

## **IC 8-14-9**

### **Chapter 9. Local County Road and Bridge Board**

#### **IC 8-14-9-1**

##### **Repealed**

*(Repealed by P.L.86-1988, SEC.227.)*

#### **IC 8-14-9-2**

##### **Repealed**

*(Repealed by Acts 1982, P.L.1, SEC.71.)*

#### **IC 8-14-9-3**

##### **Board; establishment; taxing district**

Sec. 3. The county council of a qualified county may establish a local county road and bridge board to be known as the Local County Road and Bridge Board of \_\_\_\_\_ (insert the name of the qualified county) and a special taxing district to be known as the Local County Road and Bridge District of \_\_\_\_\_ (insert the name of the qualified county). The territory which is within the boundaries of a qualified county constitutes the territory of a special taxing district established by the county council of that qualified county under this chapter.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-4**

##### **Members; tenure; compensation**

Sec. 4. (a) The local county road and bridge board consists of three (3) members appointed by the president of the county council of the county.

(b) All terms of office begin on January 1 and end on December 31. Members of the board serve two (2) year terms. If a vacancy occurs, a qualified person shall be appointed by the president of the county council of the county to serve for the remainder of the term.

(c) A member of the board may be removed for cause by the president of the county council of the county.

(d) Members of the board may not receive a salary. However, board members shall receive reimbursement for necessary expenses, but only if the expenses are incurred in the performance of their duties.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-5**

##### **Construction projects; adoption of resolution**

Sec. 5. (a) Whenever the local county road and bridge board determines that it is necessary for the general welfare of the persons residing within the local county road and bridge district and that it will be of public utility and benefit to the property in the district to carry out a project of construction, reconstruction, or operation of roads or bridges, or both, within the district, the board shall adopt a resolution stating the necessity of the project and the intent of the

district to proceed with the project.

(b) As a part of the resolution, the local county road and bridge board shall:

- (1) adopt preliminary or final plans and specifications for the entire project; and
- (2) determine the estimated cost of all work and all acquisitions necessary to carry out the project.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-6**

##### **Resolution; public inspection; notice; hearing**

Sec. 6. (a) A resolution adopted under section 5 of this chapter shall be made available for public inspection. The board shall publish notice of the adoption. The notice must contain a general description of the resolution, and it must indicate that the resolution and included materials may be inspected at a specified location.

(b) The notice shall be published in one (1) newspaper of general circulation within the local county road and bridge district once each week for two (2) consecutive weeks.

(c) The notice shall specify a date, not less than ten (10) days after the date of last publication, on which the board will conduct a hearing at which interested or affected parties may object to the resolution.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-7**

##### **Remonstrances; filing; hearing and decision**

Sec. 7. (a) At or before the time fixed under section 6 of this chapter for a hearing, any interested or affected party may file with the board a written remonstrance against the proposed project, in whole or in part. At the hearing, which may be adjourned from time to time, the board shall hear all interested persons, and shall finally determine if the project, in whole or in part, is necessary for the general welfare of the persons residing in the district and will be of public utility and benefit to the property in the district. The board may confirm, modify, or rescind the resolution.

(b) The board shall keep a record of its decision on each proposed project, and submit the decision as a resolution to the county council of the qualified county.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-8**

##### **Resolution; approval by county council; duties of board**

Sec. 8. If the county council of a qualified county approves a resolution submitted to it under section 7(b) of this chapter, the local county road and bridge board shall, for purposes of carrying out the project:

- (1) let contracts, in accordance with IC 5-17-1;
- (2) acquire real estate; and
- (3) employ persons by special contract to render professional or consulting services.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-9**

##### **Modification of approved projects; new resolutions**

Sec. 9. (a) The local county road and bridge board may modify a project approved under section 8 of this chapter if:

- (1) the modification is necessary to carry out the purpose and intent of the resolution; and
- (2) the modifications do not increase the estimated cost determined under section 5(b) of this chapter.

(b) Any modification which does not meet the requirements prescribed by subsection (a) must be made by a new resolution that is adopted and approved in the manner provided by sections 5 through 8 of this chapter.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-10**

##### **Bonds; issuance; limitations; approval**

Sec. 10. (a) Subject to the limitations imposed by this section, the local county road and bridge board may issue bonds in the name of the qualified county for the benefit of the local county road and bridge district. The bonds shall be issued for the purpose of raising money to acquire lands or rights-of-way, and to pay for any capital improvement, necessary for the construction, reconstruction, or operation of roads or bridges, or both, within the district. The local county road and bridge board may appropriate the proceeds of the bonds.

(b) The amount of bonds to be issued may not exceed the estimated cost of:

- (1) all lands and rights-of-way to be acquired;
- (2) capital improvements;
- (3) supervision and inspection fees during the period of construction or reconstruction;
- (4) programming, planning, and designing the capital improvements; and
- (5) all necessary expenses, including publication of notices, engineering fees, architectural fees, and legal fees, incurred in acquiring property, letting contracts, and selling bonds for the project.

The amount of bonds issued for the project may not exceed the estimated cost determined under section 5(b) of this chapter. In addition, the amount of outstanding bonds issued by a county under this chapter may not exceed two percent (2%) of the adjusted value of taxable property located within the local county road and bridge district as determined under IC 36-1-15.

(c) The local county road and bridge board may issue bonds under this chapter only if the issuance of those bonds has been approved by:

- (1) the county council of the qualified county; and
- (2) the department of local government finance as required by IC 6-1.1-18.5-8.

(d) A local county road and bridge board may issue bonds under this chapter only if:

- (1) the county motor vehicle excise surtax (IC 6-3.5-4) and the county wheel tax (IC 6-3.5-5) are in effect in the county in which the local county road and bridge district is located;
- (2) the county motor vehicle excise surtax is being imposed at the maximum allowable rate; and
- (3) the county in which the local county road and bridge district is located has not obtained a loan under IC 8-14-8.

(e) No bonds may be issued under this section after June 30, 1984. *As added by Acts 1981, P.L.88, SEC.13. Amended by P.L.73-1983, SEC.17; P.L.3-1990, SEC.31; P.L.6-1997, SEC.134; P.L.90-2002, SEC.318.*

#### **IC 8-14-9-11**

##### **Bonds; disclaimer; revenues for payment**

Sec. 11. The face of each bond shall include a statement that the bond does not constitute a corporate obligation or indebtedness of the qualified county and that the bond principal and interest are payable only out of the revenues of the local county road and bridge district. *As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-12**

##### **Bonds; tax exemption; application of laws**

Sec. 12. All bonds and interest on bonds issued under this chapter are exempt from taxation as provided under IC 6-8-5-1. All general laws relating to:

- (1) the filing of a petition requesting the issuance of bonds;
  - (2) the right of:
    - (A) taxpayers and voters to remonstrate against the issuance of bonds, in the case of a proposed bond issue described by IC 6-1.1-20-3.1(a); or
    - (B) voters to vote on the issuance of bonds, in the case of a proposed bond issue described by IC 6-1.1-20-3.5(a);
  - (3) the appropriation of the proceeds of the bonds and the approval of the appropriation by the department of local government finance; and
  - (4) the sale of bonds at public sale for not less than par value;
- are applicable to proceedings under this chapter.

*As added by Acts 1981, P.L.88, SEC.13. Amended by P.L.90-2002, SEC.319; P.L.219-2007, SEC.93; P.L.146-2008, SEC.362.*

#### **IC 8-14-9-13**

##### **Tax; imposition; limitation**

Sec. 13. For the purpose of raising money to pay bonds issued under section 10 of this chapter as the bonds severally mature, and to pay all interest accruing on the bonds, the county council of a qualified county may, notwithstanding IC 8-18-8-5, impose a special tax on all real and personal property located within the local county road and bridge district. However, the county council may only

impose a tax under this section for a particular budget year to the extent that the estimated revenues that the county will receive from the county motor vehicle excise surtax and the county wheel tax during that budget year will be insufficient to pay the principal and interest coming due on those bonds during that budget year. The special tax constitutes the amount of benefits to the property which result from carrying out a project under this chapter.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-14**

##### **Local county road and bridge district bond fund; deposits; exemption; use**

Sec. 14. (a) A separate fund known as the local county road and bridge district bond fund is created for deposit of the following monies:

- (1) revenues collected from the tax imposed under this chapter;
- (2) any appropriation made under section 16 of this chapter; and
- (3) any proceeds remaining from the sale of bonds after payment of all costs and expenses described in section 10(b) of this chapter.

In addition, if there are any outstanding bonds issued under this chapter, then revenues received by the county from the county motor vehicle excise surtax and the county wheel tax shall, notwithstanding IC 6-3.5-4-13 and IC 6-3.5-5-15, be deposited in the local county road and bridge district bond fund. However, this subsection does not apply to county motor vehicle excise surtax and county wheel tax revenues which are to be distributed under IC 6-3.5-4-13 and IC 6-3.5-5-15 to cities and towns located in the county.

(b) Monies in the fund shall be used only for payment of local county road and bridge district bonds as they severally mature, and the interest on those bonds.

(c) Monies in the fund shall be deposited with one (1) depository of other funds of the qualified county. Interest accruing on monies in the fund belongs to the fund.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-15**

##### **Local county road and bridge construction fund; use; deposits**

Sec. 15. (a) All proceeds from the sale of bonds issued under this chapter shall be deposited in a separate fund known as the local county road and bridge district construction fund. Monies in the fund shall be used to pay for:

- (1) any lands or rights-of-way to be acquired for roads or bridges, or both, within the local county road and bridge district;
- (2) any capital improvement necessary for the construction, reconstruction, or operation of roads or bridges, or both, within the local county road and bridge district; and
- (3) any other necessary expenses incurred in carrying out the project.

Monies in the fund may not be used to pay the salaries of employees

of the qualified county.

(b) Monies in the fund shall be deposited with any depository of public funds of the qualified county. Interest accruing on monies in the fund belongs to the fund.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-16**

##### **Bonds; payment; appropriation**

Sec. 16. The county council may annually appropriate other monies to the local county road and bridge district bond fund to pay bonds as they severally mature, and to pay interest on the bonds in the year following the appropriation.

*As added by Acts 1981, P.L.88, SEC.13.*

#### **IC 8-14-9-17**

##### **Expenditures not subject to Geometric Design Guide for Local Roads and Streets**

Sec. 17. Notwithstanding any other law, expenditures made from the local county road and bridge district construction fund are not subject to the provisions of the Geometric Design Guide for Local Roads and Streets.

*As added by Acts 1982, P.L.79, SEC.3. Amended by P.L.86-1988, SEC.16.*