ORDINANCE 22-_____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA ADOPTING SECOND CLASS CITY STATUS

WHEREAS, the City of Westfield, ("City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council");

WHEREAS, the City has attained a population in excess of thirty-five thousand persons, as determined by the most recent federal decennial census and other appropriate mans;

WHEREAS, Indiana Code § 36-4-1-1.1 provides that the legislative body of a Third Class City may, by ordinance, adopt Second Class City status;

WHEREAS, under Indiana Code § 36-4-1-8, upon change of the City's classification to a Second Class City, the City shall be governed by the laws applicable to its new class, except that the membership of the City's legislative body and the powers, duties, functions, and offices of its elected officials remain unchanged until the expiration of the terms of its members and elected officials;

WHEREAS, every City with a population over thirty-five thousand in Hamilton County is a second class city;

WHEREAS, the Mayor currently presides over all Council meetings, permitting the President Pro Tem of the Council to run meetings, and the Mayor breaks ties in accordance with Ind. Code § 36-4-6-8(b). Those powers will cease as of the adoption of this Ordinance and the Mayor shall have no further legislative role;

WHEREAS, the elected position of the office of City Clerk shall be established, with a budget for the same established by the Council, which could match the budget of the current Clerk-Treasurer if the Council so desired;

WHEREAS, the duties of the current Clerk-Treasurer shall be divided between an elected city clerk and an appointed controller, a financial professional, who would bring the City of Westfield closer to an organizational structure of a business and would have a net-effect of reducing financial consultant fees;

WHEREAS, even though under Indiana law, upon the change of classification of the City to a Second Class City, the Mayor has the power to select a controller, the Mayor will cede that power through this Ordinance so the Common Council would vote to recommend a qualified controller, as specified below; and

WHEREAS, the Westfield Common Council, in the best interest of all the citizens of the City, and in light of the fact that the City is required to undergo redistricting efforts, now recognizes this as a prudent time to adopt Second Class City status for the City of Westfield, Indiana.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Indiana, that:

Section 1. The foregoing recitals are fully incorporated here by reference.

Section 2. The Westfield Common Council adopts Second Class City status for the City of Westfield, Indiana.

Section 3. Under Indiana Code § 36-4-1-8, and this Ordinance, the terms of the present members of the Common Council and the Clerk-Treasurer shall remain unchanged until the expiration of their terms and they shall continue to act under the powers granted to them as a Third Class City until January 1, 2024.

Section 4. Under the guidelines in Indiana Code § 36-4-6-3, the Council shall pass an ordinance diving the City into 6 Common Council Districts. The districts shall be effective for the term of the Council members beginning January 1, 2024, shall be made in accordance with law, shall be based upon the latest decennial census, and shall not cross precinct boundaries.

Section 5. Upon the City becoming a Second Class City, all ordinances, rules, and regulations of the City shall continue in full force and effect, except where inconsistent with a Second Class City powers, until amended or repealed, or unless inconsistent with Indiana law.

Section 6. Before January 1, 2024, and under the City's current budget procedures, the City's executive shall establish a budget for the newly created appointed position and executive Department of the Controller. The Common Council, before January 1, 2024, shall vote to recommend a Controller, which the Mayor will consider and may appoint.

Section 7. Before January 1, 2024, and under the City's current budget procedures, the Common Council shall establish a budget for the elected position of Clerk of the City of Westfield.

Section 8. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed as of the effective date of this Ordinance.

Section 9. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor, and in accordance with Indiana law.

PASSED THIS ____ DAY OF _____ 2022 BY THE WESTFIELD COMMON COUNCIL, HAMILTON COUNTY, INDIANA**.**

WESTFIELD CITY COUNCIL

Voting For	**Voting Against**	**Abstain**
_____	_____	_____
Scott Willis	Scott Willis	Scott Willis
_____	_____	_____
Jake Gilbert	Jake Gilbert	Jake Gilbert
_____	_____	_____
Joe Edwards	Joe Edwards	Joe Edwards
_____	_____	_____
Scott Frei	Scott Frei	Scott Frei
_____	_____	_____
Mike Johns	Mike Johns	Mike Johns
_____	_____	_____
Troy Patton	Troy Patton	Troy Patton
_____	_____	_____
Cindy L. Spoljaric	Cindy L. Spoljaric	Cindy L. Spoljaric

ATTEST:

_____
Cindy Gossard, Clerk Treasurer

I hereby certify that ORDINANCE 22-_____ was delivered to the Mayor of Westfield on the _____ day of _____, 2022, at _____ ____ m.

_____
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE ORDINANCE 22-___
this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor

I hereby VETO ORDINANCE 22-_____
this _____ day of _____, 2022.

_____
J. Andrew Cook, Mayor