

ORDINANCE NO. 91-11
AN ORDINANCE TO AMEND THE LAPORTE COUNTY CODE BY ADDING
THERETO CHAPTER 6, ARTICLE 10,
SOLID WASTE MANAGEMENT DISTRICT

STATEMENT OF PURPOSE AND INTENT

The purpose and intent of this Ordinance is to amend the LaPorte County Code by adding thereto Chapter 6, Article 10, establishing the LaPorte County Solid Waste Management District.

NOW, THEREFORE, IT IS ORDAINED BY THE LAPORTE COUNTY BOARD OF COMMISSIONERS, THAT:

SECTION 1. The LaPorte County Code is hereby amended by adding thereto Chapter 6, Article 10, LaPorte County Solid Waste Management District.

Article 10

SOLID WASTE MANAGEMENT DISTRICT

Sections:

6-100	Designation
6-101	Definitions
6-102	Establishment of Solid Waste Management District Board
6-103	Composition of Solid Waste Management District Board
6-104	Term of Office of Members of Solid Waste Management District Board
6-105	Organization of the LaPorte County Solid Waste Management District Board
6-106	Establishment of the Solid Waste Management District Board Advisory Committee
6-107	Duties of Solid Waste Management District Board
6-108	Powers of Solid Waste Management District Board
6-109	The LaPorte County District Solid Waste Management Plan

Sec. 6-100. Designation. In accordance with I.C. 13-9.5-2-1, LaPorte County is hereby designated as a county solid waste management district.

Sec. 6-101. Definitions.

Sec. 6-102 Establishment of Solid Waste Management District Board. In accordance with I.C. 13-9.5-2-4, there is hereby established the LaPorte County Solid Waste Management District Board.

Sec. 6-103 Composition of Solid Waste Management District Board. In accordance with I.C. 13-9.5-2-5, the LaPorte County Solid Waste Management District Board shall consist of the following members:

- (1) 3 County Commissioners appointed by the county executive from its membership.
- (2) One (1) member appointed by the county fiscal body from the membership of the fiscal body.
- (3) One (1) member:
 - (a) who is the executive of the municipality having the largest population in the county, if that municipality is a city; or

(b) if a town is the municipality having the largest population in the county, who is appointed from the membership of the fiscal body of that town.

(4) One (1) member of the legislative body of the municipality with the largest population in the county appointed by the legislative body of that municipality.

(5) One (1) member:

(A) who is the executive of a city in the county that is not the municipality having the largest population in the county; or

(B) who is a member of the fiscal body of a town that is not the municipality having the largest population in the county;

and who is appointed by the executive of that county to represent the municipalities in the county other than the municipality having the largest population.

Sec. 6-104 Term of Office of the Members of Solid Waste Management District Board. The term of office of any member of the LaPorte County Solid Waste Management District Board who is a member of an executive, legislative or fiscal body is co-extensive with the member's term of office of that body.

Sec. 6-105 Organization of the LaPorte County Solid Waste Management District Board.

(a) The LaPorte County Solid Waste Management District Board shall select and designate a chairperson and vice-chairperson from within the Board's membership. The Board shall select and designate such other officers as it deems appropriate and necessary to fulfill its obligations.

(b) The LaPorte County Solid Waste Management District Board shall designate a fiscal officer who shall be the fiscal officer who represents the largest population in the District.

(c) The LaPorte County Solid Waste Management District Board may, at its discretion, adopt rules, regulations or by-laws as it deems appropriate and necessary to complete and fulfill its obligations.

(d) Within thirty (30) days of the passage and adoption of this ordinance, the President of the LaPorte County Solid Waste Management Board of Commissioners shall convene the initial organization meeting of the LaPorte County Solid Waste Management District Board. All subsequent meetings of the LaPorte County Solid Waste Management District Board shall be held at a time and place designated by the chairman of the LaPorte County Solid Waste Management District Board;

Sec. 6-106 Establishment of the Solid Waste Management District Board Advisory Committee. The Solid Waste Management District Board shall appoint and convene a politically balanced Solid Waste Management Advisory Committee this committee shall be composed of citizens who are residents of LaPorte County, which citizens are knowledgeable of and interested in environmental issues, The Solid Waste Management Advisory Committee shall include representatives of the solid waste management industry operating within the LaPorte County district shall include one representative of the solid waste management industry operating within the LaPorte County District.

(a) The LaPorte County Solid Waste Management District Board shall specify the terms of each member of the Solid Waste Management

District Board Advisory Committee; however: The terms of office shall be staggered for continuity of the advisory Committee. The Advisory Committee shall meet twice monthly until the District plan is formulated, thereafter on a scheduled monthly basis.

(b) It shall be the duty and responsibility of the Solid Waste Management Advisory Committee to study the subjects and problems specified by the Board and recommend to the Board additional problems in need of study and discussion. The Committee, or its members may, if invited by the Board to do so, participate without the right to vote, in the deliberations of the Board. The Advisory Committee's findings of fact shall be presented in writing to the Solid Waste Management District Board.

(c) The committee, or its members may, if invited by the Board to do so, participate without the right to vote, in the deliberations of the Board; however: the advisory committee shall select from its membership a chairperson who shall be the Advisory Committee's liaison to the District Board, to participate, without the right to vote, in the deliberations of the Board. The Chairperson shall be elected yearly and concurrent with the calendar year.

Sec. 6-107 Duties of Solid Waste Management District Board. The duties of the Solid Waste Management District Board shall include, but not be limited to the following:

(a) The appointment of the Solid Waste Management District Board Advisory Committee in accordance with Section 6-103 of this Chapter.

(b) The Board shall adopt and submit to the Commissioner of the Indiana Department of Environmental Management a District Solid Waste Management Plan. Said plan shall meet the requirements of state law, et seq., and shall also meet the criteria and other elements set forth in the State Plan.

(c) It shall be the duty of the Board, prior to the creation, amendment or alteration of the District Solid Waste Management Plan, to conduct two (2) or more public hearings, one each to be held in the city of LaPorte and Michigan City, with appropriate public notice of said hearings being given by the Board. The Advisory Committee shall participate, without the right to vote, with intent to receive, assimilate and consider the public's input.

(d) Prior to the adoption of the District Plan in its final form, the Board shall hold a public hearing on the proposed plan and public notice of said hearing shall be given by the Board.

Sec. 6-108 Powers of the Solid Waste Management District Board. The powers of the Solid Waste Management District Board shall include the following:

- (1) The power to develop and implement a district solid waste management plan under I.C. 13-9.5-4.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-9.5-6-1.
- (3) The power to receive and disburse funds.
- (4) The power to sue and be sued.
- (5) The power to borrow money from the district planning revolving loan fund under I.C. 13-9.5-10.
- (6) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (7) The power to enter with any person into a contract or agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for:
 - (A) the design, construction, operation, financing, ownership, or maintenance of facilities by the

district or any other person;

- (B) the managing or disposal of solid waste; or
- (C) the sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or agreement described in this subdivision may not exceed forty (40) years.

(8) The power to enter into agreements for the leasing of facilities in accordance with I.C. 36-1-10 or I.C. 36-9-30.

(9) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(10) The power to sell or lease any facility or part of a facility to any person.

(11) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(12) The power to enter upon property to make surveys, sounding, borings, and examinations.

(13) The power to accept gifts, grants, or loans of money, other property, or services from any source, public or private, and to comply with the terms of the gift, grant, or loan in the name of and direct benefit for the LaPorte Solid Waste Management District. This provision shall not be misconstrued to allow for acceptance of gifts, grants, etc. for individual Board member's personal benefit.

(14) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to regular budget and tax levy procedures.

(15) The power to borrow in anticipation of taxes.

(16) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(17) The power to otherwise do all things necessary for the reduction, management, and disposal of solid waste and the recovery of waste products from the solid waste stream.

(18) The power to adopt resolutions that have the force of law.

The powers of a district do not include the following:

- (1) The power of eminent domain.
- (2) The power to exclusively control the collection or disposal of solid waste within the district.

Sec. 6-109 The LaPorte County District Solid Waste management Plan.

Section 2 This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

BOARD OF COMMISSIONERS OF
LAPORTE COUNTY

DATED: May 28, 1991

BY:

Michael T. Quinn
MICHAEL T. QUINN

Norman E. PaHS
NORMAN E. PAHS

Merle Bannwart
MERLE BANNWART

ATTEST:

Betty J. Shail
BETTY J. SHAIL, COUNTY AUDITOR

Please publish two (2) times in the Michigan City News-Dispatch and LaPorte Herald-Argus on Monday, June 3, 1991 and Monday, June 10, 1991.