO REJECT THE ESTABLISHMENT OF A MERIT SYSTEM**

1. After the adoption of a resolution (“Resolution”) to reject the establishment of a merit system by the City of Greenfield Board of Works and Safety (“Board”), which is the governing board of the Greenfield Fire Territory (“Territory”), a vote on the Resolution shall take place within sixty (60) days by active members of the Territory.
2. The Board shall give all active members of the Territory no less than three (3) weeks’ notice that a meeting will be held to conduct the vote.
3. The Board shall ensure that the notice is posted in prominent places in all stations of the Territory. The notice must designate the time, place, and purpose of the meeting. The notice shall also provide a time and place that is subsequent to the first meeting in the event that the first meeting must be continued due to lack of majority being present to vote.
4. A copy of the Resolution shall be distributed to each active member of the Territory at least one (1) week before the meeting.
5. At the site of the meeting, but prior to the meeting, the City attorney and/or the City attorney’s designee shall explain the purpose of the meeting and the statutory procedures for conducting the meeting. After explaining the procedures for the meeting, the City attorney and/or City attorney’s designee shall depart the meeting room.
6. Only active members of the Territory may attend the meeting to conduct the vote.
7. The chief of the Territory shall call the meeting to order and conduct a vote for the selection of one (1) active member of the Territory to be selected as Chair of the meeting. The Chair shall preside over the meeting and oversee the voting on the Resolution, which is to be conducted by secret written ballot.
8. Only active full-time, paid members of the Territory are permitted to vote.
9. The Chair shall distribute a ballot to each active full-time, paid member of the Territory who is present to vote. The Chair shall keep count the number of ballots distributed and insure that the ballots distributed match the list of the active full-time, paid members who are present to vote.
10. The voting section on the ballot shall read as follows:

Please cast your vote by marking one of the following boxes with an X:

* YES, I am in favor of the resolution to REJECT the establishment of a merit system for the Greenfield Fire Territory. [This vote indicates you *do not* want a merit system to be established.]
* NO, I am not in favor of the resolution to REJECT the establishment of a merit system for the Greenfield Fire Territory. [This vote indicates that you *do* want a merit system to be established.]
1. Each voting member shall mark their ballot, fold it in half and place it in the ballot collection box.
2. After all ballots are placed in the collection box, if a majority of active full-time members of the Territory voted, then the Chair shall adjourn the meeting, however, if a majority of active full-time members of the Territory were not present to vote, the Chair shall announce that the meeting will be continued until the subsequent meeting date, which was provided in the notice.
3. In the event that a majority of the active members were not present to vote, ballots shall not be opened and counted and the City attorney shall hold the ballot collection box until it is needed for the subsequent meeting.

1. Providing that a majority of the active members were present to vote, the City attorney and/or the City attorney’s designee shall be on hand to watch the counting of the ballots in front of the active members. The Chair shall open each ballot placed in the ballot collection box and take a count.
2. If a majority of the active full-time, paid members of the Territory vote “YES” to reject the establishment of a merit system, then a merit system is not established and the Board will continue to oversee Territory personnel matters. If a majority of the active full-time, paid members of the Territory vote “NO” to not reject the establishment of a merit system, then unless a merit system is established prior to December 31, 2024 in accordance with IC 36-8-3.5-1.1, a merit system is automatically established under the provisions of IC 36-8-3.5-5.5 on January 1, 2025.