

Plan of Reorganization
under the
Indiana Government Modernization Act
for
The City of Muncie
and
Delaware County

**Prepared by the Muncie-Delaware County
Government Reorganization Committee**

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Introduction

By adopting identical resolutions under Indiana's Government Modernization Act, the Common Council of the City of Muncie and the Board of County Commissioners of Delaware County created the Muncie-Delaware County Government Reorganization Committee in the spring of 2009. Over the past year, the committee has held public forums, circulated questionnaires, made presentations at and sought feedback from local organizations, looked at examples from other communities, sought its own research and conducted dozens of meetings discussing the future of local government in the community. This report presents the Reorganization Plan recommended by the Committee.

The Muncie-Delaware County Government Reorganization Committee has eight members: Gary Addison, Eric Kelly and Alan Wilson were appointed by the mayor; Lee Ann Mengelt, Denise Moore, and George Sheridan were appointed by the county commissioners; Billie Sheppard was appointed by the city council; Joe Russell was appointed by the county council. Due to an illness in the family, George Sheridan's participation has been quite limited and he was not involved in the creation of the final plan. We are all volunteers, expecting and receiving no compensation.

We have had excellent research and technical support from the Bowen Center at Ball State University; Profs. Charles D. "Chip" Taylor and Sally Jo Vasicko have provided invaluable guidance and support to the process. With funding from the Community Foundation and additional support from the College of Sciences and Humanities, we were able to hire Molly Nagel, a graduate student in public administration, to assist Chip and Sally Jo. Molly has been a loyal staff member to the committee, attending her last meeting with us four days before her wedding. The Muncie Public Library and Ivy Tech Community College have been most generous in providing centrally located public meeting spaces for us. We have had legal advice from Scott Chinn, a Baker and Daniels attorney who has participated in successful government reorganizations. Under the Government Modernization Act, the City of Muncie and Delaware County have divided the routine expenses of the committee, which have totaled less than \$10,000 on the date of this report.

The next step in the process is for the Board of County Commissioners and the Common Council to consider the recommended Plan. We hope and anticipate that the Plan will then be put before the voters of Muncie and Delaware County for their consideration at the general election in 2012.

The Committee maintains a website with additional information, www.mundelreorg.org

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Article 1 Introductory and Adoption

Sect. 1.1 Purpose

It is the purpose and intent of those drafting and voting for the adoption of this Plan of Reorganization to:

- (a) Create a new, reorganized local government through the consolidation of the City of Muncie and Delaware County;
- (b) Exercise broadly the authority granted to local government to reorganize under the Government Modernization Act (Article 1.5, Title 36 of the Indiana Code);
- (c) Create a Plan of Reorganization that also incorporates a long-term organizational document for the reorganized local government;
- (d) Provide the officials elected by qualified electors of the reorganized local government with the ability to carry out governmental functions without some of the current constraints of Indiana law that, to paraphrase the General Assembly in its findings in support of the Government Modernization Act:
 - (i) impede the economy of operation of political subdivisions;
 - (ii) interfere with the ease of administration of political subdivisions;
 - (iii) inhibit cooperation among political subdivisions; and
 - (iv) thwart better government.

Sect. 1.2 Nature of Document

It is the purpose of this document to serve as both:

- (a) a "Plan of Reorganization" in accordance with Article 1.5 of Title 36 of the Indiana Code (the "Government Modernization Act") and specifically pursuant to Indiana Code Sect. 36-1.5-4-3(1), which provides for "consolidation of the participating political subdivisions into a single new political subdivision;" and
- (b) an organizational document that will govern the reorganized political subdivision after the consolidation, subject to amendment, as provided therein.

Sect. 1.3 Organization of Document

Article 1 of this Plan of Reorganization provides general terms of the "Reorganization"; Article 12 of this Plan of Reorganization sets forth certain transitional provisions; the other articles of this Plan of Reorganization establish the organizational structure, powers and other characteristics of the consolidated local government and the document as a

whole will herein be referred to as the "Plan" of the consolidated local government.

Sect. 1.4 Reorganization

1.4.1 Reorganizing Political Subdivisions

The "Reorganizing Political Subdivisions" under this Plan of Reorganization are the City of Muncie, Indiana, and Delaware County, Indiana.

1.4.2 Reorganized Political Subdivision

The reorganized political subdivision resulting from this Plan of Reorganization will be the Consolidated City of Muncie and Delaware County, (hereinafter referred to as the "Local Government").

1.4.3 Effect of Reorganization on Reorganizing Political Subdivisions

Upon the Effective Date (as hereinafter defined) of the Reorganization, the City of Muncie and Delaware County shall cease to exist as separate political subdivisions.

1.4.4 Other Effects of Reorganization

See Article 12, Transitional Provisions for additional provisions dealing with the effects of the Reorganization.

Sect. 1.5 Plan Implementation: Approval, Elections and Effective Date

1.5.1 Approval of Plan

Pursuant to Indiana Code Sect. 36-1.5-4-32(b), the Plan shall be deemed approved at a county-wide election if each of the following conditions is satisfied:

- (a) the percentage of voters voting on the public question who vote, on a countywide basis, in favor of the proposed reorganization is more than fifty (50) percent; and
- (b) the percentage of voters of Delaware County (excluding the voters of the City of Muncie) voting on the public question who vote against the reorganization is less than sixty-six and two-thirds percent; and
- (c) the percentage of voters of the City of Muncie voting on the public question who vote against the reorganization is less than sixty-six and two-thirds percent.

1.5.2 First Elections

The first elections for officers of the Local Government shall be held at the first general election occurring after the approval of this Plan at a countywide election.

1.5.3 Effective Date

The effective date of the Reorganization ("Effective Date") shall be January 1 of the year immediately following the year in which the first election for officers of the Local Government is conducted.

Sect. 1.6 Construction and Interpretation

This Plan shall be broadly construed in accordance with the context of the Government Modernization Act (Title 36, Chapter 1.5 of the Indiana Code) and with the provisions of Indiana Code Sects. 36-1.5-1-5 and 36-1.5-1-6.

Sect. 1.7 Severability

If any portion, section, sub-section, paragraph or clause of this Plan is determined by a court of competent jurisdiction to be unconstitutional, beyond the powers of the Local Government under Indiana law, or otherwise not valid, the remainder of this Plan shall remain in full force and effect.

Article 2 General Provisions

Sect. 2.1 Name

The consolidated entity created in this document shall be known as "Consolidated City of Muncie and Delaware County" and may also be known by any other name adopted by the Council (as hereinafter defined) created hereunder acting by ordinance.

Sect. 2.2 Boundaries

The boundaries of the Local Government shall be the boundaries of Delaware County, Indiana, as they existed on the day before this plan took effect, subject to the powers of the Indiana General Assembly to adjust such boundaries in the future.

2.2.1 Regulatory Jurisdiction

The Local Government shall have the full regulatory jurisdiction available to a unit, county, municipality, municipal corporation, political subdivision, special taxing district and any and all other such authorities of government in Indiana that may be lawfully exercised by the Reorganizing Political Subdivisions over all of the area within the boundaries established by the previous section except for those areas that were within an incorporated municipality in existence on the day before the Effective Date and not consolidated into this Local Government.

2.2.2 Powers of Consolidated Government

The Local Government shall have all of the following powers:

- (a) All powers granted to counties by the constitution and laws of the State of Indiana; and

- (b) All powers granted to second-class cities by the constitution and laws of the State of Indiana; and
- (c) All powers established by this Plan in accordance with the Government Modernization Act, as codified in Title 36, Article 1.5 of the Indiana Code; and
- (d) Such additional powers as may be granted to a consolidated local government by the constitution and laws of the State of Indiana.

2.2.3 Transfer of Powers

Except as otherwise provided or described more particularly in this Plan, all rights, duties, and powers possessed by or conferred upon the Reorganizing Political Subdivisions, including those possessed by or conferred upon any and all agencies, departments, divisions, and other instrumentalities of the Reorganizing Political Subdivisions, at the time immediately before the Effective Date, shall be transferred and conveyed to the Local Government on the Effective Date.

Article 3 Legislative and Fiscal Body

Sect. 3.1 Members of Consolidated Council

3.1.1 Generally

The Consolidated Council (the "Council") shall be a citizen council and shall be the legislative and fiscal body of the Local Government. Other than the County Executive (see Article 4), members shall serve part-time as citizen legislators.

3.1.2 Members

The Council shall have fifteen members, selected as follows:

- (a) The County Executive or presiding officer, as set forth in Section 3.1.4;
- (b) Seven members who are elected at large; and
- (c) Seven members who are elected by district.

3.1.3 Qualifications

- (a) A member of or candidate for membership in the Council, including the County Executive:
 - (i) Must be a registered voter of the jurisdiction of the Local Government;
 - (ii) Must have resided within the boundaries of the Local Government for at least one (1) year before the election;
 - (iii) Must have resided in the district in which seeking election, if applicable, for at least six (6) months before the election; and

- (iv) Shall remain a resident of the Local Government and of any district from which the candidate was elected throughout his or her term of office.
- (b) Any person elected to the office of county executive or member of the consolidated council who ceases to meet the residence requirements of this section shall be deemed to have resigned. The other members of the Council, or quorum thereof, shall hear any disputes arising over this issue, and the findings of fact of such members shall be determinative.

3.1.4 Presiding Officer

- (a) The County Executive shall be elected at large and shall serve as the presiding officer of the Council. The County Executive may cast a vote on the Council only in case of a tie but shall otherwise participate in the Council as any other member.
- (b) The Council shall elect from among its members a President Pro Tem, who shall preside at meetings in the absence of the County Executive.

3.1.5 Districts

The seven districts shall be established or modified by the Council in the year following the completion of each U.S. Census. Districts shall be configured in accordance with the following criteria:

- (a) Districts shall contain substantially equal populations;
- (b) Districts shall be as compact as is practicable;
- (c) To the maximum extent practicable and consistent with the previous two criteria, district boundaries shall follow precinct boundaries;
- (d) Districts shall first be configured for the Urban Service Area, incorporating the entire Urban Service Area (see Sect. 7.1.2) in as few districts as possible;
- (e) The remainder of the area served by the Local Government shall then be configured into districts following the criteria in this section;
- (f) No more than one district shall include areas that are in the Urban Service Area and areas that are not in the Urban Service Area; and
- (g) Only voters qualified to vote in a particular district shall vote in the election for a Council member from that district.

3.1.6 Terms

- (a) The terms of Council members, including the County Executive, shall be for four years each, subject to the varying lengths of initial terms as provided in this subsection;
- (b) Terms shall begin at 12:01 a.m. on the first day of January of the year following the year in which the member was elected;
- (c) Terms of previous office-holders whose terms are not continued shall expire at the time that the terms of their respective successors begin;
- (d) The terms shall be staggered, with the terms of the County Executive, three at-large members and four district members scheduled to expire on the first day of January in 2019 with respect to the initial term and every four years thereafter and the terms of the other four at-large members and other three district members to expire on the first day of January in 2017 and every four years thereafter. All offices shall be filled at the initial election held to fill offices under this Plan. The County Executive's term shall expire in accordance with the previous paragraph. To provide initial implementation of the staggered terms, the three district candidates certified as having been elected who receive the fewest number of votes and the four at-large candidates certified as having been elected who receive the fewest number of votes shall serve the initial terms expiring on the first day of January in 2017 and the remaining candidates certified as having been elected shall serve the terms expiring on the first day of January in 2019.
- (e) Transitional Provision. The dates in paragraphs (c) and (d) of this section have been established based on the assumption that the Effective Date will be January 1, 2015. If the Effective Date is January 1 of a later year, then the year 2015 shall be subtracted from the year in which the Effective Date actually falls, and the resulting number shall be added to each of the years listed in paragraphs (c) and (d) of this section. If the Effective Date will be January 1, 2013, then the number two shall be subtracted from each of the years specified in paragraphs (c) and (d) of this section.

3.1.7 Elections

Elections shall be held as part of the general election process in Indiana, on the dates established by the State for general elections in even-numbered years.

3.1.8 Attendance at Meetings

Members of the Council shall attend at least three quarters of the regular meetings of the Council held in each calendar year; any Council member who misses more than one quarter of the regular meetings in a calendar

year shall be removed from office by a majority vote of the Council. The Council may refrain from initiating the removal process if a majority of the Council members find that there were extenuating circumstances to excuse a sufficient number of absences to bring the member within the intent of this section.

3.1.9 Representation and Service Areas

- (a) Those members of the Council elected from districts in which ten percent or more of the registered electors reside in the Urban Service Area are hereinafter called the “Urban Service Area Council Members.”
- (b) Those members of the Council elected from districts in which ten percent or more of the registered electors reside in the Rural Service Area are hereinafter called the “Rural Service Area Council Members;”
- (c) One, but no more than one, district council member may be both an Urban Service Area Council Member” and a “Rural Service Area Council Member.”

Sect. 3.2 Vacancies

A vacancy on the Council shall be filled through the method provided by Ind. Code Sect. 3-13-11, as it may be amended or replaced in the future. In case of a vacancy in the position of County Executive, the President Pro Tem of the Council shall serve in that position until a replacement as County Executive has been named through the statutory process.

Sect. 3.3 Committees

3.3.1 Generally

- (a) The Council shall have two permanent committees:
 - (i) Urban Services Committee; and
 - (ii) Rural Services Committee.
- (b) The Council may from time to time establish such other standing or ad hoc committees as it may deem prudent or necessary for the conduct of its business. The Council may delegate to any such committee administrative responsibilities of the Council and advisory duties but shall not delegate to a committee the final authority to act on an ordinance or on a budget proposal.

3.3.2 Urban Services Committee

- (a) The Urban Services Committee shall consist of the following:
 - (i) The Urban Services members of the Council;

- (ii) Two at-large members of the Council selected by the Council, to the extent practicable, from among those members who reside in the Urban Services Area; and
 - (iii) The County Executive, who shall have no vote on the committee.
- (b) The Urban Services Committee shall elect from among its voting members a committee chair.
 - (c) The Urban Services Committee shall hold a minimum of six meetings per calendar year.

3.3.3 Rural Services Committee

- (a) The Rural Services Committee shall consist of the following:
 - (i) The Rural Services members of the Council;
 - (ii) Two at-large members of the Council selected by the Council, to the extent practicable, from among those members who reside in the Rural Services Area;
 - (iii) The County Executive, who shall have no vote on the committee.
- (b) The Rural Services Committee shall elect from among its voting members a committee chair.
- (c) The Rural Services Committee shall hold a minimum of six meetings per calendar year.

Sect. 3.4 Meetings

3.4.1 Regular Meetings

The Council shall hold at least twenty regular meetings per calendar year. At least twelve of such regular meetings shall begin after 6 p.m. local time.

3.4.2 Quorum

A quorum of the Council shall be eight members; the County Executive or other member presiding at a meeting shall be considered in determining whether the quorum has been met.

3.4.3 Special Meetings

The County Executive and any one other Council member or any three Council members may call a special meeting, notice of which shall be provided to all Council members and to the public at least forty-eight hours before such meeting.

3.4.4 Public Meetings

All meetings of the Council shall be conducted in accordance with the Indiana Open Door Law, Indiana Code, Title 5, Article 14, Chapter 1.5,

and any subsequent amendments or replacements to such law. The Council may adjourn into executive session only in accordance with provisions of the Indiana Open Door Law.

Sect. 3.5 Powers, Duties and Procedures

3.5.1 Generally

The Council shall be the legislative body and the fiscal body of the Local Government.

3.5.2 Control of Finances, Property, Ordinances

- (a) The Council shall have the exclusive power to:
 - (i) Establish budgets, within which the County Executive and County Administrator shall operate the Local Government;
 - (ii) Act as the fiscal body of the Local Government and exercise those fiscal powers set forth in Article 10;
 - (iii) Authorize the exercise of the power of eminent domain by the Local Government;
 - (iv) Establish by ordinance the qualifications, powers and duties of the County Administrator, department heads and other designated officers of the Local Government;
 - (v) Enact, repeal and amend local ordinances applying to the jurisdiction of the Local Government or separately to the Urban and/or Rural Services Area; and
 - (vi) Exercise any other powers or duties assigned to a city council, county council or local legislative or fiscal body through the Indiana Constitution and Code, except to the extent that such powers and duties have been expressly assigned to another person or entity in this Plan.
- (b) The Council and the Redevelopment Commission shall have the authority to acquire and dispose of real property of the Local Government, in accordance with Indiana Code, Title 36, Article 1, and the Council may by ordinance authorize other subordinate boards or commissions to acquire and dispose of real property;
- (c) The Council shall establish by ordinance additional procedures and authority for the acquisition and disposition of vehicles, equipment and other personal property.

3.5.3 Form of Actions

- (a) Every official act of the Council which is to have the force and effect of law shall be by ordinance and shall begin with the words: "The Council of Consolidated City of Muncie and Delaware County hereby ordains."

- (b) All other acts of the Council shall be by resolution or shall take such other form as prescribed by its rules.

3.5.4 Ordinance Procedure

- (a) Every proposed ordinance and every amendment shall contain not more than one (1) subject, which shall be expressed clearly in its title;
- (b) An ordinance to be considered by the Council must be sponsored by one or more members of the Council. Prior to the introduction of any ordinance, copies of it shall be prepared by the clerk of the Council, reviewed as to form and modified as necessary by an attorney advising the Council and distributed to each member of the Council;
- (c) Every proposed ordinance shall be in writing and shall be introduced by reading the title thereof at a regular monthly, or a properly called special, meeting of the Council. Final action on an ordinance may not be taken at the same meeting at which it is introduced, unless Council votes to suspend the rules, in accordance with Section 3.5.6; and
- (d) The adoption of any ordinance shall require a vote of at least a majority of those present and voting at a duly called and held meeting.

3.5.5 Agenda

- (a) The Council shall post an agenda for each meeting at least two (2) business days before such meeting occurs, except in case of a bona fide emergency; and
- (b) The Council may discuss but shall not take final action on any item not listed on the agenda for a meeting when it is posted in accordance with paragraph (a) of this section.

3.5.6 Suspension of Rules

The Council may suspend the rules of procedure, including the requirements of Sections 3.5.5(b) (dealing with action on an ordinance at the meeting at which it is introduced) and 3.5.5(a) (dealing with action on an item not shown on a posted agenda), by a unanimous vote of all members of the Council who are present and voting, provided that it shall require at least eight (8) votes to suspend the rules.

3.5.7 Record

It shall be the responsibility of the Council to designate the Auditor or an employee of the Local Government to preserve a record of all of its proceedings, which record shall be a public record.

3.5.8 Compensation

The compensation of the members of the Council shall be established annually by ordinance. The compensation of a Council member shall not be changed between the date of his or her election and the expiration date of the term to which the member was elected, except as follows: in case of financial exigency in which the compensation of most or all Local Government employees is reduced, the compensation of Council members shall be reduced proportionately.

Sect. 3.6 Conflicts of Interest

- (a) A member of the Council may not participate in discussion or vote as a member of Council or of any other body established by the Local Government in a hearing or decision of that body concerning a matter in which the member has a direct or indirect financial interest or substantial personal interest;
- (b) The Council or other body shall enter in its records the fact that its member has such a conflict;
- (c) A member who is prevented from participation regarding a matter under this section shall not be considered in determining whether there is a quorum for any portion of the meeting involving that matter but may be considered as part of a quorum for other parts of the meeting; and
- (d) In case of a question about whether a particular interest constitutes a conflict under this section, the members of the Council attending the meeting and not involved in the possible conflict shall, by resolution, determine whether there is a conflict that prevents the participation of a member in the consideration of a matter under this section.

Article 4 County Executive

Sect. 4.1 Generally

The County Executive shall serve as the Presiding Officer of the Council and as the Chief Executive of the Local Government.

4.1.1 Compensation

The compensation of the County Executive shall be established annually by ordinance or through the budget process and shall be appropriate for a full-time executive officer of a local government in Indiana. The compensation of a County Executive shall not be changed between the date of his or her election and the expiration date of the term to which the member was elected, except as follows: in case of financial exigency in which the compensation of most or all Local Government employees is

reduced, the compensation of the County Executive shall be reduced proportionately.

4.1.2 Powers & Duties, Generally

The County Executive shall be the chief executive officer of the Local Government. Except as otherwise expressly provided herein, the County Executive shall have all of the powers and duties:

- (a) Assigned to the executive of a second-class city under Indiana law, except that the County Executive shall not have a veto over actions of the Council;
- (b) Assigned to a county executive under Indiana law; and
- (c) Expressly assigned to the County Executive under this Plan or by ordinance adopted by the Council.

Article 5 County Administrator

Sect. 5.1 Appointment and Conditions of Employment

5.1.1 Qualifications

- (a) The County Administrator shall have a degree or certification in city management, county management, public administration or a closely related field. Upon the recommendation of the County Executive and with the approval of the Council for a particular applicant, the following qualifications will meet the intent of this section:
 - (i) A combination of a college degree in any field plus four years of senior management experience in a government agency in the United States with a budget that is comparable in size to (or larger than) the budget of the Local Government; or
 - (ii) Other appropriate education and a total of eight years of senior management experience in such a local government.
- (b) The County Administrator shall be selected without regard to political party affiliation or lack thereof.
- (c) Other qualifications for the County Administrator shall be established by Ordinance. No change in required qualifications shall affect the tenure of a person holding office as County Administrator on the date of such change.

5.1.2 Residency

A person appointed as County Administrator shall establish residency within the boundaries of the Local Government within 180 days of taking office and shall physically reside within those boundaries from that time throughout his or her service as County Administrator.

5.1.3 Appointment

The County Executive shall nominate a person meeting the qualifications for the office; such nomination shall be considered by the Council at its first meeting occurring at least five days after the County Executive has provided Council members with the name and qualifications of the nominee. Upon the approval of a simple majority of the members of the Council present and voting at such meeting, the County Administrator shall take office.

5.1.4 Removal for Cause

The County Administrator may be removed for cause by:

- (a) The County Executive, by written order; or
- (b) A vote by ten or more members of the Council.

5.1.5 Other Removal

The County Administrator may be removed without cause, subject to any contract rights of the Administrator, on the written request of the County Executive and by majority vote of the members of the Council participating in a duly called regular or special meeting of the Council.

5.1.6 Compensation

The compensation of the County Administrator shall be established through the annual budget process, with due consideration given to the recommendation of the County Executive. Such compensation shall not be reduced during a budget year except in case of financial exigency in which the compensation of most or all Local Government employees is reduced, in which case the compensation of the County Administrator shall be reduced proportionately.

Sect. 5.2 Powers and Duties

5.2.1 Generally

The County Administrator shall serve as the chief operating officer of the local government, subject to the directives and guidance of the County Executive.

5.2.2 Reporting

The County Administrator shall report to the County Executive.

5.2.3 Responsibilities to Council

The County Administrator shall be responsible for preparing such reports and gathering such information as the Council as a whole may direct or request as part of its duties. Requests for information from individual Council members shall be directed to the County Executive.

Article 6 Chief Financial Officer

Sect. 6.1 Appointment and Conditions of Employment

6.1.1 Qualifications

- (a) The Chief Financial Officer shall have a degree or certification in public finance, accounting or a closely related field; if the degree or certification is in accounting generally, the Chief Financial Officer shall also have experience in accounting for local or state governments;
- (b) The Chief Financial Officer shall be selected without regard to political party affiliation or lack thereof; and
- (c) Other qualifications for the Chief Financial Officer shall be established by Ordinance. No change in required qualifications shall affect the tenure of a person holding office as Chief Financial Officer on the date of such change.

6.1.2 Residency

A person appointed as Chief Financial Officer shall establish residency within the boundaries of the Local Government within 180 days of taking office and shall physically reside within those boundaries from that time throughout his or her service as Chief Financial Officer.

6.1.3 Appointment

The County Executive shall nominate a person meeting the qualifications for the office; such nomination shall be considered by the Council at its first meeting occurring at least five days after the County Executive has provided Council members with the name and qualifications of the nominee. Upon the approval of a simple majority of the members of the Council present and voting at such meeting, the Chief Financial Officer shall take office.

6.1.4 Removal for Cause

The Chief Financial Officer may be removed for cause by:

- (a) The County Executive, by written order; or
- (b) A vote by ten or more members of the Council.

6.1.5 Other Removal

The Chief Financial Officer may be removed without cause, subject to any contract rights of the Chief Financial Officer, on the written request of the County Executive and by majority vote of the members of the Council participating in a duly called regular or special meeting of the Council.

6.1.6 Compensation

The compensation of the Chief Financial Officer shall be established through the annual budget process, with due consideration given to the recommendation of the County Executive. Such compensation shall not be reduced during a budget year except in case of financial exigency, in which the compensation of most or all Local Government employees is reduced, in which case the compensation of the Chief Financial Officer shall be reduced proportionately.

Sect. 6.2 Powers and Duties

6.2.1 Generally

- (a) The Chief Financial Officer shall serve as the controller and chief financial officer of the Local Government, subject to the directives and guidance of the County Executive;
- (b) The Chief Financial Officer shall be responsible for the purchasing function of the Local Government; and
- (c) The Chief Financial Officer shall perform duties otherwise performed by a County Auditor related to the issuance of warrants or their subsequent redemption or cancellation and all duties related to the examination and settlements of accounts of the Local Government; the Chief Financial Officer and the Auditor shall have concurrent authority to collect monies due to the Local Government.

6.2.2 Reporting

The Chief Financial Officer shall report to the County Executive.

6.2.3 Responsibilities to Council

The Chief Financial Officer shall be responsible for preparing such reports and gathering such information as the Council as a whole may direct or request as part of her or his duties. Requests for information from individual Council members shall be directed to the Chief Financial Officer through the County Executive. The Chief Financial Officer shall present a budget and financial report to the Council at least monthly.

Article 7 Service Areas

The Local Government shall have more than one service area. The level of a particular service and the related tax rates to support such service may differ between service areas but not within a single service area.

Sect. 7.1 Service Areas Established

7.1.1 General Service Area

The General Service Area includes all land within the boundaries of the Local Government.

7.1.2 Urban Service Area

The Urban Service area includes all land within the boundaries of the City of Muncie as it existed on the day before this Plan became effective.

7.1.3 Rural Service Area

The Rural Service Area includes all land within the boundaries of the Local Government but not within the Urban Service Area and not within the boundary of any municipality other than the City of Muncie as such municipality existed on the day before the Effective Date.

7.1.4 Rural Fire Service Area

The Rural Fire Service Area includes all land for which the Local Government is responsible for providing fire protection but which land is not within the Urban Service Area. It is not the intent of this section to allow the Local Government to compete with or attempt to usurp the authority of a township government that provides fire service; rather it is the intent of this section to create a structure through which the Local Government can provide rural fire services to any area in which a township may no longer exist or in which a township may no longer be providing fire services.

7.1.5 Special Service Areas

The Local Government may, by ordinance, establish special service areas, including one or more such districts that correspond to the boundaries of a municipality that is not a Reorganizing Political Subdivision under this Plan as part of an approved Interlocal Agreement with such municipality or in connection with the dissolution or reorganization of such municipality.

Sect. 7.2 Services Provided

7.2.1 General Service Area

The general service area shall serve as a taxing district to pay for general services provided for or on behalf of all residents of the County. Those include but are not necessarily limited to: 911 service; animal control; building commissioners; controller and finance; emergency medical services; engineering and surveying; drainage and storm water to the extent that such services are the responsibility of the Local Government; public lands, including publicly owned parks, fairgrounds, cemeteries, recreational facilities; public health; planning and geographic information services; redevelopment; bridges; management, operation and maintenance of buildings and other real property owned by the Local Government.

In addition, the general service area shall serve as the tax base for paying for general county services, including but not necessarily limited to: Council; county executive, county administrator and other central

administrative staff; chief financial officer and related functions; personnel and human resources; insurance and risk management; Auditor; Treasurer; Recorder; Clerk and local share of court operations; the Sheriff's duties related to general County government, including operation of the jail and building security but not including rural police functions.

Decisions about the level of service and the financing for such services shall be the responsibility of the Council as a whole.

7.2.2 Urban Service Area

Services provided separately to the Urban Services Area upon the Effective Date shall be: street lighting; police services; professional fire services; and such incidental services as the Urban Services Committee shall recommend. Decisions about the level of service and the financing for such services and about changes in the nature of services offered in such area shall be made only upon the recommendation of a majority of the Urban Services Committee

7.2.3 Rural Service Area

Services provided separately to the Rural Service Area upon the Effective Date shall be the rural police patrol function of the Sheriff's office. Decisions about the level of service and the financing for such services and about changes in the nature of services offered in such area shall be made only upon the recommendation of a majority of Rural Services Committee.

7.2.4 Streets and Roads

Maintenance and construction of streets, roads and highways, other than bridges, shall be funded from available state and federal funds, local share of the gasoline tax, the wheel tax and from taxes levied in the Rural and Urban Service Areas and in any Special Service Area in which the Local Government has become responsible for street and road maintenance.

Sect. 7.3 Different Ordinances

- (a) Upon the recommendation of a majority of the members of the Rural Service Area Members of the Council, the Council may adopt regulatory ordinances for the Rural Area that differ from the ordinances in effect in the jurisdiction generally.
- (b) Upon the recommendation of a majority of the members of the Urban Service Area Members of the Council, the County may adopted regulatory ordinances for the Urban Area that differ from the ordinances in effect in the jurisdiction generally.

Sect. 7.4 Expansion of Urban Service Area

The Urban Service Area may be expanded by action of the Council if the proposed expansion meets both of the following conditions:

- (a) The expansion is requested in writing by petitions representing the owners of at least two-thirds of the land area and two-thirds of the assessed value of the expansion area; and
- (b) The expansion area is “contiguous” with the existing Urban Service Area in accordance with the following paragraph.
- (c) For purposes of this section, the expansion area may be considered "contiguous" to the existing Urban Service Area only if at least one-eighth (1/8) of the aggregate external boundaries of the territory coincides with the boundaries of the existing Urban Service Area. In determining if the expansion area is contiguous, a strip of land less than one hundred fifty feet (150) wide which connects the existing Urban Service Area to the proposed expansion area is not considered a part of the boundaries of either the existing Urban Service Area or the proposed expansion area.

Article 8 Appointments to Boards and Commissions

Sect. 8.1 Purpose

- (a) Under a variety of statutes, interlocal agreements and other legal authority and documents, the City of Muncie and Delaware County as they exist before the Effective Date each have ex officio representation on and/or appointments to a number of boards and commissions;
- (b) Membership on such boards and commissions has been established by multiple means, including state statutes, local ordinances, interlocal agreements and local custom;
- (c) It is the purpose of this section to specify how such positions will be filled by the Reorganized Local Government; and
- (d) It is not the intent of this section to limit how such positions are filled in the future; to the extent that such appointments are or may be controlled by ordinance or other action of a local government legislative body, the Council may by such action establish criteria and procedures for filling such positions in the future without regard to this section.

Sect. 8.2 Ex Officio Positions

- (a) If a statute, interlocal agreement or other organizational document provides that a position on such a board or commission is to be filled by a member of the city council, the county council, the board of county commissioners, the local legislative body or the local fiscal body, such position shall be filled by a member of the Council, selected by the Council.

- (b) If a statute, interlocal agreement or other organizational document provides that a position on such a board or commission is to be filled personally by the mayor, such position shall be filled personally by the County Executive.

Sect. 8.3 Appointments by Legislative or Fiscal Bodies

If a statute, interlocal agreement or other organizational document provides that a position on such a board or commission is to be filled by a person appointed by the city council, the county council, the board of county commissioners, the local legislative body or the local fiscal body, such position shall be filled as determined by the County Council, subject to the following provisions:

- (a) If the board or commission deals with issues limited to the Urban Services Area, the appointment shall be made by the Urban Services Committee of the Council;
- (b) If the board or commission deals with issues limited to the Rural Services Area, the appointment shall be made by the Rural Services Committee of the Council; or
- (c) All other positions shall be filled as the Council shall determine, which may be by a committee or by action of the entire Council.

Sect. 8.4 Appointments by Executive

If a statute, interlocal agreement or other organizational document provides that a position on such a board or commission is to be filled by appointment by the mayor or the county executive, such position shall be filled by appointment by the County Executive, subject to the following limitation:

- (a) If the effect of this provision would result in the appointment of a majority of the members of such board or commission by the County Executive, then:
 - (i) The County Executive shall have the authority to appoint one less than a majority of the board or commission; and
 - (ii) The other appointments that would otherwise fall to the County Executive under this section shall be made by the Council, in accordance with the provisions of Sect. 8.3.

Article 9 Departments, Department Directors

Sect. 9.1 Departments

9.1.1 Established

There shall be the following departments on the Effective Date:

- (a) Finance;

- (b) Human Resources;
- (c) Information Technology;
- (d) Public Lands;
- (e) Public Planning and Economic Development;
- (f) Public Safety;
- (g) Public Works;
- (h) Regulatory Agencies;
- (i) Urban Fire Department;
- (j) Urban Police Department; and
- (k) Veterans' Services.

9.1.2 Reporting of Department Heads and Other Officers

- (a) The following officers and department heads shall report to the County Executive:
 - (i) The County Administrator (who also has responsibilities to the Council);
 - (ii) The Chief Financial Officer (who also has responsibilities to the Council);
 - (iii) The Chief or other head of the Urban Fire Department; and
 - (iv) The Chief or other head of the Urban Police Department.
- (b) The following department heads shall report to the County Administrator:
 - (i) Human Resources;
 - (ii) Information Technology;
 - (iii) Public Lands;
 - (iv) Public Planning and Economic Development;
 - (v) Public Safety;
 - (vi) Public Works;
 - (vii) Regulatory Agencies; and
 - (viii) Veterans' Services.

Sect. 9.2 Reorganization

With respect to the departments established herein, the transfer of authority under subsection 2.2.3 of this Plan, and any vesting of powers in the Local Government in the future, the Council may add, eliminate or reorganize departments or change the reporting lines set out in this Plan by ordinance, following the procedure set forth in this sub-section:

- (a) The Council may initiate the process by a resolution, requesting the County Administrator to prepare a plan of reorganization. The resolution making the request may include general instructions to the Administrator setting forth the reasons for the request and the goals to be achieved;
- (b) Within sixty days of the adoption of the resolution requesting the creation of a reorganization plan, the County Administrator shall deliver to the Council a proposed ordinance setting forth the plan of reorganization, with a cover memo explaining the reorganization;
- (c) The County Administrator may independently at any time present to the Council a plan for reorganizing departments in the form of a proposed ordinance setting forth such plan, with a cover memo explaining the reorganization; and
- (d) If approved by the Council, the reorganization shall be effective in accordance with the terms of the ordinance containing it.

Article 10 Taxation and Revenue

Sect. 10.1 Power to Levy Taxes; Limit

Only the Council shall have the power and authority to levy taxes for the Local Government or any department, unit, board, subordinate body or any other part of the Local Government. To the extent that a state statute may authorize a subsidiary board or commission to levy taxes separately, it is the intent of this plan to invoke the provisions of the Government Modernization Act to the maximum extent possible to require Council approval for all budgets and every tax levy of the Local Government. To the extent that a court of competent jurisdiction may determine that this provision is not effective as to a particular levy or a particular subsidiary entity, the ruling of the court shall stand as to that levy or entity only and this clause shall remain in full force and effect as to all other tax levies.

Sect. 10.2 Bonded Indebtedness

Only the Council shall have the power and authority to approve new bonded indebtedness for the Local Government or any department, unit, board, subordinate body or any other part of the Local Government, subject to the provisions of state law providing for a petition and remonstrance process or a referendum on certain such issues. To the extent that a state statute may authorize a subsidiary board or commission to issue bonded indebtedness separately, it is the intent of this plan to invoke the provisions of Ind. Code §§ 36-1.5-1, 36-1.5-3, 36-1.5-4, 36-1.5-5, and 36-1.5-6 to the maximum extent possible to require the Council approve all such indebtedness. To the extent that a court of competent jurisdiction may determine that this provision is not effective as to a particular bond issue or a particular subsidiary entity, the ruling of the

court shall stand as to that levy or entity only and this clause shall remain in full force and effect as to all other tax levies.

Sect. 10.3 Tax Rates and Budgets

10.3.1 General Service Area

Tax Rates and budgets for the General Service Area shall be established by the Council, following the procedures prescribed by state law.

10.3.2 Urban Service Area

Tax Rates and budgets for the Urban Service Area shall be established by the Council, based on a recommendation of a majority of the Urban Service Committee following the procedures prescribed by state law.

10.3.3 Rural Service Area

Tax Rates and budgets for the Rural Service Area shall be established by the Council, based on a recommendation of a majority of the Rural Service Area Council Members meeting as a committee, following the procedures prescribed by state law.

10.3.4 Rural Fire or Other Special Service Areas

Tax rates and budgets for any rural fire or other special service area shall be established by the Council, based on a recommendation of a majority of the Rural Service Committee. The Rural Service Committee shall hold a hearing on the proposed budget(s) and tax rate in the affected area before making such recommendation.

Sect. 10.4 Fees

10.4.1 Authority

The Council may establish regulatory and administrative fees for permits, licenses and other services provided by the Local Government, to the extent allowed by the Indiana Code as amended from time to time.

10.4.2 Form

Regulatory fees shall be established by ordinance. A schedule setting the amount of such fees may be updated annually, or less often, as the Council may determine; the fee schedule may be adopted by resolution.

Article 11 Miscellaneous Provisions

Sect. 11.1 Amendment

11.1.1 Intent

It is the intent of the drafters that this Plan incorporate its own provisions for orderly amendment. Because the Government Modernization Act, as it stands on the date of the drafting of this Plan, does not include clear provisions for amending such a Plan, the drafters have incorporated a proposed system of amendment, the implementation of which is contingent on the legal authority of the Local Government to proceed with it.

11.1.2 Contingent Implementation

- (a) No later than the end of the fourth year after the Effective Date, the Council shall seek legal advice on the implementation of this Section 11.1.
- (b) If, with the advice of counsel, the Council determines that this Section 11.1 can be implemented as drafted, it shall cause the implementation of this Section.
- (c) If, with the advice of counsel, the Council determines that this Section 11.1 can be implemented substantially as drafted but that Sect. 11.1.7 cannot be implemented, the rest of this Section 11.1 shall remain in effect.
- (d) If, with the advice of counsel, the Council determines that implementation of this Section 11.1 requires additional legislative authority, the Council shall submit a formal request to the Indiana General Assembly that it provide such authority.

11.1.3 Generally

Articles 2 through 11 of this Plan may be amended by a majority vote of those persons voting in a general election in which the election of officers of the Local Government is considered.

11.1.4 Initiation by Council

The Council may initiate an amendment to the Plan by Ordinance.

11.1.5 Initiation by Electors

Qualified electors may initiate an amendment to the Plan by a petition setting forth the proposed amendment and signed by qualified electors in a total number exceeding ten percent of the number of votes cast in the last election for the office of Secretary of State of Indiana.

11.1.6 Placing on Ballot

Upon the initiation of a proposed amendment to the Plan by electors or by Council, or upon the recommendation of one or more proposed amendments by a convention, it shall be the duty of the County Administrator to request that the proposed amendments be placed on the ballot of the next general election occurring at least ninety (90) days after the completion of the initiation process.

11.1.7 Plan Convention

In the general election in 2024 and in the general election occurring each ten years thereafter, the County Administrator shall cause to be put on the ballot a question asking “Should there be a Plan Convention to consider possible amendments or updates to the Plan of Reorganization?”

- (a) If a majority of the electors voting in such election shall answer such question affirmatively, a Plan Convention shall be convened in accordance with this section.
- (b) The County Executive may appoint three representatives to the Plan Convention, and each other member of the Council may appoint one representative.
- (c) All representatives to the Plan Convention must be qualified electors of the Local Government.
- (d) There shall be no more than a simple majority of representatives to the Plan Convention affiliated with one political party.
- (e) The proportion of members of the convention from the Urban and Rural Service Areas shall approximate the proportion of district members of the Council from such areas.
- (f) Such appointments shall be made and the initial convention assembled within sixty (60) days after the election approving the question.
- (g) The convention members shall elect their own officers and establish their own rules of procedure.
- (h) The County Administrator shall arrange for administrative and research support and reasonable expense reimbursement for the convention.
- (i) The convention shall deliver its report with recommended amendments to the Plan, if any, within eighteen months of the date of its first meeting. The convention shall then cease to exist.

Sect. 11.2 Interlocal Agreements

The Local Government shall have all the authority of any other local government in Indiana to enter into agreements for interlocal cooperation,

in accordance with Indiana Code Title 36, Article 1, Chapter 7, as it may be amended or replaced from time to time.

Sect. 11.3 Seat of Government

The seat of government, including the principal meeting place of the Council and the principal offices of the County Executive, County Administrator, and Chief Financial Officer shall at all times be located within the boundaries of the former City of Muncie as it existed on the last day before the Effective Date .

Article 12 Transitional Provisions

Sect. 12.1 Joint Transition Board

- (a) Within 60 days after the approval of this Plan at a countywide election, the City and County shall form a Joint Transition Board including at least the following:
 - (i) Two members of the Common Council of the City of Muncie, selected by the Council;
 - (ii) One County Commissioner of Delaware County, selected by the Commissioners;
 - (iii) Two members of the Delaware County Council, selected by the County Council; and
 - (iv) The Mayor of Muncie or his or her designee.
- (b) The Joint Transition Board may include additional members as determined by agreement of the City of Muncie Common Council and the Delaware County Commissioners; and
- (c) Immediately after the election of initial officers of the Local Government, the County-Executive-Elect and the two candidates for Council receiving the largest number of votes shall become members of the Joint Transition Board without further action.

Sect. 12.2 Charge

- (a) The Joint Transition Board is hereby charged with responsibility for planning for the transition from the separate existence of the City and County to the Local Government, as set forth in this Plan;
- (b) The Joint Transition Board shall establish the boundaries of the districts from which district council members shall be elected, in accordance with the provisions of Indiana Code Sect. 36-1.5-4-7(2); and
- (c) The Joint Transition Board shall be responsible for adopting tax levies, tax rates and a budget for the Local Government for its first year of operation, in accordance with the provisions of Indiana Code Sect.36-1.5-4-7(1).

Sect. 12.3 Support

- (a) The Mayor of Muncie and the County Commissioners of Delaware County shall designate one or more staff persons each to provide support to the Joint Transition Board;
- (b) All officers of the City and County shall make available to the Joint Transition Board all records and information that it reasonably requests;
- (c) The Delaware County Clerk and the Delaware County GIS Office shall provide all necessary assistance to the Joint Transition Board in its role of establishing the boundaries of the districts from which district council members of the Local Government will be elected;
- (d) The Muncie City Controller and the Delaware County Auditor shall provide all necessary assistance to the Joint Transition Board in its role of adopting tax levies, tax rates, and a budget for the Local Government; and
- (e) The City and County shall each pay one-half of the reasonable expenses of the Transition Team.

Sect. 12.4 Effect of Reorganization on Property and Assets

- (a) All real property owned by Delaware County and the City of Muncie and the agencies and instrumentalities of both at the time immediately before the Effective Date shall become the property of the Local Government;
- (b) All residual interests in real property owned legally or equitably by Delaware County and the City of Muncie and the agencies and instrumentalities of both at the time immediately before the Effective Date shall belong to the Local Government;
- (c) All personal property owned legally or equitably by Delaware County and the City of Muncie and the agencies and instrumentalities of both at the time immediately before the Effective Date shall belong to the Local Government; and
- (d) All inventory, supplies, cash and other miscellaneous assets owned by Delaware County and the City of Muncie and the agencies and instrumentalities of both on the day before the Effective Date shall belong to the Local Government.

Sect. 12.5 Effect of Reorganization on Contracts

The Local Government shall assume all bona fide contracts between Delaware County and any third party and all bona fide contracts between the City of Muncie and any third party provided that the Local Government:

- (a) may reject or rescind any contract that was not approved following the requirements of Indiana law and the ordinances, policies and procedures used by the contracting entity for the approval of contracts;
- (b) may rescind any contract which was approved after the date of approval of this Plan to the extent that such contract imposes obligations on the contracting entities beyond the Effective Date; and
- (c) reserves all statutory, contractual and other legal rights and powers to rescind or terminate any such contracts for any other lawful reasons.

Sect. 12.6 Effect of Reorganization on Pensions and Indebtedness

- (a) Pension obligations that were the obligation of the City of Muncie on the last day of its existence shall be paid by the Local Government, which shall levy taxes for that purpose only within the boundaries of the former City of Muncie as it existed on its last day;
- (b) Bonds or other indebtedness that were the obligation of the City of Muncie on the last day of its existence shall be paid as they are due by the Local Government, which shall levy taxes for that purpose only within the boundaries of the former City of Muncie as it existed on its last day;
- (c) Pension obligations that were the obligation of Delaware County on the last day of its existence shall be paid as they are due by the Local Government, which shall levy taxes for that purpose throughout the boundaries of the Local Government;
- (d) Bonds or other indebtedness that were the obligation of Delaware County on the last day of its existence shall be paid by the Local Government, which shall levy taxes for that purpose throughout the boundaries of the Local Government; and
- (e) As to the rights of firefighters and police officers under state pension funds, see Sect. 12.8(e).

Sect. 12.7 Effect of Reorganization on Elected Officials

Upon the Effective Date:

- (a) The Board of County Commissioners of Delaware County shall cease to exist;
- (b) The Common Council of the City of Muncie shall cease to exist;
- (c) The County Council of Delaware County shall cease to exist;
- (d) The office of Mayor of the City of Muncie shall cease to exist;

- (e) The constitutional office of County Surveyor shall continue to exist so long as required by the Indiana constitution, but the County Surveyor shall have no duties and shall be paid no more than a nominal salary. All duties of the County Surveyor shall, after the Effective Date, be duties of the County Executive, with the intent that these duties be performed under the Executive's direction as follows:
 - (i) All traditional and statutory drainage related duties of the County Surveyor shall be carried out by the Public Works Department; and
 - (ii) Any other traditional or statutory duties of the County Surveyor shall be carried out by the Public Planning and Economic Development Department.
- (f) The constitutional office of County Auditor shall be continued but with modifications to duties as follows:
 - (i) The following duties of the Auditor shall, after the Effective Date, be duties of the County Executive, with the intent that these duties be performed under the Executive's direction by the Chief Financial Officer:
 - A. All duties related to the issuance of warrants or their subsequent redemption or cancellation;
 - B. All duties related to the examination and settlements of accounts of the Local Government;
 - (ii) The Auditor shall retain the authority to collect funds on behalf of the County, but the Chief Administrative Officer or that officer's designee shall also have the authority to collect such funds;
 - (iii) The duties of serving as Clerk to the legislative and fiscal bodies may be assigned by the Council to the Auditor or to such other office or official as the Council may determine;
 - (iv) The Auditor shall retain all other power and duties established by statute; and
- (g) All other elected offices of Delaware County shall survive the Reorganization and shall continue to perform those functions assigned to them by the Indiana Constitution and Indiana Code.

Sect. 12.8 Effect of Reorganization on Employees

On the Effective Date:

- (a) All non-elected employees of the City of Muncie or Delaware County shall become employees of the Local Government on the same terms and conditions as in their previous employment;

- (b) Duties and lines of responsibility in effect before the Reorganization shall remain in effect until updated or replaced under the direction of the County Executive and the County Administrator;
- (c) Where the transitional provisions or the continuing provisions of this Plan are not clear as to the placement of the duties of an employee within the consolidated structure, such employee shall be assigned to a department by the County Executive;
- (d) The purpose of this section is to provide certainty in the transition. Continued employment with the Local Government shall be subject to such terms and conditions of employment as the Local Government may establish, in accordance with the substantive and procedural requirements of state and federal law;
- (e) State fund pension benefits of firefighters and police officers employed by the City of Muncie or Delaware County prior to the Effective Date shall be preserved in accordance with Ind. Code §36-1.5-4-41 and
- (f) The Reorganization shall have no effect on vested pension rights of other employees of the City of Muncie or Delaware County.

Sect. 12.9 Effect on Boards and Commissions

12.9.1 Boards and Commissions Surviving the Reorganization

- (a) The following boards and commissions shall survive the Reorganization with no change in membership except in accordance with the terms of appointment as established in state law or local ordinance:
 - (i) Muncie-Delaware County Metropolitan Plan Commission;
 - (ii) Muncie-Delaware County Metropolitan Board of Zoning Appeals;
 - (iii) Muncie Convention and Visitors Bureau;
 - (iv) Delaware County Civic Center Authority;
 - (v) Muncie's EDIT Building Corporation; and
 - (vi) Merit commissions for public safety employees, subject to the possible consolidation or reorganization of such commissions by ordinance.
- (b) The terms of members appointed to boards and commissions before the Effective Date by any proper appointing authority shall survive the Reorganization and shall continue until the earlier of the following to occur:

- (i) The expiration of each such term; or
- (ii) An action of the Council that terminates such board or commission or that results in a restructuring of membership of the board or commission.

12.9.2 Boards and Commissions Consolidated

The following boards shall be consolidated by this plan and new members appointed in accordance with the terms of this Plan:

- (i) Muncie Redevelopment Commission with the Delaware County Redevelopment Commission.

12.9.3 Boards and Commissions Abolished

The following boards and commissions shall be abolished by this plan and their duties assumed by the Council or such other body as the Council may by ordinance designate:

- (i) City of Muncie Board of Works.

12.9.4 Other Boards, Authorities and Commissions

The Delaware County Airport Authority, Muncie Indiana Transit System, Delaware County Board of Health, and Delaware County Community Corrections Department and any other department, agency or authority of the Reorganizing Political Subdivisions not expressly identified or abolished in this Plan shall continue as agencies of the Local Government, subject to Article 10.

12.9.5 Review

No later than the end of the second calendar year in which it exists, the Council shall conduct a review of all other boards, commissions and similar bodies established by local ordinance, resolution or interlocal agreement, and shall determine whether each of such boards, commissions or other bodies shall be continued and upon what terms.

Sect. 12.10 Effect on Municipal Court

The Municipal Court of the City of Muncie shall survive the Reorganization and shall, after the Effective Date, function as a part of the Local Government.

Sect. 12.11 Department Consolidations

Upon the Effective Date, departments shall be consolidated as stated in this section. The Council may by ordinance reassign particular duties from one department to another.

12.11.1 Intent

It is the purpose and intent of this section to cause a physical reorganization of departments to improve cooperation and

coordination among personnel performing related functions and to improve customer service. It shall be the duty of the County Executive and the County Administrator to cause such a physical reorganization as expeditiously as possible after the Effective Date of this Reorganization.

12.11.2 Public Safety

The following departments and functions shall be consolidated into a Department of Public Safety:

- (a) 911 Services;
- (b) Emergency Management Services;
- (c) Emergency Medical Services;
- (d) Public Health responsibilities of the Health Department;
- (e) Animal Control;
- (f) Coordination with elected County Coroner; and
- (g) Any Local Government responsibilities for rural fire services that may result from a change in the status or scope of activities in any township.

12.11.3 Public Works

The following departments and functions shall be consolidated into a Department of Public Works:

- (a) Building and facility maintenance for the Local Government and political subdivisions or agencies for which it provides space;
- (b) Highways;
- (c) Bridges;
- (d) Public Works (city);
- (e) Statutory and traditional responsibilities of the County Surveyor for drainage;
- (f) County responsibilities for storm water, to the extent not provided by another taxing entity; and
- (g) County responsibilities for wastewater to the extent not provided by another taxing entity.

12.11.4 Public Planning and Economic Development

The following departments and functions shall be consolidated into a Department of Public Planning:

- (a) Staff to the Plan Commission;
- (b) Geographic Information Systems;

- (c) Staff to the Redevelopment Commissions;
- (d) Economic Development Staff;
- (e) Cooperative Extension Services;
- (f) City Engineer;
- (g) County Engineer; and
- (h) Any statutory duties of the County Surveyor not assigned to the Public Works Department.

12.11.5 Regulatory Agencies

The following departments and functions shall be consolidated into a Department of Regulatory Agencies:

- (a) Building Commissioners (city and county);
- (b) Code Enforcement;
- (c) Inspection duties of the Health Department related to food service establishments, swimming pools, and septic tanks and other inspection duties with which a local health department is charged;
- (d) Muncie Human Rights Commission; and
- (e) Weights and Measures.

12.11.6 Public Lands

The following departments and functions shall be consolidated into a Department of Public Lands:

- (a) Muncie Parks and Recreation, including Prairie Creek;
- (b) Delaware County Fairgrounds;
- (c) Beech Grove Cemetery if publicly operated; and
- (d) Any other open lands held for public purposes by either of the consolidating entities.

12.11.7 Human Resources

The following departments and functions shall be consolidated into a Department of Human Resources:

- (a) Personnel;
- (b) Human Resources; and
- (c) Employee Benefits.

12.11.8 Finance

The following departments and functions shall be consolidated into a Department of Finance, headed by the Chief Financial Officer:

- (a) City Controller;

- (b) The functions of the County Auditor related to the issuance of warrants or their subsequent redemption or cancellation and to the examination and settlement of accounts of the Local Government; and
- (c) Insurance and Risk Management.

Sect. 12.12 Ordinances

12.12.1 Urban Service Area

Ordinances in effect in the City of Muncie on the last day of its independent existence shall remain in effect in the Urban Service Area until such ordinances are repealed, amended or readopted by the Council.

12.12.2 Rural Service Area

Ordinances in effect in Delaware County on the last day of its independent existence shall remain in effect in the Rural Service Area until such ordinances are repealed, amended or readopted by the Council.

12.12.3 Codification

It is the intent of this Plan that all ordinances be codified and reconciled within two years of the Effective Date. Recognizing the complexity of the task, however, the drafters have consciously avoided setting a firm date for completion of such task.