

IC 36-6-1.6

Chapter 1.6. Dissolution of Township Government Merger

IC 36-6-1.6-1

"Merged township government"

Sec. 1. As used in this chapter, "merged township government" means the township government that results from the merger of at least two (2) township governments under IC 36-6-1.5.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-2

"Reestablished township government"

Sec. 2. As used in this chapter, "reestablished township government" means a township government that:

- (1) merged with at least one (1) other township government under IC 36-6-1.5; and
- (2) is reestablished as a separate township government under this chapter.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-3

Petition to reestablish township government

Sec. 3. (a) Freeholders may initiate proceedings to reestablish a township government by filing a petition in the office of the county auditor of the county where the freeholder's land is located. The petition must be signed by the lesser of:

- (1) at least ten percent (10%) of; or
- (2) at least fifty (50);

freeholders owning land within the proposed reestablished township. A petition may also be filed with the county auditor by a merged township government under a resolution adopted by the legislative body of the township government.

(b) A county legislative body may adopt an ordinance that:

- (1) dissolves a merger of township governments that took effect under IC 36-6-1.5; and
- (2) reestablishes the township governments that were subject to the merger.

(c) The county legislative body must file a copy of the ordinance with:

- (1) the circuit court clerk; and
- (2) the secretary of state.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-4

Restrictions on dissolving merged township government

Sec. 4. (a) A county legislative body may not adopt an ordinance ordering a dissolution under section 3 of this chapter after January 1 of a year in which:

- (1) a general election is held; and
- (2) a township trustee is elected.

(b) The county legislative body may not adopt an ordinance ordering a dissolution under section 3 of this chapter less than one (1) year before the dissolution takes effect.

(c) A dissolution under this chapter may reduce the term of the township trustee of the merged township government.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-5

Dissolution effective upon election and qualification of officers

Sec. 5. A dissolution under an ordinance adopted under section 3 of this chapter becomes effective when the officers of the reestablished township governments are elected and qualified as set forth in IC 36-6.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-6

Dissolution effective date; former township governments reestablished; property, functions, and indebtedness transferred

Sec. 6. (a) On the date on which a dissolution under an ordinance adopted under section 3 of this chapter takes effect:

(1) the reestablished township governments are established as separate entities;

(2) the territory of the reestablished township government is the same as the territory that comprised the reestablished township government before the merger;

(3) the agencies of the merged township government are abolished and the agencies of the reestablished township governments are established;

(4) the functions of the abolished agencies are assigned to agencies of each reestablished township government;

(5) the:

(A) property;

(B) records;

(C) personnel;

(D) rights; and

(E) liabilities;

related to the functions of the abolished agencies are assigned to agencies of the reestablished township governments; and

(6) any bonds and other indebtedness of, or assumed by, the merged township government is the indebtedness of the reestablished township governments.

(b) The county legislative body shall determine the distribution of property, records, and personnel to the reestablished township governments under subsection (a)(5).

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-7

Provisions concerning state and federal licensing, rules, regulations, and governmental assistance

Sec. 7. Upon the corporate dissolution of a merged township

government under this article, the following apply for purposes of all state and federal licensing and regulatory laws, statutory entitlements, gifts, grants-in-aid, governmental loans, or other governmental assistance under state or federal statutes, rules, or regulations:

(1) The entire geographic area and population of a reestablished township government created under this chapter shall be used when calculating and determining the distribution basis for the following:

- (A) State or federal government statutory entitlements.
- (B) Gifts.
- (C) Grants-in-aid.
- (D) Loans.
- (E) Any form of governmental assistance that is not listed in this subdivision.

(2) Following a public hearing for which notice is published in accordance with IC 5-3-1 at least thirty (30) days before the public hearing takes place, the executive of each reestablished township government that is created under this chapter shall determine and designate to the appropriate state or federal agency the:

- (A) geographic areas;
- (B) parts of roads;
- (C) segments of population; or
- (D) combinations of the items listed in clauses (A) through (C);

that constitute rural or urban areas, roads, or populations, if this designation was previously required of the merged township government.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-8

Resolutions, rules, and bylaws of merged township continue

Sec. 8. When a reestablished township government is created under this chapter, the following occur:

(1) The resolutions, rules, and bylaws of the merged township government:

- (A) remain in force in the reestablished township governments; and
- (B) continue in force until amended or repealed by the legislative body or an administrative body of the reestablished township government.

(2) Pending actions that involve the merged township government shall be prosecuted to final judgment and execution, and judgments rendered in those actions may be executed and enforced against the reestablished township governments without any change of the name of the plaintiff or defendant.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-9

Transfer of funds to reestablished township governments

Sec. 9. (a) On the date on which the formation of a reestablished township government takes effect under this chapter, all money in the funds of the merged township government is transferred to the reestablished township governments. The county legislative body shall determine the allocation of the funds to the reestablished township governments. The reestablished township governments:

- (1) shall deposit the money in the funds that most closely correspond to the funds of the merged township government; and
- (2) may use the money to pay operational and capital costs for the balance of the calendar year.

(b) After the date on which the formation of a reestablished township government takes effect under this chapter, the reestablished township government is entitled to receive all distributions of taxes and other revenue that would have been made to the new township government if the merger had not occurred. The allocation of the distributions to the reestablished township governments shall be determined by the county legislative body. A reestablished township government shall deposit the money in its funds that correspond most closely to the funds of the merged township government into which the taxes or other revenue would have been deposited if the dissolution had not occurred.

As added by P.L.240-2005, SEC.4.

IC 36-6-1.6-10

Budget, levy, and tax rate of reestablished township government

Sec. 10. The officers of a new reestablished township government shall:

- (1) obtain from the department of local government finance approval under IC 6-1.1-18.5-7 of:
 - (A) a budget;
 - (B) an ad valorem property tax levy; and
 - (C) a property tax rate;
- (2) fix the annual budget under IC 6-1.1-17;
- (3) impose a property tax levy; and
- (4) take any action necessary to ensure the collection of fees and other revenue;

for the new township government for the budget year following the year the officers take office.

As added by P.L.240-2005, SEC.4.