

INDIANA SUPREME COURT

Anderson v. Gaudin

42 N.E.3d 82 (Ind. 2015) · No. 07A01-1406-PL-265 · Decided September 1, 2015

SUMMARY

The Indiana Supreme Court held that a county board of commissioners had authority under Indiana’s Home Rule Act and the Fire District Act to amend an ordinance establishing a county-wide fire protection district. The court concluded that the amended ordinance was a valid exercise of authority, even though the amendment allegedly amounted to a de facto dissolution of the district. The court reversed summary judgment for the landowners and remanded for further proceedings.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Justice Dickson; Justice David; Justice Massa; Justice Rucker; Chief Justice Rush
JURISDICTION	Indiana
DECIDED	September 1, 2015
DOCKET	07A01-1406-PL-265
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On transfer from the Indiana Court of Appeals, the Brown County Board of Commissioners appealed a summary judgment entered for county landowners challenging an ordinance amending the Brown County Fire Protection District.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same standard applied by the trial court. Statutory interpretation is also reviewed de novo.
PRECEDENTIAL VALUE	published precedential Indiana Supreme Court opinion
PARTIES	Brown County Board of Commissioners v. Brown County landowners

TOPICS

- home rule
- municipal law
- statutory interpretation
- summary judgment
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Brown County Board of Commissioners had authority under Indiana's Home Rule Act and the Fire District Act to amend the ordinance establishing the county-wide fire protection district.
2. Whether the amended ordinance was invalid because it constituted a de facto dissolution that could be accomplished only through the petition procedure in Indiana Code section 36-8-11-24.
3. Whether summary judgment for the landowners was proper.

HOLDINGS

1. Under Indiana's Home Rule Act, a board of county commissioners may unilaterally amend an ordinance that established a fire protection district when the Fire District Act neither expressly denies nor expressly grants that amendment power to another entity.
2. The commissioners' authority to amend the district's establishing ordinance is not eliminated merely because the amendment may effectively dissolve the district.
3. Ordinance 09-04-07-01 was a valid exercise of the authority of the Brown County Board of Commissioners.

KEY QUOTATIONS

“Under Indiana’s Home Rule Act, “a unit¹ may exercise any power it has to the extent that the power: (1) is not expressly denied by the Indiana Constitution or by statute; and (2) is not expressly granted to another entity.”” (at 86)

“We conclude that, under the Home Rule Act, boards of county commissioners are authorized to amend a fire protection district, even if such amendment dissolves the district.” (at 87)

“The amended ordinance 09-04-07-01 is a valid exercise of the authority of the Brown County Board of Commissioners.” (at 88)

FACTUAL BACKGROUND

In 2007, the Brown County Board of Commissioners enacted an ordinance establishing a county-wide fire protection district under Indiana's Fire District Act. In 2011, the Board enacted an amending ordinance that removed one township, reduced the number of trustees, narrowed the district's purpose to fire-protection education, and reduced its taxing powers. County landowners challenged the amendments, arguing that they constituted an unauthorized de facto dissolution of the district.

PROCEDURAL HISTORY

The trial court granted summary judgment to the landowners, concluding that the amending ordinance was a de facto dissolution and an improper attempt to circumvent *Gaudin I*. The Indiana Court of Appeals affirmed. The Indiana Supreme Court granted transfer, disapproved *Gaudin I*, reversed the summary judgment, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the trial court for further proceedings after reversal of the order granting summary judgment to the landowners.

CASES CITED

- Sanders v. Bd. of Comm'rs of Brown Cty., 892 N.E.2d 1249 (Ind. Ct. App. 2008), trans. denied
- Gaudin v. Austin, 921 N.E.2d 895 (Ind. Ct. App. 2010)
- Anderson v. Gaudin, 24 N.E.3d 479 (Ind. Ct. App. 2015)
- City of North Vernon v. Jennings Nw. Reg'l Utils., 829 N.E.2d 1 (Ind. 2005)
- Andrews v. Mor/Ryde Int'l, Inc., 10 N.E.3d 502 (Ind. 2014)
- Kole v. Faultless, 963 N.E.2d 493 (Ind. 2012)
- Hopkins v. State, 782 N.E.2d 988 (Ind. 2003)
- State v. Huffman, 643 N.E.2d 899 (Ind. 1994)