

IC 13-26-4

Chapter 4. Board of Trustees of Regional Districts

IC 13-26-4-1

Members

Sec. 1. The board of trustees of a district is the governing body of the district. A board may consist of:

- (1) three (3);
- (2) five (5);
- (3) seven (7);
- (4) nine (9);
- (5) eleven (11); or
- (6) thirteen (13);

trustees.

As added by P.L.1-1996, SEC.16. Amended by P.L.101-2003, SEC.2.

IC 13-26-4-2

Elections; vacancies

Sec. 2. An order establishing a district may provide for the board to be elected by the voters in the district from districts or wards or from the district at large. Elections and provisions for filling vacancies must be in accordance with IC 3, with the commissioner or the commissioner's designees performing the functions of the election officials.

As added by P.L.1-1996, SEC.16.

IC 13-26-4-3

Appointments

Sec. 3. Instead of electing the board, an order establishing a district may provide for appointments to the board by the elected executive or legislative officers of the eligible entities having territory in the district.

As added by P.L.1-1996, SEC.16.

IC 13-26-4-4

Number of trustees; appointments by the governor or commissioner of the department of correction

Sec. 4. (a) If:

- (1) a district will include territory in more than one (1) county;
- (2) a county executive has filed a petition for a district including territory owned, leased, or controlled by the department of natural resources; or
- (3) the department of natural resources has filed a petition;

the order establishing the district may provide that the governor appoints any number of trustees, but less than one-half (1/2) of the total.

(b) If a district contains or a proposed district will contain a state correctional facility, the department, when:

- (1) issuing an order establishing the district under IC 13-26-2-10; or

(2) approving or modifying a petition filed by the district's board of trustees under IC 13-26-1-2; may allow for the appointment of one (1) member of the board of trustees of the district by the commissioner of the department of correction.

As added by P.L.1-1996, SEC.16. Amended by P.L.101-2003, SEC.3.

IC 13-26-4-5

Number of trustees; sewage treatment in cooperation with municipality

Sec. 5. If a plan also contemplates that sewage treatment for the district will be provided in cooperation with a municipality, the order must provide that:

- (1) at least one (1) trustee shall be appointed by the executive of the municipality; and
- (2) at least:
 - (A) one (1) trustee shall be appointed by the fiscal body; and
 - (B) one (1) trustee shall be appointed by the executive; of the county having the largest amount of territory in the district.

As added by P.L.1-1996, SEC.16.

IC 13-26-4-6

Residency

Sec. 6. (a) This section does not apply to a district described in section 6.1 of this chapter.

(b) Except as provided in subsection (c)(5), an appointed trustee does not have to be a resident of the district.

(c) An appointed trustee must:

- (1) own real property within the district;
- (2) be a trustee appointed under section 4 or 5 of this chapter;
- (3) be an elected official who represents a political subdivision that has territory in the district;
- (4) be a ratepayer of the district; or
- (5) with respect to a district in which a majority of ratepayers and property owners are not individuals, be an individual who is registered to vote at an address that is located in the district.

As added by P.L.1-1996, SEC.16. Amended by P.L.97-2012, SEC.6; P.L.179-2013, SEC.1; P.L.292-2013, SEC.6; P.L.211-2014, SEC.1.

IC 13-26-4-6.1

Members; district established in response to agreed order

Sec. 6.1. (a) This section applies to a district that is:

- (1) a countywide district; and
- (2) established in response to an agreed order entered into after December 31, 1982, by the department and the executive and fiscal bodies of the county.

(b) Not later than December 31, 2012, the parties to an agreed order described in subsection (a)(2) shall amend the agreed

order to provide for the appointment of trustees as follows:

- (1) Beginning July 1, 2013, at least one (1) appointed trustee must reside in the geographic area that is the subject of the department investigation resulting in the agreed order.
- (2) Beginning July 1, 2013, an appointed trustee may not be served by a municipal sewer system.
- (3) Beginning July 1, 2013, at least one (1) appointed trustee must be an elected official who represents a political subdivision that has territory in the district.

As added by P.L.97-2012, SEC.7. Amended by P.L.139-2012, SEC.4.

IC 13-26-4-7

Compensation and expenses of trustees

Sec. 7. (a) Except as provided in subsection (b), the board of a district may provide for the payment of not more than fifty dollars (\$50) per day to members of the board for each day or major part of a day devoted to the work of the district.

(b) This subsection applies only to a regional water and sewage district that:

- (1) is located in more than one (1) county; and
- (2) was formed in 1975 by order of the stream pollution control board of the state of Indiana (which was succeeded in 1986 by the water pollution control board, which was established by IC 13-18-1, before its repeal).

The board of a district may provide for the payment of not more than one hundred twenty-five dollars (\$125) per day to members of the board for each day or major part of a day devoted to the work of the district.

(c) Members of the board are entitled to receive an amount for travel expenses equal to the amount paid to state employees for expenses incurred in the performance of their duties.

(d) Payments made to board members under subsections (a), (b), and (c) shall be made from the general fund of the district.

As added by P.L.1-1996, SEC.16. Amended by P.L.179-2013, SEC.2; P.L.113-2014, SEC.82.

IC 13-26-4-8

Public meetings or hearings

Sec. 8. (a) When the board of a district conducts a public hearing or meeting, the board shall allow any person an opportunity to be heard:

- (1) in the presence of others who are present to testify; and
- (2) in accordance with subsection (b).

(b) The board may limit testimony at a public hearing or meeting to a reasonable time stated at the opening of the public hearing or meeting.

As added by P.L.97-2012, SEC.8.