

ORDINANCE NO. 2009 -15
OF THE TOWN OF ZIONSVILLE

**AN ORDINANCE ESTABLISHING THE
NEW TOWN OF ZIONSVILLE PARK AND RECREATION BOARD
COMPOSITION TO FACILITATE THE REORGANIZATION OF
EAGLE TOWNSHIP, UNION TOWNSHIP AND THE TOWN OF ZIONSVILLE**

WHEREAS, IC 36-1.5 ("Act") provides for the reorganization of governmental entities in Indiana; and

WHEREAS, pursuant to the provisions of the Act, the Reorganization Committee prepared and forwarded to Eagle Township ("Eagle"), Union Township ("Union") and the Town of Zionsville, Indiana ("Town") a Plan of Reorganization on April 17, 2008 ("Reorganization Plan"), setting forth the details of the proposed reorganization and merger of Eagle, Union and the Town ("Reorganization"); and

WHEREAS, Eagle, Union and the Town adopted mirror resolutions and an ordinance, effective July 24, 2008 ("Reorganization Ordinances"), to reorganize and merge their respective units into the Town; and

WHEREAS, the public question, "Shall Eagle Township, Union Township and the Town of Zionsville reorganize as a single political subdivision?", was approved by a majority of the respective voters of each unit on November 4, 2008; and

WHEREAS, the Reorganization shall take effect as of January 2, 2010 ("Effective Date"); and

WHEREAS, the Plan of Reorganization, in subsection (c) on page 9, and the Reorganization Ordinances in Section 10, contemplate geographic representation from Eagle, Union and the Town following the Reorganization on the new Zionsville Park and Recreation Board; and

WHEREAS, pursuant to Section 10 of the Reorganization Ordinances, the Transition Committee is to draft and submit a proposed ordinance dealing with membership of the new Zionsville Park and Recreation Board; and

WHEREAS, the Transition Committee has considered the issues of the new Zionsville Park and Recreation Board, together with the statutory authority granted to towns under IC 36-10-3, and made its recommendations accordingly; and

WHEREAS, the Act grants broad powers to enable the Town to operate more efficiently; grants full and complete authority for reorganizing political subdivisions; requires no other law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the state or any political subdivision to reorganize; permits the exercise of powers granted under the Act without complying with the provision of any other law, statute or rule;

requires that the Act be applied liberally construed; and grants that compliance with the Act is treated as compliance with any conflicting law; and

WHEREAS, the Town Council finds that it would be beneficial in facilitating the Reorganization to establish and specify the membership constitution of the Zionsville Park and Recreation Board as of the Effective Date.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, Indiana, that:

1. Park and Recreation Board Powers. The new Zionsville Park and Recreation Board ("Board") shall oversee the development and maintenance of parks and recreation in the New Town. The Board shall have all powers, duties and responsibilities prescribed in IC 36-10-3-1 et seq. However, the Board shall obtain the prior approval of the Town Council before exercising the power of eminent domain, as provided by IC 36-10-3-11(a)(5). In addition, the Board shall oversee the maintenance of the cemeteries within the former Eagle and Union Townships to the extent required by and provided for in IC 23-14-65, IC 23-14-66, IC 23-14-68, and IC 23-14-69.

2. Park Board Representation and Action. (a) The Board shall consist of four (4) members to be appointed by the Town Council. The members shall be appointed on the basis of their interest in and knowledge of parks and recreation. Members of the Board must be residents of the park district. At least one of the members must be a resident of the part of former Union Township designated as the "Rural District" and at least one of the members must be a resident of the part of former Eagle Township designated as the "Rural District". Notwithstanding the provisions of this paragraph, no action of the Board may be challenged or invalidated on the basis of the residency of the members of the Board.

(b) The Board members will serve staggered four (4) year terms. No Board member may serve more than eight (8) years in any twelve (12) year period. Service prior to January 2, 2010 will be counted in this restriction. The Town Council shall appoint the four (4) members of the Board, effective January 2, 2010, with the members serving initial terms of four (4), three (3), two (2), and one (1) years, respectively. The Town Council may reappoint members of the current Park Board to the Board and may provide for the terms of those current members to coincide with the remainder of their current terms. However, the Town Council must make appointments that satisfy the residency requirements of subsection (a) and that satisfy the term limits of this subsection.

(c) In making appointments to the Board, the Town Council may be required to find, pursuant to IC 36-10-3-4.1, that due to the political make up of the persons active in the parks community, it is necessary to waive the following requirements for members of the Board: (1) the requirement that a member of the Board be affiliated with a political party, and (2) the requirement that not more than two (2) of the four (4) members of the Board be affiliated with the same political party.

(d) In addition, the Board may have up to two (2) ex officio members, those being:

(1) a member:

(A) of the governing body of the school corporation selected by that body; or

(B) designated by the governing body of the school corporation;

(2) a member of the governing body of the library district selected by that body; or

(3) both subdivisions (1) and (2)

The ex officio members shall be appointed and shall serve at the will of their respective appointing authority. No individual may serve as an ex officio member of the board for more than two (2) years.

(e) The Town Council may appoint advisor members as it deems appropriate, from local area agencies and organizations, such as public safety, Central Indiana Land Trust, and the Boone County Foundation.

(f) Upon authorization under Indiana statute, the Town Council will expand the membership of the Board to seven (7) members, to include four (4) regular members and three (3) ex officio members from various community organizations.

(g) Pursuant to IC 36-10-3-8, the Board shall elect its officers annually. No Board member may serve in the same office for more than two (2) consecutive years.

(h) Pursuant to IC 36-10-3-8(d) an action of the Board is not official unless it is authorized by at least three (3) members present and acting.

(i) Any appointed member who moves from the jurisdiction from which the member was appointed shall be treated as if the member had resigned and the Town Council shall appoint a replacement consistent with these requirements. If the jurisdiction of the residence of an appointed member changes due to reclassification of the District in which the appointed member resides, then the member shall not be deemed to have resigned and the appointed member may serve the remainder of his/her term.

3. Park Board Superintendent. The Board shall appoint a Superintendent pursuant to IC 36-10-3-13. The Superintendent shall have the powers and duties provided in IC 36-10-3-14, together with such other powers and duties properly conveyed to him/her by the Board. The Superintendent shall provide regular informational reports to the Zionsville Town Manager on the same basis as the chief officers of the various Town Departments. The Superintendent shall attend all joint meetings of the collective chief officers of the various Town Departments.

4. Transition Committee. The Transition Committee has reviewed this Ordinance and discussed it at meetings of the Transition Committee on September 30, 2009

and December 16, 2009 and recommends adoption of this Ordinance in furtherance of the Reorganization and to foster and promote geographic representation on the Boards and Commissions as described in the Reorganization Plan and Reorganization Ordinances.

5. Construction of Clause Headings. The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

6. Repeal of Conflicting Ordinances. The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

7. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

8. Duration and Effective Date. The provisions of this Ordinance shall become effective immediately and remain in full force and effect until repeal by ordinance.

Introduced and filed on the _____ day of December, 2009. A motion to consider on First Reading was sustained by a vote of _____ in favor and _____ opposed, pursuant to Indiana Code §36-5-2-9.8.

DULY PASSED AND ADOPTED this ____ day of December, 2009, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

TOWN OF ZIONSVILLE, INDIANA
BY ITS TOWN COUNCIL

Matthew M. Price, President

For
Opposed

Michelle Barrett

For
Opposed

Timothy R. Haak

For
Opposed

Valerie R. Swack

For
Opposed

Welton W. Harris II

For
Opposed

ATTEST:

John J. Yeo
Zionsville Clerk/Treasurer