

ORDINANCE NO. 2013- 37

An Ordinance to Amend the City of Hobart Municipal Code to Revise the Composition of the City Board of Sanitary Commissioners

WHEREAS, the Common Council (“Council”) of the City of Hobart, Indiana (“City”) previously adopted Ordinance Number 2008-57, which was amended by Ordinance Number 2010-02, said Ordinances enacting and amending §31.003 (B)(1) of the Municipal Code of the City, which provides for the composition of the City Board of Sanitary Commissioners (“Board”); and

WHEREAS, Ordinance Number 2008-57 adopted and made effective I.C. §36-9-25-1, *et seq.* in the City, which created the City of Hobart Sanitary District (“District”) and established the Board; and

WHEREAS, by subsequent action of the Council and City Executive, the Board also is Board of Directors of the City Storm Water Management Department (“Department”) under I.C. §8-1.5-5-4 (f) and (g); and

WHEREAS, I.C. §36-9-25-3(b) (1) provides, in pertinent part, that: “the board [of sanitary commissioners] consists of not less than three (3) but not more than five (5) commissioners. All of the commissioners shall be appointed by the municipal executive, unless one (1) commissioner is the municipal engineer. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) may be of the same political party;” and

WHEREAS, the Council has received the request of the City Executive to expand the Board from three (3) to five (5) members in order to enhance its ability to plan for, undertake, oversee and complete the many projects and other responsibilities of the District and Department; and

WHEREAS, the Council has determined that it is desirable to expand the Board and wishes to authorize and implement such expansion through this Ordinance.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana as follows:

SECTION ONE: The Municipal Code of the City of Hobart, Indiana (“Code”) is hereby amended by striking out subsection (B) of §31.003 entitled “BOARD OF SANITARY COMMISSIONERS” and inserting in lieu thereof the following new subsection, (B):

47
48 (B) There is hereby established a Board of Sanitary
49 Commissioners pursuant to and in conformance with the
50 provisions of I.C. §36-9-25-3(b) (1).
51

52 (1) The Board shall consist of five (5)
53 members, each of whom shall be appointed by the
54 City Executive, provided, however, that one of such
55 appointed members shall be the incumbent City
56 Civil Engineer who shall serve during his or her
57 occupation of that office.
58

59 (2) Not more than three (3)
60 commissioners shall be of the same political party,
61 in that, at the time of appointment the appointee
62 must: (1) have voted in the two (2) most recent
63 primary elections held by the party with which the
64 appointee claims affiliation; or (2) if the appointee
65 did not vote in the two (2) most recent primary
66 elections or only voted in one (1) of those elections,
67 be certified as a member of the party with which the
68 appointee claims affiliation by that party's county
69 chairman for the county in which the appointee
70 resides. Before beginning the commissioner's
71 duties, each commissioner shall take and subscribe
72 the usual oath of office. The oath shall be endorsed
73 upon the certificate of appointment and filed with
74 the City Clerk-Treasurer. Each commissioner shall
75 also execute a bond in the penal sum of five
76 thousand dollars (\$5,000) payable to the state and
77 conditioned upon the faithful performance of the
78 commissioner's duties and the faithful accounting
79 for all money and property that comes under the
80 commissioner's control. The bond must be approved
81 by the City Executive.
82

83 (3) With the exception of the seat on the
84 Board of Commissioners occupied by the City Civil
85 Engineer, members of the Board shall be appointed
86 for terms of four (4) years. The terms of office for
87 the seats occupied by the three (3) incumbent
88 members of the Board of Sanitary Commissioners
89 at the time of the enactment of this sub-subsection
90 shall remain unchanged. The two (2) commis-
91 sioners to be newly appointed as a result of the
92 enactment of this sub-subsection shall consist of the

City Civil Engineer and a person, whose term of office shall be four (4) years, commencing January 1, 2014. The City Executive shall fill vacancies among the members of the Board of Sanitary Commissioners for the length of the vacating member's unexpired term of office.

(4) As required by I.C. §36-9-25-3 (e), the appointed commissioners, including the City Civil Engineer, are entitled to a salary of not less than three thousand six hundred dollars (\$3,600) a year during actual construction of sewage works and not less than six hundred dollars (\$600) a year in other years.

SECTION TWO: This Ordinance shall take effect upon its adoption.

SECTION THREE: All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

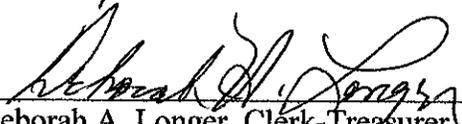
ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 6th day of November, 2013.



Presiding Officer

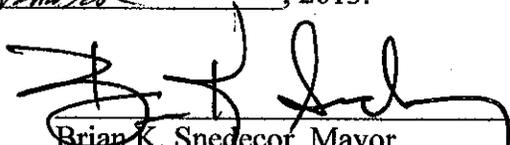
ATTEST: 
Deborah A. Longer, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 6th day of November, 2013 at the hour of 7:10 pm.

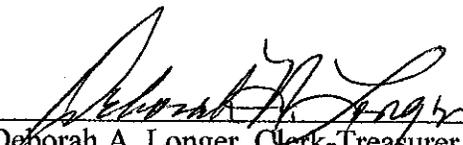


Deborah A. Longer, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 6th day of November, 2013.



Brian K. Snedecor, Mayor

ATTEST: 
Deborah A. Longer, Clerk-Treasurer