

**RESOLUTION NO. 2024-07**

**RESOLUTION OF PENN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA**  
**RESOLUTION REJECTING THE ESTABLISHMENT OF A MERIT SYSTEM FOR**  
**THE PENN TOWNSHIP FIRE DEPARTMENT PURSUANT TO**  
**INDIANA CODE 3-8-3.5-5.5**

**WHEREAS**, the Board of Penn Civil Township (“Board”), St. Joseph County, Indiana met at the regularly scheduled meeting of the Board of Penn Township on the date set forth below, such meeting having been posted at the Penn Township Trustee’s Office and on the Penn Township website of the meeting and which notice stated the time, place and purpose of the meeting and which was received by all Penn Township Board Members; and

**WHEREAS**, and Penn Township Fire Department (“Department”) is located within Penn Township, St. Joseph County, Indiana, and was created to provide fire protection and emergency services to the Penn Township area; and

**WHEREAS**, the Board is the governing board of the Penn Township Fire Department; and

**WHEREAS**, the Department 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 Department, effective January 1, 2025, unless before December 31, 2024, a merit system is established for the Department 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 Department 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 Department for the Board to continue to provide oversight for the Department’s personnel matters and to reject the establishment of a merit system for the Department.

**WHEREAS**, the following resolutions were made, seconded and adopted by those present at the meeting, and;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Penn Civil Township as the governing board of the Penn Township Fire Department that:

**SECTION I**

The Board hereby adopts this resolution (“Resolution”) to reject the establishment of a merit system for the Penn Township Fire Department 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 Department 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 11<sup>th</sup> day of November, 2024.

**PENN TOWNSHIP ADVISORY BOARD AS GOVERNING BOARD OF THE PENN TOWNSHIP FIRE DEPARTMENT IN ST. JOSEPH COUNTY, INDIANA**

Voting Affirmative:

  
\_\_\_\_\_  
Kent Hizer, Board Member

  
\_\_\_\_\_  
David Schmidt, Board Member

  
\_\_\_\_\_  
Kris Verash, Board Member

Voting Opposed:

\_\_\_\_\_  
Kent Hizer, Board Member

\_\_\_\_\_  
David Schmidt, Board Member

\_\_\_\_\_  
Kris Verash, Board Member

Attest:

  
\_\_\_\_\_  
Doris J. Portolese, Trustee

## EXHIBIT A

### **RULES GOVERNING THE VOTING PROCEDURE FOR ACTIVE FULL-TIME, PAID MEMBERS OF THE PENN TOWNSHIP FIRE DEPARTMENT 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 Penn Township Advisory Board (“Board”), which is the governing board of the Penn Township Fire Department (“Department”), a vote on the Resolution shall take place within sixty (60) days by active members of the Department.
2. The Board shall give all active members of the Department 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 Department. 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 Department at least one (1) week before the meeting.
5. At the site of the meeting, but prior to the meeting, the attorney for the Penn Township Advisory Board Trustee and/or the Trustee’s 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 Trustee’s attorney and/or Trustee’s attorney’s designee shall depart the meeting room.
6. Only active members of the Department may attend the meeting to conduct the vote.
7. The Chief of the Department shall call the meeting to order and the Union President shall act 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 Department are permitted to vote.
9. The Chair shall distribute a ballot to each active full-time, paid member of the Department who is present to vote. The Chair shall keep count the number of ballots distributed and ensure 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 Penn Township Fire Department. [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 Penn Township Fire Department. [This vote indicates that you *do* want a merit system to be established.]

11. Each voting member shall mark their ballot, fold it in half and place it in the ballot collection box.

12. After all ballots are placed in the collection box, if a majority of active full-time members of the Department voted, then the Chair shall adjourn the meeting, however, if a majority of active full-time members of the Department 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.

13. In the event that a majority of the active members were not present to vote, ballots shall not be opened and counted, and the Trustee's attorney shall hold the ballot collection box until it is needed for the subsequent meeting.

14. Providing that a majority of the active members were present to vote, the Trustee's attorney and/or the Trustee's 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.

15. If a majority of the active full-time, paid members of the Department vote "YES" to reject the establishment of a merit system, then a merit system is not established, and the Board will continue to oversee Department personnel matters. If a majority of the active full-time, paid members of the Department 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.