

IC 13-21-4

Chapter 4. Withdrawal or Removal of Counties From Solid Waste Management Districts

IC 13-21-4-1

Compliance with procedures

Sec. 1. If:

- (1) a county seeks to withdraw from a joint district; or
- (2) a joint district seeks to remove a county from the joint district;

the county or the joint district must follow the procedures set forth in this chapter.

As added by P.L.1-1996, SEC.11.

IC 13-21-4-2

County executives; resolutions; contents

Sec. 2. (a) If a county seeks to withdraw from a joint district that consists of more than two (2) counties, the county executive must:

- (1) adopt two (2) identical resolutions:
 - (A) at least fifteen (15) days apart; and
 - (B) not more than forty-five (45) days apart; and
- (2) submit both resolutions to the board of the joint district and to the commissioner.

The resolution must specify that the county withdraws from the joint district.

(b) If a county seeks to withdraw from and dissolve a joint district that consists of only two (2) counties, the county executive must:

- (1) adopt two (2) identical resolutions:
 - (A) at least fifteen (15) days apart; and
 - (B) not more than forty-five (45) days apart; and
- (2) submit both resolutions to the county executive of the other county and to the commissioner.

The resolution must specify that the county withdraws from and dissolves the joint district.

(c) If a joint district that consists of more than two (2) counties seeks to remove a county from the joint district, the county executive of each county that would remain in the joint district after the county is removed must:

- (1) adopt two (2) identical resolutions:
 - (A) at least fifteen (15) days apart; and
 - (B) not more than forty-five (45) days apart; and
- (2) submit both resolutions to the county executive of the county that would be removed and to the commissioner.

The resolution must specify that the joint district removes the county from the joint district.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.3.

IC 13-21-4-2.5

Effective date of withdrawal or removal of a county from a joint district

Sec. 2.5. (a) The withdrawal of a county from a joint district is effective upon:

(1) the later of:

(A) the date of delivery of both resolutions adopted under section (2)(a) of this chapter to the board of the joint district;

or

(B) the effective date specified in the resolutions referred to in clause (A); or

(2) the later of:

(A) the date of delivery of both resolutions adopted under section (2)(b) of this chapter to the county executive of the other county; or

(B) the effective date specified in the resolutions referred to in clause (A).

(b) The removal of a county from a joint district is effective upon the later of:

(1) the latest date of delivery of all the resolutions adopted under section (2)(c) of this chapter to the county executive of the county that would be removed; or

(2) the effective date specified in the resolutions referred to in subdivision (1).

As added by P.L. 74-2002, SEC.4.

IC 13-21-4-3

Financial impact analysis

Sec. 3. (a) A county executive of a county withdrawing from the district or the county executive of each county that would remain in a joint district after a county is removed from the district that adopts and submits the identical resolutions described in section 2 of this chapter shall prepare or pay for the preparation of an analysis concerning the legal obligations of:

(1) the joint district; and

(2) each county located in the joint district, including the county that would withdraw or be removed from the joint district;

that would remain after the county withdraws from the joint district or the joint district removes the county.

(b) A copy of the analysis shall be submitted to:

(1) the county executive of each county involved in the withdrawal or removal of a county from a joint district; and

(2) the commissioner;

not more than ninety (90) days after the date a resolution adopted under section 2 of this chapter takes effect.

As added by P.L. 1-1996, SEC.11. Amended by P.L. 74-2002, SEC.5.

IC 13-21-4-4

Responsibility for legal obligations

Sec. 4. (a) Except as provided in subsection (c), if a county withdraws from or is removed from a joint district that consists of more than two (2) counties, the county is responsible for its share of the legal obligations:

(1) entered into by the joint district before the September 20 that last precedes the date the identical resolutions adopted under section 2 of this chapter for the county's withdrawal or removal from the joint district take effect; and

(2) payable before the second January 1 that succeeds the September 20 referred to in subdivision (1).

(b) The legal obligations referred to in subsection (a) include the following:

(1) Contracts entered into by the joint district.

(2) Repayment of loan agreements entered into by the joint district.

(3) Payment of bonds issued by the joint district.

(4) Any other legal obligation entered into by the joint district.

(c) If a joint district consists of more than two (2) counties, the county executive of the county that withdraws or is removed from the joint district and the board of the joint district shall, not more than sixty (60) days after the date the state examiner issues a report under IC 5-11-1-9.7(b) with respect to the withdrawal or removal, enter into a written agreement that specifies the legal obligations of the county and the joint district after the date the identical resolutions adopted under section 2 of this chapter for the withdrawal or removal of the county take effect. A copy of the agreement shall be submitted to the commissioner.

(d) If a joint district consists of only two (2) counties:

(1) each county is responsible for its share of the legal obligations entered into by the joint district before the date the joint district is dissolved; and

(2) the county executive of each county shall enter into a written agreement concerning the division of the joint district's assets.

A copy of the agreement shall be submitted to the commissioner.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.6.

IC 13-21-4-5

Public meetings

Sec. 5. After an analysis described in section 3 of this chapter has been completed and the terms of any agreement have been tentatively agreed to under section 4(b) or 4(c) of this chapter, a public meeting must be held, not later than forty-five (45) days after the date the tentative agreement is reached, by:

(1) the county executive of each county located in the joint district; and

(2) the board of the joint district;

that concerns the remaining legal obligations of the joint district and

each county located in the joint district and the terms of the tentative agreement. Each of the county executives may hold a public meeting required under this section individually or jointly with one (1) or more other county executives, the board of the joint district, or both. The board of the joint district may hold a public meeting required under this section individually or jointly with one (1) or more county executives.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.7.

IC 13-21-4-6 Version a

Designating new county district or joining new or existing joint districts; district plans

Note: This version of section effective until 7-1-2017. See also following version of this section, effective 7-1-2017.

Sec. 6. (a) If a county withdraws from or the county executives of a joint district remove a county from a joint district, the county must:

- (1) designate itself as a new county district;
- (2) join one (1) or more other counties to form a new joint district; or
- (3) join an existing joint district;

under the procedures set forth in IC 13-21-3.

(b) If a county:

- (1) designates itself as a new county district; or
- (2) joins one (1) or more other counties to form a new joint district;

the county district or new joint district shall submit a district plan to the commissioner as provided under IC 13-21-5.

(c) If a county joins an existing joint district, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(d) If a county withdraws or is removed from a joint district that consists of more than two (2) counties, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.8.

IC 13-21-4-6 Version b

County leaving joint district not required after June 30, 2017, to be designated as county district or be member of joint district

Note: This version of section effective 7-1-2017. See also preceding version of this section, effective until 7-1-2017.

Sec. 6. (a) If a county withdraws from or the county executives of a joint district remove a county from a joint district, the county:

- (1) before July 1, 2017, must:
 - (A) designate itself as a new county district;
 - (B) join one (1) or more other counties to form a new joint district; or
 - (C) join an existing joint district;

under the procedures set forth in IC 13-21-3; or

- (2) after June 30, 2017, may:
 - (A) take one (1) of the actions set forth in subdivision (1); or
 - (B) adopt an ordinance under IC 13-21-3-1(f)(2)(C) and IC 13-21-15-2(a) exercising the right of the county:
 - (i) not to be designated as a county solid waste management district; and
 - (ii) not to be a member of another joint solid waste management district.

- (b) If a county:
 - (1) designates itself as a new county district; or
 - (2) joins one (1) or more other counties to form a new joint district;

the county district or new joint district shall submit a district plan to the commissioner as provided under IC 13-21-5.

(c) If a county joins an existing joint district, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

(d) If a county withdraws or is removed from a joint district that consists of more than two (2) counties, the joint district shall amend the joint district's district plan as provided under IC 13-21-5.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.8; P.L.189-2016, SEC.3.

IC 13-21-4-7

Adoption of district plan

Sec. 7. A district plan described under section 6(b) of this chapter must be adopted by the:

- (1) county executive of the county located in the new county district; or
- (2) county executive of each county located in the new joint district;

not later than sixty (60) days after the date the district plan is filed with the commissioner under IC 13-21-5-21.

As added by P.L.1-1996, SEC.11. Amended by P.L.74-2002, SEC.9.

IC 13-21-4-8

Repealed

(As added by P.L.1-1996, SEC.11. Repealed by P.L.74-2002, SEC.11.)

IC 13-21-4-9

Repealed

(As added by P.L.1-1996, SEC.11. Repealed by P.L.74-2002, SEC.11.)