

HOUSE BILL No. 1433

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-1-4-10.5; IC 8-1.5-3-16; IC 8-1.5-4-20; IC 8-1.5-5-6.5; IC 8-10-9-9; IC 14-27-6-30.5; IC 36-9; IC 36-10.

Synopsis: Leases or contracts by public bodies. Requires a public hearing to be held and notice by publication to be given to all interested persons when the following propose to enter into a lease or contract: (1) A hospital authority. (2) A municipally owned utility. (3) A municipally owned waterworks. (4) A municipal department of storm water management. (5) A waterway management district in East Chicago. (6) A levee authority in Evansville. (7) A board of sanitary commissioners in certain second cities or a municipality in Lake County. (8) A park and recreation board. (9) A board of park commissioners in certain second and third class cities. (10) A municipal recreation board that has been appointed as the park authority. (11) A municipal park and recreation board in Carmel.

Effective: July 1, 1999.

Smith V, Brown C

January 12, 1999, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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HOUSE BILL No. 1433



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-1-4-10.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 1999]: **Sec. 10.5. (a) When the authority proposes that a lease or**
- 4 **contract be entered into, a public hearing shall be held on the**
- 5 **proposal. Notice of the hearing shall be given to all interested**
- 6 **persons by publication in accordance with IC 5-3-1. The hearing**
- 7 **shall be held before the legislative body of the county, city, or town**
- 8 **that created the authority under IC 5-1-4-4(a).**
- 9 **(b) The notice of a hearing under this section must:**
- 10 **(1) state the:**
- 11 **(A) date;**
- 12 **(B) place; and**
- 13 **(C) time;**
- 14 **of the hearing; and**
- 15 **(2) set forth a summary of the principal terms of the lease or**



1 contract agreed upon, including:

- 2 (A) the names of the contracting parties;
 3 (B) the character of the property to be leased;
 4 (C) the lease rental to be paid;
 5 (D) the number of years a lease is to be in effect;
 6 (E) the number of years a contract is to be in effect; and
 7 (F) other pertinent terms of the contract or lease so as to
 8 put the public on notice.

9 (c) The hearing may not be held sooner than twenty (20) days
 10 after publication of the notice.

11 (d) The proposed lease or contract shall be made available for
 12 inspection by the public before, during, and after the hearing.

13 (e) At the hearing, all interested persons are entitled to be heard
 14 as to:

- 15 (1) the necessity for the execution of the lease or contract; and
 16 (2) whether the rental to be paid to the lessor under a
 17 proposed lease is a fair and reasonable rental for the facilities.
 18 (f) The hearing may be continued to a later date.

19 (g) After the hearing, the legislative body may:

- 20 (1) authorize the execution of the lease or contract as
 21 originally agreed upon; or
 22 (2) with the consent of the proposed lessor and other parties,
 23 modify the lease or contract. However, the lease rental as set
 24 out in the published notice may not be increased without a
 25 new notice and hearing.

26 SECTION 2. IC 8-1.5-3-16 IS ADDED TO THE INDIANA CODE
 27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 28 1, 1999]: Sec. 16. (a) When a board proposes that a lease or
 29 contract be entered into, a public hearing shall be held on the
 30 proposal. Notice of the hearing shall be given to all interested
 31 persons by publication in accordance with IC 5-3-1. The hearing
 32 shall be held before the legislative body of the municipality.

33 (b) The notice of a hearing under this section must:

- 34 (1) state the:
 35 (A) date;
 36 (B) place; and
 37 (C) time;
 38 of the hearing; and
 39 (2) set forth a summary of the principal terms of the lease or
 40 contract agreed upon, including:
 41 (A) the names of the contracting parties;
 42 (B) the character of the property to be leased;



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- 1 (C) the lease rental to be paid;
 2 (D) the number of years a lease is to be in effect;
 3 (E) the number of years a contract is to be in effect; and
 4 (F) other pertinent terms of the contract or lease so as to
 5 put the public on notice.
- 6 (c) The hearing may not be held sooner than twenty (20) days
 7 after publication of the notice.
- 8 (d) The proposed lease or contract shall be made available for
 9 inspection by the public before, during, and after the hearing.
- 10 (e) At the hearing, all interested persons are entitled to be heard
 11 as to:
- 12 (1) the necessity for the execution of the lease or contract; and
 13 (2) whether the rental to be paid to the lessor under a
 14 proposed lease is a fair and reasonable rental for the facilities.
- 15 (f) The hearing may be continued to a later date.
- 16 (g) After the hearing, the legislative body may:
- 17 (1) authorize the execution of the lease as originally agreed
 18 upon; or
 19 (2) with the consent of the proposed lessor and other parties,
 20 modify the lease or contract. However, the lease rental as set
 21 out in the published notice may not be increased without a
 22 new notice and hearing.
- 23 SECTION 3. IC 8-1.5-4-20 IS ADDED TO THE INDIANA CODE
 24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 25 1, 1999]: **Sec. 20. (a) When a utility established under section 2(a)**
 26 **of this chapter proposes that a lease or contract be entered into, a**
 27 **public hearing shall be held on the proposal. Notice of the hearing**
 28 **shall be given to all interested persons by publication in accordance**
 29 **with IC 5-3-1. The hearing shall be held before the legislative body**
 30 **of the municipality.**
- 31 (b) The notice of a hearing under this section must:
- 32 (1) state the:
- 33 (A) date;
 34 (B) place; and
 35 (C) time;
 36 of the hearing; and
- 37 (2) set forth a summary of the principal terms of the lease or
 38 contract agreed upon, including:
- 39 (A) the names of the contracting parties;
 40 (B) the character of the property to be leased;
 41 (C) the lease rental to be paid;
 42 (D) the number of years a lease is to be in effect;



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1 (E) the number of years a contract is to be in effect; and
 2 (F) other pertinent terms of the contract or lease so as to
 3 put the public on notice.

4 (c) The hearing may not be held sooner than twenty (20) days
 5 after publication of the notice.

6 (d) The proposed lease or contract shall be made available for
 7 inspection by the public before, during, and after the hearing.

8 (e) At the hearing, all interested persons are entitled to be heard
 9 as to:

10 (1) the necessity for the execution of the lease or contract; and
 11 (2) whether the rental to be paid to the lessor under a
 12 proposed lease is a fair and reasonable rental for the facilities.

13 (f) The hearing may be continued to a later date.

14 (g) After the hearing, the legislative body may:

15 (1) authorize the execution of the lease or contract as
 16 originally agreed upon; or

17 (2) with the consent of the proposed lessor and other parties,
 18 modify the lease or contract. However, the lease rental as set
 19 out in the published notice may not be increased without a
 20 new notice and hearing.

21 SECTION 4. IC 8-1.5-5-6.5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 1999]: Sec. 6.5. (a) When a utility established under section 4(b)
 24 of this chapter proposes that a lease or contract be entered into, a
 25 public hearing shall be held on the proposal. Notice of the hearing
 26 shall be given to all interested persons by publication in accordance
 27 with IC 5-3-1. The hearing shall be held before the legislative body
 28 of the municipality.

29 (b) The notice of a hearing under this section must:

30 (1) state the:

31 (A) date;

32 (B) place; and

33 (C) time;

34 of the hearing; and

35 (2) set forth a summary of the principal terms of the lease or
 36 contract agreed upon, including:

37 (A) the names of the contracting parties;

38 (B) the character of the property to be leased;

39 (C) the lease rental to be paid;

40 (D) the number of years a lease is to be in effect;

41 (E) the number of years a contract is to be in effect; and

42 (F) other pertinent terms of the contract or lease so as to

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- 1 put the public on notice.
- 2 (c) The hearing may not be held sooner than twenty (20) days
3 after publication of the notice.
- 4 (d) The proposed lease or contract shall be made available for
5 inspection by the public before, during, and after the hearing.
- 6 (e) At the hearing, all interested persons are entitled to be heard
7 as to:
- 8 (1) the necessity for the execution of the lease or contract; and
9 (2) whether the rental to be paid to the lessor under a
10 proposed lease is a fair and reasonable rental for the facilities.
- 11 (f) The hearing may be continued to a later date.
- 12 (g) After the hearing, the legislative body may:
- 13 (1) authorize the execution of the lease or contract as
14 originally agreed upon; or
15 (2) with the consent of the proposed lessor and other parties,
16 modify the lease or contract. However, the lease rental as set
17 out in the published notice may not be increased without a
18 new notice and hearing.
- 19 SECTION 5. IC 8-10-9-9 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 1999]: Sec. 9. (a) When the district established under section 3(a)
22 of this chapter proposes that a lease or contract be entered into, a
23 public hearing shall be held on the proposal. Notice of the hearing
24 shall be given to all interested persons by publication in accordance
25 with IC 5-3-1. The hearing shall be held before the legislative body
26 of the city.
- 27 (b) The notice of a hearing under this section must:
- 28 (1) state the:
- 29 (A) date;
30 (B) place; and
31 (C) time;
32 of the hearing; and
- 33 (2) set forth a summary of the principal terms of the lease or
34 contract agreed upon, including:
- 35 (A) the names of the contracting parties;
36 (B) the character of the property to be leased;
37 (C) the lease rental to be paid;
38 (D) the number of years a lease is to be in effect;
39 (E) the number of years a contract is to be in effect; and
40 (F) other pertinent terms of the contract or lease so as to
41 put the public on notice.
- 42 (c) The hearing may not be held sooner than twenty (20) days

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1 after publication of the notice.

2 (d) The proposed lease or contract shall be made available for
3 inspection by the public before, during, and after the hearing.

4 (e) At the hearing, all interested persons are entitled to be heard
5 as to:

6 (1) the necessity for the execution of the lease or contract; and

7 (2) whether the rental to be paid to the lessor under a
8 proposed lease is a fair and reasonable rental for the facilities.

9 (f) The hearing may be continued to a later date.

10 (g) After the hearing, the legislative body may:

11 (1) authorize the execution of the lease or contract as
12 originally agreed upon; or

13 (2) with the consent of the proposed lessor and other parties,
14 modify the lease or contract. However, the lease rental as set
15 out in the published notice may not be increased without a
16 new notice and hearing.

17 SECTION 6. IC 14-27-6-30.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 1999]: **Sec. 30.5.** (a) When the board
20 proposes that a lease or contract be entered into, a public hearing
21 shall be held on the proposal. Notice of the hearing shall be given
22 to all interested persons by publication in accordance with
23 IC 5-3-1. The hearing shall be held before the city fiscal body.

24 (b) The notice of a hearing under this section must:

25 (1) state the:

26 (A) date;

27 (B) place; and

28 (C) time;

29 of the hearing; and

30 (2) set forth a summary of the principal terms of the lease or
31 contract agreed upon, including:

32 (A) the names of the contracting parties;

33 (B) the character of the property to be leased;

34 (C) the lease rental to be paid;

35 (D) the number of years a lease is to be in effect;

36 (E) the number of years a contract is to be in effect; and

37 (F) other pertinent terms of the contract or lease so as to
38 put the public on notice.

39 (c) The hearing may not be held sooner than twenty (20) days
40 after publication of the notice.

41 (d) The proposed lease or contract shall be made available for
42 inspection by the public before, during, and after the hearing.

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1 (e) **At the hearing, all interested persons are entitled to be heard**
 2 **as to:**

- 3 (1) **the necessity for the execution of the lease or contract; and**
 4 (2) **whether the rental to be paid to the lessor under a**
 5 **proposed lease is a fair and reasonable rental for the facilities.**

6 (f) **The hearing may be continued to a later date.**

7 (g) **After the hearing, the city fiscal body may:**

- 8 (1) **authorize the execution of the lease or contract as**
 9 **originally agreed upon; or**
 10 (2) **with the consent of the proposed lessor and other parties,**
 11 **modify the lease or contract. However, the lease rental as set**
 12 **out in the published notice may not be increased without a**
 13 **new notice and hearing.**

14 SECTION 7. IC 36-9-23-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter applies
 16 to all municipalities **except those subject to IC 36-9-25.**

17 SECTION 8. IC 36-9-24-1 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. This chapter applies
 19 to all municipalities that own and operate sewage works under
 20 IC 36-9-23 **and IC 36-9-25.**

21 SECTION 9. IC 36-9-25-10 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. In performing its
 23 duties the board may do the following:

- 24 (1) If needed for sewage works, condemn, appropriate, lease, rent,
 25 purchase, and hold any real or personal property within the
 26 district or within five (5) miles outside the boundaries of the
 27 district.
 28 (2) Enter upon any lots or lands for the purpose of surveying or
 29 examining them to determine the location of any sewage works or
 30 other structures, roads, levees, or walls connected with or
 31 necessary for the use or operation of the facilities.
 32 (3) Design, order, contract for, construct, reconstruct, and
 33 maintain the sewage works.
 34 (4) Build or have built all roads, levees, walls, other structures, or
 35 lagoons that may be desirable in connection with sewage works
 36 and make improvements to the grounds and premises under its
 37 control, including the erection and operation of a plant for the
 38 removal of sand and gravel from the grounds.
 39 (5) Compel the owners, operators, or lessees of all factories,
 40 shops, works, plants, or other structures to treat, purify, or
 41 eliminate from the sewage and trade waste of the premises any
 42 ingredients that interfere with the successful operation of the

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- 1 sewage works. It may compel the owners, operators, or lessees of
2 the premises located on a watercourse to direct an excessive flow
3 of water into the watercourse.
- 4 (6) Review and approve plans for privately constructed plants for
5 the treatment or elimination of trade waste. This is to insure that
6 an owner, operator, or lessee of a house, factory, shop, works,
7 plant, or other structure that may be directly or indirectly
8 connected with sewers emptying into the sewage works does not
9 construct a purification plant, machine, or other device for
10 eliminating or treating the trade waste from those places for the
11 purpose of eliminating ingredients that would harm the sewage
12 works until the plans have been submitted to and approved by the
13 board. After plans have been submitted to the board, it may reject
14 them in their entirety or order changes to be made that include its
15 supervision and regulation of the operation. An appeal may be
16 taken from the decision of the board rejecting the plans submitted
17 or ordering changes by the owner, operator, or lessee of a
18 proposed private plant, in the same manner as appeals from the
19 works board as far as applicable.
- 20 (7) Build or have built a plant or plants and all appurtenances for
21 the treatment of sludge, pressing of sludge, or converting sludge
22 into marketable fertilizer.
- 23 (8) Sell any byproduct from the sewage works, or furnish any
24 byproduct free for the use of the municipality or for other public
25 uses, with revenue derived from the sale above the amount
26 needed for maintenance to be paid into the sanitary district bond
27 fund, or if no bonds are outstanding, to revert to its general fund.
- 28 (9) Compel the owners, lessees, or agents in possession of lots or
29 land from which sewers discharge sewage or drainage and pollute
30 a watercourse or body of water or constitute a menace to public
31 health and welfare to connect the sewers with drains leading
32 directly or indirectly into sewage works regulating the use and
33 assessing reasonable charges.
- 34 (10) Construct or have constructed regulating devices at the
35 junction of combined sewers with intercepting sewers to regulate
36 the discharge into the intercepting and connecting sewers to
37 prevent the pollution of streams or bodies of water or a menace to
38 the public health and welfare.
- 39 (11) Construct an incinerating or reduction plant or other plants
40 for the conversion, destruction, or disposal of garbage, filth,
41 ashes, dirt, and rubbish, and add to, reconstruct, and maintain it.
42 It may operate the plant in connection with sewage works, and

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1 sell any byproducts derived from the garbage, filth, ashes, or
 2 rubbish, including sand and gravel taken from lands under the
 3 control of the board at prices that are determined by the board, or
 4 furnish it free to the municipality or for other public uses, with
 5 revenue derived above the amount needed for maintenance to be
 6 paid into the sanitary district bond fund, or if no bonds are
 7 outstanding, to revert to its general fund.

8 (12) Take charge of all real property, belonging to the
 9 municipality and under the control of the works board, suitably
 10 located for sewage works if the board demands the works board,
 11 subject to contracts, to relinquish and transfer control of real and
 12 personal property used by the works board for the collection and
 13 removal of garbage and ashes. The transfer of personal property
 14 must be made by resolution adopted by the works board
 15 describing the property, with a copy of the resolution to be
 16 delivered to the board and made a matter of record in the minutes
 17 of the proceedings of the board.

18 (13) Collect and remove, or contract for the collection and
 19 removal of, all garbage, ashes, dead animals, refuse, and wastes
 20 from domestic premises, and construct or have constructed
 21 stations, including barns, garages, sheds, blacksmith shops,
 22 dumps, incinerators, and all other useful or necessary
 23 improvements for this purpose. This includes the power to collect
 24 and remove soil and other sewage in areas not provided with
 25 sewers, and then to discharge or dispose of it into sewage works.

26 (14) Enter into contracts in the name of the municipality ~~with the~~
 27 ~~approval of the executive as provided by law; in the manner set~~
 28 **forth by IC 36-9-24.**

29 (15) Employ and pay for all engineering, architectural, legal, and
 30 other professional services needed in carrying out this chapter,
 31 including determining the number, prescribing the duties, and
 32 fixing the compensation for all its engineers, chemists, attorneys,
 33 bacteriologists, surveyors, inspectors, clerks, stenographers,
 34 laborers, supervisors, and other employees as provided by law for
 35 other executive departments of the municipality.

36 (16) Adopt resolutions, rules and bylaws that are necessary to
 37 carry out this chapter, including repealing or amending them
 38 consistent with this chapter.

39 (17) Prepare a schedule of reasonable service fees and collect
 40 them from persons who own, lease, or possess or control as
 41 tenants or as agents lots or lands located outside the boundaries
 42 of the district if the lots or lands are benefited by connection into

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1 the sanitary sewer system of the district as described in this
 2 chapter, with the proceeds from sewage connections and
 3 treatment service credited to the general fund of the district for
 4 general use and maintenance purposes. The fees may be fixed,
 5 repealed, or amended, or the service discontinued, by the board
 6 at its discretion.

7 (18) Sue or be sued in the name of the municipality, with payment
 8 for obligations and of a judgment against the municipality in an
 9 action to be made solely from funds of the department and its
 10 district that may be available for this purpose.

11 (19) Pay for services rendered or for any other obligations
 12 incurred by the board while executing its powers, or pay any
 13 judgments, including interest and costs, by issuing and selling the
 14 bonds of the district, or obtaining temporary loans or levying
 15 taxes as authorized by this or other statutes for any other purpose.

16 SECTION 10. IC 36-10-3-11.5 IS ADDED TO THE INDIANA
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 1999]: **Sec. 11.5. (a) When the board**
 19 **proposes that a lease or contract be entered into as provided by**
 20 **section (11)(a) of this chapter, a public hearing shall be held on the**
 21 **proposal. Notice of the hearing shall be given to all interested**
 22 **persons by publication in accordance with IC 5-3-1. The hearing**
 23 **shall be held before the fiscal body of the county or the legislative**
 24 **body of the municipality, as appointed by section 4(a) or 4(b) of**
 25 **this chapter, as appropriate.**

26 **(b) The notice of a hearing under this section must:**

27 **(1) state the:**

28 **(A) date;**

29 **(B) place; and**

30 **(C) time;**

31 **of the hearing; and**

32 **(2) set forth a summary of the principal terms of the lease or**
 33 **contract agreed upon, including:**

34 **(A) the names of the contracting parties;**

35 **(B) the character of the property to be leased;**

36 **(C) the lease rental to be paid;**

37 **(D) the number of years a lease is to be in effect;**

38 **(E) the number of years a contract is to be in effect; and**

39 **(F) other pertinent terms of the contract or lease so as to**
 40 **put the public on notice.**

41 **(c) The hearing may not be held sooner than twenty (20) days**
 42 **after publication of the notice.**



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1 (d) The proposed lease or contract shall be made available for
2 inspection by the public before, during, and after the hearing.

3 (e) At the hearing, all interested persons are entitled to be heard
4 as to:

5 (1) the necessity for the execution of the lease or contract; and

6 (2) whether the rental to be paid to the lessor under a
7 proposed lease is a fair and reasonable rental for the facilities.

8 (f) The hearing may be continued to a later date.

9 (g) After the hearing, the appropriate fiscal or legislative body
10 may:

11 (1) authorize the execution of the lease or contract as
12 originally agreed upon; or

13 (2) with the consent of the proposed lessor and other parties,
14 modify the lease or contract. However, the lease rental as set
15 out in the published notice may not be increased without a
16 new notice and hearing.

17 SECTION 11. IC 36-10-4-9.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 1999]: **Sec. 9.5. (a) When the board proposes**
20 **that a lease or contract be entered into, a public hearing shall be**
21 **held on the proposal. Notice of the hearing shall be given to all**
22 **interested persons by publication in accordance with IC 5-3-1. The**
23 **hearing shall be held before the legislative body of the city.**

24 (b) The notice of a hearing under this section must:

25 (1) state the:

26 (A) date;

27 (B) place; and

28 (C) time;

29 of the hearing; and

30 (2) set forth a summary of the principal terms of the lease or
31 contract agreed upon, including:

32 (A) the names of the contracting parties;

33 (B) the character of the property to be leased;

34 (C) the lease rental to be paid;

35 (D) the number of years a lease is to be in effect;

36 (E) the number of years a contract is to be in effect; and

37 (F) other pertinent terms of the contract or lease so as to
38 put the public on notice.

39 (c) The hearing may not be held sooner than twenty (20) days
40 after publication of the notice.

41 (d) The proposed lease or contract shall be made available for
42 inspection by the public before, during, and after the hearing.

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1 (e) At the hearing, all interested persons are entitled to be heard
2 as to:

- 3 (1) the necessity for the execution of the lease or contract; and
4 (2) whether the rental to be paid to the lessor under a
5 proposed lease is a fair and reasonable rental for the facilities.

6 (f) The hearing may be continued to a later date.

7 (g) After the hearing, the legislative body may:

- 8 (1) authorize the execution of the lease or contract as
9 originally agreed upon; or
10 (2) with the consent of the proposed lessor and other parties,
11 modify the lease or contract. However, the lease rental as set
12 out in the published notice may not be increased without a
13 new notice and hearing.

14 SECTION 12. IC 36-10-5-2.5 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 1999]: **Sec. 2.5. (a) This section applies to a
17 municipality that has a recreation board appointed as the park
18 authority, as provided for in section 2(b) of this chapter.**

19 (b) When the recreation board proposes that a lease or contract
20 be entered into under this chapter, a public hearing shall be held
21 on the proposal. Notice of the hearing shall be given to all
22 interested persons by publication in accordance with IC 5-3-1. The
23 hearing shall be held before the appropriate legislative body of the
24 city or town.

25 (c) The notice of a hearing under this section must:

26 (1) state the:

- 27 (A) date;
28 (B) place; and
29 (C) time;

30 of the hearing; and

31 (2) set forth a summary of the principal terms of the lease or
32 contract agreed upon, including:

- 33 (A) the names of the contracting parties;
34 (B) the character of the property to be leased;
35 (C) the lease rental to be paid;
36 (D) the number of years a lease is to be in effect;
37 (E) the number of years a contract is to be in effect; and
38 (F) other pertinent terms of the contract or lease so as to
39 put the public on notice.

40 (d) The hearing may not be held sooner than twenty (20) days
41 after publication of the notice.

42 (e) The proposed lease or contract shall be made available for

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1 inspection by the public before, during, and after the hearing.

2 (f) At the hearing, all interested persons are entitled to be heard
3 as to:

4 (1) the necessity for the execution of the lease or contract; and

5 (2) whether the rental to be paid to the lessor under a
6 proposed lease is a fair and reasonable rental for the facilities.

7 (g) The hearing may be continued to a later date.

8 (h) After the hearing, the legislative body may:

9 (1) authorize the execution of the lease or contract as
10 originally agreed upon; or

11 (2) with the consent of the proposed lessor and other parties,
12 modify the lease or contract. However, the lease rental as set
13 out in the published notice may not be increased without a
14 new notice and hearing.

15 SECTION 13. IC 36-10-5-5 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) This section
17 applies to a municipality that:

18 (1) has a population of more than twenty-five thousand (25,000);
19 and

20 (2) is located in a county having a population of more than one
21 hundred eight thousand (108,000) but less than one hundred eight
22 thousand nine hundred fifty (108,950).

23 (b) A municipal board consists of four (4) members appointed by
24 the executive of the municipality. a member shall be appointed on the
25 basis of the member's interest in and knowledge of parks and
26 recreation. The members may include the executive of the municipality
27 and one (1) or more members of the municipal fiscal body. The
28 ordinance creating a municipal board governed by this section may
29 provide for one (1) or two (2) ex officio members.

30 (c) **When the municipal board proposes that a lease or contract**
31 **be entered into, a public hearing shall be held on the proposal.**
32 **Notice of the hearing shall be given to all interested persons by**
33 **publication in accordance with IC 5-3-1. The hearing shall be held**
34 **before the appropriate legislative body of the city or town.**

35 (d) The notice of a hearing under this section must:

36 (1) state the:

37 (A) date;

38 (B) place; and

39 (C) time;

40 of the hearing; and

41 (2) set forth a summary of the principal terms of the lease or
42 contract agreed upon, including:

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- 1 **(A) the names of the contracting parties;**
- 2 **(B) the character of the property to be leased;**
- 3 **(C) the lease rental to be paid;**
- 4 **(D) the number of years a lease is to be in effect;**
- 5 **(E) the number of years a contract is to be in effect; and**
- 6 **(F) other pertinent terms of the contract or lease so as to**
- 7 **put the public on notice.**
- 8 **(e) The hearing may not be held sooner than twenty (20) days**
- 9 **after publication of the notice.**
- 10 **(f) The proposed lease or contract shall be made available for**
- 11 **inspection by the public before, during, and after the hearing.**
- 12 **(g) At the hearing, all interested persons are entitled to be heard**
- 13 **as to:**
 - 14 **(1) the necessity for the execution of the lease or contract; and**
 - 15 **(2) whether the rental to be paid to the lessor under a**
 - 16 **proposed lease is a fair and reasonable rental for the facilities.**
- 17 **(h) The hearing may be continued to a later date.**
- 18 **(i) After the hearing, the legislative body may:**
 - 19 **(1) authorize the execution of the lease or contract as**
 - 20 **originally agreed upon; or**
 - 21 **(2) with the consent of the proposed lessor and other parties,**
 - 22 **modify the lease or contract. However, the lease rental as set**
 - 23 **out in the published notice may not be increased without a**
 - 24 **new notice and hearing.**

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