

ORDINANCE NO. 2024 - 05

**ORDINANCE ESTABLISHING DEPARTMENT OF ECONOMIC DEVELOPMENT
AND AUTHORIZING RELATED MATTERS**

WHEREAS, Indiana Code 36-7-11.9, as amended, and 36-7-12, as amended (collectively, the "Act") provides that the financing of single, identified economic development or pollution control facilities (as defined in the Act) and the provision of a program to finance multiple, unidentified economic development or pollution control facilities that promote a substantial likelihood of:

- (1) creating or retaining opportunities for gainful employment;
- (2) creating business opportunities;
- (3) providing reliable water services;
- (4) the abatement, reduction or prevention of pollution; or
- (5) the removal or treatment of substances in materials being processed that otherwise would cause pollution when used;

serve a public purpose and will be of benefit to the health or general welfare of the unit; and

WHEREAS, the Act provides that, if the fiscal body of a unit finds it necessary to finance economic development or pollution control facilities under the Act, the fiscal body may establish a department of economic development, to be controlled by an economic development commission;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROVIA, INDIANA, THAT:

Section 1. This Town Council hereby establishes a department of economic development, to be controlled by a commission known as the "Monrovia Economic Development Commission."

Section 2. This Town Council hereby nominates the following person to serve on the Monrovia Economic Development Commission: _____.

Section 3. Any officer of the Town is hereby authorized and directed, for and on behalf of the Town, to execute and deliver any instrument or take any other action as such officer determines to be necessary or desirable to accomplish the purposes of this ordinance, such determination to be conclusively evidenced by such officer's having executed such instrument or having taken such action, and any such officer's having executed and delivered any such instrument or having taken any such action is hereby ratified and approved.

IC 36-7-12-3 Declaration of public purpose

Sec. 3. The financing of single, identified economic development or pollution control facilities and the provision of a program to finance multiple, unidentified economic development or pollution control facilities that promote a substantial likelihood of:

- (1) creating or retaining opportunities for gainful employment;
- (2) creating business opportunities;
- (3) providing reliable water services;
- (4) the abatement, reduction, or prevention of pollution; or
- (5) the removal or treatment of substances in materials being processed that otherwise would cause pollution when used;

serve a public purpose and will be of benefit to the health or general welfare of the unit proposing to issue bonds for the financing or program or of the unit where the facilities that are to be financed are located.

IC 36-7-12-4 Economic development departments and commissions; creation

Sec. 4. If the fiscal body of a unit finds it necessary to finance economic development or pollution control facilities under this chapter, the fiscal body may establish a department of economic development, to be controlled by a commission known as "_____ Economic Development Commission", designating the name of the municipality or county.

[Pre-Local Government Recodification Citation: 18-6-4.5-3 part.]

As added by Acts 1981, P.L.309, SEC.31.

IC 36-7-12-6 Towns; commission members; appointment; terms of office

Sec. 6. (a) This section applies to towns that establish a department of economic development.

(b) The members of the economic development commission shall be appointed by the town executive. One (1) of the members shall be selected by the town executive, one (1) shall be nominated by the fiscal body of the county in which the town is located, and one (1) shall be nominated by the town fiscal body.

(c) The economic development commissioners shall take office upon their appointment, and their terms run from February 1 after their original appointment, for a period of:

- (1) three (3) years, if selected by the town executive;
- (2) two (2) years, if nominated by the town fiscal body; and
- (3) one (1) year, if nominated by the county fiscal body.

IC 36-7-12-9 Commissioners; selection and nomination; successors in office

Sec. 9. (a) After the adoption of an ordinance establishing a department of economic development, the clerk of the fiscal body establishing the department shall promptly notify the executives and fiscal bodies required to make selections and nominations by this chapter. The officers required to make selections and nominations shall do so within fifteen (15) days after receiving that notice. Each selectee and nominee shall be appointed by the appropriate executive officer within ten (10) days after the executive officer receives the nomination.

(b) At the expiration of the respective terms of each of the original economic development commissioners, their respective successors shall be selected and nominated, before the expiration of the term, in the same manner as the original commissioner, and each succeeding

commissioner shall serve for a term of four (4) years. A commissioner shall hold over after the expiration of the commissioner's term until the commissioner's successor is appointed and has qualified.

[Pre-Local Government Recodification Citation: 18-6-4.5-5 part.]

As added by Acts 1981, P.L.309, SEC.31. Amended by P.L.127-2017, SEC.192.

IC 36-7-12-10 Commissioners; failure to nominate; vacancies

Sec. 10. (a) If a fiscal body fails to make a nomination within the time specified by section 9 of this chapter, the executive may select and appoint a person without a nomination.

(b) If a person appointed as an economic development commissioner fails to take the oath of office required by section 11 of this chapter within ten (10) days after the notice of the appointment is mailed to the person, or if any commissioner, after qualifying, dies, resigns, vacates the commissioner's office, or is removed from office, a new commissioner shall be appointed to fill the vacancy in the same manner as the commissioner in respect to whom the vacancy occurs was appointed. A commissioner appointed under this subsection shall serve for the remainder of the vacated term.

[Pre-Local Government Recodification Citation: 18-6-4.5-5 part.]

As added by Acts 1981, P.L.309, SEC.31. Amended by P.L.127-2017, SEC.193.

IC 36-7-12-11 Commissioners; oaths; certificates of appointment

Sec. 11. Before beginning the economic development commissioner's duties, each economic development commissioner, shall take and subscribe an oath of office in the usual form, to be indorsed upon the certificate of the economic development commissioner's appointment. The certificate shall be promptly filed with the clerk of the fiscal body that established the department.

IC 36-7-12-12 Organizational meetings; officers

Sec. 12. (a) An economic development commission shall meet within thirty (30) days after its original appointment, at a time and place designated by the executive of the unit, for the purpose of organization, and shall meet to reorganize in **February** of each succeeding year.

(b) At the meeting required by subsection (a), an economic development commission shall elect one (1) of its members as president, one (1) as vice president, and one (1) as secretary. Each officer shall serve from the date of the officer's election until January 31 after the officer's election, and until the officer's successor is elected and qualified.

[Pre-Local Government Recodification Citation: 18-6-4.5-6 part.]

As added by Acts 1981, P.L.309, SEC.31. Amended by P.L.127-2017, SEC.195.

IC 36-7-12-13 Commissions; rules; meetings; quorum; approval of actions; records

Sec. 13. (a) An economic development commission may adopt the bylaws, rules, and regulations that it considers necessary. Regular or special meetings shall be held at times and upon notice fixed by the commission, either by resolution or in accordance with the bylaws, rules, and regulations adopted.

(b) A majority of the members of an economic development commission constitutes a quorum.

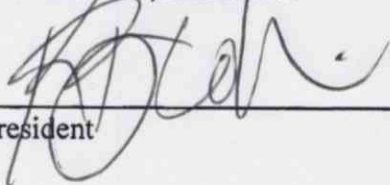
(c) Actions of an economic development commission must be approved by a majority of the members of the commission.

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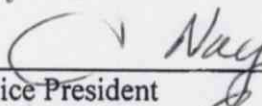
Section 4. This Ordinance shall be effective immediately upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Monrovia, Indiana, this 30
day of JULY, 2024.

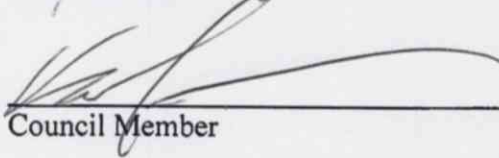
TOWN COUNCIL OF THE TOWN OF
MONROVIA, INDIANA



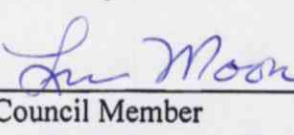
President



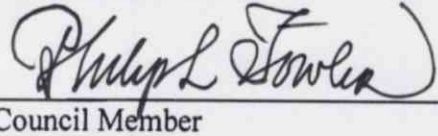
Vice President



Council Member

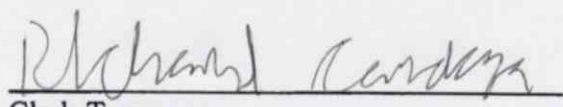


Council Member



Council Member

Attest:



Clerk-Treasurer