

**COMMON COUNCIL
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Common Council meets at 6:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	01/25/23	Meeting Date:	02/06/23
Contact Information:			
Requested by:	Lynnette Gray		
On Behalf of Organization or Individual: City of Franklin			
Telephone:	317-738-3365		
Email Address:	lynng@jgmlawfirm.com		
Mailing Address:	63 E. Court St., P.O. Box 160, Franklin, IN 46131		
Describe Request:			
Introduction of Ordinance 2023-01 - Clarifying Ordinance 2015-04			
List Supporting Documentation Provided:			
Ordinance 2023-01 and Ordinance 2015-04			
Name:	City Attorney Lynn Gray	Telephone:	317-738-3365

In order for an individual and/or agency to be considered for new business on the Common Council agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

City of Franklin Common Council

ORDINANCE NO. 2023-01

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN,
INDIANA CLARIFYING ORDINANCE NO. 2015-04**

WHEREAS, the Common Council of the City of Franklin, Indiana (“Council”) previously implemented a city-wide pension compensation plan for all civilian employees and all merit police officers and merit firefighters; and

WHEREAS, the Council passed Ordinance No. 2015-04 on December 7, 2015 which amended the pension compensation plan for merit police officers and merit firefighters to receive a one-time incentive payment (“Incentive Payment”) after completing twenty (20) years of employment service with the City of Franklin, Indiana (“City”). A copy of Ordinance No. 2015-04 is attached hereto as Exhibit A; and

WHEREAS, the Council desires to clarify and restate the parameters and application of the one-time Incentive Payment consistent with its existing terms; and

WHEREAS, to avoid any doubt, the Council wishes to state clearly that the Incentive Payment is not to be considered as salary, but simply as a one-time incentive pay; and

WHEREAS, to avoid any doubt, the Council wishes to state clearly that the City’s obligation to make any one-time Incentive Payment under Ordinance No. 2015-04 is initially triggered in 2023 and for no year prior to 2023.

NOW, THEREFORE, be it ordained by the Common Council of the City of Franklin, Indiana, as follows:

Section 1: The above recitals are incorporated herein by this reference as though fully set forth herein below.

Section 2: As described in Section 1(a) of Ordinance No. 2015-04, in addition to salary and other benefits, merit police officers and merit firefighters employed by the City and hired on or after January 1, 2003, shall be entitled to a one-time Incentive Payment after completing twenty (20) years of service with the City.

Section 3: The Incentive Payment shall be equal to twenty percent (20%) of an eligible merit police officer’s or merit firefighter’s wages earned during that employee’s twentieth (20th) year of employment with the City and shall be paid in the year following completion of the eligible merit police officer’s or merit firefighter’s twentieth (20th) year of employment with the City.

Section 4: In the year in which an eligible merit police officer or merit firefighter receives his or her Incentive Payment, that employee shall not be eligible to receive an additional one-hundred dollar (\$100.00) payment for each year of employment with the City, as provided by Ordinance No. 08-07(b)(i).

Section 5: The Incentive Payment is only available to merit police officers and merit firefighters that meet the requirements described in Ordinance No. 2015-04 and clarified in this Ordinance, and such eligible employees may only receive one Incentive Payment during the course of their employment with the City. To avoid any doubt, the Incentive Payment is a one-time incentive payment and is not considered part of a merit police officer's or merit firefighter's yearly salary or a longevity increase as stated in Indiana Code section 36-8-1-11.

Section 6: To avoid any doubt, the City's obligation to make any Incentive Payment to an eligible merit police officer or merit firefighter is initially triggered in 2023 and for no year prior to 2023

Section 7: All provisions of Ordinance No. 2015-04 shall remain in full force and effect. This Ordinance expressly does not amend, alter, repeal, or nullify any provision in Ordinance No. 2015-04, and only seeks to clarify Ordinance No. 2015-04.

Section 8: The terms, paragraphs, sentences, words, policies, and procedures of this Ordinance are severable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions thereof.

Section 9: This Ordinance shall be in full force and effect upon its adoption.

Introduced and Filed on the _____ day of _____, 2023.

DULY PASSED on the _____ day of _____, 2023 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote _____ in Favor and _____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Voting Opposed:

Kenneth Austin, Council President

Kenneth Austin, Council President

Shawn Taylor, Vice President

Shawn Taylor, Vice President

Jennifer Price

Jennifer Price

Irene Nalley

Irene Nalley

Robert D. Heuchan

Robert D. Heuchan

Anne McGuinness

Anne McGuinness

Josh Prine

Josh Prine

Attest:

Jayne Rhoades
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin, Indiana for his approval or veto pursuant to Indiana Code § 36-4-6-15, 16 the ____ day of _____, 2023.

Jayne Rhoades
City Clerk Treasurer

The Ordinance having been passed by the legislative body and presented to me was approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1) the ____ day of _____, 2023.

Stephen Barnett
Mayor

Attest:

Jayne Rhoades
City Clerk Treasurer