

ORDINANCE NO: 17-14

AN ORDINANCE CHANGING THE CLASSIFICATION OF THE CITY OF WEST LAFAYETTE FROM THIRD CLASS TO A SECOND CLASS CITY

WHEREAS, the City of West Lafayette (City) is presently classified as a Third Class City as defined by Indiana Code § 36-4-1-1;

WHEREAS, the City's classification as a Third Class City predates the City's most recent annexation;

WHEREAS, beginning in 2013, the City undertook an annexation plan which included the acquisition of certain populated areas contiguous to the City's existing boundaries;

WHEREAS, the City's annexation efforts were completed in February of 2014 and as of the date of the presentation of this ordinance the City's boundaries have been permanently established;

WHEREAS, 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 600,000 or more	First class cities
Cities of 35,000 to 599,999	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.

WHEREAS, pursuant to the 2010 Census conducted by the United States Census Bureau and as confirmed by a population analysis, the City of West Lafayette's census subsequent to the completion of annexation is in excess of 35,000.

WHEREAS, the census of the City of West Lafayette, pursuant to the 2010 Census confirms that, pursuant to Indiana Code § 36-4-1-1, West Lafayette can be classified as a Second Class City as defined by Indiana law;

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

IC 36-4-1-8 Classification change due to population change; applicable laws

Sec. 8. (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.

WHEREAS, prior to final passage of this ordinance the Common Council of the City of West Lafayette shall establish Six (6) City Council Districts which shall be divided in the manner required by Indiana Code § 36-4-6-3 and which districts shall be described on an attachment to this ordinance.

WHEREAS, prior to January 1, 2016 the Common Council of the City of West Lafayette shall establish a budget for the "Controller" for the City of West Lafayette;

WHEREAS, prior to January 1, 2016 the Common Council of West Lafayette shall establish a budget for the newly created elected position of Clerk of the City of West Lafayette;

NOW THEREFORE be it ordained by the Common Council of the City of West Lafayette, Indiana that:

Section 1. The above recitals are incorporated herein by this reference as though fully set forth below.

Section 2. The City of West Lafayette Common Council does hereby establish that the City of West Lafayette, Indiana shall be a Second Class City as described and defined by Indiana Code effective upon final passage of this ordinance.

Section 3. Any and all other steps that are necessary in order to effectuate said change from a Third Class City to a Second Class City shall be undertaken by the executive and legislative branches of government in an expedient and prompt manner.

Severability Clause:

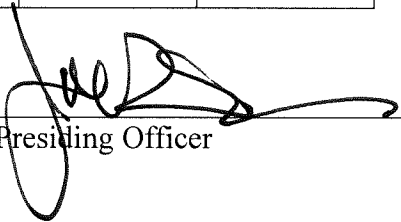
Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or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

INTRODUCED ON FIRST READING ON THE 2 DAY OF June, 2014.

MOTION TO ADOPT MADE BY COUNCILOR Keen, AND SECONDED BY COUNCILOR Dietrich.


DULY ORDAINED, PASSED, AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE, INDIANA, ON THE 2 DAY OF September, 2014, HAVING BEEN PASSED BY A VOTE OF 6 IN FAVOR AND 1 OPPOSED, THE ROLL CALL VOTE BEING:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch		✓		
DeBoer	✓			
Dietrich	✓			
Hunt	✓			
Keen	✓			
Thomas	✓			



Presiding Officer

Attest:



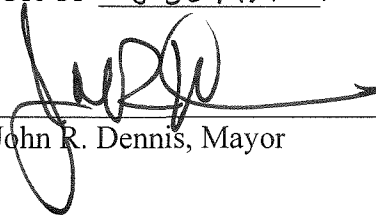
Judith C. Rhodes, Clerk-Treasurer

PRESENTED BY ME TO THE MAYOR OF THE CITY OF WEST LAFAYETTE, INDIANA ON THE 2 DAY OF September, 2014, AT THE HOUR OF 8:30 P.M.




Judith C. Rhodes, Clerk-Treasurer

THIS ORDINANCE APPROVED AND SIGNED BY ME ON THE 2 DAY OF
September, 2014, AT THE HOUR OF 8:30 P.M.



John R. Dennis, Mayor

Attest:



Judith C. Rhodes, Clerk-Treasurer