

RESOLUTION NO. 2008- 19
OF THE TOWN OF BARGERSVILLE, INDIANA

**A RESOLUTION OF THE BARGERSVILLE TOWN COUNCIL
TO PARTICIPATE IN THE PROPOSED REORGANIZATION
OR COOPERATIVE AGREEMENT WITH WHITE RIVER TOWNSHIP PURSUANT
TO I.C. 36-1.5**

WHEREAS, the Town of Bargersville ("Bargersville") and White River Township ("WRT") share many common interests within their communities, and

WHEREAS, Bargersville and its citizens have invested heavily in utility infrastructure to serve the unincorporated areas of WRT, and

WHEREAS, Bargersville and WRT believe that the governmental services each provides to their citizens can be consolidated and/or coordinated to provide more effective and efficient government to those citizens, and

WHEREAS, Indiana Code 36-1.5-1 *et seq.* allows a township and a municipality that is located in any part of the same township to reorganize by merger or cooperative agreements to coordinate and share responsibility for providing services in a more efficient and effective manner, with the express approval of the citizens of those political subdivisions, and

WHEREAS, the Board of WRT is considering the adoption of a resolution substantially similar to this Resolution, and

WHEREAS, it is determined that it is beneficial to the citizens of Bargersville to reorganize with WRT to more effectively and efficiently provide services;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Bargersville, that

1. Pursuant to the authority granted under IC 36-1.5, Bargersville and WRT (both of which are located in Johnson County) (collectively the "Participating Political Subdivisions") shall reorganize and/or enter into a Cooperative Agreement with respect to Bargersville and at least that portion of unincorporated WRT generally described as being south of Stones Crossing Road, as such area is adjusted by mutual agreement of the Participating Political Subdivisions.
2. The reorganization and/or Cooperative Agreement shall be designed to coordinate ~~and potentially share the services and functions of Bargersville and WRT.~~
3. Within thirty (30) days after the certification of this Resolution or a resolution substantially similar to this Resolution by the clerk of the last Participating Political Subdivision to adopt this Resolution or a substantially similar resolution, a Reorganization Committee shall be established pursuant to IC 36-1.5-4-16(a)(2), which Committee shall be granted all powers and authority permitted under IC 36-1.5.
4. The Reorganization Committee shall consist of a total of six (6) members, three (3) to be appointed by the executive from each of the Participating Political Subdivisions, and not more than two (2) members appointed by a Participating Political Subdivision shall be of the same political party.

5. The Reorganization Committee shall specifically be responsible for gathering information, conducting such public hearings as it deems appropriate, and preparing a Reorganization Plan to submit to the Participating Political Subdivisions as promptly as possible, but no later than one (1) year after the passage and certification of this Resolution or substantially identical resolutions by all of the Participating Political Subdivisions, as provided by IC 36-1.5-4-18.
6. In accordance with IC 36-1.5-4-18(b), and in addition to the items required therein, the Reorganization Plan shall include the following:
 - a. Provisions taking into account Bargersville's intention, to the extent practical, to respect the preferences concerning remaining unincorporated or not of the current residents of the developed portion of the unincorporated areas of WRT not presently included within a Bargersville annexation, with the understanding that the taxpayers of Bargersville shall not be required to subsidize or otherwise bear the cost of Bargersville providing municipal services to unincorporated areas of WRT;
 - b. Provisions stating that Bargersville's Town Council will consider extending municipal services to new development in the unincorporated areas of WRT seeking municipal utility services, with the understanding that the Reorganization Plan will specify an appropriate method for fully compensating Bargersville for the extension of any municipal services.
 - c. Provisions affirming that Bargersville's Town Council will provide planning, zoning and development regulation in the entire area south of Stones Crossing Road, by virtue of the Bargersville Plan Commission and that representatives of WRT will be appointed to the Bargersville Plan Commission on terms and conditions mutually agreeable to the Participating Political Subdivisions.
 - d. Provisions affirming that Bargersville Utilities will continue to be operated and managed exclusively by Bargersville under the current laws and regulations of the State of Indiana as of December 1, 2008 and recognizing Bargersville's withdrawal of the water utility from the regulatory authority of the Indiana utility Regulatory Commission, as approved by the citizens of Bargersville in the November, 2008 referendum.
7. Pursuant to IC 36-1.5-4-10(b), the Clerk-Treasurer of Bargersville is hereby authorized and directed to certify, effective this date, and deliver this Resolution to the Board of WRT.

DULY PASSED AND ADOPTED this 4th day of December, 2008, by the Town Council of the Town of Bargersville, Johnson County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

TOWN OF BARGERSVILLE, INDIANA
BY ITS TOWN COUNCIL

Steve Welch
Steve Welch, President

For Against

Cindy Jarvis
Cindy Jarvis, Vice President

For Against

Kevin Combs
Kevin Combs

For Against

James Inabnitt

For Against

Mike Kehl
Mike Kehl

For Against

ATTEST:

Carla D. Roy
Carla Roy, Clerk-Treasurer

The Bargersville Clerk-Treasurer hereby certifies that this document is a true copy of Resolution 2008-19, adopted by the Bargersville Town Council on December 4, 2008, and the Clerk-Treasurer hereby certifies the Resolution to the White River Township Trustee, who is the Clerk of White River Township, on this 4th December, 2008.

Carla D. Roy
Carla Roy, Bargersville Clerk-Treasurer

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Received this 4th day of December, 2008.

Jay W. Marks
Jay W. Marks, White River Township Trustee