

State bill aids reorganization plan

By Ben Woodson/Times Sentinel writer

The government reorganization committee wants to add Eagle and Union township representatives to the Zionsville plan commission, board of zoning appeals and the parks boards, but doesn't have the explicit authority and worries about potential legal action.

However, the Indiana Senate recently passed a bill providing that authority and the House committee on local government is considering the bill. Senator Jeff Drozda (R) introduced an amendment to SB 297 giving a reorganization committee representing at least two townships and at least one municipality the authority to change the makeup and number of the members on a plan commission, parks board and board of zoning appeals.

Expanded Representation

"You really need to expand them to make sure you have enough representation from the larger area you are going to be dealing with," reorganization committee Chairman Gene Thompson said.

The committee's plan would give the Zionsville Planning Department authority over all of Eagle and Union townships, minus the area annexed by Whitestown, and would also merge the two township parks board into their Zionsville counterpart. The original plan was to keep the makeup of the plan commission, BZA, and parks board the same when the reorganization became effective, and then recommend the town council appoint additional representatives.

However, Eagle Township Board members were concerned the townships would be underrepresented on those boards if appointments were made following the plan's effective date of Jan. 2, 2010. They wanted representation on day one.

The reorganization committee also wanted to add township representatives to the boards, hoping to see geographic diversity on all three, committee member Michael Andreoli said.

"Our original thought ... was to try to create additional membership on these boards to reflect the new areas of the reorganized entity," Andreoli said. "Our board weighed in on the side of more representation rather than less."

Legal Concerns

State statutes constrict the number and makeup of town boards. They limit the parks board to five members and the plan commission to seven. The plan commission itself also requires two members be town employees.

The original reorganization statute, House Bill 1362, gives the committee implicit authority to change the makeup and number of these boards. It has been described as recreating government from "a blank sheet of paper" and having no restrictions at all, and says that any state laws contradicting the reorganization statute do not apply.

The committee is worried that if it goes against existing state statutes governing board composition — by adding members — the expanded board could be challenged in court. Andreoli said if one of the boards does something people do not like, the legality of the board itself could be challenged.

Andreoli said if SB 297 passes as amended, it will give the reorganization committee the explicit authority to add members to these boards. As a result, the committee will be much more comfortable adding township representatives to the three boards so they'll be in place when the plan becomes effective, rather than having to wait to make new appointments.

Plan Commission

The reorganization committee's recommendation for the plan commission was an early casualty of legal concerns. When the reorganization plan was first announced in December, planning subcommittee chairman Jay Parks recommended a nine-person plan commission with four representatives from each township with one member appointed by the school board. Zionsville representatives would be included among the four from Eagle Township.

However, when the executive summary of the plan was released, the recommendation changed to keeping the current seven-person plan commission because of the legal concerns, Thompson said. If the bill becomes law, the reorganization committee will revisit the issue.