

## **IC 14-13-5**

### **Chapter 5. Ohio River Greenway Development Commission**

#### **IC 14-13-5-1**

##### **"Commission" defined**

Sec. 1. As used in this chapter, "commission" refers to the Ohio River greenway development commission established by this chapter.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-2**

##### **"Corridor" defined**

Sec. 2. As used in this chapter, "corridor" means the land:

- (1) in and around Jeffersonville, Clarksville, and New Albany in Clark County and Floyd County;
- (2) abutting or near the Ohio River and Silver Creek; and
- (3) in which:
  - (A) roadways and other public thoroughfares;
  - (B) public areas; and
  - (C) other public improvements;are located or planned.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-3**

##### **Establishment of commission**

Sec. 3. The Ohio River greenway development commission is established.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-4**

##### **Members**

Sec. 4. The commission consists of the following fifteen (15) members:

- (1) Eight (8) members who serve four (4) year terms as follows:
  - (A) Two (2) residents of Jeffersonville appointed by the executive of Jeffersonville.
  - (B) Two (2) residents of Clarksville appointed by the executive of Clarksville.
  - (C) Two (2) residents of New Albany appointed by the executive of New Albany.
  - (D) One (1) resident of Clark County appointed by the governor.
  - (E) One (1) resident of Floyd County appointed by the governor.
- (2) The executive of Jeffersonville.
- (3) The executive of New Albany.
- (4) The president of the legislative body of Clarksville.
- (5) The director of the office of tourism development or the director's designee, who serves as a nonvoting member.
- (6) The director of the department or the director's designee,

who serves as a nonvoting member.

(7) The commissioner of the Indiana department of transportation or the commissioner's designee, who serves as a nonvoting member.

(8) The president of the Indiana economic development corporation or the president's designee, who serves as a nonvoting member.

*As added by P.L.1-1995, SEC.6. Amended by P.L.229-2005, SEC.12.*

#### **IC 14-13-5-5**

##### **Terms of members; eligibility for reappointment**

Sec. 5. (a) Upon the expiration of the term of an appointed member of the commission, the member's successor shall be appointed for a four (4) year term.

(b) A member may be reappointed.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-6**

##### **Filling of vacancies**

Sec. 6. If a vacancy occurs among the appointed membership of the commission, the vacancy shall be filled for the unexpired term in the same manner and under the same conditions as the original appointment.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-7**

##### **Traveling expenses**

Sec. 7. A member of the commission is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-8**

##### **Quorum**

Sec. 8. (a) Eight (8) voting members of the commission constitute a quorum.

(b) The affirmative vote of six (6) voting members of the commission is required for the commission to take any action.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-9**

##### **Officers**

Sec. 9. (a) Each year the commission shall elect the following from among the members of the commission:

(1) A chairman.

(2) A vice chairman.

- (3) A treasurer.
- (b) An individual elected as a chairman or a vice chairman:
  - (1) serves a term of one (1) year beginning July 1 following the date the individual is elected; and
  - (2) may be reelected.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-10**

##### **Meetings**

Sec. 10. (a) The commission:

- (1) shall fix the time for regular meetings; and
- (2) may hold special meetings on call of the chairman with seven (7) days written notice.

(b) A member may waive written notice of a specific meeting by filing a written notice with the commission.

(c) Written notice is considered to have been given under this section when the written notice is:

- (1) placed in the United States mail, first class postage prepaid; and
- (2) sent to the business address of the members of the commission.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-11**

##### **Comprehensive plan; recommended legislation**

Sec. 11. (a) The commission shall study various plans and recommendations that concern the development of the Ohio River along the corridor.

(b) Based on studies conducted under subsection (a), the commission shall:

- (1) prepare a comprehensive plan; and
- (2) recommend state and local legislation;

for development along the corridor.

(c) The commission may make grants of money to units of local government for the construction or improvement of the corridor if the grants are consistent with plans, standards, and criteria established by the commission.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-12**

##### **General powers**

Sec. 12. (a) If necessary to further the accomplishment of the commission's purposes, the commission may do the following:

- (1) Conduct all studies necessary for the performance of the commission's duties.
- (2) Publicize, advertise, and distribute reports on the commission's purposes, objectives, and findings.
- (3) Provide recommendations in matters related to the commission's functions and objectives to political subdivisions in and adjacent to the corridor and to other public and private

agencies.

(4) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

(5) Acquire and dispose of real property by grant, gift, purchase, lease, devise, or otherwise.

(6) Acquire and dispose of personal property by grant, gift, purchase, lease, devise, or otherwise.

(7) Hold, use, improve, maintain, operate, own, manage, or lease as lessor or lessee real or personal property, or any interest in that property.

(8) Contract for services relating to the design, construction, and maintenance of:

(A) roadways;

(B) bridges;

(C) walkways;

(D) trails;

(E) other public thoroughfares, park areas, and recreational sites; and

(F) any other public improvements;

necessary to accomplish the goals of the commission.

(9) Employ an executive director and other individuals necessary to carry out the commission's duties.

(b) The commission may contract for staff services with:

(1) qualified agencies or individuals; or

(2) a regional planning commission established under IC 36-7-7.

(c) It is the goal of a project under this chapter to create or enhance the following:

(1) Tourism.

(2) Transportation.

(3) Recreation.

(4) Development.

(5) Employment.

*As added by P.L.1-1995, SEC.6.*

### **IC 14-13-5-13**

#### **Grants and appropriations**

Sec. 13. (a) The commission may receive grants and appropriations from the following:

(1) Federal, state, and local governments.

(2) Individuals.

(3) Foundations.

(4) Other organizations.

(b) The commission may enter into agreements or contracts regarding the acceptance or use of grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-14**

##### **Advisory committees**

Sec. 14. The commission may appoint advisory committees that may include representatives from the following:

- (1) Transportation departments.
- (2) Parks departments.
- (3) The United States Army Corps of Engineers.
- (4) Other departments of federal, state, and local government that may assist the commission.
- (5) The private sector if the representative, because of the representative's expertise, may provide assistance or advice to the commission.

*As added by P.L.1-1995, SEC.6.*

#### **IC 14-13-5-15**

##### **Annual reports**

Sec. 15. Before November 1 of each year, the commission shall make a report of the commission's activities to the following:

- (1) Each municipality that appointed a member of the commission.
- (2) The governor.
- (3) The general assembly. The report must be in an electronic format under IC 5-14-6.

*As added by P.L.1-1995, SEC.6. Amended by P.L.28-2004, SEC.129.*

#### **IC 14-13-5-16**

##### **Budgets**

Sec. 16. (a) The commission shall prepare and adopt by majority vote an annual budget that shall be submitted to each municipality or agency appropriating money for the use of the commission. After the commission approves the budget, money may be expended only as budgeted unless a majority vote of the commission authorizes other expenditures. If money is appropriated by the commission for the use of a county, a municipality, or an agency, the money may not later be diverted from the county, municipality, or agency without the consent of the county, municipality, or agency.

(b) Any appropriated amounts remaining unexpended or unencumbered at the end of the year may become part of a nonreverting cumulative fund to be held in the name of the commission.

(c) The commission may authorize unbudgeted expenditures from the nonreverting cumulative fund by a majority vote of the commission.

(d) The commission is responsible for money the commission receives under this chapter. The state board of accounts shall:

- (1) prescribe the methods and forms for keeping; and
- (2) periodically audit;

the accounts, records, and books of the commission.

*As added by P.L.1-1995, SEC.6. Amended by P.L.116-2000, SEC.1.*

**IC 14-13-5-17**

**Powers of political subdivisions not limited**

Sec. 17. This chapter does not limit the power of a participating municipal corporation to develop or improve the riverfront area of the municipal corporation independently of the commission.

*As added by P.L.1-1995, SEC.6.*