

### **IC 36-2-2.7**

#### **Chapter 2.7. Reversion to Previous County Government Structure**

##### **IC 36-2-2.7-1**

###### **Application of chapter**

Sec. 1. This chapter applies only to a county that has a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

*As added by P.L.77-2014, SEC.16.*

##### **IC 36-2-2.7-2**

###### **"Single county executive"**

Sec. 2. As used in this chapter, "single county executive" means the single county executive elected under IC 3-10-2-13.

*As added by P.L.77-2014, SEC.16.*

##### **IC 36-2-2.7-3**

###### **Reversion authorized**

Sec. 3. A county that elects a single county executive under IC 36-2-2.5 may, as provided in this chapter, revert to a county government structure that has a board of county commissioners rather than a single county executive.

*As added by P.L.77-2014, SEC.16.*

##### **IC 36-2-2.7-4**

###### **Adoption of ordinance; certification; duty to place public question on ballot**

Sec. 4. (a) Subject to subsection (b), the county council may adopt an ordinance providing that the voters of the county shall elect:

- (1) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and
- (2) a county council that has the fiscal powers and duties of the county.

(b) An ordinance described in subsection (a) may be adopted under this chapter only:

- (1) during an odd-numbered year; or
- (2) before July 1 of an even-numbered year.

(c) If an ordinance is adopted under this section:

- (1) the county auditor shall certify the adoption of the ordinance to the county election board; and
- (2) a vote on a public question shall be held in the county under section 5 of this chapter on whether the executive and legislative structure and functions of the county should be reorganized under section 6 of this chapter.

*As added by P.L.77-2014, SEC.16.*

#### **IC 36-2-2.7-5**

##### **Form of question; certification; ballot placement; effect of favorable vote on question**

Sec. 5. (a) If an ordinance is certified under section 4 of this chapter, the county election board shall place the following public question on the ballot at the next general election held in the county after the ordinance is certified:

"Shall the county government of (insert the name of the county) County be reorganized to elect a board of county commissioners rather than a single county executive?"

(b) IC 3, except where inconsistent with this chapter, applies to a public question placed on the ballot under this chapter. A public question under this chapter must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(c) If a majority of the voters of a county who vote on a public question placed on the ballot under this section vote in favor of the public question, the executive and legislative structure and functions of the county shall be reorganized under section 6 of this chapter.  
*As added by P.L. 77-2014, SEC. 16.*

#### **IC 36-2-2.7-6**

##### **Transition to board of county commissioners; office of single county executive abolished; transfer or assumption of tangible and intangible property; staggered terms**

Sec. 6. The following apply if a majority of the voters of a county who vote on a public question placed on the ballot under section 5 of this chapter vote in favor of the public question:

(1) The executive, the executive and legislative structure, and the functions of the county are reorganized as provided in this section.

(2) The voters of the county shall elect:

(A) a three (3) member board of county commissioners that has the executive and legislative powers and duties of the county; and

(B) a county council that has the fiscal powers and duties of the county.

(3) The office of the board of county commissioners shall be placed on the primary election ballot for the county in the year of the second general election after the public question is approved. The office of single county executive shall not be placed on the primary election ballot for the county in the year of the second general election after the public question is approved.

(4) The office of the board of county commissioners shall be placed on the general election ballot for the county at the second general election after the public question is approved and, except as provided in subdivision (6) to provide for

staggered terms, every four (4) years thereafter. Beginning with the second general election after the public question is approved, the county shall not elect a single county executive.

(5) On January 1 in the year following the year that the board of county commissioners is elected under this chapter, the following occur:

(A) The office of single county executive is abolished, and the term of the single county executive expires.

(B) The county is not subject to IC 36-2-2.5 and IC 36-2-3.7.

(C) The county executive is the board of county commissioners elected under IC 36-2-2. The board of county commissioners has all powers that are executive or administrative in nature.

(D) The county legislative body is the board of county commissioners, and all powers that are legislative in nature are transferred from the county fiscal body to the board of county commissioners.

(E) The county council is the county fiscal body.

(F) All property, assets, funds, equipment, records, rights, contracts, obligations, and liabilities of the single county executive are transferred to or assumed by the board of county commissioners.

(6) Notwithstanding IC 36-2-2-3, to provide for staggered terms of the members of the board of county commissioners elected after the structure and functions of the county are reorganized under this chapter, the county council may, before the primary election described in subdivision (3), adopt an ordinance specifying which of the three (3) board of county commissioner members to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather than four (4) years.

(7) The abolishment of the office of the single county executive on January 1 following the year in which the board of county commissioners is elected does not invalidate:

(A) any resolutions, fees, schedules, or other actions adopted or taken by the single county executive before the office is abolished; or

(B) any appointments made by the single county executive before the office is abolished.

(8) Effective with the second general election after the public question is approved under section 5 of this chapter, the county council shall be elected with four (4) single-member county council districts and three (3) at-large members under IC 36-2-3-4. The county council shall divide the county into the four (4) contiguous, single-member county council districts in the manner specified in IC 36-2-3-4. The terms of all county council members serving at the time of the second general election after the public question is approved under section 5 of

this chapter expire January 1 following the election. Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the primary election preceding the general election at which county council members will be elected as provided in this subdivision, adopt an ordinance specifying which of the members of the county council to be elected at the second general election after the public question is approved shall serve an initial term of two (2) years rather than four (4) years.

*As added by P.L.77-2014, SEC.16.*