

## **IC 14-33-16**

### **Chapter 16. Dissolution Due to Lack of Construction**

#### **IC 14-33-16-1**

##### **Applicability of chapter**

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to a district if construction of works of improvement has not begun within six (6) years after the district plan is approved by the circuit court.

(b) Even if the construction of works of improvement has not begun within six (6) years after the district plan of a district was approved, this chapter does not apply to the district if the circuit court having jurisdiction over the district under IC 14-33-2-9 determines that the board of directors of the district has, since the approval of the district plan, worked diligently and in good faith to resolve the matters that must be resolved before construction can begin.

*As added by P.L.1-1995, SEC.26. Amended by P.L.143-1997, SEC.1.*

#### **IC 14-33-16-2**

##### **Dissolution by election**

Sec. 2. A district may be dissolved by an election under this chapter.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-16-3**

##### **Petition**

Sec. 3. The freeholders of a district must present a petition to the board. The petition may be circulated and presented in separate parts, although all of the parts constitute a single petition. The petitioning freeholders must sign the petition, and the person who presents the petition must verify and certify the signatures upon oath. The petition must do the following:

- (1) Show the name and residence of each petitioner and the date of signature.
- (2) State that the petitioning freeholders desire an election on the question of whether to dissolve the district.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-16-4**

##### **Determination that petition bears proportion of signatures required**

Sec. 4. The board shall determine, in compliance with IC 14-33-2-2 and IC 14-33-2-3, whether the petition bears the same proportion of signatures of freeholders of the district as that section requires to initiate the proceedings to establish a district. If the board finds in the affirmative, the board shall without delay certify that fact to the court.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-16-5**

### **Election requirements**

Sec. 5. (a) Within ten (10) days after the board certifies to the court, the board shall fix the following:

(1) A convenient and suitable place for the election.

(2) The date for the election not less than fifteen (15) and not more than thirty (30) days after the last publication of notice.

(b) The voting place must open at 9 a.m. local time and remain open for balloting continuously until 9 p.m. local time. However, if the district contains freeholds too numerous for freeholder balloting at a single voting place while allowing each freeholder a reasonable time but not exceeding two (2) minutes to cast a ballot, the board shall fix and arrange for multiple voting places as appears necessary to accommodate the freeholders eligible to vote.

(c) Notice of the time, place, and purpose for the election must be given on the same day of each week for two (2) consecutive weeks in an English language newspaper of general circulation published in each county having land in the district.

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-6**

#### **List of freeholders**

Sec. 6. (a) The board shall do the following:

(1) Prepare a list of the freeholders of the district.

(2) Have the county auditor certify the list.

(3) Make the list available for the inspection of any freeholder of the district.

(4) Place the list in the permanent files of the district at the conclusion of the election.

(b) A deficiency in the list or omission of the name of a freeholder does not void the election or the election's outcome.

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-7**

#### **Ballots**

Sec. 7. The board shall prepare and furnish ballots in sufficient number in the following form:

"Shall the \_\_\_\_\_ Conservancy District be dissolved?"

[ ] Yes [ ] No

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-8**

#### **Assistant secretary and voting list**

Sec. 8. The board shall do the following:

(1) Appoint an assistant secretary.

(2) Provide a voting list at each voting place.

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-9**

#### **Voting procedures**

Sec. 9. (a) Before the voting begins, the chairman of the board

shall appoint three (3) freeholders of the district as clerks to conduct the election.

(b) Before casting a vote, each freeholder must sign the list of freeholders opposite the freeholder's name in the presence of the district secretary.

(c) If:

- (1) a clerk finds a freeholder's name is omitted from the list; and
- (2) all three (3) clerks determine that the freeholder's name should be added to the list;

the clerks shall place the freeholder's name on the list and the freeholder may vote.

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-10**

#### **Absentee ballot**

Sec. 10. A freeholder of the district may vote absentee by written ballot. A written ballot vote must be signed and mailed or delivered to the district office. Ballots voted by absentees are valid if delivered or received before the scheduled date of the election.

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-11**

#### **Election duties of secretary and clerks**

Sec. 11. (a) The secretary of the district shall do the following:

- (1) Keep the ballots safe and secure until the end of the voting period.
- (2) At the end of the voting period present all ballots cast to the three (3) clerks.

(b) The clerks shall do the following:

- (1) Count the ballots.
- (2) Report the results of the election to the secretary in writing over the signature of each clerk.

(c) The secretary shall do the following:

- (1) Record the results in the records of the district.
- (2) Certify the results to the court as promptly as possible.

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-12**

#### **Majority of votes**

Sec. 12. A majority of all votes cast determines the issue of dissolution of the district, as long as the total votes cast at least equals the number of freeholders petitioning for the election.

*As added by P.L.1-1995, SEC.26.*

### **IC 14-33-16-13**

#### **Court ordering board to take steps to terminate district activities**

Sec. 13. If a majority favors dissolution of a district, the court shall, upon receiving the certification of the results, order the board to take the necessary steps to terminate all activities of the district other than those activities required to certify and collect assessments

or taxes to pay the following:

- (1) The remaining financial obligations of the district.
- (2) The expenses of liquidating the district's property and winding up the district's affairs.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-16-14**

##### **Election costs**

Sec. 14. Costs of the election, including legal fees approved by the court, shall be paid from district money.

*As added by P.L.1-1995, SEC.26.*

#### **IC 14-33-16-15**

##### **Court ordering final accounting and filing of records; discharging board**

Sec. 15. (a) When a district's financial obligations and the expenses of winding up the district's affairs are paid, the court shall order the board to do the following:

- (1) Make a final accounting to the court.
- (2) File all records of the district with the court.

(b) The court shall then discharge the board and decree that the district is dissolved.

*As added by P.L.1-1995, SEC.26.*