

STATE OF INDIANA
DEPARTMENT OF LOCAL GOVERNMENT FINANCE
Room 1058, IGCN – 100 North Senate
Indianapolis, IN 46204

IN THE MATTER OF THE PETITION FOR)
REVIEW OF A PROPOSED CONTROLLED) CP015-001
PROJECT IN SCOTT COUNTY)

1. Indiana Code 6-1.1-20-3.1 and IC 6-1.1-20-3.6 provide that a political subdivision may not artificially divide a capital project into multiple capital projects in order to avoid the requirements of the petition and remonstrance process or referendum process, respectively.

2. Indiana Code 6-1.1-20-3.1 and IC 6-1.1-20-3.6 also provide that a person that owns property within a political subdivision or a person that is a registered voter residing within a political subdivision may file a petition with the Department of Local Government Finance (“Department”) objecting that the political subdivision has artificially divided a capital project into multiple capital projects in order to avoid the requirements of the petition and remonstrance process or referendum process, respectively. The petition must be filed not more than ten days after the political subdivision makes the preliminary determination to issue the bonds or enter into the lease for the project. If the Department receives such a petition, it must, not later than 30 days after receiving the petition, make a final determination on the issue of whether the capital projects were artificially divided.

3. On October 31, 2015, Michael Stivers submitted a petition to the Department alleging that the “Scott County Council has previously issued bonds in the amount of \$12,000,000 to build a new jail. They have spent that money and need additional funds to complete the jail. The renovation of the existing jail facility is part of the original project and is and [sic] attempt to artificially divide the project.”

4. According to Scott County’s “Notice of Determination to Issue Bonds of Scott County, Indiana,” and as represented in Mr. Stivers’ petition, Scott County’s preliminary determination occurred on October 20, 2015.

5. Mr. Stivers submitted his petition to the Department on October 31, 2015, eleven days after the date of Scott County’s preliminary determination.

6. Although Mr. Stivers’ petition was not timely filed and the Department is consequently unable to issue a determination in response to the petition, the Department is in communication with Scott County about this bond issue and has brought to the County’s attention Mr. Stivers’ concerns.

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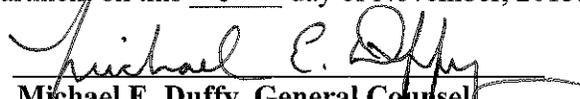


Courtney L. Schaafsma, Commissioner

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I, Michael E. Duffy, General Counsel for the Department of Local Government Finance, hereby certify that the above is an order of the Commissioner of the Department of Local Government Finance made this date in the above-entitled matter and that the Commissioner has personally signed the same under her statutory authority.

WITNESS MY HAND AND SEAL of this Department on this 30th day of November, 2015.


Michael E. Duffy, General Counsel