

ORDINANCE 2009-OR- 45

**AN ORDINANCE CHANGING THE CLASSIFICATION OF
THE CITY OF JEFFERSONVILLE FROM THIRD CLASS
TO A SECOND CLASS CITY PURSUANT TO INDIANA CODE**

Wherefore, the City of Jeffersonville is presently classified as a Third Class City as defined by Indiana Code 36-4-1-1;

Wherefore, the City's classification as a Third Class City predates the City's most recent annexations;

Wherefore, beginning in 2006 the City undertook an annexation plan which included the acquisition of a substantial number of neighborhoods and areas contiguous to the City's existing boundaries;

Wherefore, the City's annexation efforts were completed in early 2009 and as of the date of the presentation of this ordinance the City's boundaries have been permanently established;

Wherefore, Indiana Code 36-4-1-1 sets forth in pertinent part that:

IC 36-4-1-1 Basis of classification.

Sec. 1. (a) Municipalities are classified according to their status and population as follows:

STATUS AND POPULATION CLASS

Cities of 500,000 or more First class cities

Cities of 35,000 to 499,999 Second class cities

Cities of less than 35,000 Third class cities

Other municipalities of any population Towns

(b) Except as provided in subsection (c), a city that attains a population of thirty-five thousand (35,000) remains a second class city even though its population decreases to less than thirty-five thousand (35,000) at the next federal decennial census.

(c) The legislative body of a city to which subsection (b) applies may, by ordinance, adopt third class city status. *As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.37; P.L.340-1987, SEC.1; P.L.71-1997, SEC.2; P.L.81-2004, SEC.46.*

Wherefore, pursuant to the 2000 Census conducted by the United States Census Bureau and as confirmed by the engineering firm of **Jacobi, Toombs & Lanz, Inc.**, the City of Jeffersonville's census subsequent to the completion of annexation shall be from a maximum of **47,591** to a minimum of **45,091**.

Wherefore, the census of the City of Jeffersonville, pursuant to the 2000 Census confirms that, pursuant to Indiana Code, the City of Jeffersonville can be classified as a Second Class City as defined by Indiana law;

Furthermore, Indiana Code 36-4-1-8 provides in pertinent part that:

IC 36-4-1-8

Classification change due to population change; applicable laws

(a) Whenever the classification of a city under section 1 of this chapter changes due to a change in the city's population, the city shall be governed by the laws applicable to its new class, except as provided by subsection (b).

(b) The membership of a city legislative body remains unchanged until the expiration of the terms of its members, despite a change in the classification of the city for any reason. At the municipal election preceding the expiration of those terms, the number of members of the legislative body required by the laws applicable to its new class shall be elected. The powers, duties, functions, and office of an elected official of a city shall remain unchanged until the expiration of the term of the elected official, despite a change in city classification for any reason. *As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1981, P.L.44, SEC.40; P.L.209-1999, SEC.2.*

Wherefore, pursuant to Indiana Code government in the City of Jeffersonville shall continue to be conducted pursuant to those laws and statutes that apply to the operation of government in Third Class Cities until **January 1, 2011**;

Wherefore, prior to **February 1, 2011** the City Council of the City of Jeffersonville shall establish **Six (6) City Council Districts** which shall be divided in a manner that, as best as reasonable and possible, considering the existence of Census Block, Precincts and other boundaries, are equal in population;

Wherefore, prior to **February 1, 2011** the City Council of the City of Jeffersonville shall establish a budget for the Finance Department which shall be designated as "**Controller**" for the City of Jeffersonville;

Wherefore, prior to February 1, 2011 the City Council of Jeffersonville shall establish a budget for the newly created elected position of Clerk of the City of Jeffersonville;

THEREFORE, BE IT ORDAINED THAT:

- 1. The Jeffersonville City Council does hereby establish that the City of Jeffersonville, Indiana shall immediately be deemed a Second Class City as described and defined by Indiana Code;**
- 2. The City of Jeffersonville shall be divided into six (6) council districts with a Primary Election being held on the 1st Tuesday of May in 2011;**
- 3. The office of Controller shall be established and a budget for the operation thereof shall be adopted prior to February 1, 2011;**
- 4. The elected position of "Clerk of the City of Jeffersonville" shall be established pursuant to Indiana Code and a budget shall be adopted prior to February 1, 2011;**
- 5. Any and all other steps that are necessary in order to effectuate said change shall be undertaken by the executive and legislative branches of government in an expedient and prompt manner.**

Severability Clause:

Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

This Ordinance shall be in full force and effect from and after its passage and approval.

Voted For:

Edward M. [unclear]

Cornie Sellers

Barbara Wilson

MS

Voted Against:

[Signature]

Ronald [unclear]

Passed this 16th day of November, 2009.

Thomas Galligan

Mayor Thomas Galligan

Attest:

Peggy Wilder

Peggy Wilder, Clerk-Treasurer

Presented by me, Peggy Wilder, as the Clerk and Treasurer to the Mayor of said
City of Jeffersonville, Indiana on this _____ day of _____, 2009.

Peggy Wilder

Peggy Wilder, Clerk-Treasurer