

RESOLUTION NO. 24-2023 (Amended)

Expressing Opposition to State Preemption of Local Government Functions

WHEREAS, Indiana Code Chapter 36-1-3 provides for Home Rule and states “The policy of the state is to grant units all the powers that they need for the effective operation of government as to local affairs;” and

WHEREAS, State preemption of local-government decision making is contrary to this stated policy; and

WHEREAS, good policymaking is predicated on allowing local governments to implement various policy ideas to suit their needs and their constituents’ wishes; and

WHEREAS, the Indiana General Assembly has repeatedly engaged in preemption in legislation on a variety of issues, including housing, such as those regulated by SEA 106 (2023), SEA 350 (2023) HEA 1315 (2023), HEA 1575 (2023), HEA 1300 (2022), HEA 1191 (2021), SEA 148 (2020), SEA 375 (2019), HEA 1422 (2017), SEA 558 (2017), HEA 1053 (2016), SEA 229 (2014), and SEA 292 (2011); and

WHEREAS, notwithstanding that the members of the Common Council of the City of West Lafayette may differ in their positions on the issues that are the subject of the preemptive legislation;

NOW, THEREFORE, be it resolved by the Common Council of the City of West Lafayette that we express our firm opposition to Indiana General Assembly preemption of local government functions; and

BE IT FURTHER RESOLVED, that members of the Indiana General Assembly who represent all or part of the City of West Lafayette are hereby urged to vote against legislation that results in preemption of local government functions and to support legislation that repeals laws that resulted in the preemption of local government functions; and

BE IT FURTHER RESOLVED, that members of the Indiana General Assembly who represent all or part of the City of West Lafayette are hereby urged to seek the opinion of the Mayor of the City of West Lafayette and of the Common Council of the City of West Lafayette on all pending Indiana General Assembly legislation that could result in preemption of local government functions. This resolution shall become effective upon the date of passage.

This resolution will be communicated by the Office of the Clerk of the City of West Lafayette to all Indiana General Assembly members who represent any part of the City of West Lafayette.

INTRODUCED ON FIRST AND ONLY READING ON THE 4 DAY OF December, 2023.

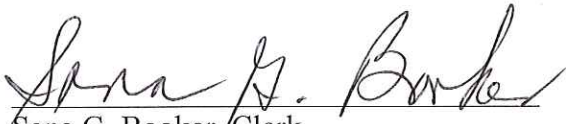
MOTION TO ADOPT MADE BY COUNCILOR DeBoer, AND SECONDED BY COUNCILOR Parker.

DULY RESOLVED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 4 DAY OF December, 2023, HAVING BEEN PASSED BY A VOTE OF 8 IN FAVOR AND 0 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Blanco	✓			
Brown	✓			
Bunder	✓			
DeBoer	✓			
Lee	✓			
Leverenz	✓			
Parker	✓			
Sanders	✓			
Thomas			✓	

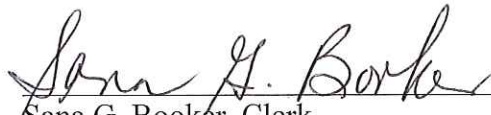

Peter Bunder, Presiding Officer

Attest:

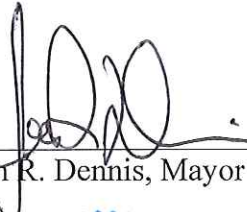

Sana G. Booker, Clerk



PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 5 DAY OF December, 2023.


Sana G. Booker, Clerk

THIS RESOLUTION APPROVED AND SIGNED BY ME ON THE 5 DAY OF December, 2023.


John R. Dennis, Mayor

Attest:


Sana G. Booker, Clerk

