

Bond Case Briefs

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FIRE PROTECTION DISTRICT - INDIANA

Anderson v. Gaudin

Supreme Court of Indiana - September 1, 2015 - N.E.3d - 2015 WL 5131480

County resident freeholders brought declaratory judgment action against county board of commissioners, alleging board lacked authority to amend ordinance that established a county-wide fire protection district. The Circuit Court granted summary judgment in favor of resident freeholders. Board and commissioners appealed. The Court of Appeals affirmed. The Supreme Court granted transfer.

The Supreme Court of Indiana held that county board of commissioners had statutory authority to amend ordinance that previously established county-wide fire protection district, where noting in Fire District Act expressly prohibiting amendment of an ordinance establishing a district, and, absent such a prohibition, the Home Rule Act applied to permit amendment; disapproving *Gaudin v. Austin*, 921 N.E.2d 895.