Cumberland Town Council

Ordinance 2018 - 07

Appointments to Boards

Whereas, Section 00-03-32 of the Cumberland Town Code details policies of the Town; and

Whereas, each year the Town Council appoints persons to various Town boards, commissions, committees, departments, and offices (collectively “boards”); and

Whereas, Indiana law requires some appointments to be conditioned upon the political affiliation of the appointee, or that the membership of a board not exceed a stated number of members from the same political party; and

Whereas, the Indiana state legislature adopted and passed House Enrolled Act 1395 which amends the Town’s policy on how the political affiliation of an appointee is determined; and

Whereas, the Town Council now finds that it is in the best interest of the Town, and its citizens, to establish a new section to the Town of Cumberland Code of Ordinances to comply with the provisions of House Enrolled Act 1395.

Therefore, it is ordained that a new section, Section 00-03-32-81, of the Town Code is hereby established and this new section shall read as follows:

“§ 00-03-32-81 Determination of Political Affiliation for Various Town Boards and Commissions.

(A) Whenever the Town of Cumberland appoints a person to a Town board, commission, office, committee, or other group of the Town (collectively “boards”), and that appointment, by law, is conditioned upon the political affiliation of the appointee, or that the membership of a board cannot exceed a stated number of
members from the same political party, at the time of an appointment, the political affiliation of the person is determined by:

(1) The person’s vote in the most recent primary election in Indiana held by the party with which the appointee claims affiliation; or

(2) If the appointee has never voted in a primary election in Indiana, the appointee is certified as a member of that party by the party’s county chairman for the county in which the appointee resides.

(B) If a certification by a county chairman of a political party is required under subsection (2), the certification must be filed with the circuit court clerk not later than the time the appointee’s oath of office is filed with the clerk under Ind. Code § 5-4-1. If the county chairman’s certification is not filed with the circuit court clerk’s office, the appointment is void.

(C) If the term of an appointed member of a board expires and the appointing authority of the Town does not make an appointment to fill the vacancy, both of the following apply:

(1) The member may continue to serve on the board for 90 days after the expiration date of the member's term.

(2) The county chairman of the political party of the member whose term has expired shall make the appointment.”

It is further ordained that this ordinance shall become effective upon adoption.

It is further ordained any provision of the Town Code which is not expressly amended by this ordinance shall remain in full force and effect.

Adopted this 18th day of April, 2018

Cumberland Town Council

Anna Pea, President
Joe Siefker, Vice President

Brian Gritter, Member

Nicole Bell, Member

Aaron Cutshaw, Member

Attest:

Erica Salmon, Clerk-Treasurer