

## **IC 20-48-4**

### **Chapter 4. Township School Building**

#### **IC 20-48-4-1**

##### **Application**

Sec. 1. Sections 2 through 4 of this chapter apply if a township board finds at an annual or special meeting of the board, that:

- (1) it is necessary to provide for the construction of a school building; and
- (2) the cost of the building, or the proportional cost if it is a joint graded high school building, will exceed the sum available from an annual levy.

*As added by P.L.2-2006, SEC.171.*

#### **IC 20-48-4-2**

##### **Powers; township trustee; issuance of warrants or bonds**

Sec. 2. (a) The board may authorize the trustee to issue township warrants or bonds to pay for the building or the proportional cost of it. The warrants or bonds:

- (1) may run for a period not exceeding fifteen (15) years;
- (2) may bear interest at any rate; and
- (3) shall be sold for not less than par.

The township trustee, before issuing the warrants or bonds, shall place a notice in at least one (1) newspaper announcing the sale of the bonds in at least one (1) issue a week for three (3) weeks. The notice must comply with IC 5-3-1 and must set forth the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and time of selling. The township board shall attend the bond sale and must concur in the sale before the bonds are sold.

(b) The board shall annually levy sufficient taxes each year to pay at least one-fifteenth (1/15) of the warrants or bonds, including interest, and the trustee shall apply the annual tax to the payment of the warrants or bonds each year.

(c) A debt of the township may not be created except by the township board in the manner specified in this section. The board may bring an action in the name of the state against the bond of a trustee to recover for the use of the township funds expended in the unauthorized payment of a debt. The board may appropriate and the township trustee shall pay from township funds a reasonable sum for attorney's fees for this purpose.

(d) If a taxpayer serves the board with a written demand that the board bring an action as described in subsection (c), and after thirty (30) days the board has not brought an action, a taxpayer may bring an action to recover for the use of the township funds expended in the unauthorized payment of a debt. An action brought under this subsection shall be brought in the name of the state.

*As added by P.L.2-2006, SEC.171.*

### **IC 20-48-4-3**

#### **Preparation of specifications for bidders; competitive bids; contracts**

Sec. 3. (a) If a trustee finds it necessary to erect a new school, the trustee shall procure suitable specifications for the school to be used by the bidders in bidding and in the construction of the school. If the trustee desires to purchase school furniture, fixtures, maps, charts, or other school supplies, not including fuel and literary periodicals, as authorized by the township board, the trustee shall make an estimate of the kinds and amounts, itemized particularly, to be used by bidders. If it is necessary to make repairs to a school, other than current or incidental repairs, the trustee shall make an itemized statement of the nature and character of the work to be performed for the use of bidders.

(b) All contracts shall be let after notice is given by publication in accordance with IC 5-3-1.

(c) The township board shall attend the letting. At the letting, all the work or supplies in any one (1) class shall be included and let in a single contract. All bids must be in writing and opened and read publicly at the date, time, and place fixed in the notice. In consultation with the township board, the trustee may take time to examine the bids and determine which is the lowest and best bid. The board may reject any bid. The trustee shall endorse either acceptance or rejection on the bids and preserve them.

(d) If a bid is accepted, a proper contract shall then be reduced to writing for the building, repairs, or supplies and signed by the successful bidder and the trustee. The trustee shall require the bidder to give bond with security to the trustee's approval for the faithful execution of the contract.

*As added by P.L.2-2006, SEC.171.*

### **IC 20-48-4-4**

#### **Effect of noncompliance with law**

Sec. 4. A contract made in violation of sections 2 through 3 of this chapter is void.

*As added by P.L.2-2006, SEC.171.*

### **IC 20-48-4-5**

#### **Application**

Sec. 5. Sections 6 through 9 of this chapter apply to a township in which there is not a city or town that operates public schools within the city or town.

*As added by P.L.2-2006, SEC.171.*

### **IC 20-48-4-6**

#### **Petition; alteration, construction, or addition of school building**

Sec. 6. If:

- (1) a petition signed by at least one hundred (100) freeholders of the township is filed with the township trustee asking for the

alteration or construction of a building or for an addition to a building to be used for teaching the children of the township the arts of agriculture, domestic science, or physical culture; and  
(2) the building or addition to the building may be used by the citizens of the township for school and community entertainment and for other public purposes;

the township trustee, with the consent of the township board, may grant the petition and shall alter or construct a building or an addition to a building as will best meet the needs of the citizens of the township.

*As added by P.L.2-2006, SEC.171.*

#### **IC 20-48-4-7**

##### **Approval by department of local government finance**

Sec. 7. (a) After June 30, 2008, this section applies only if the alteration or construction is a controlled project (as defined in IC 6-1.1-20-1.1) for which a preliminary determination under IC 6-1.1-20-3.1 was made before July 1, 2008.

(b) Before altering or constructing a building or an addition to a building, the proposed action must be submitted for approval to the department of local government finance. The department of local government finance shall set the proposal for hearing and give ten (10) days notice of the hearing to the taxpayers of the taxing district by:

- (1) one (1) publication in each of two (2) newspapers of opposite political parties published in the taxing district;
- (2) one (1) publication if only one (1) newspaper is published;
- (3) publication in two (2) newspapers representing the two (2) leading political parties published in the county and having a general circulation in the taxing district if no newspaper is published in the district; or
- (4) publication in one (1) newspaper if only one (1) paper is published in the county.

The department of local government finance shall conduct the hearing in the taxing district. After the hearing upon the proposal, the department of local government finance shall certify its approval or disapproval to the county auditor and to the township trustee.

*As added by P.L.2-2006, SEC.171. Amended by P.L.146-2008, SEC.526.*

#### **IC 20-48-4-8**

##### **Powers; issuance of bonds**

Sec. 8. (a) Upon approval by the department of local government finance (if required under section 6 of this chapter), the township trustee may, with the consent of the township board, issue and sell the bonds of the civil township in an amount sufficient to pay for the alteration, construction, or addition described in section 6 of this chapter.

(b) The trustee may levy a tax on the taxable property of the

township in an amount sufficient to discharge the bonds issued and sold. The bonds may not bear a maturity date more than twenty (20) years from the date of issue.

*As added by P.L.2-2006, SEC.171. Amended by P.L.146-2008, SEC.527.*

**IC 20-48-4-9**

**Joint action; township trustee; school township**

Sec. 9. In carrying out sections 6 through 8 of this chapter, the township trustee may join with the district in the alteration, construction, or addition, contracting together and joining in the employment of an engineer or architect.

*As added by P.L.2-2006, SEC.171. Amended by P.L.233-2015, SEC.306.*