

## **IC 10-18-4**

### **Chapter 4. City War Memorials**

#### **IC 10-18-4-1**

##### **"Board of public works"**

Sec. 1. As used in this chapter, "board of public works" refers to the following:

- (1) The board of public works and safety established in a city under IC 36.
- (2) The board of public works in a city that has established a separate board of public works and a separate board of public safety under IC 36.

The term includes the department of public works in a city in which a department of public works has been established under IC 36.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-2**

##### **Authority to erect memorials; city authority to erect memorials jointly**

Sec. 2. (a) A city, acting through its board of public works, with the approval of its mayor, when money has been appropriated for that purpose by an ordinance adopted and approved as provided in section 22 of this chapter, may do the following:

- (1) Acquire, by purchase, donation, or condemnation, suitable interests in real property located in the city.
- (2) Do the following on the real property described in subdivision (1):

(A) Erect and maintain upon the real property suitable structures to commemorate the bravery, courage, valor, and sacrifice of the soldiers, sailors, and marines of the United States and of all others who rendered faithful, loyal, heroic, and self-sacrificing service at home and overseas in World War I.

(B) Provide a place or places of meeting and headquarters for the following:

- (i) Organizations of soldiers, sailors, and marines or patriotic societies or associations.
- (ii) The keeping of records, archives, documents, flags, mementoes, and relics.
- (iii) Other public meetings and public purposes.
- (iv) The teaching of a true understanding and appreciation of the duties, benefits, and privileges of American citizenship to inspire patriotism and respect for the law to the end that peace may prevail, good will be promoted, justice be administered and established, public order maintained, and liberty and freedom under the law be perpetuated.

(b) In addition to the power given under subsection (a), a city may do the following:

- (1) Acquire, by purchase, donation, or condemnation, any

interest in real property to be dedicated by the city and added to any real property that is dedicated by the state for World War memorial and other public purposes by proper contract, deed or grant. The real property acquired shall be conveyed by the city to the state for World War memorial and other public purposes, as provided in the contract, deed, or grant.

(2) Join with the county in which the city is located to acquire by purchase, donation, or condemnation interests in real property to be dedicated by the city and the county jointly and added to any real property that may have been or may be designated for use, dedicated, or set apart by the state for World War memorial and other public purposes by proper contract, deed or grant. The real property acquired shall be conveyed by the city and the county jointly to the state for World War memorial and other public purposes, as provided in the contract, deed, or grant.

(3) Join with the county in which the city is located to:

(A) acquire by purchase, donation, or condemnation of interests in real property;

(B) construct and maintain on the real property a joint city and county World War memorial; and

(C) use the real property for other public purposes as provided in this chapter.

*As added by P.L.2-2003, SEC.9.*

### **IC 10-18-4-3**

#### **Appropriations; limitation**

Sec. 3. (a) The legislative body of a city may, upon recommendation of the mayor and city controller, if applicable, by ordinance adopted and approved as provided in section 22 of this chapter, appropriate for the use of the board of public works of the city money of the city for World War memorial and other public purposes.

(b) Any money and the total of all money appropriated under this chapter may not exceed six-tenths of one percent (0.6%) of the adjusted value of the taxable property of the city as determined under IC 36-1-15.

(c) The board of public works, with the approval of the mayor, may use the funds so appropriated for any of the purposes described in section 2 of this chapter.

*As added by P.L.2-2003, SEC.9.*

### **IC 10-18-4-4**

#### **Real property acquisition; law governing contracts**

Sec. 4. (a) The board of public works of a city, in the acquisition of real property as authorized by this chapter, shall acquire the real property under the statutes applicable to the city for acquisition of real property by donation, purchase, or condemnation.

(b) Except as provided in this chapter, the board of public works, in the construction of a memorial structure authorized by this

chapter, shall act under the statutes related to the letting of contracts for public work applicable to the city.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-5**

##### **Appropriations; bonds; loans**

Sec. 5. (a) A city may appropriate money for use of the board of public works of the city for any of the purposes provided in this chapter, either out of the general funds of the city or from the proceeds of a bond issue for those purposes.

(b) A city may sell bonds for the purpose of raising funds to comply with this chapter.

(c) Except as provided in this chapter, the appropriation of money and the sale of bonds by a city is governed by the law relating to the appropriation of money and the sale of bonds by the city for other city purposes.

(d) The legislative body of a city may, by ordinance adopted and approved as provided in section 22 of this chapter, do any of the following:

(1) Authorize the city controller, if applicable, and the mayor, in the name of the city, to make permanent loans of money for any of the purposes of this chapter of any amount not more than six-tenths of one percent (0.6%) of the adjusted value of taxable property of the city as determined under IC 36-1-15.

(2) Authorize the city controller, if applicable, and mayor of the city to issue bonds for the purpose of funding or refunding loans made by the city under this chapter. Except as provided in this chapter, any loans must be made and governed by the law concerning permanent loans by cities. Any bonds must satisfy all of the following:

(A) The bonds may be issued in any denomination of not more than one thousand dollars (\$1,000) each and in not less than twenty (20) or more than fifty (50) series. Each series must be for the amount as provided by the ordinance.

(B) The bonds must be payable one (1) series each year, beginning on July 1 of the fifth year after the issue of the bonds.

(C) The bonds must be negotiable as inland bills of exchange.

(D) The bonds must bear interest at the rate of not more than six percent (6%) a year, payable semiannually on July 1 and January 1 of each year.

(3) Authorize the city controller, if applicable, and mayor, in advertising for the sale of bonds, to ask for competitive bids on the bonds on any series of not less than twenty (20) nor more than fifty (50). The city controller, if applicable, and mayor may accept the bid that, in their judgment, is the most advantageous bid to the city.

(e) Bonds issued under this chapter are exempt from taxation for all purposes.

(f) A series of bonds issued under this chapter may not be for less than two percent (2%) of the total amount of bonds issued.

(g) The proceeds of bonds sold under this chapter by the city, including any premium on the bonds, must be kept as a separate and specific fund, to be known as the World War memorial fund. Money in the fund may be used only for any of the purposes described in section 2 of this chapter.

(h) The city legislative body may, by ordinance, transfer to the World War memorial bond fund any surplus finally remaining in the World War memorial fund, after all the demands on the city for money in the World War memorial fund have been paid and discharged.

(i) A suit to question the validity of any bond issued under this chapter may not be instituted after the date set for the sale of the bonds. All bonds, beginning on the date set for the sale of the bonds, are incontestable for any cause.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-6**

#### **Taxes levied for bonds; World War memorial bond fund; sinking fund**

Sec. 6. (a) To raise money to pay the bonds and the interest on the bonds issued under this chapter, the legislative body of the city and all other officials, whether city or state, shall levy each year, in addition to all other taxes the city may levy, a tax on all property, real or personal, within the city, in the manner and at a rate on each one hundred dollars (\$100) of taxable property in the city as to meet the principal of the bonds as they severally mature and interest accruing on the bonds. The legislative body of the city and the fiscal officer of the city shall certify the taxes levied each year to the auditor of the county in which the city is located or other proper officer not later than the first Monday of September in each year or at the time of the certification of the city's annual tax levy.

(b) Taxes levied and certified under this section shall be collected and enforced in the same manner as other taxes are collected and enforced. As the taxes are collected, the taxes shall be:

- (1) kept in a separate fund to be known as the "World War Memorial bond fund"; and
- (2) applied to the payment of the bonds issued under this chapter and interest accruing on the bonds as they severally mature, and for no other purpose.

All money collected for the payment of the bonds and the interest accruing on the bonds shall be deposited at interest with one (1) or more of the depositories as other public funds of the city. All interest collected becomes a part of the fund.

(c) In a city in which there has been established a sinking fund and a board of sinking fund commissioners:

- (1) the World War Memorial bond fund shall be under the care, custody, control, and jurisdiction of the board of sinking fund commissioners; and

(2) all taxes authorized and required to be levied and collected under this section to pay the bonds as they mature and interest accruing on the bonds shall be used and applied by the board of sinking fund commissioners to pay the bonds as they mature with interest on the bonds.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-7**

#### **Designs, plans, and specifications; contents of architect and artisan proposals; cost limitations; design premium**

Sec. 7. (a) The board of public works of the city shall select designs, plans, and all necessary specifications for the erection of the World War memorial. The board of public works shall publish notice:

(1) in at least:

(A) three (3) newspapers of general circulation, printed and published in the English language in Indiana, at least one (1) of which must be published in the city; and

(B) seven (7) other newspapers or publications published outside Indiana;

selected by the board of public works; and

(2) that, not less than four (4) months and not more than eight (8) months after the date of publication of the notice, the board of public works will receive and examine designs, plans, and specifications for the World War memorial structures submitted to the board by competing architects or artisans skilled in that work.

(b) Each architect or artisan competing must submit all the following:

(1) Full and careful estimates of the cost of construction of the World War memorial structures.

(2) A sealed proposal of the compensation the architect or artisan will require if the architect's or artisan's plan is adopted.

(3) A separate statement of the compensation the architect or artisan will require to superintend construction of the memorial structures.

(c) The board of public works may not adopt a design, plan, or specification that will cost more than the sum of the following:

(1) The amount appropriated for the memorial structures.

(2) The amount of any donations, devises, or bequests the city has received at the time the contract is awarded.

(d) To insure adequate competition, the board of public works may offer premiums of not more than fifteen thousand dollars (\$15,000) for the best design, plans, or specifications for the World War memorial. The amount of any premium must be divided and awarded as first, second, and third premiums in the amounts and under the rules the board adopts.

(e) The board of public works may:

(1) reject any plans, designs, and specifications submitted if the board considers them unsuitable; and

(2) readvertise in the same manner as provided in this section for additional designs, plans, and specifications.

If the board of public works considers none of the designs, plans, and specifications suitable, the board may not award the premiums. Any premium awarded to the architect who becomes the supervising architect in building the World War memorial shall be considered fully paid by the commission or percentage agreed upon as specified in this chapter.

(f) In the selection of designs, plans, and specifications, the board of public works shall call for the assistance of all the following:

- (1) The city's civil engineer.
- (2) At least one (1) competent architect:
  - (A) of known skill and ability in the architect's profession; and
  - (B) who did not submit a design, a plan, or specifications for competition.
- (3) One (1) contractor in good standing in the contractor's respective vocation.
- (4) Other disinterested expert assistants as the board considers wise.

(g) The board of public works shall give the designs, plans, and specifications that have been submitted a thorough, critical examination and direct the experts called under subsection (f) to thoroughly examine the designs and specifications and carefully test the estimates submitted.

(h) If the board of public works finds:

- (1) the specifications and estimates to be correct;
- (2) that the designs, plans, and specifications, or any of them, can be constructed within the limits described in subsection (c); and
- (3) that the designs, plans, and specifications are suitable in regard to permanence and appearance, adapted to all the purposes and aims for the World War memorial, and in keeping with the dignity of the city;

the board of public works may select the most meritorious of the designs, plans, and specifications and shall notify the successful architect of the selection. The board of public works shall return the rejected designs, plans, and specifications to the respective authors.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-8**

##### **Changes to designs, plans, and specifications**

Sec. 8. (a) Subject to subsections (b) and (c), any changes made in the designs, plans, and specifications in the progress of the work:

- (1) must be agreed upon in advance between the board of public works and the contractor and architect; and
- (2) must have the cost of the changes fixed by contract in writing.

If changes made do not comply with subdivisions (1) and (2), the person making the changes is not entitled to any compensation for

the changes.

(b) A change may not be made that will increase the total cost of the World War memorial as prescribed in this chapter.

(c) Any changes do not affect the obligation of or release any surety on any contract or bond executed or given in connection with the building of the World War memorial structures, but the liability of the surety is extended so as to cover the change.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-9**

##### **Architect's bond and compensation**

Sec. 9. (a) The architect who is selected as supervising architect in the building of the World War memorial structures is liable on the architect's bond for any of the following:

(1) Failure in faithfully discharging the architect's duties.

(2) All losses and damages that are incurred on account of the architect:

(A) violating this chapter; or

(B) neglecting the architect's duties.

(b) The architect is entitled to the compensation agreed upon in advance.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-10**

##### **Contracts; notice; bonds and sureties**

Sec. 10. (a) After the board of public works has adopted the necessary designs, plans, and specifications for construction of the World War memorial structures as provided in this chapter, the board of public works shall award contracts for all or any part of the World War memorial structures to competent and reliable contractors as provided in this section.

(b) The board of public works shall publish for at least three (3) weeks, once each week, in a newspaper of general circulation, printed and published in the English language in the city, a notice:

(1) informing the public and contractors of the general nature of the structures to be constructed and of the fact that designs, plans, drawings, and specifications are on file in the office of the board of public works; and

(2) calling for sealed proposals for the work on a day not earlier than thirty (30) days from the first of such publications.

(c) The board of public works shall, by order, impose conditions upon bidders, contractors, subcontractors, and materialmen with regard to bond and surety, guaranteeing the good faith and responsibility of the bidders, contractors, subcontractors, and materialmen and insuring the faithful completion of the work, according to contract, or for any other purpose.

(d) The board of public works shall reserve ten percent (10%) from payments or estimates on work in progress until the contract is completed and the work done is inspected and accepted by the board. All contracts with contractors, subcontractors, architects, or

materialmen must reserve:

- (1) to the board of public works, for good cause shown, the right to cancel the contract and to award the work to others; and
- (2) at least ten percent (10%) from payments or estimates on work in progress until the contract is completed and the work done is inspected and accepted by the board.

(e) Payment by the board of public works, partial or final, may not be construed as a waiver of defective work or materials or as a release for damages on account of the defective work or materials. A surety may not be released from any obligation on the surety's bond if a contractor should be paid the whole or any part of the percentage required to be reserved from current estimates. A surety may not be released by any final payment made to a contractor.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-11**

##### **Joint city and county contracts; city bonds**

Sec. 11. (a) If the board of public works of a city has been authorized by an ordinance of the city's legislative body, passed and approved under section 22 of this chapter, appropriating money to be used by the board of public works under this chapter, the board may, with the approval of the mayor of the city, enter into a contract with the county in which the city is located, acting through the board of commissioners of the county, providing for the acquisition jointly by the city and the county by purchase, donation, or condemnation of interests in real property to be added to real property designated for use by the state for World War memorial and other public purposes.

(b) The board of public works, with the approval of the mayor, may join with the county, acting through its board of commissioners, by an appropriate contract, deed, or grant, to convey to the state the real property acquired jointly by the city and the county for World War memorial and other public purposes, under the terms and conditions stated in the contract, deed, or grant.

(c) The board of public works of a city may contract with the county in which the city is located, acting through its board of commissioners, providing for the acquisition by purchase, donation, or condemnation of interests in real property and the construction of a World War memorial suitable for the city and county and suitable for other public purposes. If the city, through its board of public works and mayor, wants to contract under this chapter with the county in which the city is located for any of the purposes authorized by this chapter, the board of public works must adopt a resolution stating that proposal. A certified copy of the resolution must be delivered to the board of commissioners of the county. The board of commissioners of the county, not later than sixty (60) days after the receipt of the resolution, shall determine by order or resolution whether the county will join with the city in the execution of a contract for a purpose authorized by this chapter.

(d) If the city and county determine to join in the acquisition of interests in real property to be added to any real property designated



at any time for use by the state for World War memorial and other public purposes as authorized by law, then the board of public works, acting for the city with the approval of the mayor, shall execute a contract on behalf of the city with the county, acting through its board of commissioners. The contract must describe the real property interests to be acquired jointly by the city and the county and the part of the acquisition cost to be paid by the city and the part of the acquisition cost to be paid by the county. The contract may contain other provisions that the city and the county agree upon and that are not inconsistent with this chapter. The contract must be executed in duplicate and be recorded in the minutes of the proceedings of the board of public works of the city and of the board of county commissioners of the county.

(e) If the county and city determine to establish a joint World War memorial, then the board of public works, acting for the city with the approval of the mayor, shall execute a contract on behalf of the city with the county. The contract must provide as follows:

(1) For the acquisition of real property interests and the construction on the real property of a joint World War memorial suitable for the county and city.

(2) For the definite and respective parts of the total cost of the World War memorial that will be paid by the county and by the city and the time and manner of the payments.

(3) That the acquisition of the real property and the execution of all necessary contracts for the construction of the joint World War memorial shall be made by a board of trustees, consisting of five (5) members, to be appointed and have the powers and perform the duties as provided in this chapter.

(4) That the total cost of the acquisition of the real property for the joint World War memorial and the construction of the memorial may not exceed the sum of the following:

(A) The amount appropriated for the memorial by the city and by the board of commissioners of the county.

(B) Any amounts donated, contributed, or received by the city and by the county for the purpose of the World War memorial.

(5) That the necessary cost and expenses for the management, maintenance, repairs, and improvement of the World War memorial shall be paid by the county and city in the same proportion that they contribute to the establishment of the memorial.

(6) Any other provisions that may be agreed upon between the county and the city consistent with this chapter.

(f) The city shall pay for its part due under any contract executed with the county under this chapter either from the city's general funds or from the proceeds of bonds sold under this chapter.

(g) The legislative body of the city may authorize by ordinance the sale of bonds of the city for the purpose of raising funds to pay the city's part of the cost under a contract that it executes with the county under this chapter.

(h) The sale of bonds shall comply with a contract executed by a city with the county in which the city is located for any purpose authorized by this chapter, and the levy of taxes to pay the bonds, with interest accruing on the bonds, is governed by this chapter. The legislative body of the city and other proper officers shall sell the necessary bonds and levy and collect the necessary taxes to pay the bonds as they mature and the interest accruing on the bonds as provided in this chapter.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-12**

##### **Boards of trustees for joint city and county memorials**

Sec. 12. (a) Except as provided in subsection (f), if a city enters into a contract with the county in which it is located to establish a joint city and county World War memorial, there is established a board of trustees that consists of five (5) members, named "Trustees of the World War Memorial for the County \_\_\_\_\_ and the city of \_\_\_\_\_", giving the name of the county and the name of the city. The mayor of the city shall appoint two (2) trustees, and the board of commissioners of the county shall appoint three (3) trustees. The trustees shall be appointed by the mayor for a term of three (3) years. The trustees shall be appointed by the board of commissioners for a term of three (3) years.

(b) The trustees shall be selected without regard to their political affiliations, but not more than three (3) trustees may be members of the same political party. The mayor may not appoint more than one (1) trustee from any political party, and the board of commissioners may not appoint more than two (2) trustees from any political party. The trustees must be persons of high standing and character. The trustees shall serve without compensation but may be reimbursed for any reasonable expenses necessarily incurred by them in the performance of their duties.

(c) The judge of the circuit court may, for just cause, based upon written charges:

(1) specifying the alleged misconduct; and

(2) filed by the mayor of the city or the board of commissioners; remove any member of the board of trustees, after notice to the member and a public hearing. In case of a vacancy caused by removal or otherwise, the mayor or board of commissioners making the original appointment shall appoint some qualified individual to fill the unexpired term.

(d) Each trustee shall execute a bond to the county and city in the sum of five thousand dollars (\$5,000), conditioned for the faithful performance of the trustee's duties as trustee, with surety approved by the judge of the circuit court. Each of the trustees shall take and subscribe an oath that the trustee will:

(1) support the Constitution of the United States and the Constitution of the State of Indiana; and

(2) faithfully discharge all of the duties as trustee.

The oath must be endorsed on the bond, and the bond and oath must

be filed with the circuit court clerk.

(e) If a joint county and city World War memorial is established under this chapter, the following apply:

(1) The board of trustees established by this chapter for that purpose has all the powers and may perform all the duties in relation to the acquisition of the real property and the construction of the joint county and city World War memorial as is conferred upon a board of commissioners erecting a county World War memorial.

(2) All money appropriated by the city and the county for the World War memorial shall be disbursed upon estimates submitted by the board of trustees and certified to the proper officers of the city and the proper officers of the county for the respective proportions as provided in the contract between the city and county. Upon these certifications, the proper city and county officers shall draw warrants to pay the amounts certified.

(f) A board of trustees may not be established under this section if the city enters into a contract with the county in which it is located to join the county in acquiring interests in real property to be dedicated by the city and the county and added to real property that may be designated by the state for World War memorial and other public purposes.

*As added by P.L.2-2003, SEC.9.*

### **IC 10-18-4-13**

#### **Eminent domain**

Sec. 13. (a) The board of public works of a city, acting for the city or acting jointly with the board of commissioners of the county in which the city is located, may proceed under IC 32-24 and has all powers of eminent domain granted in this chapter or any other statute to acquire interests in real property by purchase or condemnation for any of the purposes authorized by this chapter.

(b) Before the board of public works may purchase an interest in real property, either by the city or jointly by the city and the county in which it is located:

(1) the board of public works;

(2) the board of trustees, as provided in section 12 of this chapter; or

(3) the board of public works acting jointly with the board of commissioners of the county in which the city is located;

must have the real property appraised at its true cash value by at least one (1) disinterested freeholder of the city and two (2) disinterested appraisers licensed under IC 25-34.1 who are residents of Indiana and may not pay more than the appraised value for any interest in real property. One (1) of the licensed appraisers must reside not more than fifty (50) miles from the property. If an owner refuses to sell the owner's interest in real property at the appraised value, the interest in real property must be acquired by condemnation. The legal department of the city shall conduct all necessary proceedings for the

purchase or condemnation of an interest in real property by the city and county jointly, for any purpose under this chapter, without additional compensation.

(c) If a city institutes proceedings to condemn an interest in real property under this chapter, the suit must be brought in the name of the city by the legal department of the city, without additional compensation, at the direction of the board of public works. If there is a joint condemnation of an interest in real property by a city and the county in which it is located, the suit must be brought in the name of the city as provided in this section and in the name of the county, by an attorney representing the county, at the direction of the board of county commissioners of the county. The city or the city and county jointly may:

- (1) join in one (1) action as defendants the owners and all persons interested in one (1) or more interests in real property to be condemned; or
- (2) institute proceedings to condemn separate interests in real property.

*As added by P.L.2-2003, SEC.9. Amended by P.L.113-2006, SEC.9.*

#### **IC 10-18-4-14**

##### **Joint real estate acquisitions for state memorial**

Sec. 14. If a city decides to acquire or to join with the county in which it is located in the acquisition of interests in real property as provided in this chapter to be added to real property designated by the state for World War memorial and other public purposes, as provided in this chapter, the city, through its board of public works, with the approval of the mayor, may execute proper deeds, grants, or contracts with the state through the state's proper officers having the custody and control of the state World War memorial, by which the real property acquired by the city or by the city and the county jointly is conveyed to the state for World War memorial and other public purposes, as authorized by this chapter. The deed, grant, or contract must provide for the use by the city or by the city and county jointly of the memorial grounds and structures and that the grounds and structures shall be a city World War memorial to the extent of the money appropriated and used by the city in the acquisition of the grounds and structures.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-15**

##### **Memorial use and rental**

Sec. 15. The board of public works of a city may grant the use of any structure or any part of a structure constructed by the city, with or without rent or charge, to any organization of soldiers, sailors, marines, and others as a place or places of their meetings and headquarters, for the time and upon the conditions as the board of public works may determine. The board of public works may also grant the use of the structure for any other lawful public purpose not inconsistent with this chapter for which the structure may be suitable,

either with or without rent or charge, as the board of public works determines.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-16**

##### **Donations, gifts, devises, and bequests**

Sec. 16. A city may receive donations, gifts, devises, and bequests for use by the board of public works for the purposes of this chapter. Any money received by the city may, without appropriation by the city's legislative body, be used for the purposes for which the money was donated, as provided in this chapter.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-17**

##### **Real property and improvements; use and sale; World War memorial**

Sec. 17. (a) If a city acquires real property for any of the purposes provided for in this chapter or joins with the county in which the city is located in the acquisition of real property for any of the purposes provided for by this chapter:

- (1) the city, through its board of public works with the approval of the mayor; or
- (2) the city, through its board of public works with the approval of the mayor, acting jointly with the board of commissioners of the county in which the city is located;

may grant the use of any real property or buildings and improvements on the real property to any organization of soldiers, sailors, or marines of the United States and others with or without rent or charge, upon the conditions as may be determined.

(b) The city, or the city and county, acting as provided in this section, may sell the buildings and improvements on any real property acquired under this chapter.

(c) The net rent or proceeds of the sale of the buildings and improvements, after deducting an amount sufficient to pay for the maintenance and repair of the buildings and improvements, must be deposited as follows:

- (1) In the city World War memorial fund if the World War memorial was acquired by the city.
- (2) In the city World War memorial fund and in the county World War memorial fund if the World War memorial was acquired by the city and county jointly. The money shall be deposited in the respective funds in the same proportion that the city and county contributed to the acquisition of the World War memorial.

(d) The city, or the city and county acting as provided in this chapter, may convey any real property acquired under this chapter to the state and provide in the contract with the state as to the rent of the buildings and improvements on the real property until necessary to remove the buildings and improvements and for the sale of the buildings and improvements if the real estate is needed by a board of

trustees established under this chapter for World War memorial and other public purposes. The contract must provide how the net rent or proceeds must be applied.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-18**

##### **Alternative procedure for issuing bonds**

Sec. 18. (a) The legislative body of a city may, upon the recommendation of the mayor and city controller, if applicable, of the city, instead of selling bonds as provided in section 5 of this chapter, sell bonds:

- (1) with a maturity of not more than ten (10) years;
- (2) for any of the purposes authorized by this chapter;
- (3) at a rate of interest not more than six percent (6%) a year, payable semiannually; and
- (4) payable at their maturity, but not later than ten (10) years after the date of the issuance of the bonds.

If the bonds are issued for a period longer than five (5) years, at least two percent (2%) of the total issue of the bonds must mature each year after the fifth year, and the balance must mature and be paid or refunded not later than ten (10) years after the date of issuance.

(b) Bonds issued under this section, the taxes to pay the bonds as they mature, and interest accruing on the bonds must be levied in accordance with sections 5 and 6 of this chapter.

(c) The city's legislative body may refund bonds sold under this section with other bond issues in accordance with section 5 and other provisions of this chapter relating to the sale of bonds. The city's legislative body may name the date when the first series of refunding bonds is due. However, the due date of the first series due may not be more than five (5) years from the date of issue.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-19**

##### **Powers and duties of board of public works and board of trustees**

Sec. 19. In the establishment and maintenance of a World War memorial, a city's board of public works or the board of trustees of a joint county and city World War memorial has all the powers and duties conferred upon the Indiana war memorials commission under IC 10-18-1 to the extent the powers and duties conferred in IC 10-18-1 are not inconsistent with this chapter. However, this chapter does not authorize a city's board of public works or a board of trustees of a joint county and city World War memorial to employ a secretary.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-20**

##### **No authority for injunctions**

Sec. 20. A person may not bring suit to enjoin the enforcement of this chapter or to prevent the levy or collection of taxes under this chapter.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-21**

##### **Property exempt from taxation**

Sec. 21. All property:

- (1) constituting a city World War memorial;
- (2) constituting a joint county and city World War memorial; or
- (3) used or acquired in connection with a city or a joint county and city World War memorial;

for any purpose authorized by this chapter is exempt from taxation for all purposes.

*As added by P.L.2-2003, SEC.9.*

#### **IC 10-18-4-22**

##### **Implementing ordinance; continuing rights and powers; appeals**

Sec. 22. (a) If a city legislative body wants to implement this chapter, the legislative body must adopt an ordinance that must be in substance as follows:

"Be it resolved by \_\_\_\_\_ (name of the city's legislative body) that the city should proceed (or jointly with \_\_\_\_\_ County, in which it is located) to carry out the purposes of IC 10-18-4."

The ordinance must be submitted to the mayor of the city for approval. If the ordinance is approved by the mayor, the city clerk shall give notice of the adoption of the ordinance by the publication of the ordinance in full by two (2) insertions published at least one (1) week apart under IC 5-3-1-4.

(b) The city may appropriate money, issue bonds, levy taxes, and do everything necessary to implement this chapter.

(c) If a city issues bonds under this chapter and the bonds must be refunded, the city's legislative body is not required to adopt an ordinance for that purpose.

(d) A city's rights and powers under this chapter are not exhausted by being exercised one (1) or more times, but are continuing rights and powers. A subsequent exercise of power under this chapter by a city does not require the city's legislative body to adopt an ordinance. A city that wants to act a subsequent time to implement this chapter may proceed, acting through its board of public works, with the approval of its mayor, when money has been appropriated for the action by an ordinance passed by the city's legislative body and approved by the mayor, without complying with any other law relating to appropriations and budgets except for section 3 of this chapter.

(e) A taxpayer aggrieved by an action under this section may appeal the decision to the circuit court of the county within ten (10) days in the same manner as other appeals are taken from an action of the board. The cause of action shall be tried de novo.

*As added by P.L.2-2003, SEC.9.*