

IC 6-1.1-17-20 Circumstances under which a taxing unit's proposed budget and **levy** must be reviewed by the city, town, or county fiscal body...

(c) If: the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town; the governing body shall submit its proposed budget and property tax levy to the city or town fiscal body.

(d) If subsection (c) **does not** apply, the governing body of the taxing unit shall submit its proposed budget and property tax levy to the **county fiscal body** in the county where the taxing unit has the most assessed valuation. [from Senate Bill 1, Dec. 2003/enacted Public Law 1-2004]

JCPL Director **Beverly Martin** at **Franklin City Council**, July 26, 2004: "...we come before the city council because we were originally a city library. The history of the Johnson County Public Library is, basically in the sixties when the federal government was offering money for expansion, Franklin saw the possibility of giving service to the entire county, and so took upon what was at that time called a contractual library agreement with all parts of the county... Over time we've merged, we've become a county system... So it does seem sort of an irony of this law that we are coming to you when the residents of Franklin represent only about twenty percent of the people that are served by the county library system. But it's just, probably something that we'll get cleared up."

IC 6-1.1-17-20.5 Circumstances under which a taxing unit's proposed **bonds** or lease must be reviewed by the city, town, or county fiscal body...

(c) If: the assessed valuation of a taxing unit is not entirely contained within a city or town but the taxing unit was originally established by the city or town; the governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the city or town fiscal body.

(d) This subsection applies to a taxing unit **not** described in subsection (c). The governing body of the taxing unit may not issue bonds or enter into a lease payable in whole or in part from property taxes unless it obtains the approval of the **county fiscal body** in the county where the taxing unit has the most net assessed valuation. [House Enrolled Act 1001, 2008/Public Law 146-2008,]

FRANKLIN CITY COUNCIL 8/3/09; JCPL attorney **Brian J. Deppe**: "One of the requirements to issue general obligation bonds is approval by the overseeing governmental entity. Frankly, there is some question of what that entity is. I was on the library board a long time ago, and if you had asked me who'd formed the original Franklin Public Library, I would have said the City of Franklin. We recently got into the history of that, and it appears that it was formed by Johnson County. Strangely enough. We haven't nailed that down, but that's what it appears to be. So in an excess of caution, rather than going only before the Johnson County Council for authorization for these bonds, we are coming to both bodies, so if there's any question later about which body is the correct body, we will have been to both."

COUNTY COUNCIL 8/10/09 Brian J. Deppe: "Essentially... for issuing bonds, we are supposed to come before the authority who approves our budget. The interesting question is, if a library's boundaries are outside of a city itself, one of the issues is, **who created the library?** And if you had asked me two weeks ago, I would have said, Franklin created the library. We have some information that the County Commissioners created the Franklin library. Contrary to what I would have thought. And **because of our own uncertainty about whether the library was created by the City of Franklin, or by Johnson County**, we filed and presented this petition to both bodies."

Beverly Martin: "I've had this conversation with a couple of you that yes, it doesn't make any sense that just because we were created by a city, that the city would be approving our budgets, or our bonding ability, but that appears to be the way the law is written. **We are trying to get that clarified.** Because personally I think, and when we're looking at a county situation, where everyone in the county is gonna have an input on this decision, and final outcome of the project, it should be this body that has final approval... [After Council refuses the total \$2,000,000:] I think it might be better if we table it, and let the [Library] Board have their hearing on the 18th [of Aug.] and then we can come back... When it comes right down to it, they're [the Board] not gonna sell bonds until they've got both city and county approval. Because **we don't know whose approval we should be getting.** [Councilman Canary: "Who can tell you that?"] I'm going to have to go through the *County Commissioner's* records and **see if we can find something that states that the county formed the library.** If we can't find that, then it's the city, and the city approves it."

CITY COUNCIL 8/17/09 Brian J. Deppe: "When we were here before, we mentioned to you some uncertainty about whether the library was a city library or a county library. Because of that we were going before both bodies with the petition to issue general obligation bonds. Since that time, we have researched some old records, and we have satisfied ourselves and bond counsel that **the library is a city library**, notwithstanding its name. And that county approval for the bond issue is not needed."

001135

RESOLUTION OF MERGER

WHEREAS, the Johnson County Contractual Public Library is a county library district organized under the Indiana Library Law of 1947, as amended;

WHEREAS, said library district encompasses all of the territory in Johnson County located outside the corporate limits of the Cities of Franklin and Greenwood and the Town of Edinburg, Indiana, as those corporate limits existed on January 1, 1976;

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE JOHNSON COUNTY CONTRACTUAL PUBLIC LIBRARY THAT:

1. The Johnson County Contractual Public Library hereby elects and resolves to merge said library with the Franklin Public Library to form a new county library district to be known as "The Franklin-Johnson County Public Library", effective April 2, 1977.

2. The new county library district shall contain all of the territory within the confines of Johnson County, Indiana, including all of the territory contained in the City of Franklin, Indiana, but excluding all of the territory located inside the corporate limits of Greenwood and Edinburg, as those corporate limits existed on January 1, 1976, and the new county library district shall assume all of the assets and liabilities of the Johnson County Contractual Public Library.

3. The Board of Trustees of the Johnson County Contractual Public Library is hereby authorized to give, devise in fee simple, and transfer all property, real and personal, belonging to the Johnson County Contractual Public Library to the new "Franklin-Johnson County Public Library."

6. When the merger authorized by this resolution is completed, the Johnson County Contractual Public Library shall be considered dissolved.

7. The headquarters of the county library district shall be located in the City of Franklin, Indiana.

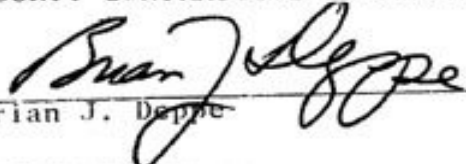
Adopted this 8th day of February, 1977.

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Mary Williams
CLERK OF BOARD OF TRUSTEES
JOHNSON COUNTY

THE BOARD OF TRUSTEES OF THE JOHNSON COUNTY CONTRACTUAL PUBLIC LIBRARY


Brian J. Deppa

001136

RESOLUTION OF MERGER

WHEREAS, the Franklin Public Library is a city library district organized under the Indiana Library Law of 1947, as amended;

WHEREAS, said library district encompasses all of the territory located inside the corporate limits of the City of Franklin, Indiana, as those corporate limits existed on January 1, 1976;

THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE FRANKLIN PUBLIC LIBRARY THAT:

1. The Franklin Public Library hereby elects and resolves to merge said library with the Johnson County Contractual Public Library to form a new county library district to be known as "The Franklin-Johnson County Public Library", effective April 2, 1977.

6. When the merger authorized by this resolution is completed, the Franklin Public Library shall be considered dissolved.

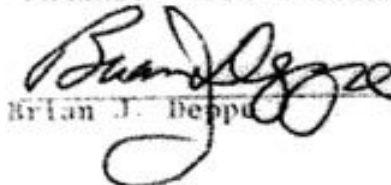
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Brian J. Deppa