

AGENDA RESERVATION REQUEST

CITY OF FRANKLIN COMMON COUNCIL

Please type or print

Date Submitted:	August 30, 2023	Meeting Date:	September 5 2023
Contact Information:			
Requested by:	Dana Monson		
On Behalf of Organization or Individual:		Mayor Barnett	
Telephone:	317-736-3631		
Email address:	dmonson@franklin.in.gov		
Mailing Address:	70 E. Monroe St., Franklin, IN 46131		
Describe Request:			
Request to consider membership in the Central Indiana Regional Development Authority			
List Supporting Documentation Provided:			
City Council Memo			
Preliminary Strategic Plan for the Central Indiana Regional Development Authority			
Ordinance 23-11			
Resolution 23-15			
Who will present the request?			
Name:	Dana Monson/Chris Hamm	Telephone:	317-736-3631

The Franklin City Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in the Council Chambers of City Hall located at 70 E. Monroe Street. In order for an individual and/or agency to be considered for new business on the agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 12:00 p.m. on the Wednesday before the meeting.



CITY OF FRANKLIN

COMMUNITY DEVELOPMENT DEPARTMENT

Memorandum

To: City Council, Mayor Barnett, Lynn Gray
From: Dana Monson
Date: September 5, 2023
Re: Consideration of membership in the Central Indiana Redevelopment Authority

The State of Indiana will be funding a second round of READI grant funds. As you may recall, the city applied for and received almost \$900,000.00 for two road projects. This year, the program has changed and the IEDC, which is the group managing the program for the state, has placed each county in a designated region. Last year, we were placed in the West Central region, but this year we have been placed in the Central Indiana region.

In order to qualify for READI funds, the legislation for the READI program states that these regions have to have a regional redevelopment authority, and that authority is the grantee. We would fall under the Central Indiana Redevelopment Authority. This is an authority that has been set up by specific state legislation, which makes this one different from any other regional authority in the state. For example, this region requires the representative of each community to be an elected official or their designee, while all others do not allow elected officials in any capacity. This authority also, by state legislation, cannot apply a tax to member communities for funding.

The first step in preparing the city to apply for READI Funds, is for the city to agree to join the CIRDA and do so by an ordinance. In addition, each authority must have a preliminary strategic plan and each member community must agree to adopt that strategic plan by resolution. I have attached the ordinance, resolution, preliminary strategic and the CIRDA by-laws for your review. Ms. Gray has also reviewed these documents.

Chris Hamm, of HWC Engineering, is the consultant working with our region on the READI portion. He is here to provide background on the program and the value it will bring to the city to participate in this venture.

Today I am requesting approval to move forward with the first reading of the ordinance and the resolution for you and request approval to bring the ordinance forward for the second reading at your next meeting. The resolution will also be presented for consideration at that meeting.

If you have any questions regarding this request, please contact me directly at 346-1254.

RESOLUTION R041822B

**A RESOLUTION OF THE COMMON COUNCIL FOR THE CITY OF
FISHERS, HAMILTON COUNTY, INDIANA ADOPTING A PRELIMINARY
STRATEGIC ECONOMIC DEVELOPMENT PLAN FOR THE CENTRAL INDIANA
REGIONAL DEVELOPMENT AUTHORITY PURSUANT TO IC §36-7.7 *et. seq.***

WHEREAS, on or around March 18, 2020, Governor Holcomb signed P.L.83-2020 (SEA 350) (the “Act”), which allows eligible political subdivisions located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area to create the Central Indiana Regional Development Authority (the “RDA”) and to carry out its powers as more particularly described in the Act;

WHEREAS, on __May 16, 2022__, the Common Council (“Council”) for the City of Fishers, Hamilton County, Indiana (“Fishers”) adopted Ordinance No. 041822, authorizing Fishers to become a member of the RDA;

WHEREAS, in order to establish the RDA, the fiscal bodies of a combination of any two (2) or more qualified counties or municipalities must adopt a preliminary strategic economic development plan (the “Plan”) by substantially similar resolution;

WHEREAS, the Plan must include provisions and general information concerning (i) the participating members of the RDA, (ii) the membership of the strategy committee, (iii) a timeline for submitting the comprehensive development plan, as defined by the Act, and (iv) a strategy for attracting (or any projected) investments, grants, matching funds, or local tax revenue; and

WHEREAS, the Council now desires to adopt the Plan, as more particularly described in Exhibit A, which is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Fishers, Hamilton County, meeting in regular session as follows:

Section 1. The Council hereby approves the Plan, as more particularly described in Exhibit A, attached hereto and incorporated herein.

Section 2. This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

SO RESOLVED, by the Common Council for the City of Fishers, Hamilton County, Indiana this __16th__ day of __May__, 2022.

**COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA**

R041822B

YAY

NAY

ABSTAIN

	Todd Zimmerman, President		
	John Weingardt, Vice President		
	C. Pete Peterson, Member		
	Cecilia C. Coble, Member		
	Brad DeReamer, Member		
	Selina Stoller, Member		
	Jocelyn Vare, Member		
	Crystal Neumann, Member		
	David Giffel, Member		

I hereby certify that the foregoing Ordinance/ Resolution was delivered to City of Fishers Mayor Scott Fadness on the __16th__ day of __May__ 2022, at _____ p.m.

ATTEST: _____
Jennifer L. Kehl, Fishers City Clerk

MAYOR'S APPROVAL

Scott A. Fadness, Mayor

May 16, 2022
DATE



MAYOR'S VETO

Scott A. Fadness, Mayor

DATE

This instrument prepared by: Christopher P. Greisl, City Attorney, City of Fishers, Hamilton County, Indiana, One Municipal Drive, Fishers, Indiana, 46038

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law." Christopher P. Greisl

Exhibit A

[The Plan]

**CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY
PRELIMINARY STRATEGIC ECONOMIC DEVELOPMENT PLAN**

ARTICLE I

Name and Participating Members

The name of the development authority is the Central Indiana Regional Development Authority (the “RDA”). The RDA may establish such acronyms or abbreviations as may be appropriate for business use, and may establish logos, service marks, or trademarks as may be appropriate to further its purposes, mission recognition and goals.

Subject to taking the enabling actions as provided in Ind. Code §36-7.7 *et. seq.* (the “Act”), the participating members of the RDA may include any eligible political subdivision, described in Ind. Code §36-7.7-2-7, that is located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area (as defined by the United States Census Bureau). It is anticipated that the initial membership will include, without limitation, the following political subdivisions:

- a) The City of Fishers;
- b) The City of Noblesville;
- c) The Consolidated City of Indianapolis;
- d) The City of Westfield;
- e) The City of Carmel;
- f) The Town of Zionsville;
- g) The Town of McCordsville; and
- h) The City of Anderson

All participating members of the RDA are hereinafter collectively referred to as the “Members”.

ARTICLE II

Purpose and Powers

Section 1. General Purpose. The RDA is a separate body corporate and politic that shall carry out the purposes of the Act by: (i) acquiring, constructing, equipping, owning, and financing projects and facilities to or for the benefit of eligible political subdivisions under this article; and (ii) funding and developing: (A) airport authority projects; (B) commuter transportation district and other rail projects and services; (C) regional transportation authority projects and services; (D) economic development projects; (E) intermodal transportation projects; (F) regional trail or greenway projects; (G) regional transportation infrastructure projects under IC 36-9-43; and (H) any other capital infrastructure project that enhances the region with the goal of attracting people or business; that are of regional importance.

Section 2. General Duties. The RDA shall do the following: (i) assist in the coordination of local efforts concerning projects that are of regional importance; (ii) assist a county, a municipality, a commuter transportation district, an airport authority, and a regional transportation authority in coordinating regional transportation and economic development efforts; and (iii) fund projects that are of regional importance, as provided in the Act.

Section 3. General Powers. The RDA may do any of the following: (i) finance, improve, construct, reconstruct, renovate, purchase, acquire, and equip land and projects that are of regional importance; (ii) finance and construct additional improvements to projects or other capital improvements owned by the RDA; (iii) construct or reconstruct highways, roads, and bridges; (iv) acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase; (v) acquire all or a part of one (1) or more projects from an eligible political subdivision by purchase to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome; (vi) make grants or provide other financial assistance to or on behalf of the following: (A) a commuter transportation district, (B) an airport authority, (C) a regional transportation authority. A loan, a loan guarantee, a grant, or other financial assistance under this clause may be used by a regional transportation authority for acquiring, improving, operating, maintaining, financing, and supporting the following: (x) bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system, (y) bus terminals, stations, or facilities or other regional bus authority projects, (D) a county, (E) a municipality; (vii) provide funding to assist a railroad that is providing commuter transportation services in a county containing territory included in the RDA; (viii) provide funding to assist an airport authority located in a county containing territory included in the RDA in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project; (ix) provide funding for intermodal transportation projects and facilities; (x) provide funding for regional trails and greenways; (xi) provide funding for economic development projects; (xii) provide funding for regional transportation infrastructure projects under IC 36-9-43; (xiii) hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the RDA, any real or personal property; (xiv) after giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project; (xv) make or enter into all contracts and agreements necessary or incidental to the performance of the RDA's duties and the execution of the RDA's powers under this article; (xvi) sue, be sued, plead, and be impleaded; (xvii) design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project; (xviii) appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees who are necessary or desired by the RDA in exercising its powers or carrying out its duties under this article; (xix) accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source; (xx) use the RDA's funds to match federal grants or make loans, loan guarantees, or grants to carry out the RDA's powers and duties under this article; (xxi) except as prohibited by law, take any action necessary to carry out the Act. Projects funded by the RDA must be of regional importance.

ARTICLE III

The Strategy Committee

Section 1. Membership. The management and affairs of the RDA shall be vested in the Strategy Committee (the "Committee").

Section 2. Committee. The Committee shall consist of (i) the chief executive officer (or their designee) of each political subdivision with a population of 7,500 people or greater (the "Population Threshold"), and (ii) one (1) chief executive officer (or their designee) to collectively represent all political subdivisions who do not meet or exceed the Population Threshold. Each member of the committee, before entering upon the duties of office, must take and subscribe an oath of office under Ind. Code §5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Committee. A member of the committee is not entitled to receive any compensation for performance of the member's duties. The Committee structure shall be re-evaluated every five (5) years. Service on the Strategy Committee does not constitute a "lucrative office" pursuant to Article II, § 9 of the Indiana Constitution.

Section 3. Chair; Officers. In January of each year, the Committee shall hold an organizational meeting at which the Committee shall elect the following officers from the members of the Committee: (i) chair, (ii) vice chair, and (iii) secretary-treasurer. The affirmative vote of at least a majority of the members of the Committee is necessary to elect an officer under this section. An officer elected under this section serves from the date of the officer's election until the officer's successor is elected and qualified.

Section 4. Ex Officio Officer. The Mayor of the Consolidated City of Indianapolis is an *ex officio* officer of the Committee. This appointment is in addition to the committee appointment described in Article III, Section 2.

Section 5. Meetings, Quorum, Affirmative Votes. The committee shall meet at least quarterly. The chair of the Committee or any two (2) members of the committee may call a special meeting of the Committee. A majority of the appointed members of the Committee constitutes a quorum. The affirmative votes of at least a majority of the appointed members of the Committee are necessary to authorize any action of the Committee.

Section 6. Bylaws. The Committee shall adopt the bylaws and rules that the Committee considers necessary for the proper conduct of the Committee's duties and the safeguarding of the RDA's funds and property.

ARTICLE IV

Regional Strategy Fund

The Committee shall establish and administer a regional strategy fund (the "Fund") that consists of the following: (i) any payments required under an interlocal agreement for a project that specifically states: (A) the amount for which each member is responsible; and (B) the term of the agreement. The transfers allowed by this subdivision may be made from any local revenue of the county or municipality, including property tax revenue, distributions, incentive payments,

money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16, money received by the county or municipality under a development agreement (as defined by IC 36-1-8-9.5), or any other local revenue that is not otherwise restricted by law or committed for the payment of other obligations; (ii) money received from the federal government; (iii) gifts, contributions, donations, and private grants made to the fund; and (iv) money transferred to the RDA under an interlocal agreement.

The Committee shall designate a participating member to be the administrator of the Fund at no cost to the RDA. The designated member shall only make disbursements pursuant to instructions by the Committee.

ARTICLE V

Comprehensive Strategic Economic Development Plan

The RDA shall prepare a comprehensive strategic economic development plan (“Comprehensive Plan”) to serve as a roadmap to diversify and strengthen the regional economy, establish regional goals and objectives, develop and implement a regional action plan, identify ways to eliminate duplicative government services within the region, and identify investment priorities and funding sources, all in accordance with Ind. Code §36-7.7-3-4.

The RDA shall adopt the Comprehensive Plan by or before December 31, 2022.

ARTICLE VI

Strategy for Attracting Investments

To ensure Central Indiana is positioned to be a vital and dynamic commercial center and a magnet for world-class talent and innovation, policymakers must promote and invest in strategies that play to the region’s industry sector strengths while supporting groups adversely impacted by the pandemic. This is an opportune time for new thinking as business, philanthropic and political leaders refocus on creating jobs; developing and attracting a highly skilled workforce; and luring residents and workers, to ensure the long-term success of Central Indiana.

As further established by the Comprehensive Plan, the RDA will focus on the following strategies for attracting (or any projected) investments, grants, matching funds, or local tax revenue:

- **Key Sectors**
 - *Health Care & Medical Technology* - Establish more educational opportunities for healthcare certifications and create career pathways for advanced medical degrees
 - *Software Development* – Develop a targeted recruitment plan for tech talent; and partner with regional stakeholders to identify key strategic advantages for the region.
 - *Logistics & Manufacturing* – Partner with higher education institutions to create a roundtable for automation and robotics; create a rigorous training program in

automation and robotics field culminating in a certificate or credential; and introduce robotics and automation into K-12 curriculum.

- *Green Jobs* – Create incentives for green energy in homes, schools, retail shops, offices, and industrial facilities to support sustainability; and develop training and credential programs for high-demand green jobs.
- *Finance & Insurance* – Launch an aggressive program to recruit more finance and industry sector remote workers to the region.
- Talent
 - *Engage Learners Early On* – Correlate skills with wages and opportunities; encourage digital skills development; and expand the work and learn Indiana portal to younger adults and promote it in Central Indiana high schools.
 - *Advocate for the Adult Learner* – Increased access to childcare; and short-term training options.
 - *Community Support* – Establish a “choice employers” designation; and set postsecondary benchmarks
- Quality of Place
 - *Green Space* – implement recommendations from the White River Visioning Plan; identifying future park locations and implement standards for new green spaces; increase Walk Score by connecting broken sidewalk segments and expand and connect trail infrastructure; expand and connect trail infrastructure; complete housing studies for communities in the RDA; consider new policies for mixed-use developments; and identify opportunities for senior housing projects.
- Societal Risk Factors
 - *Improved Access, Improved Health* – Expand telehealth options from local providers to increase medical care access and improve productivity; promote healthy lifestyles through community campaigns; prioritize alternative transportation plans; and implement SNAP benefits for use at farmers markets.
- Entrepreneurship
 - *Form Community Co-Working Networks* – Establish co-working spaces and mentorship networks within each participating member’s community; and implement policies to support women, minorities, and veterans and their entrepreneurial efforts.
 - *Build a Regional Marketing Presence for Entrepreneur Programs* – Increase regional visibility as a tech hub; attract an international venture capital conference to the region; and establish targets for awarding public contracts to entrepreneurs and small businesses within the region.

- Infrastructure

- *Make Autonomous and Electric a Regional Advantage* – Market the region to facilitate autonomous vehicle investment; and support autonomous and electric vehicle adoption through investments in new infrastructure.
- *Roadways Receive Regular Upkeep* – Develop a regional investment strategy for roadways; and incentivize communities to collaborate on large infrastructure projects.
- *Broadband Access for All* – 100% coverage of high-speed broadband service for the entire region; build upon the Next Level Connections broadband program; and co-locate broadband with new and existing infrastructure, including above-ground infrastructure, and then codify a “dig once” policy within the region.

ARTICLE VII

Vacating Development Authority

A county or municipality shall be a member of the RDA for not less than five years (“Initial Commitment”). After completing its Initial Commitment, a participating member may vacate the RDA subject to (i) providing all Members with two year’s written notice of its intent to vacate, and (ii) the fiscal body of the participating member must adopt an ordinance to vacate membership in the RDA.

City of Franklin

Ordinance 2023-11

AN ORDINANCE AUTHORIZING THE CITY OF FRANKLIN TO BECOME A MEMBER OF THE CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY PURSUANT TO IND. CODE 36-7.7 *et. seq.*

WHEREAS, Ind. Code 36-7.7 *et.seq.* (the “Act”) allows eligible political subdivisions located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area to create the Central Indiana Regional Development Authority (the “RDA”) and to carry out its powers as more particularly described in the Act;

WHEREAS, the Development Authority is a separate corporate and politic body that shall carry out the purposes of the Act by (i) acquiring, constructing, equipping, owning, and financing projects and facilities to or for the benefit of Development Authority members; and (ii) funding and developing: (A) airport authority projects; (B) commuter transportation district and other rail projects and services; (C) regional transportation authority projects and services; (D) economic development projects; (E) intermodal transportation projects; (F) regional trail or greenway projects; (G) regional transportation infrastructure projects under Ind. Code 36-9-43; and (H) any other capital infrastructure project that enhances the region with the goal of attracting people or business; that are of regional importance; and

WHEREAS, the Development Authority has, among other things, the power to (i) finance, improve, construct, reconstruct, renovate, purchase, acquire, and equip land and projects that are of regional importance; (ii) finance and construct additional improvements to projects or other capital improvements owned by the RDA; (iii) construct or reconstruct highways, roads, and bridges; (iv) acquire land for all or part of one (1) or more projects from an eligible political subdivision by purchase; (v) provide funding for intermodal transportation facilities and projects; (vi) provide funding for regional trails and greenways; (vii) provide funding for economic development project; (viii) provide funding for regional transportation infrastructure projects under Ind. Code 36-9-43; and all other powers as prescribed by the Act; and

WHEREAS, the Development Authority may be established by (1) one or more counties and one or more adjacent counties, (ii) one or more counties and one or more municipalities in adjacent counties, or (iii) one or more municipalities and one or more municipalities in adjacent counties; and

WHEREAS, the Development Authority shall be governed by a strategy committee whose composition and structure will be established by a preliminary development plan (the “Plan”), which is to be adopted by a separate resolution of the participating members, in accordance with the Act; and

WHEREAS, Ind. Code 36-7.7-3-9 provides that other political subdivisions may join an established RDA if the fiscal body of municipality adopts an Ordinance authorizing membership and adopts a Resolution adopting the RDA development plan; and

WHEREAS, the Common Council of the City of Franklin, Indiana (the “City”), pursuant to Ind. Code 36-7.7-3-9, has decided that it is in the best interest of the City to become a member of the Development Authority.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Franklin that:

Section 1. The Common Council of the City of Franklin, Indiana hereby authorizes the City to become a member of the Development Authority pursuant to the Act. The City shall be a member of the Development Authority for no less than five years or until expiration of the enabling statute.

Section 2. The Common Council of the City of Franklin, Indiana shall adopt the Plan by a separate resolution, which resolution shall be substantially similar to the resolutions of other participating members of the Development Authority.

Section 3. The City shall notify the Indiana Economic Development Commission of its membership in the Development Authority.

Section 4. The Ordinance shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

Passed and adopted by the Common Council of the City of Franklin, Indiana this ____ day of _____, 2023.

CITY OF FRANKLIN, INDIANA BY ITS COMMON COUNCIL:

Voting Affirmative:

Kenneth Austin, President

Jennifer Price

Joshua Prine

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Shawn Taylor

Attest:

Jayne Rhoades
City Clerk-Treasurer

Voting Opposed:

Kenneth Austin, President

Jennifer Price

Joshua Prine

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Shawn Taylor

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code 36-4-6-15, this _____ day of _____, 2023 at _____ o'clock a.m./p.m.

Jayne Rhoades
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me was approved by me and [Approved by me and duly adopted, pursuant to Indiana Code 36-4-6-1(a)(1)] [Vetoed, pursuant to Indiana Code 36-4-6-16 (a)(2)], this _____ day of _____, 2023 at _____ o'clock am/pm.

Stephen Barnett, Mayor

Attest:

Jayne Rhoades
City Clerk-Treasurer

City of Franklin

RESOLUTION 2023-15

A RESOLUTION OF THE CITY OF FRANKLIN ADOPTING THE STRATEGIC ECONOMIC DEVELOPMENT PLAN FOR THE CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY PURSUANT TO IC 36-7.7-3-3 *et.seq.*

WHEREAS, Ind. Code 36-7.7 *et.seq.* (the "Act") allows eligible political subdivisions located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area to create the Central Indiana Regional Development Authority (the "RDA") and to carry out its powers as more particularly described in the Act; and

WHEREAS, Ind. Code 36-7.7-3-9 provides that a political subdivision may join an established RDA if the fiscal body adopts an ordinance authorizing membership; and

WHEREAS, on September ____, 2023 the Common Council of the City of Franklin, Indiana ("Council") adopted Ordinance No. 2023-____ Authorizing the City of Franklin to become a member of the RDA; and

WHEREAS, in order to establish the RDA, the fiscal bodies of a combination of any two (2) or more qualified counties or municipalities must adopt a preliminary strategic economic development plan (the "Plan") by substantially similar resolution; and

WHEREAS, a joining member of the RDA must adopt the preliminary strategic economic plan by substantially similar resolution; and

WHEREAS, the Plan must include provisions and general information concerning (i) the participating members of the RDA, (ii) the membership of the strategic committee, (iii) a timeline for submitting the comprehensive development plan, as defined by the Act, and (iv) a strategy for attracting (or any projected) investments, grants, matching funds, or local tax revenue; and

WHEREAS, the Common Council now desires to adopt the Plan, as more particularly described in Exhibit "A", which is attached hereto and incorporated herein; and

WHEREAS, the Central Indiana Regional Development Authority has adopted Bylaws approved on June 23rd, 2022 attached hereto as Exhibit "B" and the Common Council acknowledges said Bylaws.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Franklin that:

Section 1. The Common Council of the City of Franklin, Indiana hereby approves the Plan, as more particularly described in Exhibit "A", attached hereto and incorporated herein.

Section 2. The Common Council of the City of Franklin, Indiana adopts the Plan by this resolution, which resolution is substantially similar to the resolutions of other participating members of the Development Authority.

Section 3. The Common Council of the City of Franklin, Indiana acknowledges the Central Indiana Regional Development Authority Bylaws per the attached Exhibit "B".

Section 4. This Resolution shall be of full force and effect from and upon its adoption and in accordance with Indiana law.

Approved by the Common Council of the City of Franklin, Indiana this _____ day of _____, 2023.

CITY OF FRANKLIN, INDIANA BY ITS COMMON COUNCIL:

Voting Affirmative:

Kenneth Austin, President

Jennifer Price

Joshua Prine

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Shawn Taylor

Attest:

Jayne Rhoades
City Clerk-Treasurer

Voting Opposed:

Kenneth Austin, President

Jennifer Price

Joshua Prine

Robert D. Heuchan

Anne McGuinness

Irene Nalley

Shawn Taylor

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code 36-4-6-15, this _____ day of _____, 2023 at _____ o'clock a.m./p.m.

Jayne Rhoades
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me was approved by me and {Approved by me and duly adopted, pursuant to Indiana Code 36-4-6-1(a)(1)} [Vetoed, pursuant to Indiana Code 36-4-6-16 (a)(2)], this _____ day of _____, 2023 at _____ o'clock am/pm.

Stephen Barnett, Mayor

Attest:

Jayne Rhoades
City Clerk-Treasurer

**CENTRAL INDIANA REGIONAL DEVELOPMENT AUTHORITY
PRELIMINARY STRATEGIC ECONOMIC DEVELOPMENT PLAN**

ARTICLE I

Name and Participating Members

The name of the development authority is the Central Indiana Regional Development Authority (the "RDA"). The RDA may establish such acronyms or abbreviations as may be appropriate for business use, and may establish logos, service marks, or trademarks as may be appropriate to further its purposes, mission recognition and goals.

Subject to taking the enabling actions as provided in Ind. Code §36-7.7 *et. seq.* (the "Act"), the participating members of the RDA may include any eligible political subdivision, described in Ind. Code §36-7.7-2-7, that is located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area (as defined by the United States Census Bureau). It is anticipated that the initial membership will include, without limitation, the following political subdivisions:

- a) The City of Fishers;
- b) The City of Noblesville;
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- d) The City of Westfield;
- e) The City of Carmel;
- f) The Town of Zionsville;
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All participating members of the RDA are hereinafter collectively referred to as the "Members".

ARTICLE II

Purpose and Powers

Section 1. General Purpose. The RDA is a separate body corporate and politic that shall carry out the purposes of the Act by: (i) acquiring, constructing, equipping, owning, and financing projects and facilities to or for the benefit of eligible political subdivisions under this article; and (ii) funding and developing: (A) airport authority projects; (B) commuter transportation district and other rail projects and services; (C) regional transportation authority projects and services; (D) economic development projects; (E) intermodal transportation projects; (F) regional trail or greenway projects; (G) regional transportation infrastructure projects under IC 36-9-43; and (H) any other capital infrastructure project that enhances the region with the goal of attracting people or business; that are of regional importance.

Section 2. General Duties. The RDA shall do the following: (i) assist in the coordination of local efforts concerning projects that are of regional importance; (ii) assist a county, a municipality, a commuter transportation district, an airport authority, and a regional transportation authority in coordinating regional transportation and economic development efforts; and (iii) fund projects that are of regional importance, as provided in the Act.

Section 3. General Powers. The RDA may do any of the following: (i) finance, improve, construct, reconstruct, renovate, purchase, acquire, and equip land and projects that are of regional importance; (ii) finance and construct additional improvements to projects or other capital improvements owned by the RDA; (iii) construct or reconstruct highways, roads, and bridges; (iv) acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase; (v) acquire all or a part of one (1) or more projects from an eligible political subdivision by purchase to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome; (vi) make grants or provide other financial assistance to or on behalf of the following: (A) a commuter transportation district, (B) an airport authority, (C) a regional transportation authority. A loan, a loan guarantee, a grant, or other financial assistance under this clause may be used by a regional transportation authority for acquiring, improving, operating, maintaining, financing, and supporting the following: (x) bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system, (y) bus terminals, stations, or facilities or other regional bus authority projects, (D) a county, (E) a municipality; (vii) provide funding to assist a railroad that is providing commuter transportation services in a county containing territory included in the RDA; (viii) provide funding to assist an airport authority located in a county containing territory included in the RDA in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project; (ix) provide funding for intermodal transportation projects and facilities; (x) provide funding for regional trails and greenways; (xi) provide funding for economic development projects; (xii) provide funding for regional transportation infrastructure projects under IC 36-9-43; (xiii) hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the RDA, any real or personal property; (xiv) after giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project; (xv) make or enter into all contracts and agreements necessary or incidental to the performance of the RDA's duties and the execution of the RDA's powers under this article; (xvi) sue, be sued, plead, and be impleaded; (xvii) design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project; (xviii) appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees who are necessary or desired by the RDA in exercising its powers or carrying out its duties under this article; (xix) accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source; (xx) use the RDA's funds to match federal grants or make loans, loan guarantees, or grants to carry out the RDA's powers and duties under this article; (xxi) except as prohibited by law, take any action necessary to carry out the Act. Projects funded by the RDA must be of regional importance.

ARTICLE III

The Strategy Committee

Section 1. Membership. The management and affairs of the RDA shall be vested in the Strategy Committee (the "Committee").

Section 2. Committee. The Committee shall consist of (i) the chief executive officer (or their designee) of each political subdivision with a population of 7,500 people or greater (the "Population Threshold"), and (ii) one (1) chief executive officer (or their designee) to collectively represent all political subdivisions who do not meet or exceed the Population Threshold. Each member of the committee, before entering upon the duties of office, must take and subscribe an oath of office under Ind. Code §5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Committee. A member of the committee is not entitled to receive any compensation for performance of the member's duties. The Committee structure shall be re-evaluated every five (5) years. Service on the Strategy Committee does not constitute a "lucrative office" pursuant to Article II, § 9 of the Indiana Constitution.

Section 3. Chair; Officers. In January of each year, the Committee shall hold an organizational meeting at which the Committee shall elect the following officers from the members of the Committee: (i) chair, (ii) vice chair, and (iii) secretary-treasurer. The affirmative vote of at least a majority of the members of the Committee is necessary to elect an officer under this section. An officer elected under this section serves from the date of the officer's election until the officer's successor is elected and qualified.

Section 4. Ex Officio Officer. The Mayor of the Consolidated City of Indianapolis is an *ex officio* officer of the Committee. This appointment is in addition to the committee appointment described in Article III, Section 2.

Section 5. Meetings, Quorum, Affirmative Votes. The committee shall meet at least quarterly. The chair of the Committee or any two (2) members of the committee may call a special meeting of the Committee. A majority of the appointed members of the Committee constitutes a quorum. The affirmative votes of at least a majority of the appointed members of the Committee are necessary to authorize any action of the Committee.

Section 6. Bylaws. The Committee shall adopt the bylaws and rules that the Committee considers necessary for the proper conduct of the Committee's duties and the safeguarding of the RDA's funds and property.

ARTICLE IV

Regional Strategy Fund

The Committee shall establish and administer a regional strategy fund (the "Fund") that consists of the following: (i) any payments required under an interlocal agreement for a project that specifically states: (A) the amount for which each member is responsible; and (B) the term of the agreement. The transfers allowed by this subdivision may be made from any local revenue of the county or municipality, including property tax revenue, distributions, incentive payments,

money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16, money received by the county or municipality under a development agreement (as defined by IC 36-1-8-9.5), or any other local revenue that is not otherwise restricted by law or committed for the payment of other obligations; (ii) money received from the federal government; (iii) gifts, contributions, donations, and private grants made to the fund; and (iv) money transferred to the RDA under an interlocal agreement.

The Committee shall designate a participating member to be the administrator of the Fund at no cost to the RDA. The designated member shall only make disbursements pursuant to instructions by the Committee.

ARTICLE V

Comprehensive Strategic Economic Development Plan

The RDA shall prepare a comprehensive strategic economic development plan ("Comprehensive Plan") to serve as a roadmap to diversify and strengthen the regional economy, establish regional goals and objectives, develop and implement a regional action plan, identify ways to eliminate duplicative government services within the region, and identify investment priorities and funding sources, all in accordance with Ind. Code §36-7.7-3-4.

The RDA shall adopt the Comprehensive Plan by or before December 31, 2022.

ARTICLE VI

Strategy for Attracting Investments

To ensure Central Indiana is positioned to be a vital and dynamic commercial center and a magnet for world-class talent and innovation, policymakers must promote and invest in strategies that play to the region's industry sector strengths while supporting groups adversely impacted by the pandemic. This is an opportune time for new thinking as business, philanthropic and political leaders refocus on creating jobs; developing and attracting a highly skilled workforce; and luring residents and workers, to ensure the long-term success of Central Indiana.

As further established by the Comprehensive Plan, the RDA will focus on the following strategies for attracting (or any projected) investments, grants, matching funds, or local tax revenue:

- **Key Sectors**
 - *Health Care & Medical Technology* - Establish more educational opportunities for healthcare certifications and create career pathways for advanced medical degrees
 - *Software Development* – Develop a targeted recruitment plan for tech talent; and partner with regional stakeholders to identify key strategic advantages for the region.
 - *Logistics & Manufacturing* – Partner with higher education institutions to create a roundtable for automation and robotics; create a rigorous training program in

automation and robotics field culminating in a certificate or credential; and introduce robotics and automation into K-12 curriculum.

- *Green Jobs* – Create incentives for green energy in homes, schools, retail shops, offices, and industrial facilities to support sustainability; and develop training and credential programs for high-demand green jobs.
- *Finance & Insurance* – Launch an aggressive program to recruit more finance and industry sector remote workers to the region.

- Talent

- *Engage Learners Early On* – Correlate skills with wages and opportunities; encourage digital skills development; and expand the work and learn Indiana portal to younger adults and promote it in Central Indiana high schools.
- *Advocate for the Adult Learner* – Increased access to childcare; and short-term training options.
- *Community Support* – Establish a “choice employers” designation; and set postsecondary benchmarks

- Quality of Place

- *Green Space* – implement recommendations from the White River Visioning Plan; identifying future park locations and implement standards for new green spaces; increase Walk Score by connecting broken sidewalk segments and expand and connect trail infrastructure; expand and connect trail infrastructure; complete housing studies for communities in the RDA; consider new policies for mixed-use developments; and identify opportunities for senior housing projects.

- Societal Risk Factors

- *Improved Access, Improved Health* – Expand telehealth options from local providers to increase medical care access and improve productivity; promote healthy lifestyles through community campaigns; prioritize alternative transportation plans; and implement SNAP benefits for use at farmers markets.

- Entrepreneurship

- *Form Community Co-Working Networks* – Establish co-working spaces and mentorship networks within each participating member’s community; and implement policies to support women, minorities, and veterans and their entrepreneurial efforts.
- *Build a Regional Marketing Presence for Entrepreneur Programs* – Increase regional visibility as a tech hub; attract an international venture capital conference to the region; and establish targets for awarding public contracts to entrepreneurs and small businesses within the region.

- **Infrastructure**
 - *Make Autonomous and Electric a Regional Advantage* – Market the region to facilitate autonomous vehicle investment; and support autonomous and electric vehicle adoption through investments in new infrastructure.
 - *Roadways Receive Regular Upkeep* – Develop a regional investment strategy for roadways; and incentivize communities to collaborate on large infrastructure projects.
 - *Broadband Access for All* – 100% coverage of high-speed broadband service for the entire region; build upon the Next Level Connections broadband program; and co-locate broadband with new and existing infrastructure, including above-ground infrastructure, and then codify a “dig once” policy within the region.

ARTICLE VII

Vacating Development Authority

A county or municipality shall be a member of the RDA for not less than five years (“Initial Commitment”). After completing its Initial Commitment, a participating member may vacate the RDA subject to (i) providing all Members with two year’s written notice of its intent to vacate, and (ii) the fiscal body of the participating member must adopt an ordinance to vacate membership in the RDA.

**CENTRAL INDIANA REGIONAL
DEVELOPMENT AUTHORITY**

Bylaws

Approved June 23, 2022

Exhibit "B"

ARTICLE I
Name and Participating Members

The name of the development authority is the Central Indiana Regional Development Authority (the "RDA"). The RDA may establish such acronyms or abbreviations as may be appropriate for business use, and may establish logos, service marks, or trademarks as may be appropriate to further its purposes, mission recognition and goals.

Subject to taking the enabling actions as provided in Ind. Code §36-7.7 *et. seq.* (the "Act"), the participating members of the RDA may include any eligible political subdivision, described in Ind. Code §36-7.7-2-7, that is located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area (as defined by the United States Census Bureau). It is anticipated that the initial membership will include, without limitation, the following political subdivisions:

- a) The City of Fishers;
- b) The City of Noblesville;
- c) The Consolidated City of Indianapolis;
- d) The City of Carmel;
- e) The Town of Zionsville;
- f) The Town of McCordsville;
- g) The City of Lawrence;
- h) The Town of Speedway; and
- i) The City of Beech Grove

All participating members of the RDA are hereinafter referred to as "Member(s)", and, as such, each Member shall have voting rights on all matters coming before the RDA as further described herein.

ARTICLE II
Purpose and Powers

Section 1. General Purpose. The RDA shall have all powers and authorities, as provided by the Act, as amended. The RDA is a separate body corporate and politic that shall carry out the purposes of the Act by: (i) acquiring, constructing, equipping, owning, and financing projects and facilities to or for the benefit of eligible political subdivisions under this article; and (ii) funding and developing: (A) airport authority projects; (B) commuter transportation district and other rail projects and services; (C) regional transportation authority projects and services; (D) economic development projects; (E) intermodal transportation projects; (F) regional trail or greenway projects; (G) regional transportation infrastructure projects under IC 36-9-43; and (H) any other capital infrastructure project that enhances the region with the goal of attracting people or business; that are of regional importance.

Section 2. General Duties. The RDA shall do the following: (i) assist in the coordination of local efforts concerning projects that are of regional importance; (ii) assist a county, a municipality, a commuter transportation district, an airport authority, and a regional transportation

authority in coordinating regional transportation and economic development efforts; and (iii) fund projects that are of regional importance, as provided in the Act.

Section 3. General Powers. The RDA may do any of the following: (i) finance, improve, construct, reconstruct, renovate, purchase, acquire, and equip land and projects that are of regional importance; (ii) finance and construct additional improvements to projects or other capital improvements owned by the RDA; (iii) construct or reconstruct highways, roads, and bridges; (iv) acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase; (v) acquire all or a part of one (1) or more projects from an eligible political subdivision by purchase to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome; (vi) make grants or provide other financial assistance to or on behalf of the following: (A) a commuter transportation district, (B) an airport authority, (C) a regional transportation authority. A loan, a loan guarantee, a grant, or other financial assistance under this clause may be used by a regional transportation authority for acquiring, improving, operating, maintaining, financing, and supporting the following: (x) bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system, (y) bus terminals, stations, or facilities or other regional bus authority projects, (D) a county, (E) a municipality; (vii) provide funding to assist a railroad that is providing commuter transportation services in a county containing territory included in the RDA; (viii) provide funding to assist an airport authority located in a county containing territory included in the RDA in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project; (ix) provide funding for intermodal transportation projects and facilities; (x) provide funding for regional trails and greenways; (xi) provide funding for economic development projects; (xii) provide funding for regional transportation infrastructure projects under IC 36-9-43; (xiii) hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the RDA, any real or personal property; (xiv) after giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project; (xv) make or enter into all contracts and agreements necessary or incidental to the performance of the RDA's duties and the execution of the RDA's powers under this article; (xvi) sue, be sued, plead, and be impleaded; (xvii) design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project; (xviii) appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees who are necessary or desired by the RDA in exercising its powers or carrying out its duties under this article; (xix) accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source; (xx) use the RDA's funds to match federal grants or make loans, loan guarantees, or grants to carry out the RDA's powers and duties under this article; (xxi) except as prohibited by law, take any action necessary to carry out the Act. Projects funded by the RDA must be of regional importance.

ARTICLE III

The Strategy Committee

Section 1. Membership. The management and affairs of the RDA shall be vested in the Strategy Committee (the "Committee").

Section 2. Committee. The Committee shall consist of (i) the chief executive officer (or their designee) of each political subdivision with a population of 7,500 people or greater (the "Population Threshold"), and (ii) one (1) chief executive officer (or their designee) to collectively represent all political subdivisions who do not meet or exceed the Population Threshold. Each member of the committee, before entering upon the duties of office, must take and subscribe an oath of office under Ind. Code §5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the Committee. A member of the committee is not entitled to receive any compensation for performance of the member's duties. The Committee structure shall be re-evaluated every five (5) years. Service on the Strategy Committee does not constitute a "lucrative office" pursuant to Article II, § 9 of the Indiana Constitution.

Section 3. Chair; Officers. In January of each year, the Committee shall hold an organizational meeting at which the Committee shall elect the following officers from the members of the Committee: (i) chair, (ii) vice chair, and (iii) secretary-treasurer. The affirmative vote of at least a majority of the members of the Committee is necessary to elect an officer under this section. An officer elected under this section serves from the date of the officer's election until the officer's successor is elected and qualified.

Section 4. Ex Officio Officer. The Mayor of the Consolidated City of Indianapolis is a voting *ex officio* officer of the Committee. This appointment is in addition to the committee appointment described in Article III, Section 2 (i.e., the Consolidated City of Indianapolis has 2 votes).

Section 5. Meetings. Quorum. Affirmative Votes. The committee shall meet at least quarterly. The chair of the Committee or any Officer of the Committee may call a special meeting of the Committee. A majority of the appointed members of the Committee constitutes a quorum. The affirmative votes of at least a majority of the appointed Members of the Committee are necessary to authorize any action of the Committee. The RDA shall conduct its business in accordance with Indiana's Open Door Law, Ind. Code §5-14-1.5, *et. seq.* Items on any meeting agenda shall originate from the Chairperson and/or Executive Director.

ARTICLE IV

Regional Strategy Fund

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money deposited in the county's or municipality's local major moves construction fund under IC 8-14-16, money received by the county or municipality under a development agreement (as defined by IC 36-1-8-9.5), or any other local revenue that is not otherwise restricted by law or committed for the payment of other obligations; (ii) money received from the federal government; (iii) gifts, contributions, donations, and private grants made to the fund; and (iv) money transferred to the RDA under an interlocal agreement.

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Comprehensive Strategic Economic Development Plan

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The RDA shall adopt the Comprehensive Plan by or before December 31, 2022.

ARTICLE VI

Strategy for Attracting Investments

To ensure Central Indiana is positioned to be a vital and dynamic commercial center and a magnet for world-class talent and innovation, policymakers must promote and invest in strategies that play to the region's industry sector strengths while supporting groups adversely impacted by the pandemic. This is an opportune time for new thinking as business, philanthropic and political leaders refocus on creating jobs; developing and attracting a highly skilled workforce; and luring residents and workers, to ensure the long-term success of Central Indiana.

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automation and robotics field culminating in a certificate or credential; and introduce robotics and automation into K-12 curriculum.

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ARTICLE VII

Vacating Development Authority

A county or municipality shall be a member of the RDA for not less than five years (“Initial Commitment”). After completing its Initial Commitment, a participating member may vacate the RDA subject to the following: (i) providing all Members with two year’s written notice of its intent to vacate, and (ii) the fiscal body of the participating member must adopt an ordinance to vacate membership in the RDA. Notwithstanding the foregoing, any Member who seeks to vacate the RDA remains obligated to satisfy any unpaid transfers that become due before the effective date of withdrawal. The RDA shall promptly notify the IEDC of any Member withdrawing from the RDA.

ARTICLE VIII

Public Purchasing & Public Works Projects

Section 1. Public Purchasing & Public Works Projects. In accordance with Ind. Code §36-7.7-4-1, the RDA shall comply with Ind. Code 5-22 (public purchasing), IC 36-1-12 (public works projects), and any applicable federal bidding statutes and regulations. A Member that receives a loan, a grant, or other financial assistance from the RDA or enters into a lease with the RDA must comply with applicable federal, state, and local public purchasing and bidding laws and regulations. However, a purchasing agency (as defined in IC 5-22-2-25) of a Member may: (1) assign or sell a lease for property to the RDA; or (2) enter into a lease for property with the RDA; at any price and under any other terms and conditions as may be determined by the Member and RDA. However, before making an assignment or a sale of a lease or entering into a lease under this section that would otherwise be subject to IC 5-22, the Member or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to the lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

Section 2. Goals for Participation. With respect to projects undertaken by the RDA, the RDA shall set a goal for participation by minority business enterprises and women's business enterprises. The goals must be consistent with: (1) the participation goals established by the Members of the RDA; and (2) the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services.

ARTICLE IX

Compliance and Audit

In accordance with Ind. Code §36-7.7-4-2, the state board of accounts shall, pursuant to Ind Code §§ 5-11-1-7 and 5-11-1-24, allow the RDA to contract with a certified public accountant for an annual financial audit of the development authority. The certified public accountant may not have a significant financial interest in a project, facility, or service funded by or leased by or to any development authority. The certified public accountant selected by the RDA must be approved by the state examiner and is subject to the direction of the state examiner while performing an annual financial audit under this article. The certified public accountant shall present an audit report not later than four (4) months after the end of each calendar year and shall make recommendations to improve the efficiency of the RDA's operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and shall express an opinion on the controls that were in effect during the audit period.

The RDA shall pay the cost of the annual financial audit under this article. In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of the RDA. The RDA shall pay the cost of any audit by the state board of accounts. The state board of accounts may waive the requirement that a certified public accountant perform an annual financial audit of the RDA for a particular year if the RDA certifies to the state board of accounts that the RDA had no financial activity during that year.

ARTICLE X

Reports

The RDA shall, before April 1 of each year, issue a report to the legislative council, the budget committee, the Indiana economic development corporation, and the executive, fiscal body, and legislative body of each Member concerning the operations and activities of the RDA during the preceding calendar year. The report to the legislative council must be in an electronic format under IC 5-14-6.

ARTICLE XI

Budget

The Chairperson and/or Executive Director shall present an annual budget to the Committee no later than the first meeting of the year. The budget will include details about funding

levels, source of funding, and activities for the year. The Committee shall approve the budget no later than the second meeting of the year.

ARTICLE XII

General Provisions

Section 1. Legal Counsel. The Committee shall have the discretion to retain legal counsel as it deems appropriate and necessary.

Section 2. Governing Law. These bylaws shall be governed by, and construed in accordance with, the laws of the State of Indiana without giving effect to conflict of laws principles.

Section 3. Amendment. These bylaws may be amended or modified only by the affirmative vote of the majority of appointed Members.

Section 4. Severability. If any provision of these bylaws or application to any party or circumstances shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of these bylaws or the application of such provision to such person or circumstances, other than those as to which it is so determined invalid or unenforceable, shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest extent permitted by law; provided that, in lieu of such invalid or unenforceable provision, there will be added to these bylaws a provision as similar to the invalid or unenforceable provision as is possible to reflect the intent of the parties and still be valid and enforceable.

Section 5. Indemnification. Each eligible political subdivision with the authority to appoint a Member to the Committee shall, to the fullest extent permitted by law, be responsible for the defense and indemnification of its appointee(s) against all expenses, judgments, settlements and any other amounts actually and reasonably incurred by them in connection with any claim or administrative or legal proceeding while acting in their official capacity on behalf of the RDA and the Committee, so long as the appointee did not act in a grossly negligent manner or in a willful and wanton manner, or in violation of state or federal criminal law. The Committee shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its board members, officers, employees, and other agents, against any liability asserted against or incurred by any board member, officer, employee, or agency in such capacity or arising out of the board member's, officer's, employee's or agent's status as such.