

## CHAPTER 760

### MONROE COUNTY DRAINAGE BOARD

#### 760-1. Establishment

The Monroe County Drainage Board ("Board") is hereby established, in accordance with Indiana Code Chapter 36-9-27, in the form herein described.

#### 760-2. Membership

The Board shall consist of five regular (5) regular members and one (1) ex officio member, as follows:

- (A) one (1) member appointed by the Board of Commissioners ("Commissioners") of the County of Monroe, Indiana, from the Commissioners' membership;
- (B) four (4) citizen members appointed by the Commissioners; and
- (C) the Monroe County Surveyor shall serve as an ex officio, nonvoting member of the Board.

The Commissioners may appoint an alternate member to act during the absence or disability of a citizen member.

#### 760-3. Qualification of Citizen Members

Each citizen member shall be appointed because of the member's knowledge of drainage matters and shall be a resident freeholder of Monroe County, Indiana.

#### 760-4. Terms of Office

- (A) The term of the member appointed pursuant to Subsection 2(A) shall be for one calendar year and shall expire on December 31.
- (B) The terms of the initial members appointed pursuant to Subsection 2(B) shall be staggered as follows: one (1) initial member shall be appointed for a one (1) year term; one (1) initial member will be appointed for a term of two (2) years; one (1) initial member will be appointed for a term of three (3) years; and, one (1) initial member shall be appointed for a term of four (4) years. All subsequently appointed citizen members shall serve terms of four (4) years.
- (C) The term of the ex officio member shall be coextensive with the member's term as the Monroe County Surveyor.
- (D) Board members serve until their successors are appointed and qualified. Members may be reappointed.

**760-5. Removal of Members**

The Commissioners may remove a regular member from the Board for cause. The Commissioners must mail notice of the removal along with written reasons for the removal, to the member at his residence address. A member who is removed may, within thirty (30) days after receiving notice of the removal, appeal the removal to the Monroe Circuit Court. The Court may, pending the outcome of the appeal, order the removal or stay the removal of the member.

**760-6. Vacated Membership**

If a vacancy occurs among the Board membership, the Commissioners shall appoint a member for the unexpired term of the vacating member.

**760-7. Special Members**

When the membership of the Board is reduced to less than three (3) because of disqualifications, the Board shall immediately certify that fact to the Monroe County Circuit Court. The Court shall then restore the membership of the Board to three (3) by appointing the appropriate number of resident freeholders of Monroe County to serve as special members for the particular Board proceedings. A special member of the Board has the same duties and powers as a regular member of the Board.

**760-8. Officers**

At its first regular meeting in each year, the Board shall elect from its membership a president and a vice president. The vice president may act as president of the Board during the absence or disability of the president. The Board may appoint and fix the duties of a secretary, who is not required to be a member of the Board. The Monroe County Surveyor may not hold an office on the Board.

**760-9. Attorney**

The Board may employ and fix the compensation of an attorney to represent and advise the Board.

**760-10. Expenses**

(A) If the Board determines that it is necessary or desirable for members or employees to join a professional organization or to attend a conference or interview dealing with drainage or related issues, the Board may pay the applicable membership fees and all actual expenses of the members or employees.

- (B) All expenses of the Board shall be paid from money appropriated from the County General Fund. Claims for expense reimbursements and per diem must be:
- (1) accompanied by an itemized written statement;
  - (2) approved by a recorded motion of the Board; and,
  - (3) allowed as provided by statute or by this Chapter.

**760-11. Conflict of Interest**

A Board member may not participate as a Board member in a hearing or decision of the Board concerning a drainage matter in which the member has a direct or indirect financial interest. The Board shall enter in its records the fact that its member has such a disqualification and the name of the special member, if any, that participates in the hearing or decision in place of the regular member. A Board member shall not directly or personally represent another person in a hearing before the Board or the Commissioners concerning a drainage matter. A Board member may not receive mileage or compensation under Section 10 above for attendance at a meeting at which the member is disqualified from participation, during any part of the meeting, for having a direct or indirect financial interest in a drainage matter.

**760-12. Official Action, Meetings and Record**

An action of the Board is not official unless it is authorized, at a regular or special meeting, by a majority of the entire Board membership.

- (A) The Board shall fix the time for holding regular meetings each month or as necessary. Special meetings of the Board may be called by the president or by two (2) members of the Board upon written request to the secretary. The secretary shall send to all members, at least five (5) days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if: (1) the date, time, and place of a special meeting are fixed in a regular meeting; and, (2) all members of the Board are present at that regular meeting. A member may waive the mailing of notice of a special meeting by filing a written waiver with the secretary or by attending the meeting in question. All regular and special meetings of the Board shall be open to the public. The Board may schedule executive session meetings pursuant to I.C. 5-14-1.5-1 et seq. Meetings of the Board may be adjourned from day to day or to a day certain without written notice being given.
- (B) The Board shall: keep minutes of its proceedings; keep records of its examinations and other official actions; prepare written findings of fact in support of each of its decisions; and record the vote, disqualification, abstention, or failure to vote of each member upon each question. All Board minutes and records shall be filed in the Commissioners' office and shall be public records to the extent required by I.C. 5-14-3-1 et seq.

**760-13. Powers and Duties of the Board**

The Board shall, without specific enumeration, possess all of the powers and duties conferred on county drainage boards through Indiana Code Chapter 36-9-27 and through applicable Monroe County drainage ordinances. In exercising such powers and duties, the Board shall observe the procedures specified for the exercise of such powers and duties by Indiana Code Chapter 36-9-27 and by applicable Monroe County drainage ordinances.