

Realities about Indiana's Regional Cities Initiative

Attend your Local County Commission Meeting / Contacting your Local Representatives

CLARK COUNTY COUNCIL MEETING – AUGUST 10; 6:00 PM

Clark County Government Bldg., 501 East Court Ave. Room 418, Jeffersonville, IN 47130

FLOYD COUNTY COUNCIL MEETING – AUGUST 11; 4:00 PM (*note new start time!*)

Pineview Government Center, 2524 Corydon Pike #204, New Albany, IN 47150

The Our Southern Indiana Regional Cities Initiative team is nearing completion of our public presentations, and we need your help! The State of Indiana has identified \$84 million to be spent in two regions of the state, and we want Southern Indiana to be one of those recipients! We appreciate the public input on developing a plan for our region, and we're excited about the benefits we can achieve!

However, fears and concerns about the program and the Regional Development Authority (the applicant for RCI funding) are running rampant, and the opposition is threatening to upset the momentum we have gained toward regional cooperation.

If you cannot attend the meetings, please contact your County Council members **today** (see below for contact information for each of them). Let them know why you are excited about the Regional Cities possibilities! Help them understand that the minimal risk of working together can achieve the greatest rewards of our generations!

Benefits of the Indiana Regional Cities Initiative:

The economy is changing. We will adapt. Globalization and automation are fundamentally changing the structure of our nation's economy. Southern Indiana is not isolated from this trend. We will adapt our region's existing advantages to meet the needs of the changing economy.

This is Southern Indiana's moment! A multi-billion dollar investment in new bridges across the Ohio River will soon be complete. More visitors than ever before are exploring Southern Indiana as they walk and bike across the Big Four Pedestrian Bridge. The river Ridge commerce Center is poised to multiply investment and jobs in the coming years.

People are starting to notice Southern Indiana. But we've known it's been a great place all along.

Our Southern Indiana's vision is to grow together as a region and collaborate for mutual benefit in order to:

- Develop a globally competitive economy,
- Provide exceptional livability for everyone,
- Offer world-class amenities, and
- Celebrate the diverse people, places, and perspectives of Southern Indiana.

Can you imagine?

Imagine Waterfront Development . . .

that connects Southern Indiana's urban centers, bringing together the livability, connectivity, and economic dynamism that are essential for a thriving and competitive region.

People and investment are already coming. National trends, local market potential, and strategic public investments are positioning Southern Indiana's waterfront for a dramatic transformation with regional impact.

Imagine Regional Greenways . . .

that provide an interconnected system that will extend to all five counties; connecting and strengthening our communities, while bringing new life and opportunity to our natural treasures and unique destinations.

Imagine Workforce Development . . .

concentrated at a Workforce Center that provides training and services to make sure the workforce has basic employability skills, as well as industry specific skills.

Availability of training, affordable housing and quality of place amenities will attract top talent and enterprises to Southern Indiana.

Imagine River Ridge Economic Engine . . .

that will be a center for logistics, manufacturing and technology that drives high wage, high skill, job growth for the entire region.

Surrounding communities will capture the residential and commercial benefits of this job growth.

Imagine Regional Water Resources . . .

that maintains affordability while enhancing access and reliability, creatively leverage existing assets that spur new economic opportunities

Concerns and Realities about the Formation of a Regional Development Authority (RDA):

The RDA through our ordinance is designed to simply be a collaborative body that discusses regional economic development strategies, submits the plan, and then receives and passes through the state grant. Not the evil big government boogey-man.

The attached outlines the major concerns we are hearing, as well as the realities of the program.

1. **Concern:** Important decisions of the County will be put into the hands of non-elected individuals.
Realities: There are multiple controls that elected officials have, including:
 - a. The County Commissioners, as the executive body of the county, will vote to select the five RDA board members for four (4) year terms. (IC 36-7.6-2-7)
 - b. The legislation also provides an opportunity for the elected officials to remove the RDA Board members. (IC 36-7.6-2-9)
 - c. The practice of elected officials making appointments to boards is not uncommon: Planning and Zoning Boards, Redevelopment Commissions, Airport Authorities, etc. are all made up of appointed members.
 - d. The RDA board will operate as a separate body corporate and politic (IC 36-7.6-2-2) and will be subject to Indiana's Open Door laws as defined by IC 5-14-1.5.
 - e. Each member of the RDA may appoint a local advisory committee to advise on issues related to the RDA. (IC 36-7.6-2-15)

2. **Concern:** What costs are the councils committing to when establishing the RDA? **Realities:** There are no costs incurred to establish an RDA.
 - a. If the Regional Cities designation is granted, then the RDA, along with the local units of government in which the projects are located, will enter into interlocal agreements with the IEDC. These agreements, and any local funding commitments, will come back to the local fiscal bodies for approval, and that is the first obligation for funding.
 - b. If the Regional Cities designation is not granted, then the RDA will only be responsible for holding quarterly meetings.
 - If no other group steps forward, One Southern Indiana has agreed to staff the RDA for these public meetings;
 - The RDA Board of Directors will be asked to forgo any per diem so that no expenses will be incurred.

3. **Concern:** The legislation gives the RDA the authority to issue bonds (for project financing) and exercise eminent domain, or condemn private property for public use.
Realities:
 - a. The legislation makes the distinction between what an RDA ***shall*** do, and what it ***may*** do. Some are certain requirements, and others are certain authorities – like tools in the RDA's toolbox. The "may" powers outlined in the law (IC 36-7.6-3-2) allows the RDA to, among other things, condemn property. Other provisions of this statute provide financial authorities to the RDA.
 - b. The RDA Ordinance and Articles and By-Laws presented for consideration specifically state that the Our Southern Indiana RDA cannot exercise the provisions of financial commitment and eminent domain. These documents state that the

process of bonding and eminent domain are reserved for the elected bodies that have the authority to exercise these powers.

- c. All counties are considering the same ordinance and bylaws (most recent drafts of each are attached). Both the ordinance and the bylaws, as presented, restrict the ability of the RDA to unilaterally condemn property or to incur debt based upon tax collections or special assessments. The County Council's action on these items create an agreement that these bylaws and rules for operating the RDA (IC 36-7.6-2-12) will be observed.
 - d. Regardless, however, there are many safeguards in place to ensure the RDA Board operates in compliance with the wishes of the members:
 - The five RDA directors are to be appointed by the Executives, or Commissioners, of each County. These individuals will be appointed knowing these restrictions have been made.
 - The RDA board is subject to open door laws, so all the Board's activities and decisions will be made in public forums.
 - If the RDA acts in violation of the authority granted it by the elected bodies that created it and tries to enact either tax assessments or eminent domain, these are both very long, drawn out, and public processes. Elected officials are likely to hear about it as soon as it happens. There are public notice requirements. Neither of these actions can be done quickly or quietly.
 - The RDA can be challenged with the legality of operating against its bylaws. The RDA can be sued over it. This would be an ugly court battle that no one will want to defend because it goes against the bylaws and ordinance.
 - The RDA's appointing authorities have the ability, according to IC 36-7.6-2-9 (b), to remove RDA Directors with a $\frac{3}{4}$ vote of the executives of the appointing authorities. All of the members of the RDA can vote that the RDA Directors are in violation of the Counties' ordinances and the RDA by-laws.
 - No one in any of the five counties supports the RDA having the ability to usurp the powers and authorities of the elected bodies. The RDA Directors are going to need to cooperate and work in tandem with elected officials, and are not going to publically challenge the wishes of the bodies that appointed them.
4. **Concern:** The RDA would be established for 8 years.
Reality: Yes, IC 36-7.6-2-5 states that the RDA will exist for eight (8) years. Paragraph (d) of this section allows for counties to withdraw at certain times. However, if a County does choose to withdraw outside of this timeline, there is nothing punitive in the legislation. The County could cease participation at any time, as long as financial obligations it has made (if any) are paid.
5. **Concern:** The RDA could access federal financial assistance and the counties would be subject to any strings attached to these funds.
Reality: If resources are available from the federal government that would help initiate or complete a regionally-supported project, the RDA could – and should – make it a priority to identify these outside funding sources to further leverage local funds.
- a. Yes, the legislation allows the RDA to use local funds to match federal grants and/or loans. (IC 36-7.6-3-2) If these funds originate from the fiscal body, the local elected officials will get to vote on the request.
 - b. Each county member of the RDA may appoint a local advisory committee to ensure the channels of communication are open and processes remain transparent. (IC 236-7.6-2-15)

6. **Concern:** The Regional Development Plan is yet finalized, and therefore not published in its entirety.

Reality:

- a. An overview of the plan is available at www.oursouthernindiana.com.
 - b. The final project list, timelines and prioritization will be submitted to the County Commissioners when two pieces of information are available:
 - The projects have been submitted to the Indiana Business Research Center at Indiana University for the Return on Investment calculations that need to accompany the application. The ROI calculations will help the Commissioners and RDA Board identify those projects that have the most economic potential; and
 - The counties which establish the RDA will influence the project priority list.
7. **Concern:** While the legislation has passed and the IEDC has developed its guidelines, there are still many unknowns with the program. The Legislature is likely to make changes to the statute or change the funding allocation in the next biennium.
- Realities:** Both of these statements are true. As with all programs, the challenges, successes and merits of the program will be reviewed by the General Assembly, and changes may be made in future legislative sessions. This is true of any program that is authorized or funded by the State of Indiana.

8. **Concern:** Why the short timeline and August 31 deadline and for the Regional Cities Application?

Realities: The Indiana Economic Development Corporation (IEDC) will award two regions of the state with the Regional Cities designation and allocate \$84 million in funding over the biennium. The funding will leverage Quality of Place projects that have regional significance, as well as those that show:

- The greatest economic development potential;
- The degree of regional collaboration; and
- The potential for return on investment.

Nine (9) regions of the state are reportedly working toward submitting an application, and this is a very competitive field for the two designations. The short deadline will indicate to the IEDC which regions are committed to working together toward projects of regional concern. The areas of Indiana that are operating with a regional partnership will have a better foundation for success of regional projects.

Contact your County Council members today to voice your support!

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About Our Southern Indiana:

Our Southern Indiana is a regional planning effort sparked by the potential of Indiana's new Regional Cities Initiative. The Regional Cities Initiative seeks to attract talented people to Indiana and is looking to invest in promising regions that can show they are ready for development through regional collaboration. Through Our Southern Indiana, regional partners are working together to articulate the Vision of the people of Southern Indiana, create an action plan for transformational regional projects, and show the State our readiness to leverage their investment exponentially.

Our Southern Indiana is guided by a Steering Committee of community leaders in the public and private sectors. With the support of the Ogle Foundation, BNIM, a regional planning consultant team comprised of national and local experts, has been contracted to collect input from regional stakeholders including government officials, business owners, residents, and institutions on the assets and challenges of the region. This input along with the consultant team's analysis of the key qualities of the built environment, economy, natural resources, and quality of life will lead to a comprehensive eight year plan for Clark, Floyd and their contiguous counties.