

## **ORDINANCE 2020-07**

### **AN ORDINANCE OF THE TOWN OF WHITESTOWN, INDIANA ABOLISHING THE WHITESTOWN TOWN COURT**

WHEREAS, the Town of Whitestown, Indiana ("Town") created the Whitestown Town Court ("Town Court") prior to 1978; and

WHEREAS, since that time, the Town Court has been at various times inactive while active at other times; and

WHEREAS, the Town and the Town Court have, over the course of the past year, conducted a thorough review of the procedures and process of the Town Court and its functionality; and

WHEREAS, the Town Court and Town staff should be commended for their efforts in working through a potential overhaul of the Court and its systems; and

WHEREAS, after consultation with the Town Court, the Whitestown Metropolitan Police Department, and the Boone County Prosecutor, the Town has determined that it is in the public interest to dissolve the Town Court at this time and provide for the disposition of future Town ordinance violations in Boone County courts of general jurisdiction; and

WHEREAS, pursuant to Ind. Code § 33-35-1-1(d), a town court in existence on January 1, 1986 may be abolished by ordinance at any time; and

WHEREAS, the Town Judge agrees that it is in the public interest to dissolve the Town Court, and the Town Judge has agreed to help facilitate the orderly dissolution of the Town Court and transfer of future cases to Boone County courts of general jurisdiction; and

WHEREAS, the Town Council desires to provide the Town Court with sufficient notice and an opportunity to wind up the affairs of the Town Court prior to its dissolution; and

WHEREAS, notwithstanding the dissolution of the Town Court, the Town Judge and the current Court Clerk should be commended for their service to the Whitestown community; and

WHEREAS, the Town Council now desires to abolish the Town Court under the terms and conditions set forth herein.

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

**1. Abolishment of the Town Court.** The Town Court shall be abolished on the effective date ("Effective Date"). The Effective Date is the earlier of the following two dates: (1) the date that the Town Judge tenders a copy of her written resignation to the Town Council President; or (2) June 1, 2020.

**2. Transition of Court Clerk.** The Town Judge is encouraged to work with the Court Clerk to expeditiously resolve any matters currently pending on the Town Court docket before the Effective Date. Following the Effective Date, the Court Clerk will be reassigned duties by the Town Manager within the structure of the Town's departments and administration, which may include tasks related to effectuating the dissolution of the Town Court, as may be necessary or appropriate.

**3. Organization and Retention of Town Court Records.** The Court Clerk shall ensure that existing files from the Town Court, as applicable, are retained as Town records.

**4. Dissolution of Court Positions.** Upon the Effective Date, the positions of Town Judge and Clerk of the Town Court are dissolved as moot.

**5. Further Acts.** The Town Council President and Town Manager are authorized to perform or delegate such further acts as may be necessary and appropriate to effectuate this Ordinance and provide for the orderly dissolution of the Town Court.

**6. Severability.** The provisions of this Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be held invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired and shall remain in full force and effect.

Introduced on \_\_\_\_\_, 20\_\_\_\_, and adopted by the Town Council of the Town of Whitestown, Indiana, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

THE TOWN COUNCIL OF THE  
TOWN OF WHITESTOWN, INDIANA

YAY/NAY

\_\_\_\_\_

\_\_\_\_\_  
Clinton Bohm, President

\_\_\_\_\_

—

\_\_\_\_\_

\_\_\_\_\_  
Susan Austin, Vice-President

\_\_\_\_\_

—

\_\_\_\_\_

—

\_\_\_\_\_

—

Eric Miller, Member

\_\_\_\_\_

Jeffrey Wishek, Member

\_\_\_\_\_

—

\_\_\_\_\_

Rob Worl, Member

\_\_\_\_\_

—

**ATTEST:**

\_\_\_\_\_  
Matt Sumner, Clerk-Treasurer  
Town of Whitestown, Indiana

3797353