



TOWN OF BARGERSVILLE

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December 22, 2009

Dear White River Township Advisory Board:

RE: Official Public Hearing Comments on the Contents of the
Greenwood/White River Township Reorganization Plan

These written comments are offered as the official comments of the Town Council of Bargersville with regard to the proposed Reorganization Plan as presented and publicly distributed by the White River Township Advisory Board. These comments do not waive or supersede any other rights of the Town of Bargersville with regard to any other activity or issue, whatever. The comments officially offered, below, simply and solely respond to the contents of the Reorganization Plan, as publicly distributed, in accordance with the provisions of IC 36-1.5.

The Town Council of Bargersville hereby offers the following comments in writing with regard to the Reorganization Plan publicly distributed in support of a 'merger' between the City of Greenwood and the 'unincorporated areas of White River Township.' The Town of Bargersville hereby finds the Reorganization Plan to be defective for the following reasons:

- The Reorganization Plan is defective in failing to address several statutory issues. It is the position of the Town of Bargersville that IC 36-1.5 is intended to afford communities the opportunity to identify creative methods for modernizing government and create new efficiency in the delivery of government services. The Reorganization Plan fails to address the basic purpose of IC 36-1.5 as clearly stated in IC 36-1.5-1-1. By writing an entirely new statute to address statutory methods for considering "government modernization," it was the clear intent of the Legislature that the purpose of "modernization" was separate from that of "annexation," for which a separate law was passed (IC 36-4-3). The Reorganization Plan which has been presented does not purport to accomplish significant modernization or new efficiency in operating government. Instead, the recommendations of the Reorganization Plan are tantamount to annexation of an undefined unincorporated area by an incorporated municipality. This was clearly not the legislative intent of IC36-1.5. In addition, the merger cannot address property previously annexed by Bargersville and Bargersville does not waive any rights to previously annexed territory. As Greenwood is aware, a municipality cannot assert control over territory to which another municipality has imitated a first-in-time annexation.

- The Reorganization Plan is defective in the fact that the only alternative for providing local government to areas of White River Township was to join the City of Greenwood. All other alternatives for reorganization of local government were deliberately and publicly excluded from fair and honest consideration, which was not the legislative intent of IC36-1.5.
 - The White River Township Advisory Board consciously chose to exclude the Town of Bargersville from participation in the study, despite the fact that the Town of Bargersville already provides expensive and important capital municipal services to a substantial portion of White River Township.
 - In addition, the Reorganization Plan fails to address the alternative of separate incorporation of White River Township, and the Mayor of Greenwood publicly explained that the alternative would not be examined ‘because Greenwood taxpayers would not finance the cost of that analysis.’ Such a public statement by the Mayor suggests that the effort invested under the ostensible umbrella of IC36-1.5 would not consider any alternative that is not sufficiently and specifically beneficial to Greenwood.
 - The Reorganization Plan further fails to consider alternatives for reorganization other than ‘effective annexation’ by Greenwood, as provided in the enabling resolutions.
 - The Town of Bargersville hereby officially and directly questions statements in the Reorganization Plan, such as those on Page 17, which claim that the Reorganization Committee was unable to identify entities to provide certain township services.
 - The Reorganization Plan alludes to an artificial and arbitrary boundary of Whiteland Road for some ambiguous purpose. It is unclear where any boundary involving Whiteland Road was authoritatively established and for what purpose/intent.

It is therefore the position of the Town of Bargersville that the Reorganization Plan fails to meet the legislative purpose and intent of IC 36-1.5 by consciously and deliberately failing to fairly and honestly examine other alternatives for modernization and efficiency in the delivery of government services, and instead represents an effort that more closely conforms to ‘annexation’ by the city of Greenwood, without the constraints of conformity with IC36-4-3.

We cannot believe that the Indiana Legislature would create a statute which would afford, allow and encourage any form of government to be conducted in a back room, excluding the public interests of one party while arbitrarily embracing another, and to the exclusion of an honest discussion of legitimate alternatives for delivering government services efficiently to the taxpayers. Yet Greenwood would effectively achieve this end under the

current Reorganization Plan. We cannot believe that this was the intent of IC 36-1.5 and we therefore object to any Reorganization Plan which excludes obvious and viable alternatives.

- The Reorganization Plan is defective in that the deliberate exclusion of the Town of Bargersville from the public discussion has now led to a ridiculous outcome in terms of the delivery of public services. Bargersville residents currently pay taxes to White River Township for the delivery of certain services including: poor relief, cemetery maintenance, and removal of noxious weeds. Furthermore, Bargersville residents vote for township elected officials to manage the delivery of those services within the statutorily prescribed model for representative form of government.
 - The Reorganization Plan does violence to the fundamental concept of representative government by effectively separating taxation from the delivery of township services and from representative government.
 - The Reorganization Plan currently purports that the city of Greenwood would collect the revenues which formerly were collected by the Township, and would deliver those services to areas that are inside the Town of Bargersville.
 - This means the taxation of Bargersville residents for the delivery of the services formerly provided by the township.
 - This means that Greenwood would be in a position to effectively dictate the delivery or non-delivery of those services within the limits of the Town of Bargersville, without representation of the interests of Bargersville residents.
 - This means that residents of Bargersville would have no electoral representation with regard to the management and oversight of the taxation and the delivery of those services.
 - For the above reasons, the Reorganization Plan is defective in that it does violence to the fundamental concept of representative government with regard to separating the deliberate and sustained connection between taxation and electoral participation.

- The Reorganization Plan is defective in that it fails entirely to consider the issue of capital services and policies by utilities. The extension of capital services is clearly a critical factor in future development and economic growth, yet the Reorganization Plan is silent to the issue of how those capital utility services are to be maintained and extended.
 - By deliberate ignorance, the Reorganization Plan fails to address utility issues on even the most fundamental basis, thereby leaving the public/voters without any clear public policy with regard to utility extensions.

- The Reorganization Plan was pre-conditionally condemned to an absurd outcome by excluding Bargersville from the discussion because a significant part of White River Township is served by Bargersville Utilities.
 - Inasmuch as Bargersville residents have paid a significant portion of the cost of extending and providing utility services to White River Township, the failure of the Reorganization Plan to address issues of utility policy represents a major and critical defect on multiple levels.
- The Reorganization Plan is significantly defective in failing to clearly set forth the specific boundaries of the area to be considered for reorganization, modernization or efficiency. This defect in the Reorganization Plan must be corrected in order for the citizens/voters of White River Township to determine whether and how the proposed “merger” will affect them, and this defect precludes their ability to participate effectively in the democratic process as informed voters. In the absence of clear boundaries which clearly and specifically depict what areas are designated to receive which services and what those services are to cost the individual households/voters, the Reorganization Plan fails to make a credible commitment of government services to an *as yet undefined group of citizens* of White River Township. Until it is clear what services are to be received by which households in return for what specific revenues to be collected from those households (or other revenue streams), the defects of the Reorganization Plan fail to make a credible commitment to the citizens affected by the merger proposal (see comment below). In the absence of clearly defined boundaries, the Reorganization Plan is ambiguous in its proposal and cannot be considered as a sufficient basis for setting public policy.
- The Reorganization Plan is defective in failing to clearly set forth a credible commitment for providing specific capital and non-capital services to specific households/voters, including a specific identification of services, sources of funding/revenue and the estimated cost of services to be delivered. This defect is especially critical to establishing the information necessary for voters to make an informed choice in the referendum.
 - In contrast, the Reorganization Plan is clear in adding new public costs/expenses, such as increases in proposed salaries for elected and appointed officials, as well as adding additional elected offices to the legislative branch of local government (which again appears counter-intuitive to the concepts of “modernization” and “efficiency” as expressed in IC 36-1.5).
- The Reorganization Plan is defective in failing to clearly set forth a schedule for delivering specific capital and non-capital services to the White River Township areas.

The comments presented above are intended to provide Bargersville's official response to the Reorganization Plan. Bargersville reserves the right to add or modify comments as the process moves forward.

Sincerely,
Town of Bargersville