

COUNTY ORDINANCE NO. 2006-05

CITY ORDINANCE NO. 2-C-06

A JOINT ORDINANCE RESTRUCTURING AND REESTABLISHING THE HUNTINGTON  
COUNTYWIDE DEPARTMENT OF COMMUNITY DEVELOPMENT  
TO PROVIDE ASSISTANCE TO THE CITY OF HUNTINGTON AND  
HUNTINGTON COUNTY PLAN COMMISSIONS  
AND BOARDS OF ZONING APPEALS

WHEREAS, it is in the best interests of both the City and County of Huntington that planning efforts and land use regulations be developed and enforced in an efficient and uniform manner; and

WHEREAS, City Ordinance 4-C-99 and County Ordinance 1999-07 were adopted as an initial effort to establish combined facilities and staff for the City and County Plan Commissions and Boards of Zoning Appeals; and

WHEREAS, said ordinances need to be revised and updated to more clearly express the current intent of the City and County; and

WHEREAS, City and County officials desire to establish and continue a relationship to achieve the above goals and satisfy the above needs by adopting a formal agreement to set out the responsibilities of the City and County and their respective Plan Commissions and Boards of Zoning Appeals regarding staff and administration of a planning office; and

WHEREAS, this joint ordinance documents the agreement of the City of Huntington ("City") and Huntington County ("County") regarding facilities and staff for the Huntington City and County Plan Commissions and Boards of Zoning Appeal so that they may carry out their respective statutory mandates; and

WHEREAS, the health, safety, welfare, and convenience of both governmental units are best served by a single planning office provided and utilized by both as agreed herein.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Huntington and the Board of Commissioners of Huntington County, Indiana, that City Ordinance 4-C-99 and County Ordinance 1999-07 are hereby repealed in their entirety and replaced with the following language:

**Section 1:** The Huntington Countywide Department of Community Development ("Department") is hereby restructured and reestablished with the primary function of providing staff assistance to the City of Huntington Plan Commission and Board of Zoning Appeals, and the Huntington County Plan Commission and Board of Zoning Appeals.

**Section 2:** The direction and work of the Department shall be determined by a work program (Master Plan) adopted by both Plan Commissions in January of each year at a joint meeting of the two Plan Commissions. The work program shall include, but not be limited to, handling of matters relating to variances, special exceptions, planning, zoning and other land use and development regulations, but shall not include handling nuisances or general ordinance enforcement for City or County. Priority in the work program shall be given to unify and coordinate the City and County Master Plans. The staff of the Department shall also be available to the Mayor of the City of Huntington and the Board of County Commissioners to provide assistance in matters where planning and land use expertise is required or desired; provided, however, that major work items for the Mayor or County Commissioners shall, whenever possible, be requested and incorporated as part of the adopted work program established by the respective Plan Commissions.

**Section 3:** City and County shall each make legal services available to their respective Plan Commissions and Boards of Zoning Appeals independent of this joint undertaking, and the Executive Director may call upon the City or County legal advisor, or both, with regard to the

business of the Department. Per diem and miscellaneous contractual expenditures for the Commissions and Boards shall be independent of this undertaking.

**Section 4:** With the assistance of the Executive Director, the Board of Commissioners of Huntington County shall be responsible for preparing and recommending an annual combined budget for the Department for the consideration of, and approval by, the Huntington County Council.

**Section 5:** The operation of the Department shall be the responsibility of an Executive Director. The Board of County Commissioners shall select the Executive Director, who shall serve at the discretion of the Commissioners.

**Section 6:** The Board of Commissioners shall be responsible for the employment of staff as may be employed by the Department in accordance with the practices and policies governing other County employees. The Executive Director and department staff shall be employees of the County.

**Section 7:** The expenses and costs of the administration of the Department shall be paid thirty percent (30%) by the City and seventy percent (70%) by the County, including but not limited to salaries and benefits of the Executive Director and such other staff as may be employed by the Department, as well as equipment, inventory, and costs of operating the Department on a day-to-day basis. Costs enumerated in the last sentence of Section 4 above will be paid by the respective units of government as appropriate.

**Section 8:** The Department shall be housed in the Huntington County Courthouse or at such other facility that is provided by agreement between the City and County.

**Section 9:** The City-Clerk Treasurer of Huntington shall make semiannual payments to the Huntington County Auditor, after receipt of an itemized statement, to cover the City's share



of the expenses for the Department. This itemized statement shall include those costs enumerated in the last sentence of Section 4. The Huntington County Auditor shall be solely responsible for issuing payroll checks, paying expenses, vouchers, and other fiscal transactions associated with the administration of said Department.

**Section 10:** A schedule of fees and charges for permits, applications, petitions, inspections, and other planning and/or inspection matters shall be maintained, at a minimum, as exists as of the date of adoption of this ordinance by the City and County. All such fees and charges shall be collected by the Department, segregated into fees and charges for County matters and City matters, and remitted to the Huntington County Auditor to be allocated at least annually as follows:

A. All fees and charges for County matters and one-half of fees and charges for City matters to be retained and solely owned by Huntington County.

B. One-half of fees and charges for City matters paid over to the Clerk-Treasurer of the City of Huntington to be retained and solely owned by the City of Huntington.

**Section 11:** The Department shall be entitled to perform planning services for any political subdivision in Huntington County. The fee for such services, if any, except for such services to City and County as provided herein, shall be established by the Board of County Commissioners, and such fee shall be paid to, retained by, and solely owned by the County.

**Section 12:** In the event of a dissolution of the Department, City and County shall each receive back a share of the equipment and supplies equal to its respective percentage share of costs enumerated in Section 7.

**Section 13:** The Huntington Countywide Department of Community Development Advisory Board (Advisory Board) is hereby established.

A. Its members shall serve without compensation but may be reimbursed for appropriate expenses incurred in the performance of their duties.

B. The Advisory Board shall consist of five (5) members as follows:

- Two (2) appointed by County Commissioners.
- One (1) appointed by the Mayor of the City of Huntington.
- One (1) appointed by the Common Council of the City of Huntington.
- One (1) residing within the corporate limits of a Town in Huntington County selected by the County Commissioners who is then approved by a majority vote of the Common Council of the City of Huntington (hereinafter "Town Citizen Member").
- Excepting circumstances when the Town Citizen Member is a resident of the portion of the Town of Markle, Indiana located in Wells County, all Advisory Board members must be residents of Huntington County.

C. Each of the four appointed Advisory Board members serves at the pleasure of his/her appointing governmental entity and may be removed by that entity at any time with or without cause. The Town Citizen Member shall stand for re-selection and re-approval or replacement and approval each January. An Advisory Board member may be an elected or appointed official of, and/or an employee of, any political subdivision in Huntington County.

D. The Advisory Board shall meet as determined by the Advisory Board and in accordance with the requirements of applicable authority, including Indiana's Open Door Law.

(1) The inaugural meeting shall take place within ten business days following the selection of and acceptance by the initial five members and after the joint meeting of the Plan Commissions described in Section 2. At that inaugural meeting, the Advisory Board shall select a president from among its members. The president shall conduct the meetings including any which are called from time to time by the president or the Executive Director.

(2) A quorum of the Advisory Board shall consist of at least three (3) members. The Executive Director shall attend each Advisory Board meeting unless excused.

(3) The duties of the Advisory Board shall be:

(a) to receive information from the Executive Director on the content of, and progress made toward accomplishing, the City and County Master Plans;

(b) to ask questions of and offer suggestions and direction to the Executive Director with regard to the content of and progress made toward accomplishing the City and County Master Plans; and

(c) report at least annually to the County Commissioners regarding the Department.

**Section 14:** This ordinance shall be in full force and effect from and after its adoption by both the City of Huntington Common Council and the Huntington County Board of Commissioners and in accordance with the requirements of applicable authority.

**Section 15:** This Ordinance may be repealed by appropriate action of either the Common Council of the City of Huntington or the Board of Commissioners of Huntington County at any



time with or without cause. At least sixty (60) days notice of the repeal shall be provided in writing to the non-acting entity.

**Section 16:** This ordinance replaces certain provisions of the Huntington City Code under Title III Chapter 33. The City Clerk-Treasurer is directed to provide a copy of this signed ordinance to all subscribers of the Huntington City Code.

Adopted this 31<sup>st</sup> day of January, 2006.

THE COMMON COUNCIL OF  
THE CITY OF HUNTINGTON, INDIANA

by Ervin R. Ebersole As  
(Ervin R. Ebersole) Its President

by Jack E. Slusser As  
(Jack E. Slusser) Member

by Joseph E. Blomeke As  
(Joseph E. Blomeke) Member

by Randy Hoover As  
(Randy Hoover) Member

by Stephen W. McIntyre As  
(Stephen W. McIntyre) Member

by Wayne Powell As  
(Wayne Powell) Member

by Brooks L. Fetter As  
(Brooks L. Fetter) Member

ATTEST:

Pamela J. Updike As  
(Pamela J. Updike) City Clerk-Treasurer  
City Clerk-Treasurer

Approved this 31<sup>st</sup> day of January, 2006.

Terry R. Abbott As  
(Terry R. Abbott) Mayor, City of  
Huntington, Indiana

Adopted this 6 day of February, 2006.

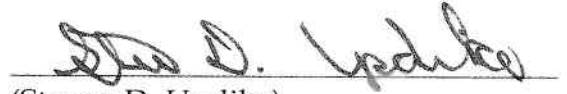
BOARD OF COMMISSIONERS OF  
HUNTINGTON COUNTY, INDIANA



(Richard Brubaker)

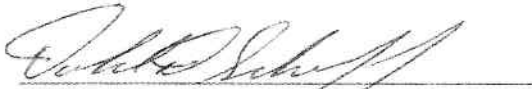


(Jerry Helvie)



(Steven D. Updike)

ATTEST:



(Donald D. Schoeff) Auditor,  
Huntington County, Indiana