

To establish the Local Board, the '77 Fund Code provides [see underline]

**IC 36-8-8-2.1"Local board"**

Sec. 2.1. (a) As used in this chapter, "local board" means the following:

- (1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.
- (2) For a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.
- (3) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.
- (4) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).
- (5) For an airport authority, the board of an airport authority.
- (6) For a school resource officer, the local board described in subdivisions (1) through (4) that manages the fund established in the unit or the consolidated city in which the:
  - (A) territory of the school corporation; or
  - (B) charter school;

is located. However, if more than one (1) local board is applicable under this subdivision, the governing body of the school corporation or the equivalent authority for the charter school that employs or contracts to employ the school resource officer may choose the applicable local board with respect to the school resource officer.

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) If a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

To my knowledge, the Territory and its predecessor departments only dealt with the '77 Fund, therefore, we do not have a Local Board from (a)(1)-(6) or (b), we fall under subsection (c) for a unit that did not establish a '37 Fund for its firefighters. If I am wrong, let me know, but it may be a distinction but no difference to due the following. Nevertheless, to establish the '77 Fund Local Board, the same method for the '37 Fund is to be used.

To establish the Local Board under the '37 Fund, it provides the following:

**IC 36-8-7-3Creation of fund; management by board of trustees; powers and duties**

Sec. 3. (a) A firefighters' pension fund to be known as the 1937 fund is established in each unit described by section 1(a) of this chapter.

(b) The 1937 fund shall be managed by a board of trustees (referred to as the "local board" in this chapter) composed of seven (7) trustees. Two (2) trustees are the executive of the unit and the fire chief, who are ex officio voting trustees. The other trustees are one (1) retired member of the fire department and four (4) active members of the fire department elected for the terms and in the manner provided in this chapter.

(c) The local board has control of the 1937 fund of the unit. The local board shall manage, use, and disburse the fund for the purpose and in the manner prescribed by this chapter. The local board may adopt and enforce bylaws that do not conflict with this chapter and are considered necessary to enable it to achieve the purposes for which it was organized. Each trustee shall, before entering upon the duties of the trustee's office, take an oath to faithfully perform the trustee's duties.

The membership of the Local Board includes the Fire Chief and "executive of the unit" as the two voting ex officio members. We did not have an agreement on who the 'executive of the unit' would be. The Executive Board covers most of those duties, but to have the Board, as a whole, act in that capacity, would be unwieldy. I recommend the Board pass a resolution to select one member of the Board to annually serve in that capacity, whether that is the then acting President or to select among themselves. The remaining members of the seven-person board are one (1) retired member of the Department for a two (2) year term and four (4) active members elected for four (4) year terms. The members are elected each February and the election is open for three (3) days. If there is a tie between two candidates, the Fire Chief and Executive of the Unit will select the tie-breaker, so we need the 'Executive' pick definitively selected at the February meeting. The statute provides if there are no retired members of the Department then that position shall remain open until such time there is a future retirement. We would need to talk about if we consider the Town department a continuation and if we should consider a retiree from that Department.