

# Montgomery County Board of Commissioners

## Ordinance 2018 – 9

### Establishing the Montgomery County Redevelopment Authority

**Whereas**, Indiana Code § 36-7-14.5-7 grants the Montgomery County Board of Commissioners (“Board”) the power to create a county redevelopment authority; and

**Whereas**, a county redevelopment authority may exercise all purposes and powers authorized by Indiana Code § 36-7-14.5-11 and 12; and

**Whereas**, a county redevelopment authority must be comprised of three members appointed by the Board; and

**Whereas**, a county redevelopment authority is charged with making annual reports to the County executive body, fiscal body and the Indiana Department of Local Government Finance; and

**Whereas**, Indiana Code § 36-7-14.5 grants the redevelopment authority the power to enter into contracts such as lease agreements; and

**Whereas**, the Montgomery County Redevelopment Commission approved a bond or bond anticipation note which envisions certain facilities to be owned by the Authority, as well as envisions the Authority leasing these facilities back to the County Redevelopment Commission.

**Whereas**, to aid in this process, as well as other local public improvements, the Board finds it is in the best interest of Montgomery County, and its citizens, to establish

a Montgomery County Redevelopment Authority ("Authority") and authorize the Authority to exercise its purposes and powers pursuant to Indiana Law.

**Therefore, it is ordained** that a new section of the Montgomery County Code of Ordinances, Section § 33.13, is hereby added to create the Montgomery County Redevelopment Authority. The new section shall read as written in Exhibit A.


**It is further ordained** that the Board shall appoint three members to the Authority. These members must be residents of Montgomery County and must serve a term of three years.

Adopted this 10 day of June, 2018.

**Montgomery County Board of Commissioners:**

  
\_\_\_\_\_  
James D. Fulwider, President

  
\_\_\_\_\_  
Phil Bane, Vice President

  
\_\_\_\_\_  
John Frey, Member

Attest:

  
\_\_\_\_\_  
Jennifer Andel, Auditor

## Exhibit A

### Section 33.13 MONTGOMERY COUNTY REDEVELOPMENT AUTHORITY

(A) *Montgomery County Redevelopment Authority.* It is hereby established by the Montgomery County Board of Commissioners, by ordinance, the Montgomery County Redevelopment Authority.

(B) *Membership.* The Montgomery County Redevelopment Authority (“Authority”) consists of three members. The three members shall be appointed the Montgomery County Board of Commissioners. All members must reside in Montgomery County, Indiana

(C) *Terms.* An Authority member shall serve for a term of three years.

(D) *Removal of Member.* An Authority member can only be removed by the Montgomery County Board of Commissioners for cause.

(E) *Vacancies.* Any vacancy of the Authority shall be filled the Montgomery County Board of Commissioners.

(F) *Oath.* An Authority member must execute the oath prescribed by Indiana Code § 5-4-1 before serving on the Authority.

(G) *Salary.* An Authority member shall not receive a salary for service to the Authority.

(H) *By-Laws.* The Authority may adopt By-Laws.

(I) *Meetings.* The Authority must, at least, conduct an annual meeting in the month of January to elect officers and conduct the business of the Authority. The Authority may hold regular meetings on a date, time, and place as determined by the Authority. The Authority may hold special meetings called by the Authority President or any two members of the Authority. Each member must attend at least one meeting per year, in person.

(J) *Authority Quorum; Participation; Voting.* To conduct official business of the Authority, all meetings must possess a quorum, consisting of a majority of the members. Electronic participation by a member is allowed if all participating members and the public physically present can simultaneously communicate with each other. If a member participates in a meeting of the Authority by electronic means, as provided in this Chapter, the member is counted as present for purposes of establishing a quorum and the member may participate in any final action taken at the meeting. However, if a member or members participate in a meeting by electronic means, at least one-third of members of the Authority must be physically present. All motions of the Authority must receive a majority vote of the members to pass. All votes must be by roll call voting.

(K) *Reports.* No later than April 15 of each year, the Authority must submit an annual report to the Montgomery County Board of Commissioners,

the Montgomery County Council, and the Indiana Department of Local Government Finance. This annual report must include the following:

- (1) Revenues;
- (2) Expenses;
- (3) Fund Balances;
- (4) Amount and Maturity Date of outstanding obligations;
- (5) Amount paid on outstanding obligations; and,
- (6) A list of all parcels included in each tax increment financing district allocation and the base assessed valuation and incremental assessed valuation for each parcel.

(L) *Purposes.* Pursuant to Indiana Code § 36-7-14-11, the Authority may exist for the following purposes:

- (1) Financing, constructing and leasing local public improvements to the redevelopment commission ("RDC").
- (2) Financing and constructing additional improvements to local public improvements owned by the Authority and leasing them to the RDC.
- (3) Acquiring all or a portion of one or more local public improvements from the RDC by purchase or lease and leasing these local public improvements back to the RDC, with any additional improvements that may be made to them.
- (4) Acquiring all or a portion of one or more local public improvements from the RDC by purchase or lease to fund or refund indebtedness incurred on account of those local public improvements to enable the RDC to make a savings in debt services obligations or lease rental obligations or to obtain relief from covenants that the RDC considers to be unduly burdensome.

(M) *Powers and Duties.* The Authority has the power to perform the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire or equip local public improvements;
- (2) Lease those local public improvements to the RDC;
- (3) Sue, be sued, plead, or be impleaded. All actions against the Authority must be brought in the Circuit or Superior courts of Montgomery County;

(4) Condemn, appropriate, lease, rent, purchase or hold any real or personal property needed or considered useful in connection with a local public improvement;

(5) Acquire real or personal property by gift, devise, or bequest and hold or disperse of that property for the purposes authorized by Indiana Code § 36-7-14.5;

(6) Enter upon any lots or lands for the purpose of surveying or examining the land to determine the location of a local public improvement;

(7) Design, order, contract or construct, reconstruct or renovate any local public improvement or improvements;

(8) Employ managers, superintendents, architects, engineers, attorneys, auditors, clerks, construction managers or other like employees necessary for the construction of local public improvements or improvements to them.

(9) Make and enter into contracts or agreements necessary or incidental to the performance of its duties or the execution of its powers under Indiana Code § 36-7-14.5;

(10) Take any other action necessary to implement the Authority's purposes;

(N) *Dissolution*. Whenever the Authority determines that:

(1) The purposes for which it was formed have been substantially fulfilled; and,

(2) All bonds issued and other obligations incurred by it have been fully paid or satisfied or provision for the payment of the bonds and obligation have been made in accordance with the terms of the resolution of trust indenture securing them,

the Montgomery County Board of Commissioners may declare the Authority dissolved. On the effective date of the dissolution, the title to all funds and other property vests in the RDC. If, at the time of dissolution, the RDC is not in existence, then the title to all funds and other property vests with Montgomery County.