

ORDINANCE 2014-7

**AN ORDINANCE AMENDING THE COUTNY CODE CONCERNING THE
COUNTY'S REDEVELOPMENT COMISSION**

WHEREAS, Chapter 33, Section 33.11 of the Montgomery County Code of Ordinances establishes and sets forth certain requirements concerning the Montgomery County Redevelopment Commission;

AND WHEREAS, the Board of Commissioners of Montgomery County has determined that the terms of Section 33.11 need to be updated due to changes in the state statutes concerning the appointment of the redevelopment commission members and a non-voting advisor;

AND WHEREAS, the Commissioners wish to amend Section 33.11 to provide the necessary changes;

NOW, THEREFORE, IT IS ORDAINED by the Montgomery County Board of Commissioners that Chapter 33, Section 33.11 of the Montgomery County Code of Ordinances, which currently reads as follows:

§33.11 MONTGOMERY COUNTY REDEVELOPMENT COMMISSION

(A) There is hereby established a department of redevelopment controlled by a board of five (5) members, to be known as "Montgomery County Redevelopment Commission."

(B) All of the territory within Montgomery County, Indiana, except the territory within a municipality in the County that has its own redevelopment commission, constitutes a "special taxing district" for the purpose levying and collecting special benefit taxes for redevelopment purposes as provided in I.C. 36-7-14.

(C) The members of the Montgomery County Redevelopment Commission shall be appointed by the Board of Commissioners of Montgomery County for terms of one (1) year except that the original commissioner shall serve from the date of their appointment until, except that the original commissioners shall serve from the date of their appointment until January 1, 2009. All commission members must be at least eighteen (18) years of age and residents of the special taxing district.

(D) Before beginning his or her duties, each commissioner shall take and subscribe an oath of office, to be endorsed on the certificate of his or her appointment, and filed with the Clerk of the Montgomery Circuit Court.

(E) Also before beginning his or her duties, each commissioner shall execute a bond in the penal sum of Fifteen Thousand Dollars (\$15,000.00), payable to the State of Indiana, with surety to be approved by the Board of Commissioners of Montgomery County. Such bond shall be conditioned on the faithful performance of the commissioner's duties of office and the account for all monies and property that may come into the commissioner's hands or under his or her control. The cost of the bond shall be paid by the special taxing district.

(F) The Montgomery County Redevelopment Commission shall comply with all statutes applicable to redevelopment commissions generally, including without limitation I.C. 36-7-14.
(Commissioners Ord. 2007-4, passed 9-24-07)

Should be amended to read as follows:

**"§33.11 MONTGOMERY COUNTY REDEVLOPMENT
COMMISSION**

(A) **Establishment of Redevelopment Commission.** There is hereby established a department of redevelopment controlled by a board of five (5) members, to be known as "Montgomery County Redevelopment Commission."

(B) **Establishment of Special Taxing District.** All of the territory within Montgomery County, Indiana, except the territory within a municipality in the County that has its own redevelopment commission, constitutes a

“special taxing district” for the purpose levying and collecting special benefit taxes for redevelopment purposes as provided in I.C. 36-7-14.

(C) Appointments To Commission.

(1) **Redevelopment Commissioners.** The Board of County Commissioners shall appoint three (3) members of the Redevelopment Commission, and the County Council shall appoint two (2) members. Each Redevelopment Commissioner shall serve for one (1) year from the first day of January after his appointment and until his successor is appointed and has qualified.

(2) **Nonvoting Adviser.** The County Commissioners shall also appoint one (1) person to serve as a non-voting adviser to the Redevelopment Commission. This person must be a school board member of one of the school corporations located in Montgomery County. This adviser is not considered a member of the Commission but is entitled to attend and participate in the proceedings of all Commission meetings. The non-voting adviser is not entitled to a salary, per diem, or reimbursement of expenses. The adviser serves a term of two (2) years and until a successor is appointed, and serves at the pleasure of the County Commissioners.

(D) **Qualifications.** All commission members must be at least eighteen (18) years of age and residents of the special taxing district. If a commission member ceases to be qualified, he or she forfeits his or her office.

(E) **Oath.** Before beginning his or her duties, each commissioner shall take and subscribe an oath of office, to be endorsed on the certificate of his or her appointment, and filed with the Clerk of the Montgomery Circuit Court.

(F) **Bond.** Also before beginning his or her duties, each commissioner shall execute a bond in the penal sum of Fifteen Thousand Dollars (\$15,000.00), payable to the State of Indiana, with surety to be approved by the Board of Commissioners of Montgomery County. Such bond shall be conditioned on the faithful performance of the commissioner’s duties of

office and the account for all monies and property that may come into the commissioner's hands or under his or her control. The cost of the bond shall be paid by the special taxing district.

(G) **Salaries and Reimbursement.** Redevelopment commissioners who are holders of a lucrative office for purposes of Article 2, Section 9 of the Indiana Constitution are not entitled to salaries, but they are entitled to reimbursement for expenses necessarily incurred in the performance of their duties. A redevelopment commissioner who does not hold a lucrative office for purposes of Article 2, Section 9 of the Indiana Constitution may receive a salary or a per diem and is entitled to reimbursement for expenses necessarily incurred in the performance of his or her duties.

(H) **Removal.** The appointing authority may at any time summarily remove a redevelopment commissioner by providing written notice of such removal to the Secretary of the Commission.

(I) **Prohibition.** Neither a redevelopment commissioner nor a nonvoting adviser may have a pecuniary interest in any contract, employment, purchase, or sale made under Indiana Code 36-7-14. However, any property required for redevelopment purposes in which a redevelopment commissioner or nonvoting adviser has a pecuniary interest may be acquired, but only by gift or condemnation. A transaction made in violation of this prohibition is void.

(J) **Compliance and Authority.** The Montgomery County Redevelopment Commission shall comply with all statutes applicable to redevelopment commissions generally, including without limitation I.C. 36-7-14.
(Commissioners Ord. 2007-4, passed 9-24-07; Amended, Ord. 2014-7, 1-13-15)"

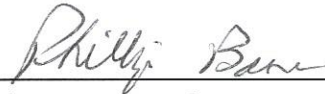
IT IS FURTHER ORDAINED that all provisions of Chapter 33 of the Montgomery County Code which are not expressly amended by this ordinance will remain in full force and effect.

IT IS FURTHER ORDAINED that this ordinance will be effective upon adoption.

Adopted by the Board of Commissioners of Montgomery County this 23rd

day of January, 2015.

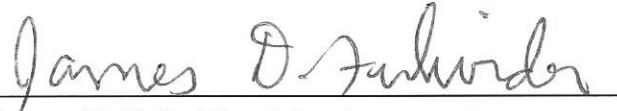
BOARD OF COMMISSIONERS
OF MONTGOMERY COUNTY



Phil Bane, President



Terry Hockersmith, Vice President



James D. Fulwider, Member

Constituting a majority of the Montgomery
County Board of Commissioners

ATTEST:



Jennifer Andel, Auditor