ORIGINAL

ORDINANCE NO. 2016-08

AN ORDINANCE ESTABLISHING THE WHITESTOWN DEPARTMENT OF STORM WATER MANAGEMENT AND CREATING A STORM WATER SPECIAL TAXING DISTRICT

WHEREAS, pursuant to Indiana Code 8-1.5-5, as amended (the "Act"), the Town of Whitestown, Indiana (the "Town") is authorized to create a Department of Storm Water Management and storm water special taxing district for the purpose of addressing the collection and disposal of storm water in a manner that protects the public health and welfare; and

WHEREAS, storm water management is an important function of the Town for its citizens and the natural environment; and

WHEREAS, the Whitestown Town Council ("Council") finds that it is in the best interest of the Town and its citizens that a Department of Storm Water Management and storm water special taxing district of the Town be created to address the collection and disposal of storm water.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1. The Council hereby adopts the provisions of the Act, Indiana Code 8-1.5-5, as amended, entitled "Storm Water Management Systems", so as to make the Act and any and all amendments thereto effective and operative in and to the Town.

Section 2. Pursuant to the Act, the Whitestown Department of Storm Water Management (the "Department") is hereby created for the purpose of implementing capital improvements and conducting operation and maintenance activities for the Department in fulfilling the storm water requirements of the Town, and to comply with all federal and State of Indiana laws and regulations regarding storm water to the extent applicable to the Town. The Department shall have full power and authority to take any and all actions authorized and provided for in the Act.

Section 3. There is hereby created, in accordance with the Act, a special taxing district to be known as the Town of Whitestown, Indiana Storm Water Special Taxing District (the "Whitestown Storm Water District") which shall include all of the territory within the corporate limits of the Town. The Whitestown Storm Water District is created for the purpose of providing for the collection and disposal of storm water of the Whitestown Storm Water District in a manner that protects the public health and welfare and for the purpose of levying special benefit taxes and/or user fees for purposes of storm water collection and disposal. The Whitestown Storm Water District shall be funded through one or more means available to storm water utilities set forth in the Act.

ORIGINAL

Section 4. (a) Pursuant to the Act, the Department shall be controlled by a Board of Directors (the "Board"), which shall consist of three (3) directors appointed by the Council President. Not more than two (2) of the directors may be members of the same political party. The directors appointed to the Board shall be at least eighteen (18) years of age, and shall be residents of the Whitestown Storm Water District.

(b) The initial terms of the directors of the Board appointed pursuant to this ordinance shall be staggered in the following manner: (i) one director shall serve a term consisting of the remainder of 2016 and all of 2017, which term will end as of December 31, 2017; (ii) one director shall serve a term consisting of the remainder of 2016 through all of 2018, which term will end as of December 31, 2018; and (iii) one director shall serve a term consisting of the remainder of 2016 through and including all of 2019, which term will end as of December 31, 2019. After these initial terms, the terms of all of the directors shall be for a period of three (3) years. A director shall hold over after the expiration of his/her term until his/her successor is appointed by the Council President.

(c) The Board shall have jurisdiction over the collection and disposal of storm water within the Whitestown Storm Water District. The Board shall have all the powers and duties prescribed by Indiana law, including the Act and Indiana Code 8-1.5-3-4(a).

(d) The Council President may remove a director at any time when, in the judgment and sole discretion of the Council President, it is in the best interests of the Department.

(e) No director shall be entitled to any salary, per diem allowance, or other compensation, except reimbursement for expenses necessarily incurred in the performance of such director's duties.

Section 5. The Board shall prepare a budget for the operation of the Department on an annual basis, which budget shall be subject to approval by the Council. Any issuance of bonds or other funding methods for making capital improvements by the Department shall be approved by the Council, in its discretion, to the extent provided by the Act.

Section 6. The provisions of all other ordinances of the Town in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed to the extent in conflict herewith.

Section 7. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this ordinance.

Section 8. This Ordinance shall be effective immediately upon its passage.

ORIGINAL

Passed and adopted by the Whitestown Town Council on this 13th day of April, 2016.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Susan Austin, Vice President	Yes
Kevin Russell	YAY
Clinton Bohm	Yes
Jeffrey Wishek	YES

ATTEST:

Matthew Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

2933869