

IC 36-2-3.7

Chapter 3.7. County Council as the County Legislative Body

IC 36-2-3.7-1

Application of chapter

Sec. 1. Except as specifically provided by law, this chapter applies only to a county:

- (1) having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); and
- (2) in which a public question under IC 36-2-2.4 making the county executive a single county executive has been approved by the voters of the county.

As added by P.L. 77-2014, SEC. 19.

IC 36-2-3.7-2

"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. 19.

IC 36-2-3.7-3

Distribution of powers among branches of county government; number and election of county council members; staggered terms

Sec. 3. (a) In a county to which this chapter applies:

- (1) the voters of the county shall continue to elect members of the county council;
- (2) beginning on January 1, 2019:
 - (A) the executive and legislative powers of the county are divided between separate branches of county government, and a power belonging to one (1) branch of county government may not be exercised by the other branch of county government;
 - (B) the county council is the county legislative body as well as the county fiscal body; and
 - (C) the single county executive is the county executive of the county and has the executive and administrative powers and duties of the county as provided in IC 36-2-2.5; and
- (3) the county council must consist of nine (9) members elected by the voters of each of the nine (9) districts.

(b) The following apply in a county to which this chapter applies:

- (1) Nine (9) county council members shall be elected at the 2018 general election.
- (2) The terms of all county council members serving on December 31, 2018, expire January 1, 2019.
- (3) Notwithstanding any other law, to provide for staggered terms of the members of the county council, the county council may, before the 2018 primary election, adopt an ordinance specifying which of the nine (9) members of the county council

to be elected at the 2018 general election shall serve an initial term of two (2) years rather than four (4) years.

As added by P.L.77-2014, SEC.19.

IC 36-2-3.7-4

Legislative powers and duties assigned to county council; references and cross-references

Sec. 4. (a) All powers and duties of the county that are legislative in nature, including any power of appointment related to legislative functions, shall be exercised or performed by the county council functioning as the county legislative body.

(b) The county council has the same legislative powers and duties that the board of county commissioners in the county had before the board of county commissioners was abolished.

(c) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;
- (3) an ordinance or resolution; or
- (4) any deed, lease, contract, or other official document or instrument;

to the board of county commissioners pertaining to the legislative powers of a county shall be considered a reference to the county council of the county.

(d) For purposes of a county subject to this chapter, after December 31, 2018, any reference in:

- (1) the Indiana Code;
- (2) the Indiana Administrative Code;
- (3) an ordinance or resolution; or
- (4) any deed, lease, contract, or other official document or instrument;

related to the legislative powers and duties of the board of county commissioners shall be considered a reference to the powers and duties of the county council of the county.

As added by P.L.77-2014, SEC.19.

IC 36-2-3.7-5

County council powers

Sec. 5. The county council may do any of the following:

- (1) Establish committees that are necessary to carry out the county council's functions.
- (2) Employ legal and administrative personnel necessary to carry out the county council's functions.
- (3) Pass all ordinances, orders, resolutions, and motions for the government of the county, in the manner prescribed by IC 36-2-4.
- (4) Receive gifts, bequests, and grants from public or private sources.

(5) Conduct investigations into the conduct of county business for the purpose of correcting deficiencies and ensuring adherence to law and county ordinances and policies.

(6) Establish, by ordinance, new county departments, divisions, or agencies whenever necessary to promote efficient county government.

As added by P.L.77-2014, SEC.19.