ORIGINAL

ORDINANCE 2017-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, RESTRUCTURING THE WHITESTOWN PARKS BOARD

WHEREAS, the Town of Whitestown, Indiana ("Whitestown" or "Town") maintains a department for public park and recreation facilities and programs in and around the Town ("Whitestown Parks Department") according to Indiana law; and

WHEREAS, Indiana law permits Whitestown to establish and maintain a public park and recreation board for overseeing the Whitestown Parks Department ("Whitestown Parks Board") under various statutes, including but not limited to Ind. Code § 36-10-3-1 *et seq*. and/or Ind. Code § 36-10-5-1 *et seq.*; and

WHEREAS, the membership of the Whitestown Parks Board is currently comprised under Ind. Code § 36-10-3-4; and

WHEREAS, the Whitestown Town Council has determined that it is appropriate and in the best interest of Whitestown and the Whitestown Parks Department to restructure and reorganize the Whitestown Parks Board with membership under Ind. Code § 36-10-5-2.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Whitestown, Indiana as follows:

Section 1. The Whitestown Parks Board is hereby reorganized and restructured with the membership of a park authority under Ind. Code § 36-10-5-2(b)(1). Accordingly, the members of the municipal legislative body of Whitestown shall hereafter serve as ex officio members of the Whitestown Parks Board. All other membership on the Whitestown Parks Board, other than the members of the municipal legislative body, is therefore dissolved, and all authority of the Whitestown Parks Board shall be transferred and invested in the members as reconstituted by this Ordinance. The Whitestown Parks Board, as restructured hereunder, shall have and maintain all authority and responsibility over the operation and maintenance of the Whitestown Parks Department, including but not limited to all property, facilities, programs, personnel, and rules and regulations of the Whitestown Parks Department, as may be permitted by Indiana law.

Section 2. The Whitestown Parks Board may, from time to time, establish advisory committees interested in the Town, public parks, playgrounds, recreational facilities, programs and properties, having authority and responsibility as directed by the Whitestown Parks Board.

Section 3. It is the intent of Whitestown that this Ordinance and the acts hereunder not abrogate or alter the prior and currently applicable rules and regulations relating to the Whitestown Parks Department, subject only to the transfer of functions attendant to the restructuring of the Whitestown Parks Board as set forth herein. To that end, all prior rules and regulations of the Whitestown Parks Board are ratified and reaffirmed until such other time as the reconstituted Whitestown Parks Board determines otherwise. All prior ordinances or resolutions in conflict with the restructuring of the Whitestown Parks Board as set forth in this Ordinance are hereby superseded to the extent in conflict herewith.

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Section 4. The provisions of this Ordinance are separable, and if a court of competent jurisdiction declares any portion of this Ordinance unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance is effective immediately upon passage.

PASSED AND ADOPTED by the Whitestown, Indiana Town Council this 8th day of February, 2017.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Susan Austin, Vice President	Yes
Kevin Russell	YAY
Clinton Bohm	Yes
Jeffrey Wishek	YES

ATTEST:

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

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