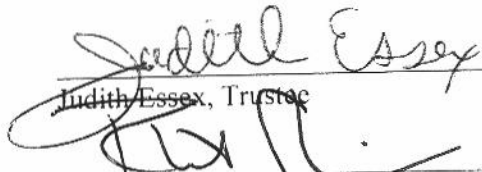


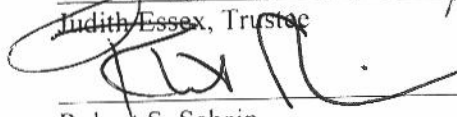
**CERTIFICATION  
OF THE EAGLE TOWNSHIP BOARD TO  
THE CHAIR OF THE COMMUNITIES OF ZIONSVILLE  
AREA FOR BETTER GOVERNMENT COMMITTEE,  
THE ZIONSVILLE CLERK-TREASURER,  
THE EAGLE TOWNSHIP TRUSTEE,  
THE UNION TOWNSHIP TRUSTEE,  
THE BOONE COUNTY COUNCIL,  
AND THE BOONE COUNTY RECORDER  
PURSUANT TO IC 36-1.5-4-23**

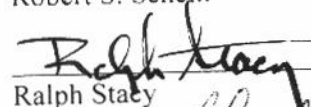
We, the undersigned members of the Eagle Township Board, hereby certify the action of the Eagle Township Board on the Plan of Reorganization, dated April 18, 2008, as follows:


1. The undersigned constitute the legislative body of Eagle Township, Indiana; and
2. The Board adopted the Plan of Reorganization with modifications, as set forth in Joint Resolution No. 2008-2, pursuant to IC 36-1.5-4-20, at a meeting duly called and held on July 23, 2008, a quorum having been present and acting throughout; and
3. Attached hereto is a true and correct copy of Joint Resolution No. 2008-2, duly adopted by the Eagle Township Board.

IN WITNESS WHEREOF, we have hereto affixed our signatures this 23<sup>rd</sup> day of July, 2008.

  
\_\_\_\_\_  
Judith Essex, Trustee

  
\_\_\_\_\_  
Robert S. Schein

  
\_\_\_\_\_  
Ralph Stacy

  
\_\_\_\_\_  
Jeff Papa

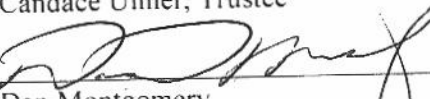
**CERTIFICATION  
OF THE UNION TOWNSHIP BOARD TO  
THE CHAIR OF THE COMMUNITIES OF ZIONSVILLE  
AREA FOR BETTER GOVERNMENT COMMITTEE,  
THE ZIONSVILLE CLERK-TREASURER,  
THE EAGLE TOWNSHIP TRUSTEE,  
THE UNION TOWNSHIP TRUSTEE,  
THE BOONE COUNTY COUNCIL,  
AND THE BOONE COUNTY RECORDER  
PURSUANT TO IC 36-1.5-4-23**

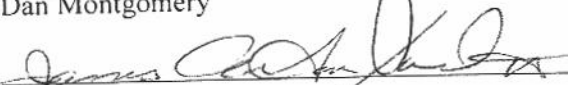
We, the undersigned members of the Union Township Board, hereby certify the action of the Union Township Board on the Plan of Reorganization, dated April 18, 2008, as follows:

1. The undersigned constitute the legislative body of Union Township, Indiana; and
2. The Board adopted the Plan of Reorganization with modifications, as set forth in Joint Resolution No. 2008-1, pursuant to IC 36-1.5-4-20, at a meeting duly called and held on July 24, 2008, a quorum having been present and acting throughout; and
3. Attached hereto is a true and correct copy of Joint Resolution No. 2008-1, duly adopted by the Union Township Board.

IN WITNESS WHEREOF, we have hereto affixed our signatures this 24 day of July, 2008.

  
Candace Ulmer, Trustee

  
Dan Montgomery

  
Jim Sanford

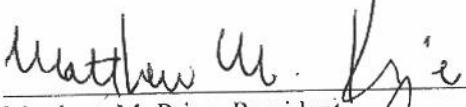
  
Craig Phillips

**CERTIFICATION  
OF THE ZIONSVILLE TOWN COUNCIL TO  
THE CHAIR OF THE COMMUNITIES OF ZIONSVILLE  
AREA FOR BETTER GOVERNMENT COMMITTEE,  
THE ZIONSVILLE CLERK-TREASURER,  
THE EAGLE TOWNSHIP TRUSTEE,  
THE UNION TOWNSHIP TRUSTEE,  
THE BOONE COUNTY COUNCIL,  
AND THE BOONE COUNTY RECORDER  
PURSUANT TO IC 36-1.5-4-23**

We, the undersigned members of the Zionsville Town Council, hereby certify the action of the Zionsville Town Council on the Plan of Reorganization, dated April 18, 2008, as follows:

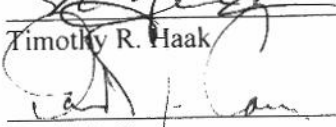
1. The undersigned constitute the legislative body of the Town of Zionsville, Indiana; and
2. The Town Council adopted the Plan of Reorganization with modifications, as set forth in Ordinance No. 2008-12, pursuant to IC 36-1.5-4-20, at a meeting duly called and held on July 23, 2008, a quorum having been present and acting throughout; and
3. Attached hereto is a true and correct copy of Ordinance No. 2008-12, duly adopted by the Town Council of the Town of Zionsville, Indiana.

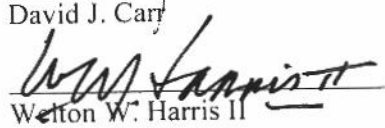
IN WITNESS WHEREOF, we have hereto affixed our signatures this 23rd day of July, 2008.

  
Matthew M. Price, President

  
Michelle Barrett

  
Timothy R. Haak

  
David J. Carr

  
Welton W. Harris II

**Version #1, June 11, 2008**

**1<sup>st</sup> Read**

**E: 6/16/08**

**U: 6/16/08**

**Z: 6/13/08**

**Version #2, June 27, 2008**

**2<sup>nd</sup> Read**

**E: 6/18/08**

**U: 6/19/08**

**Z: 7/7/08**

**Version #3, July 23, 2008**

**Final Action**

**E: 7/23/08**

**U: 7/24/08**

**Z: 7/23/08**

**JOINT RESOLUTION NO. 2008 – 02  
OF THE EAGLE TOWNSHIP BOARD**

**JOINT RESOLUTION NO. 2008 – 01  
OF THE UNION TOWNSHIP BOARD**

**ORDINANCE NO. 2008 – 12  
OF THE TOWN OF ZIONSVILLE, INDIANA**

**A JOINT RESOLUTION OF THE EAGLE TOWNSHIP BOARD AND UNION TOWNSHIP BOARD AND AN ORDINANCE OF THE ZIONSVILLE TOWN COUNCIL TO ADOPT AND APPROVE THE PLAN OF REORGANIZATION AMONG EAGLE TOWNSHIP, UNION TOWNSHIP AND THE TOWN OF ZIONSVILLE, AS PRESENTED BY THE COMMUNITIES OF ZIONSVILLE AREA FOR BETTER GOVERNMENT, AND TO PLACE SUCH PLAN OF REORGANIZATION FOR A PUBLIC VOTE PURSUANT TO IND. CODE 36-1.5-4-28.**

WHEREAS, Eagle Township, Union Township and the Town of Zionsville, each located in southeastern Boone County, Indiana, recognize that they share many common interests and services within their communities, authorized the formation of a committee to study the potential for reorganization of their local units of government pursuant to I.C. 36-1.5 *et. seq.*; and

WHEREAS, Eagle Township, Union Township and the Town of Zionsville, each adopted a separate resolution creating a committee, pursuant to I.C. 36-1.5-4-15, to undertake a study of potential reorganization of the political bodies of Eagle Township, Union Township and the Town of Zionsville. such Committee being named "The Communities of Zionsville Area for Better Government" ("Reorganization Committee"); and

WHEREAS, the Reorganization Committee undertook its work in a series of ten (10) public meetings, beginning on June 9, 2007, and thereafter presenting to the individual governing

bodies its Plan of Reorganization on April 18, 2008, a copy of which, without its attachments, is attached for information to this Joint Resolution/Ordinance as Exhibit A; and

WHEREAS, the Eagle Township and Union Township Boards and the Zionsville Town Council have held their own individual meetings to consider the Plan of Reorganization presented by the Reorganization Committee and this Joint Resolution/Ordinance; and

WHEREAS, each legislative body is required, under I.C. 36-1.5 *et seq.*, to take official action on the Plan of Reorganization submitted by the Reorganization Committee.

NOW, THEREFORE, BE IT RESOLVED by each of the Eagle and Union Township Boards, and ORDAINED AND ENACTED by the Town Council of the Town of Zionsville, that:

1. Plan of Reorganization. Pursuant to the authority granted under I.C. 36-1.5 *et seq.*, each of Eagle Township, Union Township and the Town of Zionsville officially adopts and approves the Plan of Reorganization as modified by this Joint Resolution/Ordinance. This Joint Resolution/Ordinance expressly modifies the Plan of Reorganization attached hereto as Exhibit A and the terms and provisions of this Joint Resolution/Ordinance shall govern and be superior to the Plan of Reorganization in the event of any conflict between the two.

2. Consolidation and Effective Date. The unincorporated portions of Eagle Township, all of Union Township, and the current Town of Zionsville (the "Old Town of Zionsville"), shall be consolidated into one governmental entity to be known as the Town of Zionsville (the "New Town") ("Reorganization"). A map describing the boundaries of the New Town is attached hereto as Exhibit B. The consolidation shall be effective on January 2, 2010 (the "Effective Date").

3. Election Districts and Precincts. (a) On the Effective Date, the Town Council will redistrict and expand the Town Council from five (5) members to seven (7) members, all of

whom shall be eligible for election in the November, 2011 municipal elections for the New Town. The citizens of the New Town who are eligible to vote will be provided the right to participate as candidates and voters in the 2011 New Town municipal elections pursuant to the laws of the State of Indiana. A map describing the proposed five (5) councilmanic legislative districts is attached hereto as Exhibit C (the "Legislative District Map"). The Legislative District Map was prepared from information provided as a result of the 2000 federal census. Eagle, Union and Zionsville recognize and acknowledge that the Legislative District Map, in order to comply with federal and state election laws, must be redrawn as soon as information from the 2010 federal census is available.

(b) Pursuant to Indiana law, it is the duty of the Boone County Commissioners to establish precincts in Boone County. I.C. 3-11-1.5 et seq. Certain state and federal legal requirements govern the number of voters in a precinct, and any precinct boundary crossing the boundary of the state, county, township, congressional district, and a district of the Senate or House of Representatives of the Indiana General Assembly. Precincts must also follow boundaries for towns in census blocks. The federal decennial census is being taken in 2010, with the goal of the census being completed, information provided to Boone County, and new precincts in the New Town drawn by Boone County accordingly in time for the 2011 municipal elections. Upon approval and adoption of this Reorganization, Boone County will be notified of this Reorganization and the new corporate boundaries of the New Town. The Transition Committee is charged with communicating and working with Boone County in carrying out the provisions of this Reorganization and the proposed redistricting plan of the New Town into five districts with two at-large representatives on the New Town Council.

4. Governance. (a) As of the Effective Date, the legislative body of the New Town shall be expanded to seven (7) members. Until the next regularly scheduled municipal election

in 2011, those seven (7) members shall consist of the five (5) existing members of the Old Town of Zionsville Town Council, the current trustee for Eagle Township, and the current trustee for Union Township. At the next regularly scheduled municipal election following the Effective Date, or 2011, five (5) members of the legislative body shall be elected, one (1) from each of the five (5) legislative districts in the New Town with each councilor elected by the voters of their district only. The remaining two (2) members shall be elected at-large by all of the voters of the New Town.

(b) In the event that a vacancy arises on the New Town Town Council for the Council position occupied by either the current trustee of Eagle Township or Union Township for any reason, such vacancy shall be filled by a caucus selecting the replacement to fill the vacancy as provided in Indiana Law (I.C. 3-13-11-3). In the event the vacancy is for the Council position held by the current trustee of Eagle Township, the caucus shall include all of the precinct committee persons in Eagle Township, including the Town of Zionsville, excluding that portion incorporated into the Town of Whitestown, and if the vacancy is for the current trustee of Union Township, the caucus shall include all of the precinct committee persons in Union Township only.

(c) As of the Effective Date, the New Town shall be governed and administered as a "town" as that term is defined under Indiana law. As such, the New Town shall be governed in a manner consistent with I.C. §36-5-2, I.C. §36-5-3, I.C. §36-5-4, I.C. §36-5-5, I.C. §36-5-6, I.C. §36-5-7, and all other laws applicable to the governance and administration of a town.

5. Creation of Two Distinct Service Districts. (a) The New Town shall provide or provide for those services administered by a town including, but not limited to, police protection, fire protection, parks and recreation, planning and land use, and road maintenance. Further, the

New Town shall provide or provide for the services previously administered by the Eagle Township Trustee, the Eagle Township Board, the Union Township Trustee, and the Union Township Board, as more specifically described herein.

(b) As of the Effective Date, there shall be two (2) service districts in the New Town, a town district and a rural district. The primary difference between the town district and the rural district will be the level of municipal services provided, the application of ordinances, and property tax rates. As of the Effective Date, the town district will consist of property within the current boundaries of the Old Town of Zionsville, and the rural district will consist of the property outside of the current boundaries of the Old Town of Zionsville. As development occurs, property in the rural district will be reclassified into the town district. There is no intent to reclassify property in the town district back into the rural district.

6. Reclassification of Property into the Town Service District. Two years after the Effective Date, or 2012, and depending upon factors such as the availability of certain utilities such as water and sewer, certain property within the rural district may be reclassified as part of the town district. This time frame provides the New Town with adequate time to plan and budget for expanded municipal services into certain parts of the rural district. The following is approved and adopted for reclassifying property in a rural district into the town district:

**Definition** -- The town district will be a contiguous area, which contains all zoning classifications, except Agriculture and Rural Equestrian, where development served by water and sewer utilities (regardless of source) has occurred. In the future, property within the rural district will be reclassified into the town district as follows:

(1) New developments, which meet the foregoing definition, will be automatically brought into and included in the town district at such time and as they occur.

(2) Existing developments as of the Effective Date, which meet the foregoing definition, will be brought into the town district on January 1, two years following the Effective Date, or 2012. Thereafter, a biennial review of town and rural districts and their boundaries will be conducted by the New Town.



(3) Existing contiguous developments which do not meet the foregoing definition but voluntarily wish to have town municipal services, will also be brought into the town district on the next service review date after notifying the New Town of their election to be in the town district.

7. Existing Indebtedness. The unincorporated portions of Eagle Township, Union Township, and the Old Town of Zionsville (collectively, the "Reorganizing Political Subdivisions") are each required to retire, in accordance with their current terms and conditions, and without the need for refinancing or accelerating such repayment, existing financial obligations that they have which may exist as of the Effective Date. I.C. § 36-1.5-4-40. Such financial obligations existing as of the Effective Date shall be paid according to its terms by the respective entity responsible prior to the Effective Date for payment of the respective indebtedness. As of December 31, 2007, the existing financial obligations of the Reorganizing Political Subdivisions are as follows: (a) Eagle Township - \$0.00; (b) Union Township - \$1,504,500.00; and (c) the Old Town of Zionsville - \$14,420,000.00.

8. Township Duties Transferred. As of the Effective Date, the offices described in Ind. Code § 36-6 *et. seq.*, including, but not limited to, the township trustee and the township board, shall cease to exist and are abolished, and the powers, rights, and duties described in Ind. Code § 36-6 *et. seq.*, shall be transferred in the manner set forth herein or as determined by the New Town Council. Also as of the Effective Date, the assets of Eagle Township and the assets of Union Township shall transfer to the New Town as a matter of law. As the Effective Date approaches, the Eagle Township Trustee, the Eagle Township Board, the Union Township Trustee, and the Union Township Board shall take all necessary actions to assist in the transfer of all of their assets to the New Town. The cemeteries shall be maintained by the New Town Park and Recreation Board or its designee. All township assistance responsibilities shall be transferred or assigned to the Office of Clerk-Treasurer for the New Town or such designee as

determined by the New Town Town Council. Weed control responsibilities shall be transferred to the New Town or its designee.

9. Providing Police Protection and Road Services in the Rural District. (a) Police protection service shall be provided to the town district by the Zionsville Police Department ("ZPD") and to the rural district by the Boone County Sheriff's Department ("BCSD"). Residents within the town district should receive police coverage consistent with the current level of service provided by the ZPD. Residents in the rural district should receive police coverage consistent with the current level of service provided by the BCSD.

(b) Road improvements, snow removal, grading, and maintenance for roads and streets shall be provided to the town district by the Zionsville Street Department and such service shall be provided to the rural district by the Boone County Highway Department.

(c) The Transition Committee shall foster and promote the legislative bodies of the New Town and Boone County entering into an interlocal cooperation agreement to provide road improvements, snow removal, grading, and maintenance for roads and streets in the rural district. Emphasis will be placed on allowing the streets and roads in the rural district to remain part of Boone County's road inventory.

10. Park Board Representation. (a) The Zionsville Park and Recreation Board shall oversee the development and maintenance of parks and recreation in the New Town. The financial assets of the Eagle Township Parks Board and the Union Township Parks Board shall be transferred or assigned to the New Town Park and Recreation Board, which will determine the best use of these funds, with as much of these funds as is determined to be reasonably earmarked for future park development in the former Eagle Township and Union Township.

(b) Indiana law requires that a town board of park and recreation consist of four (4) members to be appointed by the town council on the basis of their interest in and

knowledge of parks and recreation. Not more than two (2) members may be affiliated with the same political party, which requirement may be waived pursuant to Indiana law. Ex officio members are permitted if they are a member of the governing body of the school corporation and/or the library district. The Transition Committee shall use reasonably diligent efforts to petition the Indiana General Assembly to consider and approve legislation in 2009 similar to Senate Bill 297 (2008) allowing establishment of a park and recreation board with a larger number of members and various qualifications and terms from those members as currently provided in Indiana law I.C. 36-10-3-4(b). It is the intent and desire of Eagle, Union and Zionsville that two representatives of Eagle and/or Union become members of the New Town Park and Recreation Board.

(c) Notwithstanding subparagraph (b) above, and in the event the General Assembly does not approve legislation in 2009 similar to Senate Bill 297 (2008), then the Transition Committee (as defined in Paragraph 13 below) shall draft and forward to the Old Town of Zionsville Town Council for adoption an ordinance to be made effective January 2, 2010, providing for two representatives of Eagle and/or Union to become members of the New Town Park and Recreation Board.

11. Plan Commission Representation.

(a) Planning and land use functions shall be the responsibility of the New Town Planning Office and administered by two appointed boards or commissions, the Plan Commission ("PC") and the Board of Zoning Appeals ("BZA"). Because the New Town will be divided into a town district and a rural district, the PC and the BZA shall initially adopt the zoning and subdivision control ordinances of Boone County to govern development in the rural district and the zoning and subdivision control ordinances of the Old Town of Zionsville to govern development in the town district, as maintaining the agricultural uses and zoning

classifications and flexibility of the Boone County ordinances shall be a priority in all decisions relating to development in the rural district. Specifically, it is critical that such development must respect the right to farm by neighbors, precluding complaints about noxious noises, lights, and/or smells emanating from nearby agricultural operations. This “right to farm” covenant must be written into all development standards in the rural district. The other zoning classifications – residential, equestrian, commercial, industrial, etc. – shall continue to be managed within the two sets of land use ordinances. Both the Old Town of Zionsville and Boone County limit the construction and operation of small, proprietary, stand-alone sanitary waste water treatment facilities and any new multi-user sanitary waste water treatment facilities shall be approved by and operated under contracts negotiated by the New Town Town Council.

(b) Pursuant to Indiana law, an advisory plan commission for any town may consist only of seven (7) members, with the town council appointing three (3) persons who must be elected or appointed municipal officials or employees in the municipal government, and the town council president appointing four (4) citizen members, of whom no more than two (2) may be of the same political party. I.C. 36-7-4-207(b). Current Indiana law prevents the expansion of the size of the New Town Plan Commission to add additional members from Eagle and Union. The Transition Committee shall evaluate the current Plan Commission membership and recommend to the New Town Council and the New Town Council President qualified nominees for consideration for appointment to the New Town Plan Commission in 2010 and 2011 in order to broaden representation on the New Town Plan Commission to include citizens from Eagle and Union. Additionally, the Transition Committee shall use good faith effort to have reintroduced in the Indiana General Assembly in 2009 comparable legislation to Senate Bill 297 (2008) in order to allow expansion of the size and geographic representation of the New Town Plan Commission.

(c) Notwithstanding subparagraph (b) above, and in the event the General Assembly does not approve legislation in 2009 similar to Senate Bill 297 (2008), then the Transition Committee (as defined in Paragraph 13 below) shall draft and forward to the Old Town of Zionsville Town Council for adoption an ordinance to be made effective January 2, 2010, authorizing the expansion of the size and geographic representation of the New Town Plan Commission. The ordinance shall provide for the composition of the New Town Plan Commission to be apportioned based on the proportionate land area that each of Eagle Township and Union Township respectively bears to the total land area for the New Town.

12. Board of Zoning Appeals. Indiana law requires an advisory board of zoning appeals consist of five (5) members, three (3) citizen members appointed by the town council president, of whom one (1) must be a member of the plan commission, one citizen member appointed by the town council who is not a member of the plan commission, and one current member appointed by the plan commission from the plan commission's membership. Similar to Section 11 (b) above, the Transition Committee shall identify and recommend to the New Town Council and President qualified and interested nominees to the New Town Board of Zoning Appeals representing the former Eagle and Union Townships. The Transition Committee shall also use good faith effort to have reintroduced in the Indiana General Assembly in 2009 comparable legislation to Senate Bill 297 (2008) in order to allow expansion of the size and geographic representation of the New Town Board of Zoning Appeals. Notwithstanding the preceding sentence and in the event the General Assembly does not approve legislation in 2009 similar to Senate Bill 297 (2008), then the Transition Committee (as defined in Paragraph 13 below) shall draft and forward to the Old Town of Zionsville Town Council for adoption an ordinance to be made effective January 2, 2010, authorizing the expansion of the size and geographic representation of the New Town Board of Zoning Appeals. The ordinance shall

provide for the composition of the New Town Board of Zoning Appeals to be apportioned based on the proportionate land area that each of Eagle Township and Union Township respectively bears to the total land area for the New Town.

13. Transition Committee. Eagle, Union and Zionsville, shall jointly create and appoint the members of a Reorganization Transition Committee if the Reorganization is approved by the voters in November, 2008. The Transition Committee shall consist of nine members, comprised of the following: the three (3) township board members from Eagle and Union Townships and three (3) members of the existing Zionsville Town Council. In the event an existing township board member desires not to serve on the Transition Committee, then the applicable township board shall appoint a substitute by majority vote. The Transition Committee will be charged with the following duties:

(a) Advise Eagle, Union and Zionsville with respect to the oversight and implementation of the Reorganization;

(b) Review and recommend the maximum property tax levy, property tax rates and the budget to be approved by Eagle, Union and Zionsville and to be submitted to the Indiana Department of Local Government Finance in 2009;

(c) Prepare and negotiate with Boone County appropriate interlocal cooperation agreements under Indiana law with respect to police protection and road and street services to be provided in the rural district of the New Town;

(d) Review, consider, draft and propose new ordinances, amendments to existing ordinances, and other policies and procedures which may be necessary, lawful or appropriate to fully and efficiently effectuate the Reorganization;

(e) Review, analyze and recommend changes for any reasonable, appropriate or necessary infrastructure improvements in the New Town for purposes of implementing the Reorganization; and

(f) Without limiting the generality of subparagraph (d) above, prepare and propose for adoption an ordinance integrating and recodifying the respective zoning and subdivision control ordinances of Boone County and the Old Town of Zionsville and incorporating the concepts and provisions set forth in Paragraph 11 hereof, while requiring that any new residential subdivisions conform to standards no less stringent than the zoning and subdivision control ordinances currently existing in the Old Town of Zionsville.

The Transition Committee shall expire as of the Effective Date.

14. Public Question. This Reorganization is not officially approved and effective based simply on its adoption by Eagle, Union or Zionsville, but it must also be placed before a public vote pursuant to I.C. 36-1.5-4-32.

15. Certification and Recording. Eagle, Union and Zionsville, having adopted and approved this Resolution/Ordinance for the Reorganization, now directs the Clerk-Treasurer of Zionsville to certify, effective this day, this Joint Resolution/Ordinance and, further, authorizes and directs him to coordinate with the Eagle and Union Township Trustees to place the issue of the Reorganization as a public question on the November, 2008 general election ballot.

Duly passed and adopted this 23<sup>rd</sup> day of July, 2008, by the Eagle Township Board, having been passed by a vote of 3 in favor and 0 opposed.

**EAGLE TOWNSHIP BOARD**

Judith Essex  
Judith Essex, Trustee

For \_\_\_\_\_ Opposed \_\_\_\_\_

Robert S. Schein  
Robert S. Schein

✓ RS  
For \_\_\_\_\_ Opposed \_\_\_\_\_

Ralph Stacy  
Ralph Stacy

✓ RS  
For \_\_\_\_\_ Opposed \_\_\_\_\_

Jeff Papa  
Jeff Papa

✓ JP  
For \_\_\_\_\_ Opposed \_\_\_\_\_



Duly passed and adopted this 24 day of July, 2008, by the Union Township Board, having been passed by a vote of 3 in favor and 0 opposed.

**UNION TOWNSHIP BOARD**

Candace Ulmer  
Candace Ulmer, Trustee

For Opposed  
[Signature]  
Dan Montgomery

For Opposed

[Signature]  
Jim Sanford

For Opposed

[Signature]  
Craig Phillips

For Opposed

Duly passed and adopted this 23rd day of July, 2008, by the Town Council of the Town of Zionsville, Boone County, Indiana having been passed by a vote of 3 in favor and 2 opposed.

**TOWN OF ZIONSVILLE, INDIANA  
BY ITS TOWN COUNCIL**

Matthew M. Price  
Matthew M. Price, President

✓  
For \_\_\_\_\_ Opposed \_\_\_\_\_

Michelle Barrett  
Michelle Barrett

✓  
For \_\_\_\_\_ Opposed \_\_\_\_\_

Timothy R. Haak  
Timothy R. Haak

For \_\_\_\_\_ Opposed \_\_\_\_\_

David J. Carr  
David J. Carr

For \_\_\_\_\_ Opposed \_\_\_\_\_

Walter W. Harris II  
Walter W. Harris II

For \_\_\_\_\_ Opposed \_\_\_\_\_

ATTEST:

John J. Yeo  
John J. Yeo  
Zionsville Clerk-Treasurer

- Exhibits:     A: Plan of Reorganization  
              B: New Town Corporate Boundary Map  
              C: New Town Legislative Districts Map

IM-1479418\_4.DOC

**Plan of Reorganization**  
**prepared by the**  
**Communities of Zionsville**  
**Area for Better Government**

**The Communities of Zionsville Area for Better Government consist of nine members, all from the communities of Eagle Township, Union Township, and the Town of Zionsville.**

**Eagle Township Representatives**

**Mike Andreoli**  
**Kevin Schiferl**  
**Gene Thompson (Chairman)**

**Union Township Representatives**

**Jay Parks**  
**Alan Townsend**  
**Joe Turk**

**Town of Zionsville Representatives**

**Steve Freeland**  
**Jim Longest**  
**Allan Rachles**

**April 17, 2008**

## **Plan of Reorganization**

### **Introduction**

Authorized in May of 2007 by the legislative bodies of Eagle Township, Union Township, and the Town of Zionsville, the Communities of Zionsville Area for Better Government (the "Reorganization Committee") was established to study and explore efficiencies in governance for the citizens of Eagle Township, Union Township, and the Town of Zionsville. Consisting of nine (9) members (three (3) from Eagle Township, three (3) from Union Township, and three (3) from the Town of Zionsville), the Reorganization Committee gathered information from a variety of public officials and sources, consulted with citizens of Eagle Township, Union Township, and the Town of Zionsville, and conducted ten (10) public meetings. Minutes from each of the ten (10) public meetings and other information concerning the Reorganization Committee's efforts are available for inspection at the Zionsville Town Hall or at [WWW.IBCCN.ORG/REORG/](http://WWW.IBCCN.ORG/REORG/). After careful review and consideration, the Reorganization Committee respectfully submits the following Plan of Reorganization to the legislative bodies of Eagle Township, Union Township, and the Town of Zionsville.

### **Authority and Procedure**

In 2006, the Indiana General Assembly enacted the Government Modernization Act. Ind. Code § 36-1.5. A copy of the Government Modernization Act is attached hereto as Exhibit A. The Government Modernization Act authorizes political subdivisions, after careful study and consideration, to reorganize or consolidate in an effort to operate more efficiently and cooperatively and, in doing so, reduce the reliance on property taxes. Ind. Code § 36-1.5-1-1. Specifically, the Government Modernization Act authorizes the unincorporated portions of Eagle Township, Union Township, and the Town of Zionsville to reorganize or consolidate into one political subdivision. Ind. Code § 36-1.5-4-1.

After the Government Modernization Act was enacted, the legislative bodies of Eagle Township, Union Township, and the Town of Zionsville authorized the creation of the Reorganization Committee for the purpose of studying the opportunities provided under the Government Modernization Act. A copy of the resolutions from the legislative bodies of Eagle Township, Union Township, and the Town of Zionsville authorizing the creation of the Reorganization Committee are attached hereto as Exhibit B.

The Government Modernization Act requires the Reorganization Committee to prepare and issue a plan of reorganization ("Plan of Reorganization"). Ind. Code § 36-1.5-4-18. The Plan of Reorganization, among other things, must include at least the following:

- (1) The name and a description of the reorganized political subdivision that will succeed the reorganizing political subdivisions.
- (2) A description of the boundaries of the reorganized political subdivision.
- (3) A description of the taxing areas in which taxes to retire obligations of the reorganizing political subdivision will be imposed.
- (4) A description of the membership of the legislative body, fiscal body, and executive body of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in which the membership of each elected or appointed office will be elected or appointed.
- (5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.
- (6) The disposition of the personnel, the agreements, the assets, and the liabilities of the reorganizing political subdivisions, including the terms and conditions which the transfer of property and personnel will be achieved.
- (7) Any other matter that the Reorganization Committee or the legislative bodies from Eagle Township, Union Township, or the Town of Zionsville deem necessary or appropriate.

Ind. Code § 36-1.5-4-18(b).

### **The New Town of Zionsville**

The Plan of Reorganization recommends that the unincorporated portions of Eagle Township, all of Union Township, and the current Town of Zionsville (the “Old Town of Zionsville”) be consolidated into one governmental entity known as the Town of Zionsville (the “New Town of Zionsville”). A map describing the boundaries of the New Town of Zionsville is attached hereto as Exhibit C. The consolidation shall be effective on January 2, 2010 (the “Effective Date”).

### **Existing Debt from the Unincorporated Portions of Eagle Township, Union Township, and the Old Town of Zionsville**

Under the law authorizing this Plan of Reorganization, the unincorporated portions of Eagle Township, Union Township, and the Old Town of Zionsville (collectively, the “Reorganizing Political Subdivisions”) are each required to retire, subject to current terms and conditions, existing financial obligations that may exist as of the Effective Date. Ind. Code § 36-1.5-4-40. A map describing the boundaries of the unincorporated portions of Eagle Township is attached hereto as Exhibit D. A map describing the boundaries of Union Township is attached hereto as Exhibit E. A map describing the boundaries of the Old Town of Zionsville is attached hereto as Exhibit F. As of the December 31, 2007, the existing financial obligations of the Reorganizing Political Subdivisions are as follows: (a) Eagle Township - \$0.00; (b) Union Township - \$1,504,500.00; and (c) the Old Town of Zionsville - \$14,420,000.00.

### **Town Council**

As of the Effective Date, the legislative body of the New Town of Zionsville shall be expanded to seven (7) members. Until the next regularly scheduled municipal election in 2011, those seven (7) members shall consist of the five (5) existing members of the legislative body of the Old Town of Zionsville, the current trustee for Eagle Township, and the current trustee for

Union Township. At the next regularly scheduled municipal election following the Effective Date, five (5) members of the legislative body shall be elected, one (1) from each of the five (5) legislative districts in the New Town of Zionsville with each one (1) elected by the voters of their district only. The remaining two (2) members shall be elected at-large by all of the voters of the New Town of Zionsville. A map describing the five (5) legislative districts is attached hereto as Exhibit G (the “Legislative District Map”). The Legislative District Map was prepared from information provided as a result of the 2000 Census. As such, the Reorganization Committee recognizes and acknowledges that the Legislative District Map, in order to comply with federal election laws, must be redrawn as soon as information from the 2010 Census is available.

**Services Offered by the New Town of Zionsville and Service Areas**

As of the Effective Date, the New Town of Zionsville shall be governed and administered as a “town” as that term is defined under Indiana law. As such, the New Town of Zionsville shall be governed in a manner consistent with Ind. Code § 36-5-2, Ind. Code § 36-5-3, Ind. Code § 36-5-4, Ind. Code § 36-5-5, Ind. Code § 36-5-6, Ind. Code § 36-5-7, and all other laws applicable to the governance and administration of a town.

The New Town of Zionsville shall provide or provide for those services administered by a town including, but not limited to, police protection, fire protection, parks and recreation, planning and land use, and road maintenance. Further, the New Town of Zionsville shall provide or provide for the services previously administered by the Eagle Township Trustee, the Eagle Township Board, the Union Township Trustee, and the Union Township Board.

As of the Effective Date, there shall be two (2) service districts in the New Town of Zionsville, a town district and a rural district. The primary difference between the town district and the rural district will be the level of services provided, the application of ordinances, and



property tax rates. As of the Effective Date, the town district will consist of property within the current boundaries of the Old Town of Zionsville, and the rural district will consist of the property outside of the current boundaries of the Old Town of Zionsville. As development occurs, property in the rural district will be reclassified into the town district. There is no intent to reclassify property in the town district back into the rural district.

Two years after the Effective Date and depending on factors such as the availability of certain utilities such as water and sewer, some property within the rural district may be reclassified as part of the town district. This window should provide the New Town of Zionsville with adequate time to plan and budget for expanded services. The Plan of Reorganization provides for reclassifying property in a rural district to a town district as follows:

**Definition** -- The town district will be a contiguous area, which contains all zoning classifications, except Agriculture and Rural Equestrian, where development served by water and sewer utilities (regardless of source) has occurred. As of the Effective Date, the town district will consist of property within the municipal boundaries of the Old Town of Zionsville. In the future, property within the rural district will be reclassified to the town district as follows:

- 1) New developments, which meet the definition, will be brought into the town district as they occur.
- 2) Existing developments, which meet the definition, will be brought in on January 1, two years following the Effective Date. Thereafter, a biannual review of town/rural districts and their boundaries will be conducted.
- 3) Existing contiguous developments, which do not meet the definition but voluntarily wish to have town services, will also be brought into the town district on the next service review date.

#### **Disposition of Personnel, Assets, and Liabilities**

As of the Effective Date, the offices described in Ind. Code § 36-6 including, but not limited to, the township trustee and the township board shall be terminated, and the powers, rights, and duties described in Ind. Code § 36-6 shall be transferred in the manner set forth in the

Plan of Reorganization or as determined by the Town Council of the New Town of Zionsville. Further, and also as of the Effective Date, the assets of Eagle Township and the assets of Union Township shall transfer to the New Town of Zionsville as a matter of law. As the Effective Date approaches, the Eagle Township Trustee, the Eagle Township Board, the Union Township Trustee, and the Union Township Board shall take all necessary actions to assist in the transfer of assets to the New Town of Zionsville.

### **Other Matters Considered**

The Reorganization Committee created six (6) study committees to facilitate the study of those issues critical to the Plan of Reorganization. Those study committees included (a) Finance, (b) Health Safety and Welfare, (c) Parks and Recreation, (d) Planning and Land Use, (e) Infrastructure, and (f) Governance. Since June of 2007, the study committees gathered information in an effort to identify issues important to the Plan of Reorganization. Reports prepared by the study committees are available for review at [WWW.IBCCN.ORG/REORG/](http://WWW.IBCCN.ORG/REORG/). For purposes of the Plan of Reorganization, the study committees have provided the following summaries concerning their observations and suggestions.

#### **a. Finance**

The Finance Committee recommends consolidation. Early in this process, the Finance Committee concluded that because consolidation would not necessarily provide any short-term savings, the New Town of Zionsville should not rapidly expand services as this would dramatically increase costs. The solution that makes consolidation financially feasible is a two-district approach, each with different service levels and tax rates that would be phased in over several years.

The Finance Committee also notes that short-term spending should not increase significantly. For example, governance and land use and planning lay the groundwork for

administrative costs, which fall slightly. The elimination of township trustees and their boards offset the cost of a larger town council. Rising permit revenue offsets planning staff increases. The assessor duties, which are paid for by the county, should be assigned to the Boone County Assessor's Office. Parks and recreation budgets are unchanged. Infrastructure and health and safety budgets will not change until portions of the rural district are reclassified to the town district.

Over the longer term, consolidation provides the New Town of Zionsville with several tools that can be used to control costs including, but not limited to, the following: (a) the orderly approach to expanded services; (b) an expanded and growing net assessed valuation base; (c) local planning of land use and development; and (d) economies of scale.

**b. Health Safety and Welfare**

The Health Safety and Welfare Committee recommends consolidation. Under the Plan of Reorganization, police service will be provided to the town district by the Zionsville Police Department ("ZPD") and to the rural district by the Boone County Sheriff Department ("BCSD"). Residents within the town district should receive police coverage consistent with the current level of service provided by the ZPD. Residents in the rural district should receive police coverage consistent with the current level of service provided by the BCSD. The Health Safety and Welfare Committee recognizes that the Old Town of Zionsville employs a "proactive" policing philosophy that serves its citizens well. The Health Safety and Welfare Committee believes that future changes in the "proactive" policing philosophy, if any, should be determined by the Town Council of the New Town of Zionsville.

Residents within the town district and the rural district should be subject to the local ordinances that currently apply, before consolidation, to their respective districts. As property is

reclassified from the rural district to the town district, however, the Health Safety and Welfare Committee recommends that the local ordinances of the New Town of Zionsville should apply.

Because there is no interlocal agreement currently in place between the Old Town of Zionsville and the BCSD, the Health Safety and Welfare Committee recommends a memorandum of understanding or an interlocal agreement between the New Town of Zionsville and BCSD to clarify the new coverage arrangements for the rural district.

The Zionsville Fire Department currently provides fire protection to Eagle Township and the Old Town of Zionsville, both of which are part of a fire territory. The Zionsville Fire Department also currently provides fire protection to Union Township pursuant to a contract. As such, consolidation of Eagle Township, Union Township, and the Old Town of Zionsville does not impact the delivery of fire protection. As of the Effective Date, the board governing the fire territory will be dissolved and oversight of the Zionsville Fire Department transferred or assigned to the Town Council of the New Town of Zionsville and the public safety board.

Eagle Township residents located within the municipal boundaries of the Town of Whitestown should continue to receive fire protection and emergency medical services from the Zionsville Fire Department. The current fire territory levy is in its second of three years and will continue until the Effective Date. Further, as of the consolidation Effective Date all assets of Zionsville Fire Department shall be transferred or assigned to the New Town of Zionsville.

There are a variety of other issues relating to health and safety that merit consideration. First, the Health Safety and Welfare Committee recommends that the cemeteries be maintained by the Zionsville Parks Board or its designee. Second, the Health Safety and Welfare Committee recommends that all township assistance responsibilities be transferred or assigned to the Office of Clerk Treasurer for the New Town of Zionsville. Third, the Health Safety and Welfare

Committee recommends that weed control responsibilities be transferred to the New Town of Zionsville or its designee.

**c. Parks and Recreation**

The Parks and Recreation Committee recommends consolidation. Under the Plan of Reorganization, the Zionsville Parks Board should oversee the development of parks and recreation in the New Town of Zionsville. Further, the Parks and Recreation Committee recommends that the existing members of the Zionsville Parks Board continue to serve in the same capacity. As positions become available, however, the Parks and Recreation Committee recommends that strong consideration be given to diversifying the membership of the Zionsville Parks Board with representation from both the town district and the rural district. Further, the Parks and Recreation Committee recommends that the Zionsville Parks Board consist of the maximum number of members as permitted by law.

The financial assets of the Eagle Township Parks Board and the Union Township Parks Board should be transferred or assigned to the Zionsville Parks Board, which will determine the best use of these funds. The Parks and Recreation Committee further recommends that as much of these funds as is determined to be reasonable be earmarked for future park development in Eagle Township and Union Township. The Parks and Recreation Committee also recommends that the Zionsville Parks Department assume the responsibilities of maintaining the cemeteries located within Eagle Township and Union Township.

**d. Planning and Land Use**

The Planning and Land Use Committee recommends consolidation for several reasons. First, it assures that development will be overseen by those most impacted. Second, it coordinates the building in our community in the same geographic area served by the Zionsville Community School Corporation. And third, through various permits and fees, the

responsibilities associated with planning and land use should generate the necessary revenue to cover all expenses of its operation, including compensating individuals to serve on the various commissions or boards.

The Planning and Land Use Committee recommends that planning and land use functions be the responsibility of the New Town of Zionsville Planning Office and be administered by two appointed boards or commissions, the Planning Commission (“PC”) and the Board of Zoning Appeals (“BZA”). The PC would review all proposals for modifications in land use for concurrence with a comprehensive land use plan and the applicable zoning ordinances. It also would assure that all construction projects conform to the standards provided in the subdivision control ordinances. The BZA, on the other hand, would review requests for variances from various development standards, primarily building and construction regulations.

The Planning and Land Use Committee recommends that membership on the PC, to the extent permitted by law, be apportioned based on geography instead of population. Specifically, the Land Use and Planning Committee recommends at least a seven (7) member PC, with representatives from Union Township and Eagle Township (including the Old Town of Zionsville). For the BZA, the Land Use and Planning Committee recommends at least a five (5) member board, again with geographic apportionment which would call for members from both Union Township and Eagle Township (including the Old Town of Zionsville). Additionally, the Land Use and Planning Committee recommends that the PC and the BZA consist of the maximum number of members as permitted by law.

Because the New Town of Zionsville will be divided into a town district and a rural district, the Land Use and Planning Committee recommends that the PC and the BZA initially adopt the zoning and subdivision control ordinances of Boone County to govern development in the rural district and the zoning and subdivision control ordinances of the Old Town of

Zionsville to govern development in the town district. The Land Use and Planning Committee also strongly recommends that maintaining the agricultural uses and zoning classifications and flexibility of the Boone County ordinances be a priority in all decisions relating to development in the rural district. Specifically, it is critical that such development must respect the right to farm by neighbors, precluding complaints about noxious noises, lights, and/or smells emanating from nearby agricultural operations. This “right to farm” covenant must be written into all development standards in the rural district. The other zoning classifications – residential, equestrian, commercial, industrial, etc. – would continue to be managed within the two sets of ordinances. Both the Old Town of Zionsville and Boone County limit the construction and operation of small, proprietary, stand-alone sanitary waste water treatment facilities. The Land Use and Planning Committee further recommends that all new multi-user sanitary waste water treatment facilities be approved by and operated under contracts negotiated by the town council.

e. **Infrastructure**

The Infrastructure Committee recommends consolidation. The Infrastructure Committee recommends that the legislative bodies of the New Town of Zionsville and Boone County enter into interlocal agreements to provide road improvements, snow removal, grading, and maintenance for roads and streets in the rural district. Emphasis should be placed on allowing the streets and roads in the rural district to remain part of Boone County’s road inventory. The Infrastructure Committee further recommends that the New Town of Zionsville pursue and develop a plan of action to facilitate the ability to provide sanitary sewer service to those areas of growth and development so identified and designated by the PC, the BZA, and the town council.

f. **Governance**

The Governance Committee recommends consolidation. First and foremost, the Governance Committee believes that that citizens of Eagle Township, Union Township, and the

Old Town of Zionsville will benefit from a unified and consolidated government that is, to a large extent, consistent with the boundaries of the Zionsville Community School Corporation. Consolidation will provide the citizens of our community with an opportunity to participate in governance issues such as land use and planning that currently do not exist. Just as important, consolidating the unincorporated portions of Eagle Township, all of Union Township, and the Old Town of Zionsville into one (1) governmental unit is consistent with the goals of the Government Modernization Act because, over the course of time, it should both promote efficiency and reduce the reliance on property taxes.

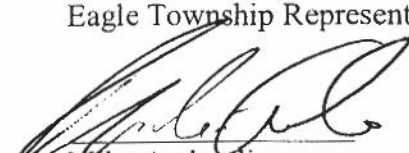
**Consideration by the Legislative Bodies of  
Eagle Township, Union Township, and the Town of Zionsville**

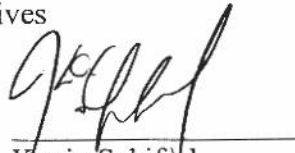
The Plan of Reorganization must be delivered to the legislative bodies of Eagle Township, Union Township, and the Town of Zionsville for review, consideration, and official action. Ind. Code § 36-1.5-4-18(d), Ind. Code § 36-1.5-4-19, and Ind. Code § 36-1.5-4-20. If the legislative bodies of Eagle Township, Union Township, and the Town of Zionsville approve the Plan of Reorganization, then the voters from Eagle Township, Union Township, and the Town of Zionsville determine whether the reorganization or consolidation contemplated by the Plan of Reorganization shall be approved. Ind. Code § 36-1.5-4-32.



THEREFORE, be it resolved that on March 12, 2008, the representatives of the Reorganization Committee unanimously passed a resolution authorizing that this Plan of Reorganization be forwarded to the legislative bodies of Eagle Township, Union Township, and the Town of Zionsville for their consideration.

Eagle Township Representatives


  
Mike Andreoli

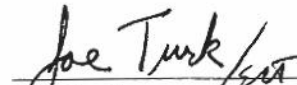
  
Kevin Schiferl

  
Gene Thompson

Union Township Representatives


  
Jay Parks

  
Alan Townsend

  
Joe Turk

Town of Zionsville Representatives

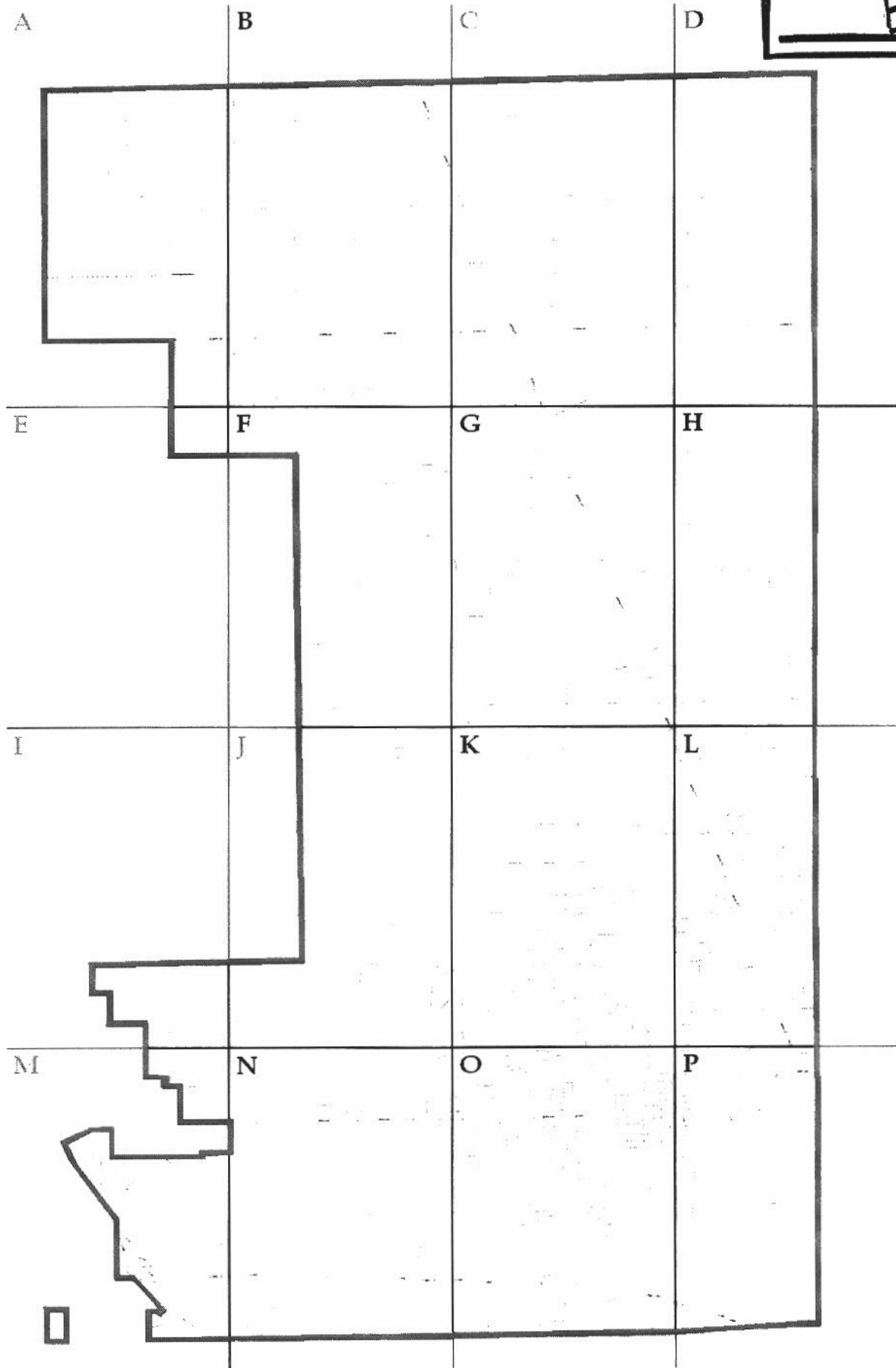
  
Allan Rachles

  
Jim Longest

  
Steve Freeland

Proposed Town of Zionsville

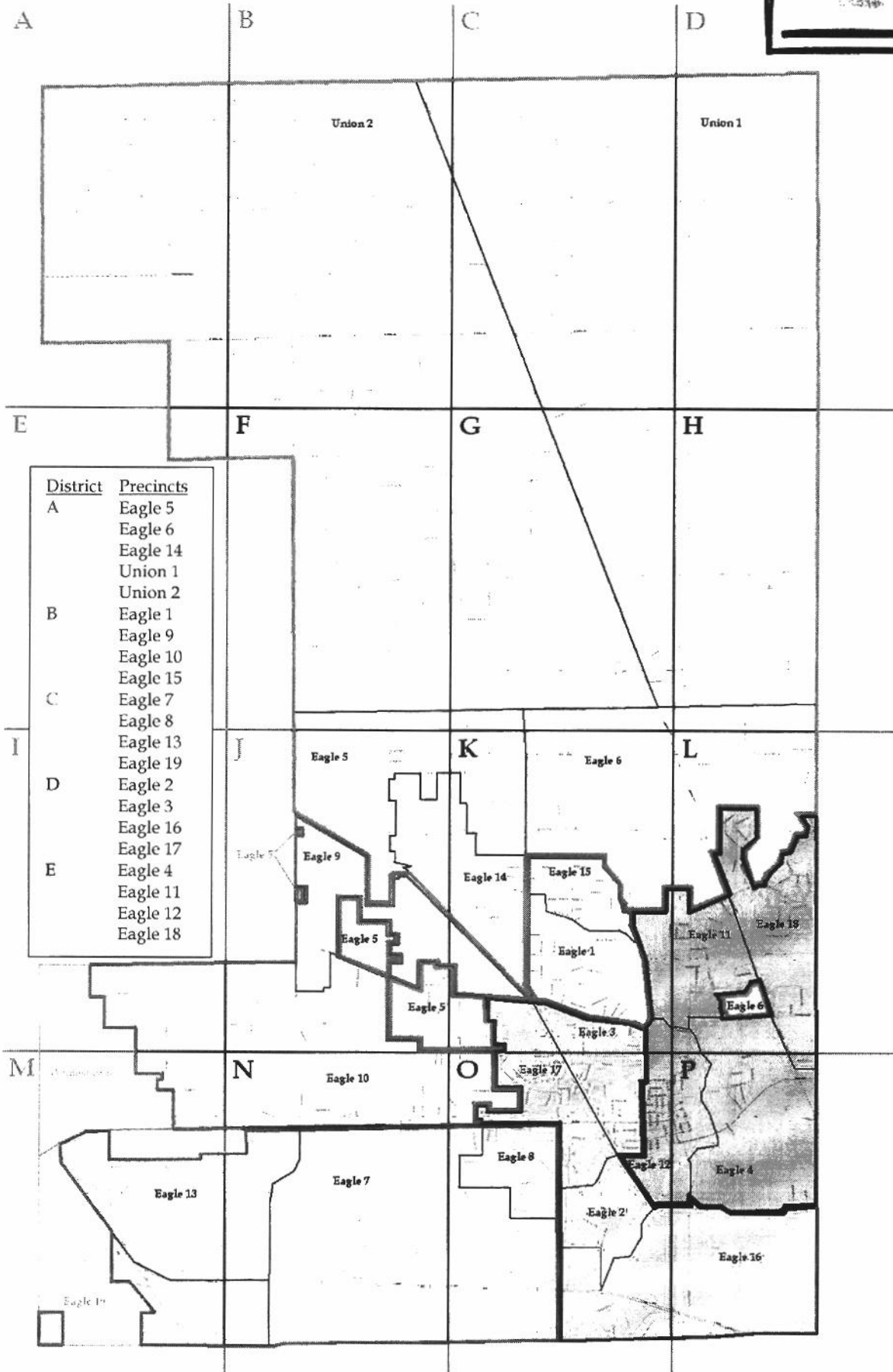
**EXHIBIT**  
**B**



This map generally describes the area involved but is not based on an actual survey of the area.

Proposed Districts

**EXHIBIT**  
C



This map generally describes the area involved but is not based on an actual survey of the area.