

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1161

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-9-18-5, AS AMENDED BY P.L.175-2018, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) If a tax is levied under section 3 of this chapter, the county executive shall create a commission to promote the development and growth of the convention, visitor, and tourism industry in the county. If two (2) or more adjoining counties desire to establish a joint commission, the counties shall enter into an agreement under IC 36-1-7.

(b) The county executive shall determine the number of members, which must be an odd number, to be appointed to the commission. A simple majority of the members must be:

(1) engaged in a convention, visitor, or tourism business; or

(2) involved in or promoting conventions, visitors, or tourism.

A member appointed to the commission under subdivision (1) or (2) need not be a resident of the county if the member is an owner or an executive level employee of a convention, visitor, or tourism business that is located within the county. However, the member must be a resident of Indiana. If available and willing to serve, at least two (2) of the members must be engaged in the business of renting or furnishing rooms, lodging, or accommodations (as described in section 3 of this chapter). Not more than one (1) member may be affiliated with the same business entity. Except as otherwise provided in this subsection,

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each member must reside in the county. The county executive shall also determine who will make the appointments to the commission, except that the executive of the largest municipality in the county shall appoint a number of the members of the commission, which number shall be in the same ratio to the total size of the commission (rounded off to the nearest whole number) that the population of the largest municipality bears to the total population of the county.

(c) This subsection applies to a county in which a tax imposed under this chapter becomes effective after December 31, 1989. If a municipality other than the largest municipality in the county collects fifty percent (50%) or more of the tax revenue collected under this chapter during the three (3) month period following imposition of the tax, the executive of the municipality shall appoint the same number of members to the commission that the executive of the largest municipality in the county appoints under subsection (b).

(d) Except as provided in subsection (c), all terms of office of commission members begin on January 1. Initial appointments must be for staggered terms, with subsequent appointments for two (2) year terms. A member whose term expires may be reappointed to serve another term. If a vacancy occurs, the appointing authority shall appoint a qualified person to serve for the remainder of the term. If an initial appointment is not made by February 1 or a vacancy is not filled within thirty (30) days, the commission shall appoint a member by majority vote.

(e) **An individual who is appointed** a member of the commission **may be removed for cause by serves at the pleasure of** the member's appointing authority **as long as:**

(1) the officeholder who appointed the individual continues to hold the same office; or

(2) the board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed.

If subdivision (1) or (2) does not apply, the individual may only be removed for cause.

(f) Members of the commission may not receive a salary. However, commission members are entitled to reimbursement for necessary expenses incurred in the performance of their respective duties.

(g) Each commission member, before entering the member's duties, shall take an oath of office in the usual form, to be endorsed upon the member's certificate of appointment and promptly filed with the clerk of the circuit court of the county.

(h) The commission shall meet after January 1 each year for the



purpose of organization. It shall elect one (1) of its members president, another vice president, another secretary, and another treasurer. The members elected to those offices shall perform the duties pertaining to the offices. The first officers chosen shall serve from the date of their election until their successors are elected and qualified. A majority of the commission constitutes a quorum, and the concurrence of a majority of the commission is necessary to authorize any action.

SECTION 2. IC 7.1-2-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 21. ~~Removal from Office.~~ **(a) This subsection only applies to a local board in a county that does not contain a consolidated city. An individual who is an appointed member serves at the pleasure of the member's appointing authority as long as:**

- (1) the city or town executive who appointed the member still holds the same office; or**
- (2) the county executive or fiscal body that appointed the member retains all of the same members who served on the body when the individual was appointed.**

If subdivision (1) or (2) does not apply, the individual may only be removed for good cause.

(b) This subsection only applies to a local board in a county that has a consolidated city. An appointed member of a local board may be removed from office only for good cause.

(c) In order to remove an appointed member for good cause, the commission shall give the member a written copy of the charges against ~~him~~ **the member** and shall fix the time, which shall not be less than five (5) days thereafter, when the member may appear before the commission and show cause why ~~he~~ **the member** should not be removed. The commission shall establish procedures for the removal of an appointed member of a local board. The findings and determinations of the commission in respect to a removal shall be final.

SECTION 3. IC 11-12-2-2, AS AMENDED BY P.L.86-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) To qualify for financial aid under this chapter, a county must establish a community corrections advisory board by resolution of the county executive or, in a county having a consolidated city, by the city-county council. A community corrections advisory board consists of:

- (1) the county sheriff or the sheriff's designee;
- (2) the prosecuting attorney or the prosecuting attorney's designee;
- (3) the executive of the most populous municipality in the county



or the executive's designee;

(4) two (2) judges having criminal jurisdiction, if available, appointed by the circuit court judge or the judges' designees;

(5) one (1) judge having juvenile jurisdiction, appointed by the circuit court judge;

(6) one (1) public defender or the public defender's designee, if available, or one (1) attorney with a substantial criminal defense practice appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(7) one (1) victim, or victim advocate if available, appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(8) one (1) ex-offender, if available, appointed by the county executive or, in a county having a consolidated city, by the city-county council;

(9) the director of the local office of the department of child services or the director's designee;

(10) a representative from a juvenile correctional facility or juvenile detention center in the county, but if no facility exists, one (1) mental health representative chosen by the judge described in subdivision (5);

(11) a representative from the Juvenile Detention Alternatives Initiative, but if no program exists, a representative from the court appointed special advocate program in the county or guardian ad litem program in the county; and

(12) the following members appointed by the county executive or, in a county having a consolidated city, by the city-county council:

(A) One (1) member of the county fiscal body or the member's designee.

(B) One (1) probation officer.

(C) One (1) juvenile probation officer.

(D) One (1) educational administrator.

(E) One (1) representative of a private correctional agency, if such an agency exists in the county.

(F) One (1) mental health administrator, or, if there is none available in the county, one (1) psychiatrist, psychologist, or physician.

(G) Four (4) lay persons, at least one (1) of whom must be a member of a minority race if a racial minority resides in the county and a member of that minority is willing to serve.

(b) Designees of officials designated under subsection (a)(1) through (a)(6), (a)(9), and (a)(12)(A) serve at the pleasure of the



designating official.

(c) This subsection only applies to an advisory board appointed by the county executive in a county not having a consolidated city. An individual who is appointed a member of the advisory board serves at the pleasure of the county executive as long as the county executive retains all of the same members who served on the body when the individual was appointed.

~~(c)~~ **(d)** Members of the advisory board appointed by the county executive or, in a county having a consolidated city, by the city-county council, shall be appointed for a term of four (4) years. The criminal defense attorney, the ex-offender, and the victim or victim advocate shall be appointed for a term of four (4) years. Other members serve only while holding the office or position held at the time of appointment. The circuit court judge may fill the position of the judge having juvenile court jurisdiction by self appointment if the circuit court judge is otherwise qualified. A vacancy occurring before the expiration of the term of office shall be filled in the same manner as original appointments for the unexpired term. Members may be reappointed.

~~(d)~~ **(e)** Two (2) or more counties, by resolution of their county executives or, in a county having a consolidated city, by the city-county council, may combine to apply for financial aid under this chapter. If counties so combine, the counties may establish one (1) community corrections advisory board to serve these counties. This board must contain the representation prescribed in subsection (a), but the members may come from the participating counties as determined by agreement of the county executives or, in a county having a consolidated city, by the city-county council.

~~(e)~~ **(f)** The members of the community corrections advisory board shall, within thirty (30) days after the last initial appointment is made, meet and elect one (1) member as chairman and another as vice chairman and appoint a secretary-treasurer who need not be a member. A majority of the members of a community corrections advisory board may provide for a number of members that is:

- (1) less than a majority of the members; and
- (2) at least six (6);

to constitute a quorum for purposes of transacting business. The affirmative votes of at least five (5) members, but not less than a majority of the members present, are required for the board to take action. A vacancy in the membership does not impair the right of a quorum to transact business.

~~(f)~~ **(g)** The county executive and county fiscal body shall provide



necessary assistance and appropriations to the community corrections advisory board established for that county. Appropriations required under this subsection are limited to amounts received from the following sources:

- (1) Department grants.
- (2) User fees.
- (3) Other funds as contained within an approved plan.

Additional funds may be appropriated as determined by the county executive and county fiscal body.

SECTION 4. IC 16-20-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. **(a) This subsection applies to a member of a local board of health who is appointed by the county executive. An individual who is appointed a member of a local board of health serves at the pleasure of the county executive as long as the county executive that appointed the member retains all of the same members who served on the body when the individual was appointed.**

(b) In addition, any ~~A~~ member of a local board of health may be removed by the **board member's** appointing authority if the board member does any of the following:

- (1) Is absent from three (3) consecutive regular board meetings.
- (2) Is absent from four (4) regular board meetings during a calendar year.
- (3) Fails to perform the statutory duties of the office.

SECTION 5. IC 16-20-2-10, AS AMENDED BY P.L.219-2021, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10. **(a) This section applies to a seven (7) member board appointed under section 5(b) of this chapter.**

~~(a)~~ **(b)** All members of a local board of health shall be appointed for a term of four (4) years. Each member serves until a successor is appointed and qualified.

~~(b)~~ **(c)** Unless otherwise required by law, after December 31, 1991, the board members serve staggered terms. The appointing authority shall appoint the members of a board in existence on December 31, 1991, and the initial members of a board established after December 31, 1991, as follows:

- (1) One (1) member must be appointed for one (1) year.
- (2) Two (2) members must be appointed for two (2) years.
- (3) Two (2) members must be appointed for three (3) years.
- (4) Two (2) members must be appointed for four (4) years.

SECTION 6. IC 16-20-2-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2026]: **Sec. 10.5. (a) This section applies to a nine (9) member local board of health appointed under section 5(a) of this chapter.**

(b) Notwithstanding any other provision of this chapter, the term of a board member appointed before January 1, 2027, terminates on December 31, 2026.

(c) After December 31, 2026, members shall be appointed to the following initial staggered terms:

(1) One (1) member shall be appointed under section 5(a)(3) of this chapter to a one (1) year term.

(2) Two (2) physician members shall be appointed under section 5(a)(1) of this chapter to two (2) year terms.

(3) Three (3) other members shall be appointed under section 5(a)(1) of this chapter to three (3) year terms.

(4) One (1) member shall be appointed under section 5(a)(2) of this chapter to a three (3) year term.

(5) Two (2) members shall be appointed under section 5(a)(4) of this chapter to four (4) year terms.

(c) All subsequent appointments of members shall be for four (4) year terms. Each member serves until a successor is appointed and qualified.

SECTION 7. IC 16-23-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 9. (a) The directors shall be appointed on the third Monday of January.**

(b) The initial terms of the governing board are as follows:

(1) Two (2) members for one (1) year.

(2) Two (2) members for two (2) years.

(3) One (1) member for three (3) years.

(4) Two (2) members for four (4) years.

(c) Each subsequent term is for four (4) years.

(d) The term of each member begins February 1 in the year of appointment at the expiration of the member's predecessor's term and continues four (4) years and until a successor is appointed and qualified. However, an interim member chosen to fill a vacancy begins tenure at the time specified in the member's certificate of appointment and serves the unexpired term of the member the interim member succeeds.

(e) An individual who is appointed a director serves at the pleasure of the appointing board as long as the appointing board retains all of the same members who served on the appointing board when the individual was appointed.

SECTION 8. IC 33-40-7-3, AS AMENDED BY P.L.111-2024,



SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3. (a) A county executive may adopt an ordinance establishing a county public defender board consisting of three (3) members. The county executive shall appoint one (1) member. The judges who exercise felony or juvenile jurisdiction in the county shall appoint by majority vote one (1) member. The Indiana commission on court appointed attorneys shall appoint one (1) member who must be a resident of the county or region managing the public defender's office.

(b) The members must be persons who have demonstrated an interest in high quality legal representation for indigent persons. However, a member may not be:

- (1) a city, town, or county attorney;
- (2) a law enforcement officer;
- (3) a judge;
- (4) a court employee;
- (5) an attorney who provides representation to indigent persons in the county or region managed by the public defender board;
- (6) an employee of the department of child services; or
- (7) an employee of any individuals described in subdivisions (1) through (6).

(c) This subsection applies to a member of the board who is appointed by the county executive. A board member serves at the pleasure of the county executive as long as the county executive retains all of the same members who served on the body when the individual was appointed.

~~(c)~~ **(d)** Each member of the board serves a three (3) year term beginning with the date of the member's appointment. A member appointed to fill a vacancy holds office for the remainder of the previous member's term. If a successor has not been appointed by the end of a member's three (3) year term, the member continues in office until the member's successor takes office. In the case of a county public defender board established before July 1, 2019, the appointment by the Indiana commission on court appointed attorneys shall begin upon the first expiration of a current term of a member appointed by the judges who exercise felony or juvenile jurisdiction in the county.

~~(d)~~ **(e)** The members shall, by a majority vote, elect one (1) member to serve as chairperson.

~~(e)~~ **(f)** Meetings shall be held at least quarterly and may be held at other times during the year at the call of the:

- (1) chairperson; or
- (2) other two (2) members.



~~(f)~~ (g) A county executive may terminate the board by giving at least ninety (90) days written notice to the judges described in subsection (a).

SECTION 9. IC 33-40-7-3.5, AS AMENDED BY P.L.111-2024, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.5. (a) A county executive may adopt an ordinance allowing the county to enter into an interlocal agreement (as described in IC 36-1-7-3) with one (1) or more counties for the purpose of:

- (1) creating a multicounty public defender's office; and
- (2) providing legal defense services to indigent persons located in the counties served by the multicounty public defender's office.

(b) An agreement described in subsection (a) shall:

- (1) require any created multicounty public defender's office to be administered by a joint board (as described in IC 36-1-7-3(a)(5)(B)); and
- (2) delegate, to an auditor of one (1) of the constituent counties comprising the multicounty public defender's office, the duty to receive, disburse, and account for all monies distributed to the multicounty public defender's office.

(c) Notwithstanding any guidelines and standards adopted by the Indiana commission on court appointed attorneys under IC 33-40-5-4, the members of a joint board shall be persons who have demonstrated an interest in high quality legal representation for indigent persons.

(d) Notwithstanding any other law or provision, a member of the joint board may not be:

- (1) a city, town, or county attorney;
- (2) a law enforcement officer;
- (3) a judge;
- (4) a court employee;
- (5) an employee of the department of child services;
- (6) an attorney who provides representation to indigent persons in one (1) or more of the counties served by the multicounty public defender's office being administered by the joint board; or
- (7) an employee of any individuals described in subdivisions (1) through (6).

(e) Each member of the joint board shall serve a three (3) year term that begins on the date of the member's appointment to the joint board.

(f) This subsection applies to a member of the board who is appointed by the county executive. An individual who is appointed a board member serves at the pleasure of the county executive as long as the county executive retains all of the same members who



served on the body when the individual was appointed.

~~(f)~~ **(g)** A member appointed to the joint board for the purpose of filling a vacancy shall serve a term limited to the duration of the previous member's term.

~~(g)~~ **(h)** If a successor has not been appointed before the end of a member's three (3) year term, the current member of the joint board shall continue the member's service until the member's successor:

- (1) has been appointed; and
- (2) is able to begin the member's term.

~~(h)~~ **(i)** The members shall, by a majority vote, elect one (1) member to serve as a chairperson.

~~(i)~~ **(j)** The joint board shall meet on a quarterly basis. The joint board may convene additional meetings upon the request of:

- (1) the chairperson; or
- (2) two (2) serving members of the joint board.

SECTION 10. IC 36-1-8.5-2, AS AMENDED BY P.L.238-2025, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter, "covered person" means any of the following:

- (1) A judge.
- (2) A law enforcement officer.
- (3) An address confidentiality program participant.
- (4) A public official.
- (5) The surviving spouse of a person described in subdivision (2), if the person was killed in the line of duty.
- (6) An employee of the department of child services.
- (7) A current or former probation officer.
- (8) A current or former community corrections officer.
- (9) A regular, paid firefighter or a volunteer firefighter (as defined in IC 36-8-12-2).
- (10) A correctional services provider.

(11) A public defender.

~~(+)~~ **(12)** Any person who resides in the same household as a person described in this section.

SECTION 11. IC 36-1-8.5-4.4 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 4.4. As used in this chapter, "public defender" means an individual who is any of the following:**

- (1) An individual employed full time by a county as a public defender.**
- (2) An individual who maintains a full-time equivalent caseload, as certified by the Indiana commission on court**



appointed attorneys under IC 21-13-12-16, as a contractual or hourly public defender.

(3) The state public defender.

(4) A deputy of the state public defender.

(5) A chief public defender.

SECTION 12. IC 36-2-2-14, AS AMENDED BY P.L.127-2017, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) The executive may appoint a county administrator to be the administrative head of the county under the supervision of the executive and to hold office at the pleasure of the executive. The executive may assign any office, position, or duties under its control to the administrator, and may by resolution withdraw any of the powers and duties assigned.

(b) Under the supervision of the executive and with its express authorization by resolution, the administrator may:

- (1) assist in the administration and enforcement of policies and resolutions of the executive;
- (2) supervise activities of county government subject to the control of the executive;
- (3) attend meetings of the executive;
- (4) recommend measures for adoption to the executive;
- (5) prepare and submit reports that the administrator considers advisable or that the executive requires;
- (6) keep the executive fully advised on the financial condition of the county;
- (7) prepare and submit a budget for each fiscal year; and
- (8) perform other duties that the executive requests by resolution.

(c) If the administrator is absent from the administrator's office due to illness, death, vacation, resignation, or removal, the president of the executive, if any, or a qualified person appointed by the executive shall act as administrator until the administrator returns to the administrator's duties or the executive appoints a new administrator.

(d) The county executive may set the salary of the county administrator subject to salary parameters established by the county fiscal body.

SECTION 13. IC 36-2-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 21. County Personnel Policy and Evaluation Standards

Sec. 1. This chapter does not apply to:

- (1) a county containing a consolidated city; or**
- (2) employees:**



- (A) of a probation department;
- (B) of a court;
- (C) of a judicial officer (as defined in IC 35-31.5-2-177.7) or other circuit officers;
- (D) of a prosecutor's office;
- (E) of a public defender's office;
- (F) of a community corrections program;
- (G) governed by a merit board established under IC 36-8-3.5 or IC 36-8-10-3; or
- (H) of the state.

Sec. 2. (a) Each county executive, in coordination with the county fiscal body if applicable, shall adopt and maintain a written personnel policy, employee handbook, or equivalent document establishing minimum standards for county employee conduct and applicable county policies.

(b) A county executive, a county fiscal body, and county officers shall require all county employees, including existing employees, to sign an acknowledgment of receipt of the adopted personnel policy or employee handbook as a condition of employment.

Sec. 3. Results of evaluations shall be maintained as part of the employee's personnel record in accordance with county policy.

Sec. 4. An elected county officer or their designee retains responsibility for and authority over final disciplinary decisions for employees under the officer's supervision, unless otherwise permitted or required by state law.

Sec. 5. Nothing in this chapter shall be construed to diminish or infringe upon the statutory authority, autonomy, or constitutional duties of:

- (1) a county executive;
- (2) a county fiscal body;
- (3) an elected county officer (as defined in IC 36-2-2.9-3);
- (4) a judicial officer (as defined in IC 35-31.5-2-177.7), other circuit officers, or employees of a judicial or circuit officer;
- (5) a prosecutor's office;
- (6) a public defender's office;
- (7) a community corrections advisory board established under IC 11-12-2-2; or
- (8) a merit board established under IC 36-8-3.5 or IC 36-8-10-3.

SECTION 14. IC 36-4-9-6, AS AMENDED BY P.L.141-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: **Sec. 6. (a)** This section applies only to second class



cities.

(b) The city executive shall appoint:

- (1) a city controller;
- (2) a city civil engineer;
- (3) a corporation counsel;
- (4) a chief of the fire department;
- (5) a chief of the police department; and
- (6) other officers, employees, boards, and commissions required by statute.

(c) The board of public works and safety may be composed of three (3) members or five (5) members appointed by the executive. **An individual who is appointed a member of the board serves at the pleasure of the executive as long as the executive who appointed the member continues to hold the office of executive.** A member may hold other appointive positions in city government during the member's tenure. IC 36-4-11-2 applies to board member appointments under this section. The executive shall appoint a clerk for the board.

(d) If the board of public works and board of public safety are established as separate boards, each board may be composed of three (3) members or five (5) members who are appointed by the executive. A member may hold other appointive positions in city government during the member's tenure. The executive shall appoint a clerk for each board.

(e) If the executive:

- (1) increases the number of members of a board of public works and safety, a board of public works, or a board of public safety from three (3) to five (5) members; or
- (2) decreases the number of members of a board of public works and safety, a board of public works, or a board of public safety from five (5) to three (3) members;

the city shall publish notice under IC 5-3-1 of the increase or decrease in members and state the total number of members appointed to the board.

SECTION 15. IC 36-4-9-8, AS AMENDED BY P.L.33-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) This section applies only to third class cities.

(b) The city executive shall appoint:

- (1) a city civil engineer;
- (2) a city attorney;
- (3) a chief of the fire department;
- (4) a chief of the police department; and

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(5) other officers, employees, boards, and commissions required by statute.

(c) The board of public works and safety consists of three (3) or five (5) members (as determined by the city executive). The members of the board of public works and safety are:

(1) the city executive; and

(2) two (2) or four (4) persons appointed by the executive.

An individual who is appointed a member of the board serves at the pleasure of the executive as long as the executive who appointed the member continues to hold the office of executive. If the executive increases the number of board members from three (3) to five (5) members or decreases the number of board members from five (5) to three (3) members, the city shall publish notice under IC 5-3-1 of the increase or decrease in members and state the total number of members appointed to the board. IC 36-4-4-2 notwithstanding, a member may hold other appointive or elective positions in city government during the member's tenure. IC 36-4-11-2 applies to board member appointments under this section. The city clerk is the clerk of the board.

(d) If the city legislative body adopts an ordinance under IC 36-4-12 to employ a city manager, the executive may appoint the city manager to a position on the board of public works and safety in place of the executive.

(e) The city executive may appoint a public safety director to:

(1) serve as the chief administrative officer of; and

(2) oversee the operations of;

the police department and fire department. The city executive shall determine the qualifications of the public safety director.

SECTION 16. IC 36-7-4-218, AS AMENDED BY P.L.127-2017, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 218. (a) When an initial term of office of a citizen member expires, each new appointment of a citizen member is:

(1) for a term of four (4) years (in the case of a municipal, county, or area plan commission);

(2) for a term of three (3) years (in the case of a metropolitan plan commission); or

(3) for a term of one (1), two (2), or three (3) years, as designated by the appointing authority (in the case of the metropolitan development commission).

A member serves until the member's successor is appointed and qualified. A member is eligible for reappointment.

(b) ADVISORY. Upon the establishment of a nine (9) member



municipal plan commission, the citizen members shall initially be appointed for the following terms of office:

- (1) One (1) for a term of two (2) years.
- (2) Two (2) for a term of three (3) years.
- (3) Two (2) for a term of four (4) years.

Upon the establishment of a seven (7) member municipal plan commission, two (2) citizen members shall initially be appointed for a term of three (3) years and two (2) shall initially be appointed for a term of four (4) years. Each member's term expires on the first Monday of January of the second, third, or fourth year, respectively, after the year of the member's appointment.

(c) ADVISORY. Upon the establishment of a county plan commission, the citizen members shall initially be appointed for the following terms of office:

- (1) One (1) for a term of one (1) year.
- (2) One (1) for a term of two (2) years.
- (3) One (1) for a term of three (3) years.
- (4) Two (2) for a term of four (4) years.

Each member's term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment.

(d) ADVISORY. Upon the establishment of a metropolitan plan commission, the citizen members shall initially be appointed for the following terms of office:

- (1) Three (3) for a term of one (1) year, one (1) appointed by the county legislative body and two (2) by the city executive.
- (2) Two (2) for a term of two (2) years, one (1) by each appointing authority.
- (3) Two (2) for a term of three (3) years, one (1) by each appointing authority.

(e) AREA. If there is one (1) citizen member on the area plan commission, the member's initial term of office is one (1) year. If there are two (2) citizen members, one (1) shall be appointed for a term of one (1) year and one (1) for a term of two (2) years. If there are three (3) or more citizen members, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and any remainder for a term of four (4) years. Each member's term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment.

(f) ADVISORY–AREA. ~~The appointing authority may remove a member from the plan commission for cause. An individual who is~~



appointed a member of the plan commission serves at the pleasure of the member's appointing authority as long as:

- (1) the officeholder who appointed the individual continues to hold the office; or**
- (2) the board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed.**

If subdivision (1) or (2) does not apply, the individual may only be removed for cause. To remove a member for cause, the appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at the member's residence address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the county. The court may, pending the outcome of the appeal, order the removal or stay the removal of the member.

(g) METRO. The appointing authority may remove a citizen member from the metropolitan development commission. The appointing authority must mail notice of the removal, along with written reasons, if any, for the removal, to the member at the member's residence address. A member who is removed may not appeal the removal to a court or otherwise.

SECTION 17. IC 36-7-4-906, AS AMENDED BY P.L.127-2017, SECTION 175, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 906. (a) ADVISORY–AREA. When an initial term of office expires, each new appointment is for a term of four (4) years.

(b) ADVISORY–AREA. Upon the establishment of a division of the board of zoning appeals, the members shall initially be appointed as provided in the zoning ordinance for the following terms of office:

- (1) One (1) for a term of one (1) year.
- (2) One (1) for a term of two (2) years.
- (3) One (1) for a term of three (3) years.
- (4) Two (2) for a term of four (4) years.

(c) ADVISORY–AREA. Under subsection (b), each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment.

(d) METRO. Each appointment of a member of a division of a board of zoning appeals is for a term of one (1) year.

(e) METRO. The appointing authority may remove a member from the metropolitan board of zoning appeals. The appointing authority must mail notice of the removal, along with written reasons, if any, for the removal, to the member at the member's residence address. A



member who is removed may not appeal the removal to a court or otherwise.

(f) **ADVISORY—AREA.** ~~The appointing authority may remove a member from the board of zoning appeals for cause. An individual who is appointed a member of the board of zoning appeals serves at the pleasure of the member's appointing authority as long as:~~

~~(1) the officeholder who appointed the individual continues to hold the office; or~~

~~(2) the board, committee, or body that appointed the individual retains all of the same members that served on the board, committee, or body when the individual was appointed.~~

If subdivision (1) or (2) does not apply, the individual may only be removed for cause. To be removed for cause, the appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at the member's residence address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the circuit or superior court of the county.

(g) A member of a board of zoning appeals serves until the member's successor is appointed and qualified. A member is eligible for reappointment.

SECTION 18. IC 36-7-12-14, AS AMENDED BY P.L.127-2017, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 14. **(a) An economic development commissioner of an economic development commission established under section 8 of this chapter may be removed from office for good cause as provided in subsection (c).**

(b) This subsection does not apply to an economic development commission established under section 8 of this chapter. An individual who is an appointed member serves at the pleasure of the member's appointing authority as long as:

(1) the city or town executive who appointed the individual continues to hold the office; or

(2) the county executive that appointed the individual retains all of the same members who served on the body when the individual was appointed.

If subdivision (1) or (2) does not apply, the individual may only be removed for good cause.

(c) An economic development commissioner may be removed from office for neglect of duty, incompetency, inability to perform the commissioner's duties, or any other good cause, by the executive or fiscal body that selected or nominated the commissioner. The



commissioner removed may obtain judicial review of the removal by filing a complaint in a circuit or superior court in the county, and the burden of proof is upon the executive or fiscal body that removed the commissioner. The cause shall be placed on the advanced calendar and be tried as other civil causes are tried by the court, without a jury. The court's judgment may be appealed in the same manner as any civil action.

SECTION 19. IC 36-7-14.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) The board is composed of three (3) members, who must be residents of the unit appointed by the executive of the unit.

(b) A member is entitled to serve a three (3) year term. A member may be reappointed to subsequent terms.

(c) If a vacancy occurs on the board, the executive of the unit shall fill the vacancy by appointing a new member for the remainder of the vacated term.

(d) A board member **for a board established in a county containing a consolidated city** may be removed for cause by the executive of the unit.

(e) This subsection applies to a board established in a county that does not contain a consolidated city. An individual who is appointed a board member serves at the pleasure of the member's appointing authority as long as:

(1) the city or town executive who appointed the member continues to hold the office of city or town executive; or

(2) the county executive that appointed the individual retains all of the same members that served on the body when the individual was appointed.

If subdivision (1) or (2) does not apply, the individual may only be removed for cause.

~~(e)~~ **(f)** Each member, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the board.

~~(f)~~ **(g)** A member may not receive a salary, and no profit or money of the authority inures to the benefit of a member.

SECTION 20. IC 36-8-9-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 3.1. (a) An ordinance adopted under section 2 of this chapter must provide as follows:

(1) The board must consist of either of the following number of members:

(A) Three (3) members. If the ordinance provides for a three



- (3) member board, not more than two (2) board members may be members of the same political party, if individuals who satisfy this requirement can be found to serve on the board.
- (B) Five (5) members. If the ordinance provides for a five (5) member board, not more than three (3) board members may be members of the same political party, if individuals who satisfy this requirement can be found to serve on the board.
- (2) Each board member must be a resident of the town.
- (3) The town legislative body shall appoint each board member.
- (4) Except as provided in subdivision (5), the term of each board member expires January 1 of the third year after the member's appointment.
- (5) The ordinance must provide for staggered terms of the board members and the method for staggering the terms. If the board has three (3) members, the term of one (1) board member must expire each year. If the board has five (5) members, the terms of not more than two (2) board members may expire each year.
- (6) The town legislative body may remove a board member for any cause that the legislative body considers sufficient.
- (7) The town legislative body may not appoint a police officer employed by the town to serve on the board.
- (b) The ordinance may provide that a member of the town legislative body may serve as an ex officio member of the board. If the ordinance permits members of the town legislative body to serve as members of the board, the following apply:
 - (1) The ordinance must state the maximum number of board members that may also be members of the town legislative body.
 - (2) The ordinance must provide either of the following:
 - (A) That a board member vacates the member's position on the board when the member is no longer a member of the town legislative body.
 - (B) That a board member may continue to serve until the end of the board member's term even if the board member vacates the member's position on the town legislative body.
 - (3) A board member who is also a member of the town legislative body may not receive compensation as a board member provided under subsection (g).
 - (4) A board member who is also a member of the town legislative body is not required to post the bond required by subsection (f).
- (c) This subsection does not apply to a board member who is a member of the town legislative body. Before performing any function of a board member, an individual shall take and subscribe an oath or



affirmation of office before the circuit court clerk of the county in which the town is located.

(d) This subsection applies to all board members. Before performing any function of a board member, an individual shall take and subscribe an oath or affirmation:

(1) before the circuit court clerk of the county in which the town is located; **or**

(2) **administered by any of the individuals granted notary powers under IC 33-42-9-7, in the case of a reorganized political subdivision (as defined in IC 36-1.5-2-7);**

that, in each appointment or removal made by the board to or from the town police department under this chapter, the board member will not appoint or remove a member of the town police department because of the political affiliation of the person or for another cause or reason other than that of the fitness of the person.

(e) The circuit court clerk shall file oaths and affirmations required by this section among the circuit court clerk's records.

(f) This subsection does not apply to a board member who is a member of the town legislative body. A board member shall give bond in the penal sum of five thousand dollars (\$5,000), payable to the state and conditioned upon the faithful and honest discharge of the member's duties. The bond must be approved by the town legislative body.

(g) The town legislative body shall fix the salary of board members who are not members of the town legislative body. A board member's salary is payable monthly out of the town treasury.

(h) If the board has three (3) members, the town legislative body may amend the ordinance at any time to increase the number of board members to five (5). The amended ordinance and the appointment of board members must satisfy all the requirements of subsection (a).

(i) A board established in compliance with section 3 of this chapter (before its repeal) is considered a board established under this section. A town legislative body may amend an ordinance adopted in compliance with section 3 of this chapter (before its repeal) as provided in this section.

SECTION 21. IC 36-9-13-18, AS AMENDED BY P.L.127-2017, SECTION 309, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 18. **(a) This subsection only applies to an individual who is appointed a trustee by a county executive of a county that does not contain a consolidated city. A trustee serves at the pleasure of the county executive as long as the county executive retains all of the same members who served on the body when the individual was appointed. If any of the members**



on the county executive changes, the trustee may only be removed under subsection (b).

~~(a)~~ **(b)** A person seeking the removal of a trustee for:

- (1) neglect of duty;
- (2) incompetence;
- (3) inability to perform the trustee's duties; or
- (4) any other good cause;

may file a complaint in the circuit or superior court for the county in which the building authority is located. The complaint must set forth the charges preferred. The action shall be placed on the court's advanced calendar, and the court shall try the action in the same manner as other civil cases, without a jury. If the charges are sustained, the court shall declare the trustee's office vacant.

~~(b)~~ **(c)** The trustees may summarily remove a director from office at any time.

SECTION 22. IC 36-9-27-5, AS AMENDED BY P.L.278-2019, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) Except ~~in a county having a consolidated city or~~ as provided in subsection ~~(d)~~; **(c)**, the drainage board consists of either:

- (1) the county executive; or
- (2) three (3) or five (5) persons, at least one (1) of whom must be a member of the executive, appointed by the executive;

at the option of the executive. Appointees under subdivision (2) must be resident freeholders of the county who are knowledgeable in drainage matters. Freeholders appointed to the board serve for terms of three (3) years, with their initial appointments made so as to provide for staggering of terms on an annual basis. In addition, the county surveyor serves on the board as an ex officio, nonvoting member.

(b) This subsection only applies to an individual appointed as a member under subsection (a)(2) by a county executive of a county that does not contain a consolidated city. A drainage board member serves at the pleasure of the county executive as long as the county executive that appointed the individual retains all of the same members who served on the body when the individual was appointed.

~~(b)~~ **(c)** In a county having a consolidated city, the board of public works of the consolidated city comprises the drainage board, subject to IC 36-3-4-23.

~~(c)~~ **(d)** In a county having a consolidated city, the department of public works of the consolidated city has all the powers, duties, and responsibilities of the county surveyor under this chapter, subject to



IC 36-3-4-23.

SECTION 23. IC 36-9-27.4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. As used in this chapter, "drainage board" means the following:

- (1) Except as provided in subdivision (2):
 - (A) the county board of commissioners, as provided in IC 36-9-27-5(a)(1); or
 - (B) the drainage board appointed by the board of commissioners under IC 36-9-27-5(a)(2).
- (2) In a county having a consolidated city, the board of public works of the consolidated city, as provided in ~~IC 36-9-27-5(b)~~.

IC 36-9-27-5(c).

SECTION 24. IC 36-10-3-6, AS AMENDED BY P.L.127-2017, SECTION 377, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6. **An individual who is appointed a member serves at the pleasure of the member's appointing authority as long as:**

- (1) the officeholder who appointed the individual continues to hold the office; or**
- (2) the board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed.**

If subdivision (1) or (2) does not apply, the ~~A~~ member may be removed only for cause, upon specific written charges filed against the member. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the unit's fiscal body shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.

SECTION 25. IC 36-10-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11. (a) The board may:

- (1) **subject to subsection (d)**, enter into contracts and leases for facilities and services;
- (2) contract with persons for joint use of facilities for the operation of park and recreation programs and related services;
- (3) contract with another board, a unit, or a school corporation for the use of park and recreation facilities or services, and a township or school corporation may contract with the board for the use of park and recreation facilities or services;
- (4) **subject to subsection (d)**, acquire and dispose of real and



personal property, either within or outside Indiana;

(5) **subject to subsection (d)**, exercise the power of eminent domain under statutes available to municipalities;

(6) sell, lease, or enter into a royalty contract for the natural or mineral resources of land that it owns, the money received to be deposited in a nonreverting capital fund of the board;

(7) engage in self-supporting activities as prescribed by section 22 of this chapter;

(8) contract for special and temporary services and for professional assistance;

(9) delegate authority to perform ministerial acts in all cases except where final action of the board is necessary;

(10) prepare, publish, and distribute reports and other materials relating to activities authorized by this chapter;

(11) sue and be sued collectively by its legal name, as the "_____ (unit's name) Park and Recreation Board", with service of process being had upon the president of the board, but costs may not be taxed against the board or its members in any action;

(12) invoke any legal, equitable, or special remedy for the enforcement of this chapter, a park or recreation ordinance, or the board's own action taken under either; and

(13) release and transfer, by resolution, a part of the area over which it has jurisdiction for park and recreational purposes to park authorities of another unit for park and recreational purposes upon petition of the park or recreation board of the acquiring unit.

(b) The board may also lease any buildings or grounds belonging to the unit and located within a park to a person for a period not to exceed fifty (50) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the exhibition of wild or domestic animals in wildlife parks, dining facilities, swimming facilities, golf courses, skating facilities, dancing facilities, amusement rides generally found in amusement parks, or other recreational facilities. A lease may be made for more than one (1) year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with IC 5-3-1.

(c) Notwithstanding subsection (b), the board may lease buildings or grounds belonging to the unit for a period of more than one (1) year without soliciting the highest and best bidder or providing notice under IC 5-3-1 if:

(1) the buildings or grounds are leased to an Indiana nonprofit corporation;



(2) the buildings or grounds are operated as a public golf course;
and

(3) the golf course remains subject to rules and regulations promulgated by the board.

(d) This subsection applies after June 30, 2026. Except as otherwise provided by this subsection, before the board may:

(1) exercise the power of eminent domain under subsection (a)(5);

(2) enter into a contract under subsection (a)(1) with a total cost exceeding the lesser of:

(A) five hundred thousand dollars (\$500,000); or

(B) ten percent (10%) of the department's annual budget;

(3) acquire real or personal property under subsection (a)(4) with a total cost exceeding the lesser of:

(A) five hundred thousand dollars (\$500,000); or

(B) ten percent (10%) of the department's annual budget;

or

(4) approve capital improvements to park facilities or property with a total cost exceeding the lesser of:

(A) five hundred thousand dollars (\$500,000); or

(B) ten percent (10%) of the department's annual budget;

the board must obtain approval by the executive of each applicable unit that established the department under this chapter. The board shall provide the applicable unit executive a description of the cost of the service, property, or capital improvement described in subdivisions (1) through (4) and a description of the manner in which the cost will be paid by the board or department.

SECTION 26. IC 36-10-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) By February 1 each year, the executive shall appoint a commissioner to fill the vacancy caused by the expiration of a term. Each commissioner appointed holds office for a term of four (4) years, beginning with January 1 in the year of appointment. If a vacancy occurs on the board, the executive shall appoint a commissioner for the remainder of the term.

(b) A commissioner serves at the pleasure of the executive as long as the executive who appointed the commissioner continues to hold the office of executive. If the executive who appointed the commissioner no longer holds the office of executive, the commissioner may not be removed from office except upon charges preferred in writing before the executive, with a hearing held on them. If the executive is bringing the charges, the fiscal body shall appoint a



hearing officer. The only permissible reasons for removal are as follows:

- (1) Inefficiency.
- (2) Neglect of duty.
- (3) Malfeasance in office.

SECTION 27. IC 36-10-5-2, AS AMENDED BY P.L.277-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section applies to:

- (1) third class cities and towns, unless otherwise provided by law; and

- (2) each second class city that:

- (A) adopted second class city status by ordinance under IC 36-4-1-1.1, as a result of the 2010 federal decennial census; and

- (B) has adopted all or part of this section by ordinance or resolution.

- (b) As used in this section, "park authority" means:

- (1) the municipal legislative body; or
- (2) any of the following designated by the legislative body as the park authority:

- (A) The governing body of the school corporation.
- (B) A recreation board.
- (C) The municipal works board.
- (D) Any other appropriate board or commission.

(c) If a recreation board is established under subsection (b)(2)(B), it must consist of five (5) resident freeholders appointed by the city executive or the town legislative body. At least one (1) member must be a member of the governing body of the school corporation and no members may serve on the municipal legislative body. All members must be qualified by an interest in and knowledge of the social and educational value of recreation. The members serve without compensation. The members shall be appointed for four (4) year terms from January 1 of the year of their appointment or until their successors are appointed. The initial terms of board members, however, are as follows:

- (1) One (1) for a term of one (1) year.
- (2) One (1) for a term of two (2) years.
- (3) One (1) for a term of three (3) years.
- (4) Two (2) for terms of four (4) years.

A vacancy shall be filled by the appointing authority for the remainder of the unexpired term.

- (d) A member serves at the pleasure of the member's appointing**



authority as long as:

- (1) the city executive who appointed the member continues to hold the office of city executive; or**
- (2) the town legislative body that appointed the individual retains all of the same members that served on the body when the individual was appointed.**

(d) (e) The park authority shall manage all public parks, including approaches, that belong to the municipality.

(e) (f) If a municipality decides, by ordinance, to establish, lay out, or improve a public park or grounds, or to make an extension of a park or grounds, it may locate the park or grounds, including appurtenances, and it may lay out and open the public ways necessary for the improvement. If it is necessary to acquire land, water rights, or easements, or a pool, lake, or natural stream of water, the park authority may condemn that property and take possession of it if it is located within the corporate boundaries of the municipality. Before the park authority condemns the property, it shall assess the damages to the owners of the property at a meeting of the authority. Additional condemnation proceedings are the same as those provided for the taking of property to open streets.

(f) (g) The park authority may adopt rules concerning the laying out, improvement, preservation, ornamentation, and management of parks. The park authority shall allow monuments or buildings for libraries, works of art, or historical collections to be erected in a park, as long as they are under the control of the persons in charge of the park and no inclosure separates them from the rest of the park.

(g) (h) The legislative body of the municipality may also levy a tax on all taxable property in the municipality to pay for park property and for its improvement. The legislative body may also borrow money and issue the bonds of the municipality at any rate of interest payable annually or semiannually and may sell them for at least par value. The money derived from the sale of bonds may be used only for the purchase or improvement of parks. The legislative body shall annually levy a tax sufficient to pay the interest on the debt on all taxable property in the municipality to create a sinking fund for the liquidation of the principal of the debt.

(h) (i) If the park authority of a city decides to lease any buildings or grounds belonging to the city and located in a public park when they are not required for public use, the proceeds shall be deposited with the city fiscal officer to the credit of park funds and devoted to the improvement of public parks.

(i) (j) Any nonreverting fund that was created under IC 19-7-6



(before its repeal on September 1, 1981) continues until abolished by ordinance of the municipal legislative body. The legislative body may include in the park authority's annual budget an item and an appropriation for the specific purposes of a nonreverting capital fund. Money put in the fund may not be withdrawn except for the purposes for which the fund was created, unless the legislative body repeals the ordinance creating the fund. The repeal may not be made under suspension of the rules. Money procured from fees shall be deposited at least once each month with the municipal fiscal officer. The fiscal officer shall deposit the money either in a special nonreverting operating fund or in the nonreverting capital fund as directed by the park authority. The legislative body may provide by ordinance that expenditures may be made from the special nonreverting operating fund without appropriation. Money from fees procured from golf courses, swimming pools, skating rinks, or other similar facilities requiring major expenditures for management and maintenance may not be deposited in this fund. Money from either fund shall be disbursed only on approved claims that are allowed and signed in the same manner as other claims of the municipality are allowed and signed.

SECTION 28. IC 36-10-5-5, AS AMENDED BY P.L.104-2022, SECTION 220, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 5. (a) This section applies to a municipality that:

- (1) has a population of more than twenty-five thousand (25,000); and
- (2) is located in a county having a population of more than three hundred thousand (300,000) and less than three hundred fifty thousand (350,000).

(b) A municipal board consists of four (4) members appointed by the executive of the municipality. A member shall be appointed on the basis of the member's interest in and knowledge of parks and recreation. The members may include the executive of the municipality and one (1) or more members of the municipal fiscal body. The ordinance creating a municipal board governed by this section may provide for one (1) or two (2) ex officio members.

(c) An individual who is appointed a municipal board member serves at the pleasure of the executive who appointed the individual, as long as the executive continues to hold the office of executive.

SECTION 29. IC 36-10-6-2, AS AMENDED BY P.L.127-2017, SECTION 385, IS AMENDED TO READ AS FOLLOWS

HEA 1161 — Concur



[EFFECTIVE JULY 1, 2026]: Sec. 2. (a) This section applies to all counties.

(b) As used in this section, "board" refers to an area park board established under this chapter.

(c) As used in this section, "district" refers to an area park district established under this chapter.

(d) Two (2) or more counties may establish an area park district for the purposes of establishing, owning, maintaining, and controlling one (1) or more public parks for the use and benefit of the residents of those counties. To establish a district, the legislative body of each county desiring to join shall adopt substantially identical ordinances indicating this intention. Before the ordinances take effect, they must be published in their respective counties in accordance with IC 5-3-1. Within ten (10) days after the publication of the ordinance, the auditor of each county shall file a certified copy of the ordinance with the auditor of each of the other counties involved. When the ordinances have been adopted and filed by all the counties joining, the district is considered established. All of the territory of the counties joining comprises the district.

(e) Within ten (10) days after the publication of the ordinance, any registered voter may notify the legislative body of the voter's intent to file a remonstrance petition. Within sixty (60) days after this notice, petitions for and against the county's joining in the proposed district may be filed with the legislative body. The petitions must be signed and acknowledged by registered voters of the county. The petition that contains the greater number of signatures prevails.

(f) Within thirty (30) days after the establishment of the district, the legislative body of each county joining shall appoint members to the area park board. Each county may appoint one (1) member to the board. In addition, each county may appoint an additional member for each fifty thousand (50,000) residents or fraction thereof of that county's population. Each member must be a resident of the county from which the member is appointed, and at least one (1) member from each county must be an elected official of that county. Members serve for terms of four (4) years and may be reappointed. **An individual who is appointed a member serves at the pleasure of the county legislative body as long as the county legislative body retains the same members who served on the body when the individual was appointed.** Vacancies shall be filled by the appointing authority for the unexpired term of the vacating member.

(g) The board shall meet within thirty (30) days after the appointment of all members. Notice of the meeting shall be given by



the auditor of the county that passed the first ordinance to establish the district. At the meeting the board shall elect one (1) of its members chair and one (1) secretary and shall adopt rules of order that it considers necessary. The board shall then meet at times and places that it determines. Members serve on the board without compensation. However, all members except the elected official members are entitled to receive a per diem and mileage for time spent in the performance of their duties.

(h) Except as provided in subsection (i), the board has all of the powers of a board under IC 36-10-3 except the power of eminent domain.

(i) The board may levy a tax for the establishment, purchase, maintenance, and control of the parks established and controlled by the board, but the tax may not exceed one and sixty-seven hundredths cents (\$0.0167) for each one hundred dollars (\$100) of assessed valuation of property in the district. When the board determines the rate of the levy, the board shall certify it to each county auditor. The levy shall then be placed upon the tax duplicate of each county in the district, and the tax shall be collected in the same manner as other taxes are collected. All money received for the district shall be paid into the treasury of the county with the greatest population. The money shall be deposited and kept as other public funds are deposited and kept, and interest earned on the money shall be credited to the area park fund. Money may be paid out by the treasurer only upon the written order of the board.

(j) A county may withdraw from a district only upon a two-thirds (2/3) vote of its legislative body. If a county decides to withdraw from a district, the date of withdrawal must be effective on January 1 of a year at least one (1) year after the date upon which the county voted to withdraw.

SECTION 30. IC 36-10-8-4, AS AMENDED BY P.L.229-2011, SECTION 267, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) The board is composed of seven (7) members.

(b) The county executive shall determine in the creating ordinance which units within the county shall make appointments to the board. In addition, the creating ordinance must provide that no more than four (4) of the members be affiliated with the same political party. The creating ordinance must also provide staggered terms for the appointments.

(c) Notwithstanding subsection (b), if a board was created under IC 18-7-18 (before its repeal on February 24, 1982), three (3) members shall be appointed by the executive of the second class city and three



(3) members shall be appointed by the executive of the county. Those members shall select the seventh member, who serves as president. One (1) of the members appointed by the city executive must be engaged in the hospitality industry in the city. No more than two (2) of the members appointed by the city executive may be affiliated with the same political party and no more than two (2) of the members appointed by the county executive may be affiliated with the same political party. In addition, each member must have been a resident of the county for at least one (1) year immediately preceding the member's appointment. Initial terms of the members are as follows:

(1) One (1) of the members appointed by each appointing authority for a term ending January 15 of the year following the appointment.

(2) Two (2) of the members appointed by each appointing authority for a term ending January 15 of the second year following the appointment.

(3) The seventh member serves for a term ending January 15 of the second year following the appointment.

(d) Subsequent terms of members are for two (2) years. All terms begin on January 15. A member serves until a successor is appointed and qualified. A member may be reappointed after the member's term has expired.

(e) If a vacancy occurs on the board, the appointing authority shall appoint a new member. That member serves for the remainder of the vacated term.

(f) **An individual who is appointed a member serves at the pleasure of the member's appointing authority as long as:**

(1) the officeholder who appointed the individual continues to hold the office; or

(2) the board, committee, or body that appointed the individual retains all of the same members that served on the board, committee, or body when the individual was appointed.

If subdivision (1) or (2) does not apply, A the board member may be removed for cause by the appointing authority. ~~who appointed the member.~~

(g) Each member, before entering upon the member's duties, shall take and subscribe an oath of office in the usual form. The oath shall be endorsed upon the member's certificate of appointment. The certificate shall be promptly filed with the records of the board. However, if the board was created under IC 18-7-18 (before its repeal on February 24, 1982), the certificate shall be filed with the clerk of the circuit court of the county in which the board is created.



(h) A member may not receive a salary, but is entitled to reimbursement for any expenses necessarily incurred in the performance of the member's duties.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1161 — Concur

