

IC 36-7-7.6

Chapter 7.6. Northwestern Indiana Regional Planning Commission

IC 36-7-7.6-1

Applicability

Sec. 1. This chapter applies to the area consisting of the following counties:

- (1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (2) A county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).
- (3) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-2

"Commission"

Sec. 2. As used in this chapter, "commission" means the northwestern Indiana regional planning commission established by section 3 of this chapter.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-3

Establishment

Sec. 3. The northwestern Indiana regional planning commission is established for the area described in section 1 of this chapter.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-4

Commission membership

Sec. 4. (a) The following members shall be appointed to the commission:

- (1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.
- (2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.
- (3) The county surveyor of each county described in section 1 of this chapter.
- (4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.
- (5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of

the nineteen (19) largest municipalities.

(6) Beginning July 1, 2007, one (1) person appointed by the trustee of each township that:

(A) is located in a county described in section 1 of this chapter;

(B) has a population of at least eight thousand (8,000); and

(C) does not contain a municipality.

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

As added by P.L.165-2003, SEC.6. Amended by P.L.169-2006, SEC.57.

IC 36-7-7.6-5

Members; expense reimbursement; vacancies

Sec. 5. (a) All commission members must be elected officials.

(b) All persons appointed to the commission must be:

(1) knowledgeable in matters of physical, social, or economic development of the region; and

(2) residents of the municipality, county, or region that they represent.

(c) A member of the commission may also serve as a member of a plan commission in the region.

(d) Members of the commission shall serve without salary but may be reimbursed for expenses incurred in the performance of their duties.

(e) The respective appointing authorities shall certify their appointments, and the certification shall be retained as a part of the records of the commission.

(f) Each member serves at the pleasure of the appointing authority. The appointing authority shall give written notice to the commission of a change of an appointee and the effective date of that change.

(g) If a vacancy occurs by resignation or otherwise, the appointing authority shall promptly appoint a replacement member.

(h) If a member of the commission is absent for more than three (3) consecutive meetings of the full commission, the commission shall notify that member's appointing authority and request the appointing authority to do one (1) of the following:

(1) Replace the member.

(2) Take action to assure the member's conscientious attendance at meetings of the full commission.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-6

Offices

Sec. 6. (a) At its first regular meeting in each year, the commission shall elect from its members a chairperson, vice

chairperson, secretary, and treasurer.

(b) Not more than two (2) of the officers elected under subsection (a) may be from the same county.

(c) The vice chairperson may act as chairperson during the absence or disability of the chairperson.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-7

Meetings; notice

Sec. 7. (a) The commission shall fix the time and place for holding regular meetings, but it shall meet:

(1) at least quarterly; and

(2) at other times established by the commission or the executive board of the commission.

(b) The chairperson of the commission or five (5) members of the commission may call a special meeting of the commission upon written request to the secretary of the commission. The secretary shall send to all commission members at least forty-eight (48) hours in advance of a special meeting a written notice fixing the time and place of the special meeting. Written notice of a special meeting is not required if:

(1) the time of the special meeting has been fixed in a regular meeting; or

(2) all members are present at the special meeting.

(c) A commission member may waive notice of any meeting by filing a written waiver with the secretary of the commission.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-8

Rules; records

Sec. 8. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations. The commission's record is a public record.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-9

Quorum; official action by affirmative vote of quorum or weighted affirmative vote

Sec. 9. (a) A majority of the commission members constitute a quorum.

(b) An action of the commission is official only if both the following apply:

(1) The action is authorized at a regular meeting or a properly called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of a majority of the members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a

motion is made under subsection (c).

(c) Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

- (1) a regular meeting; or
- (2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Each commission member has a weighted vote determined as follows:

(1) In the case of a member appointed by the executive of a municipality, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by one hundred (100).

(2) In the case of a member appointed by the executive of a county, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality and is not within a township described in section 4(a)(6) of this chapter as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality and is not within a township described in section 4(a)(6) of this chapter as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE

by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(4) In the case of a member appointed by the trustee of a township under section 4(a)(6) of this chapter, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the township as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

As added by P.L.165-2003, SEC.6. Amended by P.L.169-2006, SEC.58; P.L.39-2007, SEC.2.

IC 36-7-7.6-10

Executive board

Sec. 10. (a) The commission shall elect from among its members, by the affirmative votes of a majority of the members serving on the commission, an executive board that consists of the following:

(1) The four (4) officers of the commission.

(2) Two (2) members of the commission from each county described in section 1 of this chapter.

(3) The member of the commission appointed by the governor.

(b) If a vacancy occurs in a position on the executive board referred to in subsection (a)(2), a successor shall be elected from among the members in the same manner as the member whose position has been vacated.

(c) The executive board shall conduct the business of the commission, except for:

(1) the adoption and amendment of bylaws, rules, and procedures for the operation of the commission;

(2) the election of officers and members of the executive board as provided in this chapter; and

(3) the adoption of the annual appropriation budget after review by the executive board.

(d) The executive board shall meet regularly at least one (1) time each month, unless otherwise determined by its members. The executive board shall notify the full membership of the commission of all its meetings with copies of its preliminary or final agendas and shall report all its actions and determinations to the full membership of the commission.

(e) A majority of members of the executive board constitutes a quorum. An action of the executive board is official only if it is authorized by an affirmative vote of a majority of the total number of members serving on the board at a regular or properly called special meeting. Any action of the executive board shall be reviewed at the next regular meeting of the commission following the executive board's action. Upon either:

- (1) a decision by the majority of the board; or
 - (2) written request of a member of the commission;
- an issue shall be brought to a vote of the full commission.

(f) If the immediate past chairperson is not serving as a member of the executive board under subsection (a), that individual shall be a nonvoting member of the executive board.

As added by P.L.165-2003, SEC.6. Amended by P.L.39-2007, SEC.3.

IC 36-7-7.6-11

Executive director; powers and duties

Sec. 11. (a) After review and recommendation by the executive board, the commission shall appoint an executive director, who serves at the pleasure of the commission. The executive director must be qualified by training and experience in the management of public agencies and must be knowledgeable in planning.

(b) The executive director is the chief administrative officer and regular technical adviser of the commission. Subject to supervision by the commission and in furtherance of the purposes of the commission, the executive director:

- (1) shall execute the commission functions;
- (2) shall appoint and remove the staff of the commission;
- (3) shall submit to the commission annually, or more often if required, a status report on the operation of the commission;
- (4) may, with the approval of the executive board, execute contracts, leases, or agreements with other persons on behalf of the commission;
- (5) shall be given access by all governmental agencies, upon the executive director's written request, to all studies, reports, surveys, records, and other information and material in their possession that are required by the executive director for the accomplishment of the activities and objectives of the commission;
- (6) shall propose annually a budget for the operation of the commission and administer the budget as approved by the commission;
- (7) shall keep the records and care for and preserve all papers and documents of the commission; and
- (8) shall perform other duties and may exercise other powers that the commission or the executive board delegates to the executive director.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-12

Purpose of commission

Sec. 12. The purpose of the commission is to institute and maintain a comprehensive planning and programming process for:

- (1) transportation;
- (2) economic development; and
- (3) environmental;

policy and provide a coordinative management process for the counties described in section 1 of this chapter. The commission shall coordinate its activities with all member units in the counties and shall coordinate and assist the planning programs of member units and the state that are related to its purpose.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-13

Commission powers

Sec. 13. The commission may do any of the following in support of a purpose listed under section 12 of this chapter:

- (1) Transact business and enter into contracts.
- (2) Receive grants or appropriations from federal, state, or local governmental entities or from individuals or foundations and enter into agreements or contracts regarding the acceptance or use of those grants and appropriations to carry out any of the activities of the commission.
- (3) Apply for, receive, and disburse gifts, contributions, and grants of funds or in-kind services.
- (4) Acquire by grant, purchase, gift, devise, lease, or otherwise and hold, use, sell, improve, maintain, operate, own, manage, lease, or dispose of:
 - (A) real and personal property of every kind and nature; and
 - (B) any right and interest;

as necessary for the exercise of, or convenient or useful for the carrying out of, the commission's purposes under this chapter.

- (5) Make and enter into all contracts, undertakings, and agreements necessary or incidental to the performance of the commission's purposes.
- (6) Employ and fix the reasonable compensation of any employees and agents the commission considers necessary.
- (7) Contract for special and temporary services and for professional assistance.
- (8) Hold, use, administer, and expend money that is appropriated or transferred to the commission.
- (9) Make contracts and leases for facilities and services.
- (10) Act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.
- (11) Enter into agreements or partnerships to do the following:
 - (A) Assist in coordinating activities involving state and local government, business organizations, and nonprofit organizations.
 - (B) Assist in the development and implementation of

- programs by other regional agencies and entities.
- (12) Enter into coordinative arrangements with:
- (A) any unit of government in Indiana or an adjoining state;
 - (B) an overlapping multicounty or interstate planning or development agency;
 - (C) a state agency;
 - (D) a federal agency;
 - (E) a private entity; or
 - (F) a minority business enterprise as defined by IC 4-13-16.5;
- that are appropriate to the achievement of the commission's objectives or to address a common issue.
- (13) Provide any administrative, management, or technical services to a unit of local government that requests the services. The local unit and the commission may enter into a contract concerning the commission's provision of administrative, management, or technical services and the cost to the local unit for the services.
- (14) Conduct all necessary studies for the accomplishment of the commission's purpose.
- (15) Publicize the commission's purposes, objectives, and findings, and distribute reports on those purposes, objectives, and findings.
- (16) Provide recommendations to units of local government and to other public and private agencies.
- (17) Make loans and issue notes as provided in section 19 of this chapter.

As added by P.L.165-2003, SEC.6. Amended by P.L.39-2007, SEC.4.

IC 36-7-7.6-14

Adoption of regional plan, program, or policy; county exemption

Sec. 14. The commission may adopt by resolution any regional comprehensive or functional plan, program, or policy as the commission's official recommendation for the development of the region, subject to the power of a county to exempt itself under section 15 of this chapter. The commission shall provide an annual report of its activities to the legislative bodies of the counties and municipalities in the region.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-15

Petition not to implement program

Sec. 15. If the commission receives a petition that:

- (1) is signed by a majority of the commission members representing a county affected by a particular program; and
- (2) objects to the establishment of the program within that county;

the commission may not implement the program in that county.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-16

Advisory committees

Sec. 16. (a) The commission must appoint advisory committees to assist in the achievement of its objectives. The membership of advisory committees shall not be limited to the members of the commission.

(b) At least one (1) advisory committee must be appointed with a membership that is representative of the private sector of the communities served by the commission and must include members representative of:

- (1) postsecondary educational institutions;
- (2) minority business enterprises;
- (3) labor and workforce organizations; and
- (4) manufacturing entities;

active in at least one (1) of the communities served by the commission.

(c) Members of advisory committees are not entitled to compensation for their services but may be reimbursed by the commission for expenses incurred in the performance of their duties. *As added by P.L.165-2003, SEC.6. Amended by P.L.2-2007, SEC.387.*

IC 36-7-7.6-17

Surveys or studies by county or municipal employees

Sec. 17. A county or municipality may periodically, upon the request of the commission, assign or detail to the commission any employees of the county or municipality to make special surveys or studies requested by the commission.

As added by P.L.165-2003, SEC.6.

IC 36-7-7.6-18

Annual appropriation budget; tax levy; use of funds

Sec. 18. (a) The commission shall prepare and adopt an annual appropriation budget for its operation. The appropriation budget shall be apportioned to each participating county on a pro rata per capita basis. After adoption of the appropriation budget, any amount that does not exceed an amount for each participating county equal to seventy cents (\$0.70) per capita for each participating county shall be certified to the respective county auditor.

(b) A county's portion of the commission's appropriation budget may be paid from any of the following, as determined by the county fiscal body:

- (1) Property tax revenue as provided in subsections (c) and (d).
- (2) Any other local revenue, other than property tax revenue, received by the county, including local option income tax revenue under IC 6-3.5, excise tax revenue, riverboat admissions tax revenue, riverboat wagering tax revenue, riverboat incentive payments, and any funds received from the state that may be used for this purpose.

(c) The county auditor shall:

(1) advertise the amount of property taxes that the county fiscal body determines will be levied to pay the county's portion of the commission's appropriation budget, after the county fiscal body determines the amount of other local revenue that will be paid under subsection (b)(2); and

(2) establish the rate necessary to collect that property tax revenue;

in the same manner as for other county budgets.

(d) The tax levied under this section and certified shall be estimated and entered upon the tax duplicates by the county auditor and shall be collected and enforced by the county treasurer in the same manner as other county taxes are estimated, entered, collected, and enforced. The tax collected by the county treasurer shall be transferred to the commission.

(e) In fixing and determining the amount of the necessary levy for the purpose provided in this section, the commission shall take into consideration the amount of revenue, if any, to be derived from federal grants, contractual services, and miscellaneous revenues above the amount of those revenues considered necessary to be applied upon or reserved upon the operation, maintenance, and administrative expenses for working capital throughout the year.

(f) After the budget is approved, amounts may not be expended except as budgeted unless the commission authorizes their expenditure. Before the expenditure of sums appropriated as provided in this section, a claim must be filed and processed as other claims for allowance or disallowance for payment as provided by law.

(g) Any two (2) of the following officers may allow claims:

(1) Chairperson.

(2) Vice chairperson.

(3) Secretary.

(4) Treasurer.

(h) The treasurer of the commission may receive, disburse, and otherwise handle funds of the commission, subject to applicable statutes and to procedures established by the commission.

(i) The commission shall act as a board of finance under the statutes relating to the deposit of public funds by political subdivisions.

(j) Any appropriated money remaining unexpended or unencumbered at the end of a year becomes part of a nonreverting cumulative fund to be held in the name of the commission. Unbudgeted expenditures from this fund may be authorized by vote of the commission and upon other approval as required by statute. The commission is responsible for the safekeeping and deposit of the amounts in the nonreverting cumulative fund, and the state board of accounts shall prescribe the methods and forms for keeping the accounts, records, and books to be used by the commission. The books, records, and accounts of the commission shall be audited periodically by the state board of accounts, and those audits shall be paid for as provided by statute.

As added by P.L.165-2003, SEC.6. Amended by P.L.39-2007, SEC.5.

IC 36-7-7.6-19

Making of loans and issuing of notes

Sec. 19. (a) The commission may adopt a resolution to make loans or issue notes to obtain money to pay current operating expenses of the commission in anticipation of the payment to the commission of the appropriation budget apportioned to participating counties under section 18 of this chapter.

(b) The terms and form of a loan or notes shall be set forth in the resolution. The resolution must specify:

- (1) subject to subsection (c), the term of the loan or notes;
- (2) the interest rate of the loan or notes;
- (3) the medium of payment of the loan or notes;
- (4) the place and manner of payment of the loan or notes;
- (5) the manner of execution of the loan or notes;
- (6) the terms of redemption of the loan or notes; and
- (7) the funds or sources of funds from which the loan or notes are payable, which may be any funds available to the commission.

(c) A loan or notes under this section must mature in the calendar year in which the loan is made or the notes are issued. The commission may use proceeds of the loan or notes only to pay current operating expenses of the commission in anticipation of the payment to the commission of the appropriation budget apportioned to participating counties under section 18 of this chapter.

(d) The total amount of all outstanding loans and notes under this section in a particular calendar year may not exceed the total amount of the appropriation budget apportioned to participating counties and to be paid to the commission under section 18 of this chapter for the calendar year.

(e) The loan contract or the notes must plainly state that the loan or notes:

- (1) are not an indebtedness of the state;
- (2) constitute a corporate obligation solely of the commission; and
- (3) are payable solely from:
 - (A) payments to the commission of the appropriation budget apportioned to participating counties under section 18 of this chapter for the calendar year; and
 - (B) any other revenues of the commission.

(f) This section contains full and complete authority for the making of loans and the issuance of notes by the commission under this section. No other procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the commission or any other officer, department, agency, or instrumentality of the state or of any political subdivision is required to make loans or issue notes under this section.

As added by P.L.39-2007, SEC.6.