

RESOLUTION NO. 2020-R-4

**A RESOLUTION REGARDING PUBLICATION OF PUBLIC NOTICES  
FOR THE CITY OF CHARLESTOWN COMMON COUNCIL**

WHEREAS, the City of Charlestown, Indiana (the “City”) is a 3<sup>rd</sup> class City as defined by I.C. §36-4-1-1; and,

WHEREAS, the Common Council for Charlestown (the “Council”) desires to clarify and limit the publication of Legal Notices on behalf of the Council; and,

WHEREAS, the members of the Council should be aware of the contents of Legal Notices published on behalf of the Council, before such publications are authorized; and

WHEREAS, on March 26, 2020, upon the direction of the City Executive, and without advanced notice to the members of the Council, a legal notice containing the following language was published in the *News and Tribune*, to wit:

NOTICE TO TAXPAYERS OF HEARING ON PROPOSED CUMULATIVE CAPITAL DEVELOPMENT FUND. Notice is hereby given to the taxpayers of the City of Charlestown, Clark County, Indiana, that the Charlestown City Council will consider at 304 Main Cross Street, Charlestown, Indiana, at 6:30 pm on April 6, 2020, the establishment of a Cumulative Capital Development Fund under the provisions of Indiana Code IC 36-9-15.5 for all uses as set out in IC 36-9-15.5. The tax will be levied on all taxable real and personal property within the taxing district and will not exceed: \$0.0167 per \$100 of assessed valuation payable in 2021, \$0.0333 per \$100 of assessed valuation payable in 2022, and \$0.0500 per \$100 of assessed valuation payable in 2023, and thereafter, continuing until reduced or rescinded. Taxpayers appearing at such hearing shall have the right to be heard thereon. The proposal for establishment of the Cumulative Capital Development Fund is subject to approval by the Department of Local Government Finance. Within 30 days after the date of the adoption of the cumulative fund by the Charlestown City Council, the City of Charlestown will publish a Notice of Adoption. Upon publication of the Notice of Adoption, 50 or more taxpayers in the taxing district may file a petition with the County Auditor not later than noon 30 days after the publication of the Notice of Adoption setting forth their objections to the proposed fund. Dated this 26th day of March 2020. Charlestown City Council: Bo Bertram Ruthie Jackson B.J. Steele Brian Hester J.T. Cox

and,

WHEREAS, members of the Council did not authorize the Notice to be published, and were unaware of the contents of the Notice or intention of the Notice prior to its publication; and,

WHEREAS, the Council is acutely aware that many families and businesses in the City have been financially impacted in a negative way because of Executive Orders issued by the governor of the State of Indiana in the Governor's effort to address concerns over the spread of the COVID-19 virus, some of which require businesses to close and individuals to lose pay; and,

WHEREAS, the Council does not wish to consider or discuss imposing additional taxes on residents or businesses within the City during this time of economic hardship; and,

WHEREAS, the Council wants to clarify the City's Executive Branch's latitude to speak on the Council's behalf, without first consulting the members of the Council.


**THEREFORE, BE IT HEREBY RESOLVED** by the Council of the City of Charlestown, Indiana that no action be taken at this time to establish a Cumulative Capital Development Fund for the City.

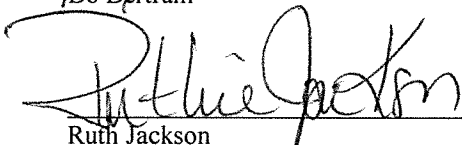
**IT IS FURTHER RESOLVED**, that the City Executive shall not direct the publication of Legal Notices on behalf of the City Council without a vote of a majority of the City Council, or the written consent of the President Pro Tempore of the City Council, which written consent may be delivered by email or in written form.

ALL OF WHICH IS RESOLVED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN ON THIS 6th DAY OF APRIL 2020.

**Voted in Favor**

  
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Brian Hester

  
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Bo Bertram

  
\_\_\_\_\_  
Ruthie Jackson

  
\_\_\_\_\_  
B.J. Steele

  
\_\_\_\_\_  
J.T. Cox

**Voted Against**

\_\_\_\_\_  
Brian Hester

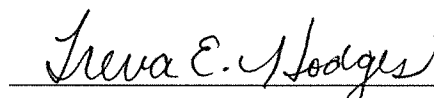
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Bo Bertram

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Ruthie Jackson

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B.J. Steele

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J.T. Cox


**Seen and Approved:**

  
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Treva Hodges, Mayor

ATTEST:

4-6-20

Date

  
Donna Coomer, City Clerk/Treasurer