

**Decatur County Ordinance No. 2 - 2017**

**AN ORDINANCE AGREEING TO AND PROVIDING FOR CHANGES  
IN THE REPRESENTATION OF THE PARTICIPATING UNITS  
ON THE DECATUR COUNTY AREA PLAN COMMISSION**

WHEREAS, pursuant to the Area Planning Law of the State of Indiana (contained in Indiana Code Chapter 36-7-4) the Board of Commissioners of Decatur County, the Town Council of Millhousen, the Town Council of New Point, the Town Council of St. Paul, and the Town Council of Westport have heretofore established an Area Planning Department in the County government which pursuant to Section 202 of the Area Planning Law includes the Decatur County Area Plan Commission ("APC"), the Decatur County Area Board of Zoning Appeals, and an Executive Director and other staff; and

WHEREAS, the Area Planning Law, Section 211(a) authorizes the representation on any Area Plan Commission in the State of Indiana to be changed by a similar ordinance adopted by the legislative body of each unit that is a participant in, or that proposes to participate in, the Area Planning Department; and

WHEREAS, the Area Planning Law, Section 211(b) further requires that each ordinance adopted under such Section must provide that each unit that is a participant in the Area Planning Department shall have representation; and

WHEREAS, the legislative bodies of the units that are currently participating in the Decatur County Area Planning Department, namely the Board of Commissioners of Decatur County, the Town Council of Millhousen, the Town Council of New Point, the Town Council of St. Paul, and the Town Council of Westport, are in agreement that the representation on the APC should be changed pursuant to the above referenced provisions of the Area Planning Law; and

WHEREAS, the Board of Commissioners of Decatur County, the Town Council of Millhousen, the Town Council of New Point, the Town Council of St. Paul, and the

Town Council of Westport hereby find that it will serve to protect the public health, safety, comfort, morals, convenience and general welfare of the citizens of Decatur County by providing for an equitable representation formula for the membership on said APC which complies with the above referenced provisions of the Area Planning Law:

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Decatur County, Indiana, that, pursuant to the Area Planning Law, it adopts this Ordinance to change the representation on the Decatur County APC and to read as follows:

1. Appointment of Members.

(a) The Decatur County Area Plan Commission (“APC”) consists of nine (9) members, as follows:

- (1) A person appointed by the Board of Commissioners of Decatur County from its membership, or alternatively, a person designated by the Board of Commissioners to represent the Board who may be either a citizen member or an elected or appointed official or employee in the County government.
- (2) A person appointed by the Board of Commissioners of Decatur County who is a resident of the unincorporated area of the County, or alternatively, a resident of an incorporated part of the County who is also an owner of real property located in whole or in part in the unincorporated area of the County.
- (3) A person appointed by the County Council of Decatur County from its membership, or alternatively, a person designated by the County Council to represent the Council who may be either a citizen member or an elected or appointed official or employee in the County government.
- (4) A person appointed by the County Council of Decatur County who is a resident of the unincorporated area of the County, or alternatively, a resident of an incorporated part of the County who is also an owner of real property located in whole or in part in the unincorporated area of the County.
- (5) A person appointed by the superintendent of the Decatur County Community School Corporation. The person may be either a citizen member or an elected or appointed official or employee of the school corporation.

- (6) A person appointed by the superintendent of the Greensburg Community School Corporation. The person may be either a citizen member or an elected or appointed official or employee of the school corporation.
- (7) The County Surveyor of Decatur County.
- (8) The County Agricultural Extension Educator for Decatur County.
- (9) A person selected by the Advisory Council on Town Affairs established under Section 2 of this Ordinance to represent all the towns in the County which are participants in the Area Planning Department. The person may be either a citizen member or an elected or appointed official or employee in a town government.

(b) Each citizen member appointed under this Section 1 must have the qualifications set forth in Section 216 of the Area Planning Law.

## 2. Advisory Council on Town Affairs.

(a) There is established in the Area Planning Department an Advisory Council on Town Affairs. Each town council of a town that is a participant in the Area Planning Department shall select one (1) of its members as its representative on the Advisory Council.

(b) The Advisory Council shall elect its own chairperson. The Advisory Council shall meet in the town hall of the participating town having the largest population, or at such other convenient location in the County as its chairperson shall designate.

(c) Pursuant to Section 1 of this Ordinance, the Advisory Council shall select a person to serve on the APC who shall represent all of the towns in the County which are participants in the Area Planning Department.

(d) The Advisory Council may, from time to time, meet with the person it has selected to serve on the APC, and advise him or her with respect to hearings and decisions on the agenda of the APC which may affect the affairs of the towns in the County which are participants in the Area Planning Department.

## 3. Terms of Members.

(a) This Ordinance does not affect the term of office of any current member of the APC.

(b) On and after the effective date of this Ordinance, the appointing authority shall designate the term of each person the appointing authority selects to serve on the APC, except that no term may extend for more than four (4) years.

4. Vacancies; Alternate Members.

(a) If a vacancy occurs among the APC members who are appointed, then the appointing authority shall select a member for the unexpired term of the vacating member.

(b) The appointing authority may also appoint an alternate member to participate with the APC in a hearing or decision if the regular member whom it has selected has a disqualification under Section 223(c) of the Area Planning Law (the provisions pertaining to conflicts of interest or the inability of a member to be impartial). An alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

5. Application to Board of Zoning Appeals.

This Ordinance does not affect the membership of the Decatur County Area Board of Zoning Appeals under Section 902 of the Area Planning Law.

6. Ratification of Actions Previously Taken.

Pursuant to Indiana Code Section 36-1-4-16, the Board of Commissioners hereby approves, confirms, and ratifies all actions previously taken by the membership of the APC as currently structured, as well as any and all actions taken by the Executive Director or other officers or employees of the Area Planning Department and/or the Board of Commissioners pursuant to any recommendation or decision that was duly adopted by the APC as currently structured.

7. Effective Date.

This Ordinance takes effect on January 1, 2017, or immediately upon its adoption by the legislative bodies of all units that are participating in the Area Planning Department as described in Section 211 of the Area Planning Law, whichever is later.

APPROVED BY THE TOWN COUNCIL FOR THE TOWN OF Westport  
IN DECATUR COUNTY, INDIANA, ON THE 9 DAY OF  
Jan, 20 17.

Bryan Gatewood  
President

Richard Smith  
Member

Joyce Bradley  
Member

CERTIFICATE OF ORDINANCE ENACTMENT

As the Clerk-Treasurer of the Town of Westport in  
Decatur County, Indiana, I certify that the above is a true and accurate Ordinance of the  
Town of Westport, Indiana.

Certified this 9<sup>th</sup> day of January, 20 17.

Ronda Bartlett  
Clerk-Treasurer