

ORDINANCE NO. # 4 -2012

THE TOWN OF BROOKVILLE REDEVELOPMENT COMMISSION ORDINANCE

WHEREAS, The Town of Brookville in Franklin County, Indiana recognizes that the public welfare and interest of the Town continues to best be served by a regional partnership that supports the sustainability and continued development of the Town of Brookville district; and

WHEREAS, The Town of Brookville has the authority to create and change boards, commissions and agencies of Town government; and

WHEREAS, the Town of Brookville desires the name and membership of the partnership to reflect the regional intent of collaboration on the Town's redevelopment activities;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BROOKVILLE THAT:

Section 1

Creation; Membership; Organization.

(I) Creation.

(A) It is hereby declared that the public welfare and interest of the citizens of the Town of Brookville, in Franklin County, Indiana will best be served by establishing and maintaining a commission for the sustainability and continued development of the Town. To that end, the Council of the Town of Brookville hereby creates and establishes a commission of the Town to be known as The Town of Brookville Redevelopment Commission, referred to in this document as "the commission."

(II) Membership.

(A) Composition

The commission shall consist of five voting members and one non voting member appointed by the Town of Brookville. The appointing board shall ensure that all members are residents of Brookville, Indiana and at least 18 years of age. The Composition of the commission will be as follows:

- (1) 3 of the 5 members of the commission will be appointed by the municipal executive.
- (2) 2 members are appointed by the municipal legislative body, the Brookville Town Council.
- (3) The non voting member will be appointed by the municipal executive and shall be a member of the school board.

(B) Representation and Appointment Process.

Appointed members shall represent various segments of the Brookville, Indiana community, such as, but not limited to, property owners, merchants, residents, businesses and institutions, landscape architects, civil engineers or related specialties; and shall have a willingness to participate actively in commission efforts; and shall possess expertise and interest in the sustainability and development of the Town of Brookville. The process used to make appointments to the commission is at the discretion of the appointing board.

(C) Removal.

Members of the commission that have been appointed by the municipal executive shall be removed at the discretion of the municipal executive. Members of the commission that have been

appointed by the Brookville Town Council, shall be removed at the discretion of the Brookville Town Council. Further, if a Commissioner fails to be qualified under I.C. 36-7-14-7, said commissioner shall forfeit his/her position on the commission.

(D) Terms of Office.

Original members of the commission shall serve for a period of two (2) years from January 1, 2013 through December 31, 2014. Thereafter, members of the commission shall serve a one year term from January 1 to December 31. Members are eligible to serve as many terms as appointed.

(E) Commissioners and Nonvoting Advisers, Pecuniary Interest

A redevelopment commissioner or a nonvoting adviser may not have a pecuniary interest in any contract, employment, purchase, or sale to which the commission is a party. However, any property required for redevelopment purposes in which a commissioner or nonvoting adviser has a pecuniary interest may be acquired, but only by gift or condemnation. Any transaction made in violation of this provision is void.

(III) Organization and General Operation.

(A) Bylaws. The commission shall adopt bylaws within 12 months from the date the Town of Brookville adoption of the creation ordinance.

(B) Meeting. The commission shall adopt a regular meeting schedule. Special meetings may be called by president or, in his/her absence, by the vice-president, and special meetings shall be called upon the request of a majority of the members of the Commission.

(C) Selection of officers. The commission shall hold a meeting within thirty (30) days of the January 1st new appointments for purposes of choosing, from its members, a president, vice-president and secretary each term.

(D) Attendance. The failure of any commission member to attend 75 percent or more of the meetings of the commission held during a 12 month period, without an excused absence being approved by the president of the commission, may be grounds for removal.

(E) Voting. Three commissioners are required for a quorum and the commission must have three concurring votes to authorize any action. The president or the presiding member of the commission shall vote on all matters of business considered by the commission, unless recused by a majority vote of the commission.

(F) Compensation. Members of the commission shall receive no compensation for their service, but shall be entitled to reimbursement for necessary out of pocket expenses incurred in the performance of the commission's duties.

(G) Bond. The commission will pay for a \$15,000.00 bond for each member of the commission. The bond is conditioned on the faithful performance of the duties for the office.

(H) Periodic Reviews. The commission shall provide the Council for the Town of Brookville, and its executive officer, with an annual report of all commission activities and other information as required by I.C. 36-7-14-13 no later than thirty (30) days after the close of each calendar year.

(I) Pursuant to I.C. 36-7-14-13(d), the Clerk/Treasurer of the Town of Brookville shall forward said report to the Department of Local Government Finance in an electronic format under I.C. 5-14-6.

(J) Dissolution Procedure. The commission may be discharged or dissolved by a resolution by the Town of Brookville.

Section 2

(I) Powers:

(A) In compliance with I.C. 36-7-4-11, the commission *shall* perform the following duties:

(1) investigate, study, and survey area needing redevelopment within the corporate boundaries of the unit;

(2) investigate, study, determine and, to the extent possible, combat the causes of areas needing redevelopment;

(3) promote the use of land in the manner that best serves the interests of the Town of Brookville and its inhabitants;

(4) cooperate:

(a) with the department and agencies of:

(i) the Town of Brookville; and

(ii) other governmental agencies

(b) with:

(i) public instrumentalities; and

(ii) public corporate bodies;

created by State law; in the manner that best serves the purposes of the commission and I.C. 36-7-14 et. al.

(5) make findings and reports on their activities, and keep those reports open to inspection by the public at the offices of the department of the Town of Brookville.

(6) select and acquire the areas needing redevelopment to be redeveloped under I.C. 36-7-14 et. al. and;

(7) replan and dispose of the areas needing redevelopment in the manner that best serves the social and economic interests of the unit and its inhabitants.

(B) In compliance with I.C. 36-7-14-12.2, the commission *may* do the following:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other government agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(a) Hazardous substances.

(b) Petroleum.

(c) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

(7) Repair and maintain structures acquired for redevelopment purposes.

(8) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.

(9) Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of the land.

(10) Appear before any other department or agency of the unit or before any other governmental agency in respect to any matter affecting:

(a) real property acquired or being acquired for redevelopment purposes; or

(b) any area needing redevelopment within the jurisdiction of the commissioners.

(11) Institute or defend in the names of the unit any civil action.

(12) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.

(13) Institute or defend in the name of the unit any civil action.

(14) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.

(15) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit in the manner prescribed by I.C. 36-7-14-20.

(16) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.

(17) Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.

(18) Prescribe the duties and regulate the compensation of employees of the department of redevelopment.

(19) Provide a pension and retirement system for employees of the department of redevelopment by using the Indiana Public Employees' Retirement Fund or a retirement plan approved by the United States Department of Housing and Urban Development.

(20) Discharge and appoint successors to employees of the department of redevelopment subject to subdivision (16) above.

(21) Rent offices for use of the department of redevelopment, or accept the use of offices furnished by the unit.

(22) Equip the offices of the department of redevelopment with the necessary furniture, furnishing, equipment, records and supplies.

(23) Expend, on behalf of the special taxing district, all or any part of the money of the special taxing district.

(24) Contract for the construction of:

(a) local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the corporate boundaries of the unit; or

(b) any structure that enhances development or economic development.

(25) Contract for the construction, extension, or improvement of pedestrian skyways.

(26) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(27) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units within the district. However, financial assistance may be provided only to individuals and families whose income is at or below the unit's median income for individuals and families, respectively.

(28) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

(a) provide financial assistance for the purposes described in subdivision (27); or

- (b) construct, rehabilitate, or repair commercial property within the district.
- (29) require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owners must be leased:
- (a) for a period to be determined by the commission, which may not be less than five (5) years.
 - (b) to families whose income does not exceed eighty percent (80%) of the unit's median income for families; and
 - (c) at an affordable rate.
- (30) Conditions imposed by the commission under subsection (29) remain in force throughout the period determined under subsection (29)(a), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(C) All powers that may be exercised under this chapter by the redevelopment commission may also be exercised by the redevelopment commission in carrying out its duties and purposes under IC 36-7-14.5.

(D) In addition, when the commission receives money through grants, the commission has the power and obligation to disperse funds in accordance with the various grant stipulations and requirements.

Read, approved and adopted this 23rd day of October, 2012.

BROOKVILLE TOWN COUNCIL
TOWN OF BROOKVILLE, INDIANA

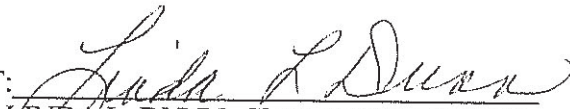

MICHAEL A. BILTZ, PRESIDENT &
EXECUTIVE OFFICER


DARREL FLASPOHLER, MEMBER


JAMES RENE STIVERS, VICE-PRES.


SAMUEL SCHUCK, MEMBER

BOB O'BRYAN, MEMBER

ATTEST: 
LINDA L. DUNN, CLERK-TREASURER

ORDINANCE NO. 5 -2012

**THE TOWN OF BROOKVILLE REDEVELOPMENT DEPARTMENT
AND COMMISSION ORDINANCE**

This ordinance is executed as an Amendment to Ordinance No. #4-2012, which was originally entitled The Town of Brookville Redevelopment Commission Ordinance in order to add language creating a Department of Redevelopment for the Town of Brookville as set forth in Section 1, (I)(A) below.

WHEREAS, The Town of Brookville in Franklin County, Indiana recognizes that the public welfare and interest of the Town continues to best be served by a regional partnership that supports the sustainability and continued development of the Town of Brookville district; and

WHEREAS, The Town of Brookville has the authority to create and change boards, commissions and agencies of Town government; and

WHEREAS, the Town of Brookville desires the name and membership of the partnership to reflect the regional intent of collaboration on the Town's redevelopment activities;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BROOKVILLE THAT:

Section 1

Creation; Membership; Organization.

(I) Creation.

(A) It is hereby declared that the public welfare and interest of the citizens of the Town of Brookville, in Franklin County, Indiana will best be served by establishing a Department of Redevelopment within the Town of Brookville and by further establishing and maintaining a commission for the sustainability and continued development of the Town. To that end, the Council of the Town of Brookville hereby creates and establishes a Department of Redevelopment within the corporate limits of the Town of Brookville and further creates and establishes a commission to oversee and control said Department to be known as The Town of Brookville Redevelopment Commission, referred to in this document as "the commission."

(II) Membership.

(A) Composition

The commission shall consist of five voting members and one non voting member appointed by the Town of Brookville. The appointing board shall ensure that all members are residents of Brookville, Indiana and at least 18 years of age. The Composition of the commission will be as follows:

(1) 3 of the 5 members of the commission will be appointed by the municipal executive.

(2) 2 members are appointed by the municipal legislative body, the Brookville Town Council.

(3) The non voting member will be appointed by the municipal executive and shall be a member of the school board.

(B) Representation and Appointment Process.

Appointed members shall represent various segments of the Brookville, Indiana community, such as, but not limited to, property owners, merchants, residents, businesses and institutions, landscape architects, civil engineers or related specialties; and shall have a willingness to participate actively in commission efforts; and shall possess expertise and interest in the sustainability and development of the Town of Brookville. The process used to make appointments to the commission is at the discretion of the appointing board.

(C) Removal.

Members of the commission that have been appointed by the municipal executive shall be removed at the discretion of the municipal executive. Members of the commission that have been appointed by the Brookville Town Council, shall be removed at the discretion of the Brookville Town Council. Further, if a Commissioner fails to be qualified under I.C. 36-7-14-7, said commissioner shall forfeit his/her position on the commission.

(D) Terms of Office.

Original members of the commission shall serve for a period of two (2) years from January 1, 2013 through December 31, 2014. Thereafter, members of the commission shall serve a one year term from January 1 to December 31. Members are eligible to serve as many terms as appointed.

(E) Commissioners and Nonvoting Advisers, Pecuniary Interest

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(III) Organization and General Operation.

(A) Bylaws. The commission shall adopt bylaws within 12 months from the date the Town of Brookville adoption of the creation ordinance.

(B) Meeting. The commission shall adopt a regular meeting schedule. Special meetings may be called by president or, in his/her absence, by the vice-president, and special meetings shall be called upon the request of a majority of the members of the Commission.

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(D) Attendance. The failure of any commission member to attend 75 percent or more of the meetings of the commission held during a 12 month period, without an excused absence being approved by the president of the commission, may be grounds for removal.

(E) Voting. Three commissioners are required for a quorum and the commission must have three concurring votes to authorize any action. The president or the presiding member of the commission shall vote on all matters of business considered by the commission, unless recused by a majority vote of the commission.

(F) Compensation. Members of the commission shall receive no compensation for their service, but shall be entitled to reimbursement for necessary out of pocket expenses incurred in the performance of the commission's duties.

(G) Bond. The commission will pay for a \$15,000.00 bond for each member of the commission. The bond is conditioned on the faithful performance of the duties for the office.

(H) Periodic Reviews. The commission shall provide the Council for the Town of Brookville, and its executive officer, with an annual report of all commission activities and other information as required by I.C. 36-7-14-13 no later than thirty (30) days after the close of each calendar year.

(I) Pursuant to I.C. 36-7-14-13(d), the Clerk/Treasurer of the Town of Brookville shall forward said report to the Department of Local Government Finance in an electronic format under I.C. 5-14-6.

(J) Dissolution Procedure. The commission may be discharged or dissolved by a resolution by the Town of Brookville.

Section 2

(I) Powers:

(A) In compliance with I.C. 36-7-4-11, the commission *shall* perform the following duties:

(1) investigate, study, and survey area needing redevelopment within the corporate boundaries of the unit;

(2) investigate, study, determine and, to the extent possible, combat the causes of areas needing redevelopment;

(3) promote the use of land in the manner that best serves the interests of the Town of Brookville and its inhabitants;

(4) cooperate:

(a) with the department and agencies of:

(i) the Town of Brookville; and

(ii) other governmental agencies

(b) with:

(i) public instrumentalities; and

(ii) public corporate bodies;

created by State law; in the manner that best serves the purposes of the commission and I.C. 36-7-14 et. al.

(5) make findings and reports on their activities, and keep those reports open to inspection by the public at the offices of the department of the Town of Brookville.

(6) select and acquire the areas needing redevelopment to be redeveloped under I.C. 36-7-14 et. al. and;

(7) replan and dispose of the areas needing redevelopment in the manner that best serves the social and economic interests of the unit and its inhabitants.

(B) In compliance with I.C. 36-7-14-12.2, the commission *may* do the following:

(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas needing redevelopment that are located within the corporate boundaries of the unit.

(2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas needing redevelopment on the terms and conditions that the commission considers best for the unit and its inhabitants.

(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other government agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.

(4) Clear real property acquired for redevelopment purposes.

(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:

(a) Hazardous substances.

(b) Petroleum.

(c) Other pollutants.

(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:

- (7) Repair and maintain structures acquired for redevelopment purposes.
- (8) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.
- (9) Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of the land.
- (10) Appear before any other department or agency of the unit or before any other governmental agency in respect to any matter affecting:
 - (a) real property acquired or being acquired for redevelopment purposes; or
 - (b) any area needing redevelopment within the jurisdiction of the commissioners.
- (11) Institute or defend in the name of the unit any civil action.
- (12) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.
- (13) Institute or defend in the name of the unit any civil action.
- (14) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.
- (15) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit in the manner prescribed by I.C. 36-7-14-20.
- (16) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.
- (17) Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.
- (18) Prescribe the duties and regulate the compensation of employees of the department of redevelopment.
- (19) Provide a pension and retirement system for employees of the department of redevelopment by using the Indiana Public Employees' Retirement Fund or a retirement plan approved by the United States Department of Housing and Urban Development.
- (20) Discharge and appoint successors to employees of the department of redevelopment subject to subdivision (16) above.
- (21) Rent offices for use of the department of redevelopment, or accept the use of offices furnished by the unit.
- (22) Equip the offices of the department of redevelopment with the necessary furniture, furnishing, equipment, records and supplies.
- (23) Expend, on behalf of the special taxing district, all or any part of the money of the special taxing district.
- (24) Contract for the construction of:
 - (a) local public improvements (as defined in IC 36-7-14.5-6) or structures that are necessary for redevelopment of areas needing redevelopment or economic development within the corporate boundaries of the unit; or
 - (b) any structure that enhances development or economic development.
- (25) Contract for the construction, extension, or improvement of pedestrian skyways.
- (26) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.
- (27) Provide financial assistance (including grants and loans) to enable individuals and families to purchase or lease residential units within the district. However, financial assistance may be provided only to individuals and families whose income is at or below the unit's median income for individuals and families, respectively.

(28) Provide financial assistance (including grants and loans) to neighborhood development corporations to permit them to:

- (a) provide financial assistance for the purposes described in subdivision (27); or
- (b) construct, rehabilitate, or repair commercial property within the district.

(29) require as a condition of financial assistance to the owner of a multiple unit residential structure that any of the units leased by the owners must be leased:

- (a) for a period to be determined by the commission, which may not be less than five (5) years.
- (b) to families whose income does not exceed eighty percent (80%) of the unit's median income for families; and
- (c) at an affordable rate.

(30) Conditions imposed by the commission under subsection (29) remain in force throughout the period determined under subsection (29)(a), even if the owner sells, leases, or conveys the property. The subsequent owner or lessee is bound by the conditions for the remainder of the period.

(C) All powers that may be exercised under this chapter by the redevelopment commission may also be exercised by the redevelopment commission in carrying out its duties and purposes under IC 36-7-14.5.

(D) In addition, when the commission receives money through grants, the commission has the power and obligation to disperse funds in accordance with the various grant stipulations and requirements.

Read, approved and adopted this 27th day of November, 2012.

BROOKVILLE TOWN COUNCIL
TOWN OF BROOKVILLE, INDIANA

Michael A. Biltz
MICHAEL A. BILTZ, PRESIDENT &
EXECUTIVE OFFICER

James Rene Stivers
JAMES RENE STIVERS, VICE-PRES.

Darrel Flaspohler
DARREL FLASPOHLER, MEMBER

Samuel Schuck
SAMUEL SCHUCK, MEMBER

Bob O'Bryan
BOB O'BRYAN, MEMBER

ATTEST Linda L. Dunn
LINDA L. DUNN, CLERK-TREASURER