

**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 6 day of February, 2023.

DULY PASSED on the 22 day of February, 2023 by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote 6 in Favor and 0 Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

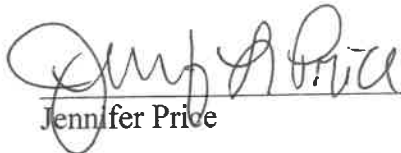
  
\_\_\_\_\_  
Kenneth Austin, Council President

  
\_\_\_\_\_  
Shawn Taylor, Vice President

Voting Opposed:

\_\_\_\_\_  
Kenneth Austin, Council President

\_\_\_\_\_  
Shawn Taylor, Vice President

  
Jennifer Price

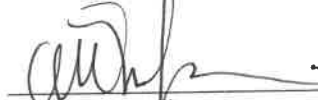
\_\_\_\_\_  
Jennifer Price

  
Irene Nalley

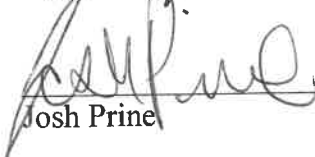
\_\_\_\_\_  
Irene Nalley

Absent.  
Robert D. Heuchan


\_\_\_\_\_  
Robert D. Heuchan

  
Anne McGuinness


\_\_\_\_\_  
Anne McGuinness

  
Josh Prine

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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 22 day of February, 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 22 day of February, 2023.

  
Stephen Barnett  
Mayor

Attest:  
  
Jayne Rhoades  
City Clerk Treasurer