

Bond Case Briefs

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MUNICIPAL ORDINANCE - INDIANA

Anderson v. Gaudin

Court of Appeals of Indiana - January 12, 2015 - N.E.3d - 2015 WL 143920

In 2007 the Brown County Commissioners enacted an ordinance establishing a county-wide fire-protection district. In 2011 the Commissioners amended the ordinance, reducing dramatically the scope of the ordinance and the powers granted to the Board of Trustees. County-resident freeholders first filed suit for declaratory judgment, and then the Commissioners and the freeholders filed cross motions for summary judgment, asking the trial court to determine whether the amended ordinance was a valid exercise of the Commissioners' authority.

The trial court granted summary judgment in favor of the freeholders, finding that the amendment was a de facto dissolution of the ordinance, in contravention of the Fire District Act. The Commissioners appealed, contending that the amended ordinance was a valid exercise of their authority.

The Court of Appeals affirmed, finding that the "amendment" made to the ordinance amounted to a de facto dissolution, and that the Commissioners did not have the authority to amend the ordinance at all.