

ORDINANCE NO. 2023-OR-0314

**AN ORDINANCE ESTABLISHING
RESERVE OFFICER FORCE**

WHEREAS, the Town Council of the Town of Borden, Indiana, is the legislative body of the Town and is by law authorized to adopt ordinances for the protection of the public health, safety, and general welfare of its residents;

WHEREAS, the Town Marshall and residents of the Town of Borden have expressed support for a reserve officer program;

WHEREAS, Indiana Code § 36-8-3-20 allows for the legislative body of a town to pass an ordinance providing for reserve officers; and

WHEREAS, the Town Council and Town Marshal have determined that it is in the best interests of the Town and its residents to institute a reserve officer program;

IT IS THEREFORE CONSIDERED, ORDAINED, AND ADOPTED as follows:.

1. **Establishment of Reserve Deputy Force.** The Town of Borden Reserve Officer Force is hereby established.
2. **Maximum Number of Members.** The maximum number of reserve officers is four.
3. **Definitions.** For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Full Reserve Officer” means a reserve officer who has finished all initial training requirements, finished the probationary period, and has been appointed to the Reserve Officer Force as a “full reserve officer.”

The reserve unit shall be known as the “Town of Borden Reserve Officer Force,” and is hereinafter referred to as the “Reserve Force”

“Trainee Reserve Officer” means a Reserve Force applicant who has completed the application process and has been recommended to the Town Council of the Town of Borden by the Town Marshal. A Trainee Reserve Officer is an officer on probation and has not been appointed to the Reserve Force (see Full Reserve Officer above).

4. **Selection and Training.**
 - (a) Each Reserve Officer applicant shall be required to submit background investigation and any other appropriate tests as deemed necessary by the Town Marshal.

(b) Each Reserve Officer shall complete all training required by the State of Indiana, including the pre-basic requirements outlined in I.C. § 36-8-3-20.

(c) Reserve Officers shall be appointed by a unanimous vote of the Town Council. The Town Marshal shall advise and make recommendations to the Town Council regarding reserve deputy appointees. Upon the tentative approval of the applicant by the Town Council, the Reserve Officer will be on probation for a period of three months unless a longer period is designated in writing by the Town Marshal.

(d) During the probationary period, the Reserve Officer must complete all training required by the Town Marshal (in addition to the pre-basic requirements outlined in I.C. § 36-8-3-20).

(e) Three months from the tentative approval date or immediately after the Reserve Officer's successful completion of all training requirements, whichever occurs later, the Town Marshal shall notify the Town Council of the eligibility of the Trainee Reserve Officer to become a Full Reserve Officer, and the Reserve Officer applicant may then be appointed as a Full Reserve Officer to the Reserve Force, by majority approval of the Town Council.

5. **Employment Status.** Reserve Officers (full or trainee) are not employees of the Town and shall not be compensated for their services. Reserve Officers are not entitled to benefits or allowances defined in other fringe benefit or employee ordinances unless specifically noted.

6. **Duties, termination and miscellaneous provisions.**

(a) A Full Reserve Officer shall perform all duties provided for by state laws and local ordinances unless limited by rules and regulations of the Reserve Force.

(b) The Town Marshal shall have the authority to promulgate rules and regulations governing the Reserve Force subject to approval by the Town Council.

(c) Reserve Officers shall serve at the discretion of the Town Marshal and Town Council. A Reserve Officer may be dismissed from the Reserve Force at will by the Town Marshal if he deems that it is in the best interest of the Reserve Force. Upon initiating a dismissal, the Town Marshal shall then notify, in writing, the Town Council of said dismissal. The Town Council shall either confirm the dismissal or overrule same by re-appointing said Reserve Officer. The Town Council may also initiate a dismissal.


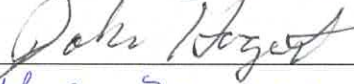

(d) As the Reserve Officer is not an employee, the Reserve Officer has no employment interest of any type. Upon initiation of dismissal procedures (written notification to the Town Council or Town Marshal), a copy of the written notice shall also be sent to the Reserve Officer. This is the only notice of relief to which the Reserve Officer shall be entitled.

7. **Miscellaneous.**

(a) All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed upon the effectiveness of this Ordinance.

(b) Each provision of this Ordinance shall be construed as separate. If any part of this Ordinance shall be held invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance. In the event that any provision of this Ordinance is determined by a court of competent jurisdiction to be pre-empted by a state or federal law or regulation, the applicable provision shall automatically be deemed amended by eliminating the pre-empted provision and incorporating in its place the applicable provision of the pre-empting state or federal law or regulation.

NOW, THEREFORE, BE IT NOW ORDAINED. This ordinance shall be in full force and effect from and after its passage and approval.

AYE		NAY
	Paul Brewer, President	
	John Hagest, Vice President	
	LeAnn McClure, Member	

ATTEST:

Mindi Holmes, Clerk-Treasurer

DATE: 3-14-23