

Public Question for Controlled Projects

County Clerks'
Annual Conference
June 2017

Controlled Projects

- Procedures for Issuing Debt
 - IC 6-1.1-20
- Petition requesting initiation of a referendum
 - IC 6-1.1-20-3.5
- Public question
 - IC 6-1.1-20-3.6

Controlled Projects

- **NOT** a controlled project IF: (IC 6-1.1-20-1.1)
 - Project costs less than the lesser of:
 - \$2 million (2017) OR
 - Equals:
 - 1% of total gross AV if greater than \$100 million
 - \$1 million if total gross AV is less than \$100 million
 - Debt is repaid from other sources than property taxes
 - Bonds are refunded
 - Project was court ordered
 - Project was necessary due to natural disaster, accident, or emergency

Origination

- Meeting for preliminary determination
 - Notice in accordance with IC 5-3-1
 - Notice sent to clerk
 - **Must conducted at least two public hearings before adoption of resolution or ordinance**
- Preliminary determination
 - Notice in accordance with IC 5-3-1
 - Notice sent to clerk

Notice of Preliminary Determination

- Financial and debt information
- Statement in notice indicating petition to initiate petition and remonstrance process **or** local public question under IC 6-1.1-20-3.6

Petition Phase – Public Question

- Until July 1, 2017 (IC 6-1.1-20-3.5)
- Elementary, middle, high school building or other school academic building used for K-12 more than - \$10 million
- Other controlled projects greater than the lesser of :
 - \$12 million or
 - 1% of gross AV of at least \$1 million

Petition Phase – Public Question

- Effective July 1, 2017 (IC 6-1.1-20-3.5)
- Elementary, middle, high school building or other school academic building used for K-12 that will cost more than the lesser of:
 - \$10 million (2017) or
 - Equals:
 - 1% of total gross AV if over \$1 billion
 - \$10 million if total gross AV is less than \$1 billion
- Other controlled projects greater than the lesser of:
 - \$12 million or
 - Equals:
 - 1% of total gross AV if over \$100 million
 - \$10 million if total gross AV is less than \$100 million
 - SUM of that project PLUS ALL other controlled projects within the preceding 365 days, exceeds \$25 million

Petition

- A petition requesting the application of the public question process may be filed by the lesser of:
 - 500 persons who are either owners of property within the political subdivision; OR
 - 5% of the registered voters residing within the political subdivision
- Each carrier of the petition must:
 - Be a property owner or registered voter
 - Be a signatory on at least one petition
 - Swear or affirm before a notary public that they witnessed each signature
 - Govern the closing date for the petition period
- Petition filed not later than 30 days after publication of notice of the preliminary determination

Public Question Forms

- These forms are developed by state board of accounts and MUST be obtained from the SBOA each time.
 - 202 K- Petition Requesting the Application of a Local Public Question
 - 202L- Instructions Relative to Circulation of the Petition
 - 202M- Auditor's Verification Statement
 - 202N – Voter Registration Office Certificate

Verification

- Voter registration office shall determine whether each signer is a registered voter
- If at least 525 persons have been verified as registered voters:
 - Do not need to verify the rest of remaining signatures and
 - Certification from the county auditor is not required
- If 525 were not registered voters, then a copy of the petition is sent to county auditor not more than 15 business days after receiving
- Not more than 10 business days after receiving petition, the county auditor shall provide verification (Form 202 M)
- Final certification made by the county voter registration office not more than 10 business days after receiving county auditor verification (Form 202 N)

Public Question

- Petitioners don't obtain necessary signatures
 - The political subdivision may proceed with bond or lease
- Petitioners do obtain necessary signature
 - A political subdivision may not impose property taxes to pay debt service or lease rentals unless the project is approved in an election on a local public question
 - To continue with the project, notice is provided to the county auditor

Public Question

- Question certified by DLGF
- Question certified by county auditor
- Question certified for ballot in May
 - No later than noon 74 days
- Question certified for ballot in Nov
 - No later than noon Aug1
- May withdraw question no later than 63 days before election

Public Question

- **Special election** may be held either
 - First Tuesday after the first Monday in May or Nov
- Question certified for ballot in May
 - No later than noon 74 days before
- Question certified for ballot in Nov
 - No later than noon Aug1
- Subdivision that requests special election will pay costs
- Special election is under direction of county election board

Public Question

- Clerk certify results to
 - County auditor of each county which the political subdivision is locate
 - DLGF
- Majority of voters vote in favor
 - Bonds may be issued or lease may be entered into
- Majority of voters vote in opposition
 - Bonds may not be issued or lease may not be entered into
 - Another public question that is either the same or substantially similar may not be submitted earlier than:
 - 700 days after the date of the public question, OR
 - 350 days after the date of the election, if a petition that meets the requirements is submitted to the County Auditor