**ORDINANCE 2026-21**

**AN ORDINANCE ESTABLISHING THE DUBOIS COUNTY ADVISORY PLAN COMMISSION, DEFINING ITS MEMBERSHIP, ORGANIZATION, POWERS, AND DUTIES PURSUANT TO INDIANA CODE § 36-7-4 ET SEQ.**

**WHEREAS,** Indiana Code § 36-7-4, et seq. expressly authorizes counties to establish an advisory plan commission by ordinance duly adopted by the county's legislative body; and

**WHEREAS,** the Board of Commissioners of Dubois County, Indiana, as the county executive, desires to exercise said statutory authority in order to promote orderly land use, comprehensive planning, and sound zoning policy within the unincorporated areas of Dubois County; and

**WHEREAS,** the establishment of an advisory plan commission will assist in guiding development consistent with the public health, safety, morals, and general welfare of the residents, landowners, and communities of Dubois County, Indiana; and

**WHEREAS,** the jurisdiction of the Commission hereby established is expressly limited to the unincorporated areas of Dubois County, Indiana, in accordance with applicable provisions of Indiana law, and no incorporated municipality within Dubois County shall be subject to the Commission's jurisdiction unless it separately elects to participate as permitted by law;

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF DUBOIS COUNTY, INDIANA,** as follows:

**SECTION 1. Establishment.** The Board of Commissioners hereby establishes the County Advisory Plan Commission, hereinafter referred to as the "Plan Commission" or "Commission". The Plan Commission shall be a body politic and corporate with the power to sue and be sued, to adopt a seal, and to exercise all powers expressly granted by Indiana Code § 36-7-4 and this Ordinance. The Commission shall have perpetual existence unless dissolved by ordinance of the Board of Commissioners and County Council in the manner prescribed by law.

**SECTION 2. Purpose.** The purpose of this Ordinance is to establish an advisory plan commission for Dubois County to promote sound planning and land use regulation within the unincorporated territory of the county, consistent with the public health, safety, morals, and general welfare of the citizens of Dubois County, Indiana. The Commission is further established to facilitate orderly and coordinated development and to guide the allocation of public investment in infrastructure and services within the county's unincorporated areas.

**SECTION 3. Jurisdiction.** The jurisdiction of the Plan Commission shall be limited exclusively to the unincorporated areas of Dubois County, Indiana, as provided by Indiana Code § 36-7-4-205. Incorporated municipalities within Dubois County shall not be subject to the Commission's jurisdiction unless they separately elect to participate as authorized by law. Nothing in this Ordinance shall be construed to limit or supersede the zoning or planning authority of any incorporated municipality within Dubois County.

**SECTION 4. Composition.** Pursuant to Indiana Code § 36-7-4-208(a), the Commission shall consist of nine (9) members as follows:

(a) One (1) member appointed by the county executive from its membership.
(b) One (1) member appointed by the county fiscal body from its membership.
(c) The county surveyor or the county surveyor's designee. However, the county surveyor's designee must be a resident of the county to be eligible to serve on the county plan commission.
(d) The county agricultural extension educator. However, the county agricultural extension educator must be a resident of the county to serve under this subdivision. If:
  (i) the county does not have a county agricultural extension educator; or
  (ii) the county agricultural extension educator is not a resident of the county;
the county extension board shall select a resident of the county who is a property owner with agricultural interest to serve on the commission under this subdivision for a period not to exceed one (1) year. In addition to the county resident selected by the county extension board to serve as a member of the commission, the county agricultural extension educator who is not a resident of the county shall serve the commission in a nonvoting advisory capacity.
(e) Five (5) citizen members, of whom not more than three (3) may be of the same political party. Each of the five (5) members must be:
  (i) a resident of an unincorporated area of the county; or
  (ii) a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county;
appointed by the county executive. However, at least three (3) members must be residents of the unincorporated area of the county. For purposes of this subsection, areas located within a municipality's extraterritorial jurisdiction (ETJ) are not considered part of the jurisdiction of the unincorporated area of the county. Residency or property ownership within an ETJ does not satisfy the residency or property-ownership requirements of this subsection. Each citizen member appointed under this subsection shall maintain residency within the jurisdiction required for the member's appointment throughout the member's term of office. A member who ceases to satisfy the applicable residency requirement of Indiana Code § 36-7-4-216 shall be ineligible to continue serving, and the position shall be deemed vacant.

**SECTION 5. Qualifications.** Each citizen member of the Plan Commission shall:
(a) Be at least eighteen (18) years of age at the time of appointment;
(b) Each citizen member shall be appointed because of the member's knowledge and experience in community affairs, the member's awareness of the social, economic, agricultural and industrial problems of the area, and the member's interest in the development and integration of the area.
(c) Meet the residency or property ownership requirements of Sections 4(e) of this Ordinance, as applicable;
(d) Not hold any other office or position that would create a conflict of interest under Indiana law or applicable ethical standards; and
(e) Not be an employee of Dubois County in a position directly supervised by the Commission.

**SECTION 6. Terms of Office.**
(a) Members appointed from the Board of Commissioners and County Council under Sections 4(a) and 4(b) shall serve terms coterminous with their respective elected office, or until the Board or Council appoints another member to serve as its representative at its first regular meeting in any year.

(b) Citizen members appointed under Sections 4(e) shall serve terms of four (4) years, staggered so that no more than four (4) terms expire in any single calendar year.
(c) Initial appointments shall be staggered as follows to ensure continuity: one (1) citizen member shall serve an initial term of two (2) years; two (2) citizen members shall serve initial terms of three (3) years; and two (2) citizen members shall serve initial terms of four (4) years.
(d) All subsequent appointments following the initial staggered terms shall be for four-year terms, expiring on December 31 of the applicable year.
(e) A member whose term has expired shall continue to serve in a holdover capacity until a successor is appointed and duly qualified.
(f) Members may be reappointed for successive terms without limitation, at the sole discretion of the applicable appointing authority. Nothing in this Ordinance shall be construed to confer upon any member a right to reappointment.

**SECTION 7. Vacancies.** Vacancies occurring other than by expiration of term shall be filled by the appointing authority within sixty (60) calendar days of the occurrence of such vacancy. A member appointed to fill a vacancy shall serve only for the unexpired portion of the term of the member being replaced and shall thereafter be eligible for appointment to a full term.

**SECTION 8. Removal.** A member may be removed by the appointing authority for cause, including but not limited to malfeasance, misfeasance, or nonfeasance in office, habitual unexcused absence from meetings, or failure to maintain required qualifications, after written notice and an opportunity to be heard, consistent with Indiana law and due process requirements. Nothing in this Ordinance shall be construed to limit the appointing authority's right to remove a member in accordance with applicable law.

**SECTION 9. Officers.** The Commission shall elect from its voting membership, on an annual basis, the following officers:

(a) President;
    (i) The President shall preside at all meetings of the Commission, shall sign all official documents, certifications, and contracts on behalf of the Commission, and shall perform such other duties as are prescribed by Indiana law, this Ordinance, or the Commission's adopted rules of procedure.
(b) Vice President;
    (i) The Vice President shall perform the duties of the President in the event of the President's absence, incapacity, or disqualification from presiding over any particular matter. In the absence of both the President and Vice President, the members present shall elect a temporary presiding officer from among themselves.
(c) Secretary;
    (i) Pursuant to Indiana Code § 36-7-4-304, the Commission shall appoint a Secretary who need not be a member of the Commission. The Secretary shall:
        (A) Keep a complete and accurate record of all Commission proceedings, including minutes of all meetings and hearings;
        (B) Record and file all bonds, contracts, and official documents of the Commission;
        (C) Maintain custody and ensure the preservation of all Commission papers, records, and documents in accordance with the Indiana Public Records Law; and

(D) Certify all official acts of the Commission and attest to the President's signature on official documents as required.

(d) Such other officers as the Commission may by resolution determine to be necessary for the proper conduct of its affairs.

Officers shall serve one-year terms commencing at the first regular meeting of each calendar year and may be reelected to any officer position without limitation.

**SECTION 10. Meetings.**

(a) Regular Meetings. Pursuant to Indiana Code § 36-7-4-306, the Commission shall hold regular meetings each month, as necessary, or at such greater frequency as the Commission may determine by resolution. The Commission shall establish and publicly post a regular meeting schedule at the beginning of each calendar year. Such schedule shall designate the time and location of each regular meeting.

(b) Special Meetings. Pursuant to Indiana Code § 36-7-4-307, special meetings of the Commission may be called by the President or by a majority of the Commission's voting members upon not less than forty-eight (48) hours' prior written notice to all members, unless a shorter period of notice is agreed to in writing by all members of the Commission. The notice shall state the time, place, and purpose of the special meeting, and no business other than that stated in the notice shall be transacted at a special meeting.

(c) Quorum. Pursuant to Indiana Code § 36-7-4-301, a quorum shall consist of a majority of the total voting membership of the Commission, which shall be five (5) members. No official action of the Commission may be taken in the absence of a quorum. A member who is recused from a particular matter shall not be counted for purposes of determining whether a quorum exists with respect to that matter.

(d) Voting.

(i) All official actions of the Commission shall require the affirmative vote of a majority of those members present and voting, provided that a quorum is present, unless a greater number of votes is expressly required by Indiana law or this Ordinance.

(ii) Each voting member of the Commission shall be entitled to cast one (1) vote on each matter before the Commission.

(iii) Abstentions and recusals shall not be counted as votes cast for purposes of determining whether a majority has been achieved.

(e) Open Meetings. All meetings of the Commission shall be open to the public in accordance with Indiana's Open Door Law, Indiana Code § 5-14-1.5 et seq. Executive sessions, if any, shall comply with all statutory requirements governing the grounds for and conduct of executive sessions, and no final action shall be taken in executive session.

(f) Public Notice. The Commission shall provide public notice of all meetings in accordance with Indiana Code § 5-14-1.5 and § 36-7-4-306, including posting notice at the Dubois County Courthouse and, where practicable, on the county's official website. Notice of hearings on land use applications, zoning amendments, comprehensive plan amendments, and related matters shall further comply with any additional notice requirements prescribed by Indiana Code § 36-7-4 and the Commission's adopted rules of procedure.

(g) Minutes. The Secretary shall prepare and maintain accurate written minutes of each Commission meeting and hearing. Minutes shall reflect all actions taken, votes cast, and the names of members voting for and against each action. Minutes shall be approved by the Commission at its next subsequent regular meeting and shall thereafter be made available for public inspection in accordance with Indiana's Access to Public Records Act, Indiana Code § 5-14-3.

(h) Rules of Procedure. The Commission shall adopt, by resolution, written rules governing the conduct of its meetings, hearings, and proceedings, consistent with Indiana Code § 36-7-4-401 and applicable law. Such rules shall address, at a minimum, the order of business at meetings, procedures for the conduct of public hearings, and the process for Commission action on applications and petitions. Such rules shall be filed with the Dubois County Auditor and made available to the public at the Commission's principal office.

**SECTION 11. Powers and Duties.** The provisions of I.C. 36-7-4 governing the powers, duties and procedures of county advisory plan commissions, and as may be amended from time to time, are herein incorporated by reference.

**SECTION 12. Severability.** If any section, clause, sentence, phrase, or provision of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity or enforceability of the remaining portions of this Ordinance, which shall continue in full force and effect as if such invalid or unconstitutional provision had not been included herein.

**SECTION 13. Prior Ordinances.** All prior ordinances, resolutions, or parts thereof of Dubois County, Indiana, that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency or conflict. The repeal of any prior ordinance or resolution by this Section shall not be construed to revive any ordinance or resolution that was previously repealed or superseded.

**SECTION 14. Effective Date.** This Ordinance shall take effect immediately upon its passage and approval by the Board of Commissioners of Dubois County, Indiana, and all other legal requirements according to the laws of the State of Indiana.

DULY ADOPTED AND APPROVED this 19th day of October, 2026 by the Board of Commissioners of Dubois County, Indiana.

Chad Blessinger

CHAD BLESSINGER,
COMMISSIONER

Serice Stenftenagel

SERICE STENFTENAGEL,
COMMISSIONER

ATTEST:

Absent

NICK HOSTETTER,
COMMISSIONER

Sandra L Morton

SANDRA L. MORTON, AUDITOR OF
DUBOIS COUNTY, INDIANA