



COUNTY COMMISSIONER TRAINING

MAKING AND RECEIVING APPOINTMENTS

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Two Lucrative Offices

Article 2 Section 9 of the Indiana Constitution

“No person holding a lucrative office or appointment under the United States or under this State is eligible to a seat in the General Assembly; and *no person may hold more than one lucrative office at the same time, except as expressly permitted in this Constitution.*”

Two Lucrative Offices

- County Commissioner is a lucrative office
- Violate by holding second lucrative office
- If violate, forfeit first position; could lose County Commissioner position
- County Commissioner may serve on other boards and commissions, if he or she is holding a position mandated by law to be a County Commissioner

May not be Lucrative or an Office

What is a lucrative position?

- Any position eligible for compensation
- Does not matter if compensation is refused

What is an office?

- Exercise of the sovereign power of government for the public benefit.

Officer v. Employee

Employee

- Individual is under contract of hire
- Under someone else's control

Officer

- Elected Officials
- Holding position created by law
- Powers and duties defined in statute

Other Considerations

Creation of position

- by an appointment or election (officer), or
- by contract which rights of parties are regulated (employee)

Tenure

- defined by statute (officer), or
- determined by agreement (employee)

Other Considerations

Compensation

- salary or fee fixed by law (officer), or
- determined by agreement upon hiring (employee)

Taking of oath (incident, not requirement, of being an officer)

Executing a bond (incident, not requirement, of being an officer)

County Commissioner Appointments

Plan Commission

- Advisory – 9 members 4 appointed by Commissioners, plus one Commissioner
- Area – Depends on how organized
 - One member, plus one Commissioner

Board of Zoning Appeals

- Depends how organized

County Commissioner Appointments

County Redevelopment Commission

- Two members
- Terms of four years

County Redevelopment Authority

- Three members
- One is a Commissioner
- Terms of four years

County Commissioner Appointments

County Economic Development Commission

- Three members
- One is appointed by Commissioners
- Term of four years

County Parks Board

- Seven members
- Two appointed by Commissioners (depends on organization)
- Term of four years

County Commissioner Appointments

County Health Board

- Seven members
- All appointed by Commissioners
- Term of four years
- Two doctors, one woman, bi-partisan

County Hospital Board

Members and appointing authority varies by County

County Commissioner Appointments

County Park Board

- Five total members
- Two appointed by Commissioners, Two by Council
- Fifth member determined by establishing ordinance

County Property Tax Assessment Board of Appeals (PTABOA)

- Three or five member board
- Commissioners appoint 2 or 3 members
- Other conditions in the statute

County Commissioner Appointments

County Drainage Board

- Often the Commissioners serve as the Drainage Board
- Meetings separate from Board of Commissioners
- May be a three to five member board
- Appointed by the Commissioners
- At least one board member has to be Commissioner
- Three year terms for non-Commissioner members
- County Surveyor serves as ex-officio member

County Commissioner Appointments

Alcoholic Beverage Commission

- Four members
- One is appointed by Commissioners
- Cannot hold other lucrative office or public appointment

Purdue Extension Advisory Council

- May have members appointed by Commissioners

County Commissioner Appointments

Community Corrections Advisory Board

- Four members
- One is appointed by Commissioners
- Cannot hold other lucrative office or public appointment

Public Defender Board

- Three members
- One member appointed by Commissioners
- Term of three years

County Commissioner Appointments

Community Corrections Advisory Board

Commissioners appoint these members:

- one adult probation officer,
- one juvenile probation officer,
- one educational administrator,
- one representative of a private corrections agency (if such agency exists within the county),
- one mental health administrator,
- one ex-offender,
- one County Council member (or designee),
- one victim,
- one social services administrator,
- and four laypersons (with at least one of a minority race).

County Commissioner Appointments

Plan Commission

- Advisory – 9 members 4 appointed by Commissioners, plus one Commissioner
- Area – Depends on how organized
 - One member, plus one Commissioner

Board of Zoning Appeals

- Depends how organized

Justice Reinvestment Advisory Council

- One is member is appointed by Commissioners

Questions