

Special Council Meeting
 Wednesday June 20, 2012
 Immediately Following Executive Session. Town Hall

Edinburgh Town Council, met in a special meeting Wednesday June 20, 2012 immediately following the executive session at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

Town Council Members present: Ron Hoffman, President, Curtis Rooks, Vice President, John Drybread, Jeffrey A. Simpson and Kami Ervin. Also present were Jackie Smith, Clerk Treasurer and Dustin Huddleston, Town Attorney.

President Hoffman called the meeting to order. Ron said officer Christopher McCallister is on the agenda and I am going to ask Mr. Huddleston to explain the charges that have been filed.

Town Attorney Huddleston we have confirmed by going through the court procedures the charges filled against Mr. McCallister in Marion County Court system. These are stamped filed May 27, 2012 for four counts of misdemeanor charges and this will be entered as exhibit A. I have verified these with the court and they are true and accurate copies of the pending criminal case.

President Hoffman Asked Pat if he agrees to voluntarily let the town council deal with the issue?

Town Marshall Pankey said that would be the best because he doesn't know if the officers will show up in court and the charges are dropped, so I defer to the council.

President Hoffman said he understood that from previous conversations there aren't many rules or procedures in place to deal with these issues.

Town Marshall Pankey said our rules are outdated and the rules that are in effect right now are from 1-14-79 when he was hired in. Pat said he has asked previous councils about the process of updating the rules and regulation for the town, but they have not been done.

President Hoffman said right now these rules are from 1979.

Town Marshall Pankey said they are outdated.

President Hoffman asked Mr. Huddleston to explain the council's involvement as the town council in this manner.

Town Attorney Huddleston said this board is going to operate as a pseudo merit board since the town of Edinburgh is in the town Marshall system with a full time paid police force and we have not opted out of that system to create a safety board. Disciplinary procedures that are handled internally fall on the town council you act as the safety board. So at your disposal is your option to discipline a police officer or fire staff. Any discipline over five days results in an option that Officer McCallister can appeal that. One thing you can do that is different if you have a criminal charge is that you can do an administrative leave that freezes this procedure until the adjudication of the criminal charges.

President Hoffman asked if there are any criteria for the council to consider?

Town Attorney Huddleston said if you demote, dismiss or reprimand you have to specifically find that officer McCallister has been convicted of a crime or one or more of the following: Neglect of Duty, A violation of rules, Neglect or disobedience of orders, Incapacity, Absence without leave, Immoral conduct, Conduct injurious to the public peace or welfare, Conduct unbecoming an officer or Another breach of discipline. Dustin said if you decide on anything besides an administrative leave you need a specific find.

President Hoffman asked Mr. McCallister if he had anything to say?

Officer McCallister said no.

Councilwoman Ervin said she had nothing to add and she thinks you are innocent until proven guilty. Kami said taken the criteria into consideration I take a position as administrative leave as discipline.

Councilman Rooks said the same thing as Kami said. Curtis said we don't know what the outcome of the courts will be and I feel the administrative leave is the best option at this time.

Councilman Simpson said he agrees and he has been an officer for 13 years with no issues and has served and protected this community. I would hate to see a trial by the media because of the issues that happened in Indianapolis and I would recommend an administrative leave.

Councilman Drybread said he agreed and he wanted everyone to know that this wasn't an easy decision. We don't want to close the door on officer McCallister and to take the non-political approach is the right thing to do. I concur with Kami's recommendation.

President Hoffman said I believe you are innocent until proven guilty. Like Pat said when the hearing comes he might be found innocent. I also think that this town council cannot not do anything, because there are some things you do wrong and as a police officer you are held to a higher standard. I agree with Kami , I think administrative leave without pay until this is adjudicated and in all fairness this should be as soon as possible.

Town Attorney Huddleston read Indiana Coe 36-8-3-4 subsection N: If the member is subject to criminal charges being Officer McCallister the board which is the Town Council may place the member on administrative leave until the disposition of the criminal charges in the trial court. Any other action by the board is stayed until the disposition of the criminal charges in the trial court An administrative leave under this subsection may be with or without pay as determined by the board. If the member is placed on leave without pay, the board, at its discretion, may award back pay if the member is exonerated in the criminal matter. Town Attorney Huddleston read Indiana Code 36-8-3-4 subsection B: If a member is suspended or placed on administrative leave under this subsection, the member is entitled to the member's allowances for insurance benefits to which the member entitled before being suspended or placed on administrative leave. In addition, the local unit may provide the member's allowances for any other fringe benefits to which the member was entitled to before being suspended or placed on administrative leave.

President Hoffman asked in short what does this mean?

Town Attorney Huddleston said in layman's terms that it means if he is placed on administrative leave he is still entitled to his benefits.

President Hoffman asked Mr. McCallister if he understood?

Officer McCallister said yes.

Councilman Rooks said his court date was in August and wanted to know if it could be moved up?

Town Attorney Huddleston said that's a question for his attorney, but it is possible to change court dates.

Councilwoman Ervin made a motion to place Officer McCallister on administrative leave with out pay until adjudication of the case. Councilman Simpson seconded Unanimous.

President Hoffman said we need a vote on Mr. Huddleston being authorized as the town attorney to issue a written notice of this meeting and decision to Mr. McCallister.

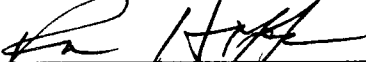
Town Attorney Huddleston said we just need to put it in writing what our decision is just as a resolution or ordinance and I will do that and sent it to Mr. McCallister.


Councilman Drybread made a motion for Town Attorney Huddleston to notify Mr. McCallister in writing. Councilman Rooks seconded. Unanimous

Councilman Rooks said he would not be here Monday night for the meeting.

Being no further business or comments, Councilman Simpson made a motion to adjourn. Councilman Drybread seconded. Unanimous.

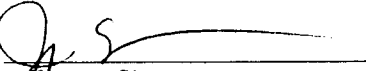
EDINBURGH TOWN COUNCIL



Ron Hoffman, President


Kami Ervin


John Drybread

Curtis Rooks


Jeffrey A. Simpson

ATTEST:

Jackie Smith Clerk Treasurer