



Public Notice Advertising Guidebook

Hoosier State Press Association

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Public Notice Advertising Guidebook

How to Use This Guide

Many laws, regulations, and ordinances passed by federal, state, and local governments require a publication in a legal newspaper. This public notice advertising guidebook is intended solely as a guide to the requirements imposed by Indiana state statutory law through the 2016 legislative session. This guide includes the most frequently used publication requirements imposed by state statute.

A newspaper cannot and should not give legal advice. Hoosier State Press Association's (HSPA) public notice advertising guidebook is not legal authority, and serves as mere information to help newspapers better serve their customers. The customer is responsible for ordering a publication that meets state statutory or other legal

requirements. This resource can provide guidelines to facilitate knowledgeable discussion with customers who order publications required by state statutory law.

The public notice advertising guidebook is printed as a resource for Indiana newspaper publishers. The guidebook will be updated periodically, and published online at www.hspa.com/public-notice.

For questions about public notice advertising or to submit suggestions for this resource, contact HSPA executive director & general counsel, Stephen Key, at skey@hspa.com.

Need for Public Notices

Why do we need public notices?

Citizens must have access to information concerning government activities and civil proceedings. Legal notices published in newspapers provides this opportunity since the public has a right to know. These publications are an effective instrument because they are the most cost-effective

means to reach a majority of the community affected by government actions. Newspapers function as a neutral third party and are objective in their publishing of legal notices.

Three types of public notices:

1. CITIZEN PARTICIPATION NOTICES allow the public time and opportunity to respond to proposed government action. These notices also fulfill the requirement of "prior notice required for due process of law" found in Federal and State constitutions. Such notices include notices of public hearings, intentions to create new taxation of benefit zones, and publication of annual reports.

2. BUSINESS AND COMMERCE NOTICES are related to govern-

ment contracts and purchases. Such notices verify that the government is following the principles of equal opportunity and allow the public to verify that the government is not misusing taxpayer money.

3. COURT NOTICES are prepared by non-governmental bodies. Notices to creditors and claims on probate estates serve as notification to the public and allow time for a response, objection, or assertion of a claim.

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Publication Eligibility

Indiana law determines which publications are eligible to publish public notices

The state legislature has identified three types of publications when it comes to determining where public notice advertising should be published by a government unit or private individuals. There are “newspapers,” “locality newspapers,” and “qualified publications.” The legal location of these different types of publications requires local government units to make individual determinations as to which publications they must use to publish public notices and whether they have choices between multiple publications to satisfy state requirements for publication of public notice advertising.

Publishers need to arm themselves with an understanding of what H.E.A. 1017 (2016), authored by Rep. Jerry Torr, R-Carmel, did to change eligibility rules. The legislation created a new category of publications called “locality newspapers.”

Following is an explanation:

What are differences between the three types of publications in the law?

A “newspaper” is a paid-circulation newspaper. It must be printed at least once a week and have a circulation of at least 200 copies. This can be verified by the Statement of Ownership that it must publish in its newspaper in October as required by the United States Postal Service. That form’s publication is part of the newspapers’ eligibility to have a Periodicals mail permit, which is also required to be defined as a newspaper. More than 50 percent of the newspapers distributed must be purchased newspapers, either through subscriptions or single-copy purchases. Generally, a newspaper has had to have been published for three years before it becomes eligible to carry public notice advertisements. [See IC 5-3-1-0.4]

A “locality newspaper” is a free-circulation newspaper that is distributed to customers by the United States Postal Service under a Standard mail permit. It must have an office in the county and be published at least once a week. It also has to have been printed for three years to be eligible to carry public notice advertisements. Its circulation must be verified annually by an independent audit. There are some other specifications concerning content, advertising percentage and ownership. [See IC 5-3-1-0.2]

A “qualified publication” is also a free-circulation newspa-

per, but doesn’t have to be circulated through the mail to its customers. (It might be distributed by racks located in local businesses, for example.) It operates under a Standard mail permit, must be published at least weekly and have an office in the county. It also has to have been published for three years to be eligible to carry public notice advertisements. Its circulation does not have to be verified through an independent audit. [See IC 5-3-1-0.7]

How does a local government unit determine if it must use a particular publication or two publications or whether it has a choice between several publications?

For counties, H.E.A. 1017 has little impact. County officials must look to see how many newspapers are located within the county. Except for Crawford County, the answer is at least one. For at least 50 counties, the answer is two or more newspapers.

If the county has two or more newspapers, then public notice advertisements must be published in at least two newspapers. County officials have the discretion to choose which two if there are more than two newspapers. Throughout the Indiana Code, there may be exceptions to the general rule of two newspapers that would allow the publication in only one newspaper, for example, notices of a sheriff’s sale (mortgage foreclosure) only need be published in one newspaper. [See IC 5-3-1-4(a)]

If the county only has one newspaper, then publication of public notice advertisements in that newspaper will satisfy the county’s minimum statutory requirement. [See IC 5-3-1-4(b)]

(Note: that publication in a locality newspaper or qualified publication cannot be used as a substitute for publication in the newspaper or newspapers located in the county.)

For school districts, cities and towns, townships or other government units, officials must look to see how many newspapers are located within the government unit’s boundary. There are more than 160 newspapers currently operating in Indiana, so the answer will range from zero to two in most situations.

If the unit has two newspapers within its boundary, then public notice advertisements must be published in both newspapers. Again, there may be a few exceptions sprinkled throughout the Indiana Code that require publication of a specific type of notice in only one newspaper. [See IC 5-3-1-4(a)]

Publication Eligibility

If the unit only has one newspaper located within its boundary, then publication of public notice advertisements in that newspaper will satisfy the minimum statutory requirement. [See IC 5-3-1-4(c) & (d)]

If the unit has no newspaper located within its boundary, then it must identify which newspapers or locality newspapers are located within the county and circulate within the units' boundary. If there's only one such publication located in the county, then that newspaper or locality newspaper must be used for the publication of the unit's public notice advertisements. If there are more than one such publication, the unit must publish in at least one newspaper or locality newspaper located in the county. [See IC 5-3-1(c) & (d)]

(Note: Qualified publications never meet the statutory minimum for publication of public notice advertisements. They are only eligible to be used to supplement the minimum requirement so that the government unit can expand the number of citizens who will have that notice placed in their hands.) [See IC 5-3-1-4(f)]

For government units whose boundary crosses a county line so that its territory is within two or more counties, there is a special rule. Officials of a multi-county unit first determine if there are two or more newspapers located within their boundary. If that's the case, then the unit must publish its public notice advertisements in two of those newspapers.

If there's only one newspaper located within the multi-county unit, then that unit must publish its notices in that newspaper and at least one newspaper or locality newspapers located within the counties that the unit's boundary crosses if those publications distribute within the unit's jurisdiction.

If there are no newspapers located within the multi-county units' boundary, then the unit must publish in two publications (choosing between newspapers and locality newspapers eligible by being located in one of the counties where the units' boundary crosses and that circulate within the units' boundary. [See IC 5-3-1-4(e)]

Can public officials publish notice in more than the minimum number of publications required by law?

There is nothing to prevent government officials from choosing additional publications, be it newspapers, lo-

cality newspapers or qualified publications if they want to expand the reach of the public notice advertisements, but as noted above, one or two will always be the minimum to meet statutory requirements.

Can government units satisfy their public notice advertising requirements by placing notices in online publications or just posting it on the unit's website?

No, online newspapers or news blogs are not eligible to carry public notice advertisements. Publication on a government website also does not meet the publication requirements under IC 5-3-1.

(Note: Indiana law does require publications to also post government units' public notice advertisements on their websites and the Hoosier State Press Association hosts www.indianapublicnotices.com, where published public notices from across the state are collected and made available for anyone to access.

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Publications & Deadlines

General rules on number of publications and deadlines

Relevant code: I.C. 5-3-1-2

Explanation – The minimum number of times a notice must be published, as well as the schedule of notice publications before the event occurs is set by the Indiana General Assembly. (This schedule and publication requirements do not apply to notices placed by federal government agencies or private individuals/businesses even if the publication is required by federal or state law.)

Any officer charged with the duty of publishing a notice as required by statute is permitted to post printed notices in three (3) prominent places in that officer's political subdivision, rather than publish the notice in a newspaper or that newspaper's website, if any of the following occur:

- (1) The notice cannot be published at the price fixed by law;
- (2) The newspaper refuses to publish the advertisement;
- (3) The newspaper refuses to post the advertisement on the newspaper's web site; or
- (4) The newspaper fails to publish the advertisement after accepting it.

The following table identifies all events contemplated by the statute and each event's attendant publication requirements.

Publications & Deadlines (cont.)

Event	Type of Notice	Ind. Code	Minimum Number of Publications	Publication Schedule
Election	Notice of election	5-3-1-2(c)	One (1)	At least ten (10) days before the date of the election
Sale of bonds, notes, or warrants	Notice of sale	5-3-1-2(d)	Two (2)	First Publication: at least fifteen (15) days before date of the sale Second Publication: at least three (3) days before date of the sale NOTE: publications must occur at least one (1) week apart
Receiving of bids	Notice of bid solicitation	5-3-1-2(e)	Two (2)	First Publication: at least fourteen (14) days before the date the bids will be received Second Publication: at least seven (7) days before the date the bids will be received NOTE: publications must occur at least one (1) week apart
Establishment of cumulative or sinking fund	Notice of proposal and public hearing	5-3-1-2(f)	Two (2)	First Publication: at least ten (10) days before the date of the hearing Second Publication: at least three (3) days before the date of the hearing NOTE: publications must occur at least one (1) week apart
Submission of proposal for a cumulative or sinking fund for approval of local government finance department	Notice of submission	5-3-1-2(g)	One (1)	Notice published when political subdivision is directed to do so by the approving local government finance department
Publication of an Ordinance	Notice of Passage of Ordinance	5-3-1-2(h)	One (1)	Within thirty (30) days after the date of the passage of the ordinance
Event requiring notice after the event	Notice of the event	5-3-1-2(i)	One (1)	Within thirty (30) days after the date of the event
PLEASE NOTE: If the notice in question is not listed above, the general rule below likely applies. However, some statutes establish specific publication requirements outside of the default rule.				
Public Hearing or Meeting	Notice of hearing	5-3-1-2(b)	One (1)	At least ten (10) days before the date of the hearing

Internet Publication

Publication on newspaper's Internet website

Relevant Code: I.C. 5-3-1-1.5

Explanation – Any notice submitted by a state or local government unit published in a newspaper must be published on that newspaper's web site (if the newspaper has a web site) on the same day that the notice appears in the newspaper. The newspaper cannot charge an additional fee for publishing the notice on its web site.

Frequently Asked Questions

If I post an e-edition of the newspaper on my website, does that satisfy the requirement to post public notice advertisements to our web page?

If the e-edition includes the public notice advertisements that were published in your print edition for that day, then the answer is "yes." Make sure that readers of your e-edition can enlarge the version to the point where the public notice advertisements are readable.

I have two newspapers in the county with separate Web pages. Do I have to post the public notice advertisements to both Web pages?

Yes. You're publishing the public notice advertisements as two newspapers so readers of both newspapers should also be able to find the public notices on both Websites.

Must I archive the public notice advertisements on the Website?

No, the law does not require that public notices be archived on the newspaper's Website, but it might not be a bad idea for future reference to what was published by local government agencies.

Do we charge the public agency for our posting of the public no-

tice advertisement on the Web page?

No, it now becomes a part of the duty of publication by the newspaper, but there is no extra charge you can add to your line rate for publication.

Our county auditor believes she is required to give us the county claims for posting on the Internet even though there no longer is a publication requirement for the newspaper. Is this correct?

No. County claims are no longer required to be published, although court warrants that need county commissioner approval still need to be published. Only public notice advertisements subject to the state's public notice advertising law (I.C. 5-3-1) need to be posted. This includes public notices that are paid for out of state or local government funds. It would not include what many call "private legals," such as sheriff's sale (mortgage foreclosure) or an estate's notice of administration.

What would you say would be a reasonable amount of time to keep public notice advertisements on our website – one month, two months, etc.?

The law only requires the public notice advertisement to be posted the same day of publication, so anything above that is a plus for your Internet readers. Since most multi-run notices are for three weeks, I'd think a month at most would be fine.

If you have an electronic archive, you may want to consider archiving the notices as a reference for reporters/readers interested in checking on a government project at a later date. It could be helpful to check on building projects, for example, to see what the original request for proposals specified for bidders.

Legal Description

Notices containing legal descriptions

Relevant code: I.C. 5-3-4-1 through I.C. 5-3-4-5

Explanation – Whenever a governmental body is required to publish a notice that contains a legal description of real property (land), the notice must contain a statement of the location of each property listed by street address (if any) or any other common description of the real property other than the legal description. The location statement must precede the legal description of the real property in the notice. Errors in the location statement do not invalidate what would otherwise be a valid notice.

For this statute, the term "governmental body" means:

- A state agency;
- The Indiana General Assembly;
- The Indiana Judiciary;
- A political subdivision;
- A state educational institution;
- An instrumentality of the state that performs essential governmental functions; or
- The state lottery commission.

Validity of Notice

Validity of notice when errors occur

Relevant code: I.C. 5-3-1-2.3

Explanation – A notice that follows the publication guidelines of any Indiana statute is valid even if the notice contains errors or omissions. However, to be valid, the erroneous notice must meet both the following two conditions:

(1) A reasonable person would not be misled by the error or omission.

(2) The notice is in substantial compliance with the time and publication requirements provided by the relevant Indiana statute under which the notice is published.

When a newspaper is responsible for the error, it should be willing to verify in writing to the public agency or person who requested publication of notice that the error was committed by the newspaper.

Penalties for Violations

Penalty for failure to comply with public notice advertising requirements

Relevant code: I.C. 5-3-1-9

Explanation – A person who fails to comply with the statutory requirements listed commits a Class C infraction. The maximum penalty for a person convicted of a class C infraction is up to 60 days of jail time and up to \$500 in fines.

Small County Requirements

Special rule for newspapers in counties of less than 40,000 people

Relevant code: I.C. 5-3-2-2

Explanation – In addition to requirements listed in I.C. 5-3-1-4, a newspaper located in counties with a population of 40,000 or less to be eligible to publish public notice advertising affecting county government must have a paid circulation of at least 2% of the county's population. A qualified publication must be circulated to at least 10% of the county's population.

For example, Harrison County has a population of 39,578

as of July 1, 2015. The Corydon Democrat would have to maintain a circulation of 792 to be eligible to publish public notice advertising. A qualified publication would have to circulate to 3,958 addresses to qualify. The circulation of a locality newspaper is not relevant because it is not eligible to carry public notice advertisements for a county.

According to July 1, 2015 census number, there were 56 of the 92 counties that had less than 40,000 people and would have this statute apply.

Public Works Projects

Supplemental publication of public works projects in trade magazines

Relevant code: I.C. 5-3-3-1, I.C. 5-3-3-2

Explanation – Whenever the law requires notice publication for a public works project in a newspaper, the government official or agency may also publish the notice at its discretion up to three (3) times within a twenty one (21) day period in any highway or construction trade journal or magazine that is published at least biweekly and that has a circulation in at least three-fourths (3/4) of Indiana

counties. The agency or official may opt to publish in these publications when publicity of the notice is determined to be advantageous to the official or agency for more economical or efficient procurement or performance of the property, supplies, work, service or other public project that is the basis for the notice.

Provisions in this chapter are supplemental to the newspaper publication requirements laid out in the Indiana Code.

Pricing

Determining the line rate to charge for a state or local government public notice advertisement

RELEVANT CODE: I.C. 5-3-1-2

EXPLANATION – The maximum amount a newspaper can charge for a public notice advertisement that a state or local government agency must place, which is paid for out of taxpayer funds, is set by the Indiana General Assembly. (This rate does not apply to notices placed by federal government agencies or private individuals/businesses even if the publication is required by federal or state law.)

There are three variables in the formula – the column width, the point size of the font used, and the price per printer's

square, which is set the General Assembly every year and is different depending upon the number of times the public notice will be published.

The formula for determining a newspaper's rate follows. For this example, we will use a 1.5 inch column with 7 point font for an ad that runs one (1) time.

Step 1: Convert the column width to how many points in the line. (For conversion from inches to points, there are 6 picas to an inch, 12 points to a pica or 72 points in an inch).

Here is another example using an actual ad (images are not to scale):

- 1 - Determine number of lines
- 2 - Determine line rate
- 3 - Complete publisher's claim form

1

53-Lines

LEGAL NOTICE OF PUBLIC HEARING
The Alcohol Beverage Board of Hamilton County, Indiana will hold a public hearing at 11:00 am on February 14, 2017 at the Judicial Center, Commissioner's Room, 1 Hamilton Square, in the city of Noblesville in said county, to investigate the propriety of holding an alcoholic beverage permit by the applicants listed herein to wit:

RC2900141 Beer Wine & Liquor - Fraternal Club RENEWAL
AMERICAN LEGION 45 1094 CONNER ST. Noblesville IN
D/B/A AMERICAN LEGION POST #45
RR2922871 Beer Wine & Liquor - Restaurant (210) RENEWAL
GMRL INC. 13285 TEGLER DRIVE Noblesville IN
D/B/A THE OLIVE GARDEN ITALIAN REST # 1805
WILLIAM R WHITE, III 4035 GILDER ROSE PLACE Winter Park, President
COLLEN M HUNTER 11920 DELFINO LANE Orlando, Secretary
DL2993256 Beer & Wine Dealer - Grocery Store RENEWAL
VILLAGE PANTRY LLC 710 WESTFIELD RD Noblesville IN
D/B/A MARSH VILLAGE PANTRY #5628
DL2921338 Beer Wine & Liquor - Drug Store RENEWAL
MARSH DRUGS LLC 14450 MUNDY DR Noblesville IN
D/B/A MARSH DRUG STORE #7037
RR2922870 Beer Wine & Liquor - Restaurant (210) RENEWAL
STONE CREEK NOBLESVILLE, LLC 13904 TOWN CENTER BLVD., SUITE 900 Noblesville IN
D/B/A STONE CREEK DINING
RC2909536 Beer Wine & Liquor - Fraternal Club RENEWAL
RALPH LEHR POST NO 6246 VETERANS OF FOREIGN WARS OF UNITED 654 S. 9TH ST. Noblesville IN
D/B/A F W POST 6246
RR2928603 Beer Wine & Liquor - Restaurant (210) RENEWAL
ENVISION 2010 HOLDING, LLC 13455 TEGLER DRIVE Noblesville IN
D/B/A ENVISION 2010 HOLDING, LLC
RR2926627 Beer & Wine Retailer - Restaurant RENEWAL
CNS INC. 2321 CONNER ST. Noblesville IN
D/B/A SUSHI YAMA
MI YOUNG JUNG 19011 ROUND LAKE RD. Noblesville, President
MI YOUNG JUNG Noblesville, Secretary
RR2931274 Beer Wine & Liquor - Civic Center RENEWAL
Legends Hospitality, LLC 12880 E 146th St Noblesville IN
D/B/A Klipsch Music Center
Daniel Smith - Bloomfield, President
RR2931408 Beer & Wine Retailer - Restaurant RENEWAL
JIMCAR LLC 5855 E 211th St Suite 11 Noblesville IN
D/B/A Harbortown Diner
RR2931773 Beer Wine & Liquor - Restaurant (210) RENEWAL
Primanti Corporation 13871 Cabela Parkway Noblesville IN
D/B/A Primanti Bros
DAVID HEAD 4311 SNEED ROAD Nashville, President
RR293107 Beer & Wine Retailer - Restaurant TRANSFER
CHAPALA MEXICAN RESTAURANT LP 5855 E 211th ST SUITE 11 Noblesville IN
D/B/A CHAPALA MEXICAN RESTAURANT

TL11614 2/11 1r hspaxlp

9-pica, 0-point column

2-columns wide

1-Line Head

7-Point Type

2

Type Size	Number of Insertions			
	1	2	3	4
7	0.4135	0.6178	0.8245	1.0312
7.5	0.3859	0.5766	0.7695	0.9625
8	0.3618	0.5405	0.7214	0.9023
9	0.3216	0.4805	0.6413	0.8021
10	0.2894	0.4324	0.5772	0.7219
12	0.2412	0.3604	0.4810	0.6016
Rate/Square	6.70	10.01	13.36	16.71

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines **0**

Head -- number of lines **1**

Body -- number of lines **52**

Tail -- number of lines **0**

Total number of lines in notice **53**

COMPUTATION OF CHARGES

53 lines, **2** columns wide equals **106** equivalent lines at **0.4135**
cents per line \$ **0.4135x106**

Additional charges for notices containing rule or tabular work (50 per cent of above amount) **0**

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) **0**

TOTAL AMOUNT OF CLAIM \$ **43.83**

DATA FOR COMPUTING COST

Width of single column in picas **9p0** Size of type **7** point.
Number of insertions **1**

Pricing (cont.)

1.5 inches = 72 points + (72 points x .5) = 72 + 36 = 108 points

Step 2: Divide the points in the line by the point size for the public notice. (Note: State law requires public notice advertising to be published with a minimum point size of 7 points.)

$108 / 7 = 15.428571$ Em spaces per line. (An Em space is a printer's term, which represents a space that is as tall as the font size and equally wide. In this example it would be 7 points high and 7 points wide.)

Step 3: Divide the Em spaces per line by how many Ems are in a printer's square. (There are 250 Ems in a square.)

$15.428571 / 250 = 0.0617142$ squares per line (You need the squares per line because the state-set rate is based on a price per square.)

Step 4: Multiply the squares per line by the price per square for the proper number of insertions.

$0.0617142 \times \$6.70$ per square (based on 2017 rates approved by the state legislature) for one (1) insertion =

\$0.4135 per line. This would be your maximum charge per line for the ad.

The price per square for multiple insertions for 2016 is:

Two (2) insertions is: \$9.74 per square

Three (3) insertions is: \$13.00 per square

Four (4) insertions is: \$16.26 per square

Under current law, the General Assembly allows newspapers a 2.75 percent increase a year in the rate. The state Board of Accounts determines the new maximum amount every year. (Note: A newspaper cannot charge local government units a rate higher than the lowest classified advertising rate charged other advertisers for comparable space and discounts for multiple insertions that are extended to other advertisers, even if the state-set rate would be higher.)

The law does allow for a 50 percent upcharge on the rate if the public notice requires tabular alignment of columns. The line for this additional computation is part of the Publisher's Claim form.

Annual Reports

Annual reports - Contents and timing of publication

Relevant codes: I.C. 36-2-2-19 (Counties); I.C. 5-3-1-3 (Cities, towns & school districts); I.C. 36-6-4-13 (Townships); I.C. 5-3-1-3.5 (Other qualifying political subdivisions)

Explanation – Local government units must publish annual reports that generally show the money collected and spent during the preceding calendar or fiscal year.

Counties: Following the second regular meeting of the county commissioners, an annual report of the county's receipts and expenditures should be published that includes the name and total compensation of each county officer, deputy and employees. According to the state Board of Accounts, newspapers should expect these reports from late January to the middle of February.

Cities and Towns: The fiscal officer for each Indiana city and town must publish an annual report of the previous year's revenue receipts and expenditures within sixty (60) days of the end of that calendar year.

School Districts: The secretary of each school corporation in Indiana shall publish an annual financial report between August 1 and August 15, and may include with the report an interpretation or explanation of the information. The Indiana Department of Education shall develop guidelines and provide information to assist the school corporations in preparing the reports, but the reports must include the following:

- A comparison between the school corporation's actual receipts and expenditures by its major accounts and the school corporation's budget for the previous calendar year.
- The salary schedule for all "certificated" employees (see I.C. 20-29-2-4) as of June 30, including the number of employees at each salary level. However, the report does NOT require publication of individual teachers' salaries.
- The extracurricular salary schedule as of June 30.
- The range of rates of pay for all non-certificated employees, broken down by each specific classification.
- The number of employees who are full-time certificated-

Annual Reports (cont.)

ed, part-time certificated, full-time non-certificated, and part-time non-certificated.

- The lowest, highest, and average salary for the administrative staff and the number of the administrators. However, the school corporation is not required to list the names of any particular administrator.
- The number of students enrolled at each grade level and the total enrollment in the school corporation.
- The assessed valuation of the school corporation for the prior and current calendar year.
- The tax rate for each fund for the prior and current calendar year.
- A report of the total payment made to each vendor exceeding two thousand five hundred dollars (\$2,500) during the prior calendar year for the school corporation's general fund, capital projects fund, and transportation fund. The school corporation is only required to list up to two hundred (200) vendors with payments exceeding \$2,500 for each fund; the lists should start with the highest total payment for a vendor then descend to the lowest total payment.
- A statement that the contracts, vouchers, and bills for all payments made by the school corporation are in the school corporation's possession and available to the public for inspection and copying.
- The school corporation's total indebtedness as of the end of the previous calendar year. The school corporation must show the total amount of notes, bonds, certificates, claims due, total amount due from the school corporation for public improvement assessments or

intersections of streets, and any and all other evidences of outstanding and unpaid debt at the end of the previous calendar year.

The school corporation cannot issue any bonds until the annual report is filed with the Indiana Department of Education. The annual report must be prepared according to Generally Accepted Accounting Principles (GAAP) for financial accounting; however, the state examiner may waive this requirement at the school corporation's request.

Townships: Within four weeks after the third Tuesday following the first Monday in January, the township trustee is to publish an abstract of receipts and disbursements from the previous year.

To avoid squabbles over publication costs, township trustees and newspaper should note that budget lines with \$0 amounts do not have to be included in the published report, according to the state Board of Accounts. This will serve to condense the size of the publication.

Other qualifying political subdivisions: Political subdivisions with an annual budget of at least three hundred thousand dollars (\$300,000) and the power to collect taxes must publish an annual report once a year not later than sixty (60) days after the end of the calendar year. The annual report must detail the receipts and expenditures made by the political subdivision during the previous calendar year.

Sheriff's Sale

Relevant codes: I.C. 32-29-7-3

Explanation – The sheriff is required to publish the sheriff's sale (mortgage foreclosure) notices in one newspaper located in the county. Newspaper is defined at I.C. 5-3-1-0.4. I.C. 32-29-7-3 calls for the sheriff to publish the sale notice three (3) successive weeks. The first publication shall be made at least thirty (30) days before the date of the public sale.

While the sheriff is responsible for publication of the notice, the notice does not qualify for the state-set maximum line rate under I.C. 5-3-1 that state and local government units receive. The newspaper can charge what it normally charges the public for classified advertising. The reason is that while the sheriff places the notices, he collects the cost of the publication from the buyers of the foreclosed

property, so it's not the taxpayers who ultimately pay for the notices.

The Public Notice Advertising statute, I.C. 5-3-1, does require a newspaper to have a minimum paid circulation of 200.

As to the sheriff's decision on which newspaper to place a notice, it's up to his/her discretion. The sheriff may look at which newspaper has the highest circulation to reach the largest potential bidding pool, or price between the two newspapers, or level of service provided and reliability in getting the notice published when requested. Or the sheriff may take into account personal preference, based on friendship with a publisher or anger over a story published by one newspaper, which leads the sheriff to publish notices in the other newspaper.

Counties

Allowances

Relevant code: I.C. 36-2-6-3

Explanation – Includes courts, before payment; courts, after payment; and, commissioners, before allowance.

IC 36-2-6-3 Inapplicability of section to certain claims; publication of filed claims and allowances; payments in violation, offense

Sec. 3. (a) This section does not apply to claims for salaries fixed in a definite amount by ordinance or statute, per diem of jurors, and salaries of officers of a court.

(b) The county auditor shall publish all allowances made by courts of the county. Court allowances shall be published at least three (3) days before the issuance of warrants in payment of those allowances. Allowances subject to this

section shall be published as prescribed by IC 5-3-1 except that only one (1) publication in two (2) newspapers is required.

(c) A county auditor who issues warrants in payment of allowances made by a court of the county, before compliance with subsection (b), commits a Class C infraction.

(d) A county auditor shall publish one (1) time in accordance with IC 5-3-1 a notice of all allowances made by a circuit or superior court. The notice must be published within sixty (60) days after the allowances are made and must state their amount, to whom they are made, and for what purpose they are made.

Annual Report – Commissioners

Relevant code: I.C. 36-2-2-19; I.C. 5-3-1-3

Explanation – At its second regular meeting each year, the executive shall make an accurate statement of the county's receipts and expenditures during the preceding calendar year. The statement must include the name of and total compensation paid to each county officer, deputy,

and employee. The executive shall post this statement at the courthouse door and two (2) other places in the county and shall publish it in the manner prescribed by IC 5-3-1.

Counties often use the 100R report for the total compensation paid to each of the county officers, deputies and employees.

Counties (cont.)

Aviation

Relevant code: See below

IC 8-22-2-5: Powers of the board; IC 36-1-11: Disposal of Real Property

IC 8-22-2-5 empowers aviation boards with the authority to lease real property. IC 36-1-11, which generally applies to the disposal of real property by political subdivisions and agencies of political subdivisions, does not apply to the leasing of property by a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3. In other words, any notice requirement concerning the disposal of real property found under IC 36-1-11 does not apply to local aviation boards.

IC 8-22-2-6: Contract procedures; emergencies

Sec. 6. For all contracts for improvements and purchases, other than those for professional services and those for the acquisition of land, structures, easements, and rights-of-way, IC 5-22, IC 36-1-9.5, and IC 36-1-12 apply. In case of an emergency being declared by the board, the board may purchase necessary materials under IC 5-22-10 without advertising for bids.

IC 8-22-2-7 Breach of agreements; rules and regulations; taxation; reports of estimated appropriations; reserve or depreciation account

Sec. 7. (a) The board may, in the name of the eligible entity, take action to recover damages for the breach of an agreement, express or implied, relating to the operation, control, leasing, management, or improvement of the property under its control, to impose the penalties for the violation of ordinances of the entity or of its rules or regulations, and for injury to the personal or real property under its control, and to recover possession of any such property. All rules and regulations that the board adopts under this chapter shall be published in accordance with IC 5-3-1.

IC 8-22-2-13: Sale of minerals or mineral rights

Sec. 13. The board of an eligible entity may, upon resolution of the board, sell the minerals or mineral rights or royalties, or grant leases for the removal of a mineral in or under an airport or landing field owned by the entity. They shall be sold or leased in the same manner as land is sold or leased under this chapter, and the proceeds derived from these sources shall be deposited with the treasurer of the entity in the aviation fund of the entity and expended as provided by statute for the proceeds of the sale of aviation lands. However, no sale or lease for more than one (1) year may be made, except to the highest and best bidder, after notice of sale or lease has been given within the boundaries of the entity in accordance with IC 5-3-1, the last publication having been made at least one (1) week before the date of the sale or lease.

Counties (cont.)

County property tax board of appeals - Notice of annual meeting

Relevant code: I.C. 6-1.1-28-6

Explanation – This section sets out the requirements of publication for the annual meeting of a county property tax assessment board.

IC 6-1.1-28-6: Notice of annual session

Sec. 6. This section applies to a county property tax assessment board of appeals established under section 1 of this chapter. The county assessor shall give notice of the time, place, and purpose of each annual session of the county property tax assessment board. The county assessor shall give the notice two (2) weeks before the first meeting of the board by:

(1) the publication:

- A. in two (2) newspapers of general circulation which are published in the county; or
- B. in one (1) newspaper of general circulation published in the county if the requirements of clause (A) cannot be satisfied; and

(2) the posting of the notice on the county assessor's Internet web site.

BONDS – Determination of Issue; Manner of Sale; Sale of Bonds (All units)

Relevant code: I.C. 36-2-6-19; I.C. 5-1-7-2; I.C. 6-1.1-20-2; I.C. 5-1-11-2

IC 36-2-6-19 Bonds or tax anticipation warrants; sale; bidding; notice; disclosures

Sec. 19. (a) Whenever bonds authorized under section 18 of this chapter are to be sold, the county auditor shall prepare and place on file copies of:

- (1) the ordinance authorizing the sale;
- (2) specifications describing the bonds to be sold;
- (3) a list of the outstanding debts of the county;
- (4) a statement of the assessed valuation of property in the county, according to the most recent assessment for property tax purposes; and
- (5) any other information that may help bidders and other interested persons to understand the financial condition of the county and to determine the market value of the bonds.

The auditor shall present these items to persons requesting them and to financial institutions that are in the market for the purchase of county bonds.

(b) After filing the items required by subsection (a), the county auditor must, in the manner prescribed by IC 5-3-1 and IC 5-1-11-2, publish a notice calling for sealed bids on the bonds and stating:

- (1) the amount and type of bonds to be sold;
- (2) the rate of interest the bonds are to bear;
- (3) the time the bonds are to run; and
- (4) that specifications and information concerning the bonds are on file in the office of the county auditor and available on request.

(c) Whenever tax anticipation warrants issued under section 18 of this chapter are to be sold, the county auditor must publish a notice of sale in accordance with IC 5-3-1. No other publication or statement is necessary.

(f) Whenever a loan authorized by the county fiscal body is to be refunded by some manner other than the sale of bonds or tax anticipation warrants, the county auditor must give notice, receive bids, and let the loans in the manner prescribed by this section.

IC 5-1-11-2 Publication of notice of sale; publication of notice of intent to sell

Sec. 2. (a) Notice of sale of bonds required to be sold at public sale under section 1 of this chapter shall be published in accordance with the provisions of this chapter and either IC 5-3-1 or subsection (b).

(b) If a political subdivision or body referred to in section 1 of this chapter determines to sell bonds under this subsection, notice of intent to sell such bonds shall be published once each week for two (2) weeks in accordance with IC 5-3-1-4 and in a newspaper of general circulation published in the state capital. The notice must state that any person interested in submitting a bid for the bonds may furnish in writing to the official of the political subdivision or body responsible for their sale, at the address set forth in the notice, the person's name, address, and telephone number. The person may also furnish a telex number. The notice of intent to sell bonds must state:

- (1) the amount of the bonds to be offered;
- (2) the denominations;

Counties (cont.)

County property tax board of appeals - Notice of annual meeting (cont.)

- (3) the dates of maturity;
- (4) the maximum rate or rates of interest;
- (5) the place of sale; and
- (6) the time within which the name, address, and telephone number must be furnished, which must not be less than seven (7) days after the last publication of the notice of intent to sell.

furnished by the person, and also by telex if the person furnishes a telex number. Bids may not be received more than ninety (90) days after the first publication of the notice of intent to sell.

(c) This chapter does not prevent the sale of bonds under the provisions of any statute inconsistent with this chapter so long as the procedures required for the sale in that statute are complied with, but if notice of that sale must be published, the notice shall be published in accordance with IC 5-3-1.

The official of the political subdivision or body responsible for the bond sale shall notify each person so registered of the date and time bids will be received not less than twenty-four (24) hours before the date and time of sale. The notification shall be made by telephone at the number

Counties (cont.)

Bridges - Building & repair

Relevant code: IC 36-1-12-4; IC 36-2-6-19; IC 36-2-6-20;

Explanation – This section involves the notice requirements involved with county bridge projects.

IC 36-1-12-4 Procedure for awarding projects costing certain amounts

Sec. 4. (a) This section applies whenever the cost of a public work project will be:

- (1) except as provided in subdivision (2), at least one hundred fifty thousand dollars (\$150,000); or
- (2) in the case of a board of aviation commissioners or an airport authority board, at least one hundred thousand dollars (\$100,000).

(b) The board must comply with the following procedure:

- (1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.
- (2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).
- (3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.
- (4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.
- (5) The period of time between the date of the first

publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board. The period of time between the date of the first publication and receiving bids may not be more than:

(A) six (6) weeks if the estimated cost of the public works project is less than twenty-five million dollars (\$25,000,000); and

(B) ten (10) weeks if the estimated cost of the public works project is at least twenty-five million dollars (\$25,000,000).

IC 36-2-6-19 Bonds or tax anticipation warrants; sale; bidding; notice; disclosures.

See BONDS section

IC 5-1-11-2 Publication of notice of sale; publication of notice of intent to sell.

See BONDS section

8-16-2-5 Issuance of bonds; redemption.

(d) If said board of county commissioners shall determine to redeem any of said bonds prior to maturity, such bonds shall be redeemed in their numerical order and notice of such election to redeem prior to maturity shall be given by two (2) publications, one (1) each week and on the same day of each week, in two (2) newspapers of general circulation, printed in the English language and published, one (1) at the city of Indianapolis and the other at the county seat of the county by which said bonds were issued, which publications shall be completed at least ten (10) days prior to the interest paying date on which any of said bonds are called for redemption. Said notice shall state the number or numbers of the bonds so called for redemption prior to maturity and otherwise identify and make certain the bonds so to be redeemed, and the bonds so called for redemption shall be redeemed and paid by such county at the time and place designated in such notice.

Counties (cont.)

Buildings - Public

Relevant code: I.C. 36-1-12-4; IC 36-2-6-19; IC 36-2-6-20;

Explanation – Includes Bids for construction; Bond Sale; Cumulative Building Fund, Notice.

IC 36-1-12-4 Procedure for awarding projects costing certain amounts

Sec. 4. (a) This section applies whenever the cost of a public work project will be:

- (1) except as provided in subdivision (2), at least one hundred fifty thousand dollars (\$150,000); or
- (2) in the case of a board of aviation commissioners or an airport authority board, at least one hundred thousand dollars (\$100,000).

(b) The board must comply with the following procedure:

- (1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.
- (2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).
- (3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.
- (4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.
- (5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board. The period of time between the date of the first publication and receiving bids may not be more than:

(A) six (6) weeks if the estimated cost of

the public works project is less than twenty-five million dollars (\$25,000,000); and

(B) ten (10) weeks if the estimated cost of the public works project is at least twenty-five million dollars (\$25,000,000).

- (6) The board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.
- (7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before. Notwithstanding any other law, bids may be opened after the time designated if both of the following apply:
 - (A) The board makes a written determination that it is in the best interest of the board to delay the opening.
 - (B) The day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening.
- (8) Except as provided in subsection (c), the board shall:
 - (A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or
 - (B) reject all bids submitted.
- (9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.

Counties (cont.)

Conservancy districts

Relevant code: See below.

Bond Sale - IC 14-33-11-8;

(a) Before offering bonds for sale, the board shall give notice in the same manner as is required by IC 6-1.1-20 for the sale of bonds by municipal corporations.

Reports of findings; hearings; notices— IC 14-33-8-12

(a) Upon the filing of each report of the board of appraisers with the court, the court shall set a date for hearing on the report.

(b) The court shall order notice of the hearing on the report of the board of appraisers as follows:

(1) By at least one (1) publication in one (1) newspaper of general circulation in each county having land in the district at least thirty (30) days before the date of the hearing on the report.

(2) To each freeholder owning land named in the report and to each person who is named in the report by mail at least twenty (20) days before the date of the hearing, first class postage prepaid, according to the records of the county auditor.

(3) By mail to the office of the district at least twenty (20) days before the date of the hearing, first class postage prepaid.

Petitions to establish; notices of hearings—IC 14-33-2-12

The petitioners shall give notice of hearing on the petition as follows:

- 1) By publication in two (2) newspapers of general circulation in each county having land in the pro-

posed district, three (3) times at successive weekly intervals. The first publication must be at least thirty (30) days before the date of the hearing. If there is only one (1) newspaper of general circulation in a county, three (3) publications in that newspaper are sufficient.

- 2) By mailing a copy of the notice at least twenty (20) days before the date of the hearing, first class postage prepaid, to each freeholder who has not signed the petition and who owns land in the proposed district, according to the records of the county auditor. The person having the notice mailed shall file an affidavit with the court showing the following:

(A) The names of the persons to whom notice was sent.

(B) The address to which the notice was sent.

(C) The date on which the notice was mailed.

District Plan: Filing with court; hearings—IC 14-33-6-5

(a) After receiving the approval of the commission, the board shall file the district plan with the court.

(b) Upon receipt the court shall set a date for a hearing. The court shall give priority to the hearing in determining the date, but the court must allow at least twenty-one (21) days for interested persons to file exceptions.

(c) The court shall order notice for the hearing that the court considers necessary, but publication must at least be made in each county having land in the district in accordance with IC 5-3-1 as if the notice affected county business.

County coroner

Relevant code: IC 36-2-14-11(b)

Explanation – This section applies where money or personal property is owned by a deceased person whose death is subject to a coroner's investigation; or is found on a body; or at the scene of a death.

(b) If money or personal property is not claimed by a person entitled to them, the coroner shall do the following:

- 1) Take possession of the property.
- 2) Publish, in accordance with IC 5-3-1, a description of the deceased and the name of the deceased if known.
- 3) Make a reasonable search to find a person who is entitled to the money or other personal property.

Counties (cont.)

County Council

Relevant code: I.C. 36-2-3-6, IC 36-2-3-7; IC 6-1.1-17-5; IC 36-2-5-9 through IC 36-2-5-11

Explanation – The County Council acts as the county’s fiscal body.

The County Council:

1. Must hold a regular meeting in January after its election, for the purpose of organization and other business;
2. Must hold a regular meeting annually, as prescribed by IC 6-1.1-17, to adopt the county’s annual budget and tax rate;

3. may hold a special meeting under subsection (c) or (d); and

4. in the case of a county subject to IC 36-2-3.5, shall hold meetings at a regularly scheduled time each month that does not conflict with the meetings of the county executive.

A special meeting of the county council may be called by the county auditor, the president of the fiscal body, or by a majority of the members of the fiscal body. At least one (1) day before a special meeting, notice must be published in accordance with IC 5-3-1-4. This subsection does not apply to a meeting called to deal with an emergency under IC 5-14-1.5-5.

County tax sale

Relevant code: IC 6-1.1-24-2; IC 6-1.1-24-3; IC 6-1.1-24-4

Explanation – These statutes specify the content of the notice of a sale of real property for delinquent taxes. They also set out the requirements regarding the posting and publication of the notice associated with the sale of tax delinquent properties.

When real property is eligible for sale under this chapter, the county auditor must post a copy of the notice required by section 2 of this chapter at a public place of posting in

the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment.

In addition, the county auditor must, in accordance with IC 5-3-1-4, publish the notice required in section 2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

Counties (cont.)

Tax rate chart

Relevant code: I.C. 6-1.1-22-4;

Sec. 4. (a) Immediately upon the receipt of the tax duplicate, the county auditor shall give notice of the rate of tax per one hundred dollars (\$100) of assessed valuation to be collected in the county for each purpose and the total of the rates in each taxing district. This notice shall be published in the form prescribed by the department of local government finance three (3) times with each publication

one (1) week apart.

(b) The notice required by this section shall be printed in two (2) newspapers which represent different political parties and which are published in the county. However, if two (2) newspapers which represent different political parties are not published in the county, the notice shall be printed in one (1) newspaper.

Elections

GENERAL ELECTIONS:

Relevant code: IC 3-10-2-2; IC 3-11-8-3.2

Notice of election; publication of office to be filled or questions submitted; filing—IC 3-10-2-2

(a) Each county election board shall give notice of a general election and publish a statement in accordance with IC 5-3-1 showing what offices are to be filled and setting forth the text of the judicial retention and other public questions to be submitted to the voters and by filing a copy of this information:

- 1) with the election division; and
- 2) in the minutes of the county election board.

(b) The county election board shall file the copies required under subsection (a) not later than noon, ten (10) days before election day. However, an election is not invalidated by the failure of the board to perform this duty.

Notice of place of voting; change of location—IC 3-11-8-3.2

(a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must state whether the polls are located in an accessible facility.

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board may order the relocation of the polling place during the final two (2) days before an

election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

PRIMARY ELECTIONS:

Relevant code: IC 3-8-2-19; IC 3-11-8-3.2

3-8-2-19 Publication and filing of notice of election;

(a) Upon receipt of the certified list under section 17 of this chapter, a county election board shall immediately compile under the proper political party designation the following:

- 1) The title of each office.
- 2) The name of each individual who has filed a request to be placed on the presidential primary ballot.
- 3) The names and addresses of all persons for whom declarations of candidacy have been filed for nomination to an office on the primary election ballot, except for an individual with a restricted address under IC 36-1-8.5.
- 4) The text of any public question to be placed on the ballot.
- 5) The date of the primary election.
- 6) The hours during which the polls will be open.

(b) The county election board shall do the following:

- 1) Publish the information described in subsection (a) before the primary election in accordance with IC 5-3-1.
- 2) File a copy of the information described in subsection (a):

Counties (cont.)

Elections (cont.)

(A) with the election division; and

(B) in the minutes of the county election board.

(c) The county election board shall file the copies required under subsection (b)(2) not later than noon ten (10) days before election day.

(d) An election is not invalidated by the failure of the board to comply with this section.

(e) If the county election board receives an amendment from the election division under section 17 of this chapter after:

- 1) compilation of the information described in subsection (a) has occurred; or
- 2) the board determines that it is impractical to recompile completely revised information;

the board is only required to file a copy of the amendment with the minutes of the board.

SPECIAL ELECTIONS:

Relevant code: I.C. 3-10-8-4;

Notice of special election; publication; filing— IC 3-10-8-4

(a) Each circuit court clerk or town clerk-treasurer who receives a writ ordering a special election shall publish in accordance with IC 5-3-1:

(1) under the proper political party or independent candidate designation:

- A. the title of office; and
- B. the names and addresses of all candidates who have filed for election to the office, except for an individual with a restricted address under IC 36-1-8.5;

if an elected office will be on the ballot at the special election;

(2) the text of any public question to be submitted to the voters;

(3) the date of the election; and

(4) the hours during which the polls will be open.

(b) The county election board or town election board shall file a notice of a special election conducted under this chapter with the election division not later than noon seven (7) days after receiving the writ.

Equalization of Counties

Relevant code: IC 6-1.1-14-9

Explanation – State tax board.

6-1.1-14-9 Notice of hearing to taxpayers

Sec. 9. (a) If a hearing is required under section 4 or section 8 of this chapter, the department of local government finance shall give notice to the taxpayers of each county for which the department is to consider an increase in the assessments. The notice shall state the time, place, and object of the public hearing on the assessments. The department of local government finance shall give the notice in the manner prescribed in subsection (c).

(b) If an equalization order is issued under section 5 of this chapter, the department of local government finance shall give notice of the order to the taxpayers of each county to which the order is directed. The department of local government finance shall give the notice in the manner provided in subsection (c). The notice required by this sub-

section is in lieu of the notices required by IC 6-1.1-3-20 or IC 6-1.1-4-22.

(c) A notice required by this section shall be published once in:

- 1) two (2) newspapers of general circulation published in the county; or
- 2) one (1) newspaper of general circulation published in the county if two (2) newspapers of general circulation are not published in the county.

If there are no newspapers of general circulation published in the county, the notice shall be given by posting a statement of the time, place, and object of the hearing in the county courthouse at the usual place for posting public notices. The published or posted notice of a hearing shall be given at least ten (10) days before the time fixed for the hearing.

Counties (cont.)

Motor vehicle, abandoned - Notice of sale

Relevant code: IC 9-22-1-23

Explanation – Public sale by consolidated city, second class city or county; notice;

(a) This section applies to a city, town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

- 1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) insertion in an appropriate publication one (1) week before the public sale is required.
- 2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day

period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice or the notification made by electronic service under section 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

- 1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.
- 2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

Parks

Relevant code: IC-36-10-3-25; IC 36-10-3-21;

Explanation – Includes bond issue; cumulative building fund; lease of buildings and grounds; purchase of property; removal of board member; and, special benefits tax.

Bonds; notice; hearing; ordinance approving issue— IC 36-10-3-25

(a) Before bonds may be issued under section 23 of this chapter, the board shall give notice of a public hearing to disclose the purposes for which the bond issue is proposed, the amount of the proposed issue, and all other pertinent data.

(b) The board shall have published in accordance with IC 5-3-1 a notice of the time, place, and purposes of the hearing.

(c) After the public hearing and before additional proceedings on the bond issues, the board must obtain an ordinance approving the bond issue from the unit's fiscal body.

Board of park and recreation; powers—36-10-3-11

(b) The board may also lease any buildings or grounds belonging to the unit and located within a park to a person for a period not to exceed fifty (50) years. The lease may authorize the lessee to provide upon the premises educational, research, veterinary, or other proper facilities for the

exhibition of wild or domestic animals in wildlife parks, dining facilities, swimming facilities, golf courses, skating facilities, dancing facilities, amusement rides generally found in amusement parks, or other recreational facilities. A lease may be made for more than one (1) year only to the highest and best bidder, after notice that the lease will be made has been given by publication in accordance with IC 5-3-1.

(c) Notwithstanding subsection (b), the board may lease buildings or grounds belonging to the unit for a period of more than one (1) year without soliciting the highest and best bidder or providing notice under IC 5-3-1 if:

- (1) the buildings or grounds are leased to an Indiana nonprofit corporation;
- (2) the buildings or grounds are operated as a public golf course; and
- (3) the golf course remains subject to rules and regulations promulgated by the board.

Acquisition of real property; resolution; improvements; notice; option or contract; appraisal; hearing— IC 36-10-3-23

(a) This section applies only to:

- (1) the acquisition of real property; or
 - (2) a work of improvement;
- that will be financed by the issuance of bonds.

(b) If the board decides to:

Counties (cont.)

Parks (cont.)

(1) acquire land for any of the purposes prescribed in this chapter, either by purchase or by appropriation, and in conjunction with the acquisition to proceed with a work of improvement authorized by this chapter;

(2) acquire real property without proceeding at the time with a work of improvement; or

(3) proceed with a work of improvement where the real property has been already secured;

it shall adopt a resolution stating the purpose, describing the land to be acquired, the manner of acquisition, and, in the case of an appropriation, the other land that may be injuriously affected, or describing the lands already acquired and intended to be used in connection with the proposed work of improvement.

(c) If a work of improvement is provided for in the resolution, the board shall have preliminary plans and specifications and an estimate of the cost of the proposed work prepared by the engineer selected to do the work. The resolution must be open to inspection by all persons interested in or affected by the appropriation of land or the construction of the work. The board shall have notice of the resolution and its contents published in accordance with IC 5-3-1. The notice must state a date on which the board will receive or hear remonstrances from persons interested in or affected by the proceedings and on which it will determine the public utility and benefit.

(d) Notice shall be sent by certified mail to each owner of land to be appropriated under the resolution, using the owner's address as shown on the tax duplicates. In addition, notice of the land to be appropriated shall be published in accordance with IC 5-3-1. All persons affected in any manner by the proceedings, including all taxpayers in the district, are considered notified of the pendency of the proceedings and of all subsequent acts, hearings, adjournments, and orders of the board by the original notice by publication.

(e) In the resolution and notice, separate descriptions of each piece or parcel of land are not required, but it is a sufficient description of the property purchased, to be purchased, or to be appropriated or damaged to give a description of the entire tract by a platted description or by metes and bounds, whether the land is composed of one (1) or more lots or parcels and whether it is owned by one (1) or more persons. If the land or a part of it is to be acquired by purchase, the resolution must also state the

maximum proposed cost.

(f) The board may, at any time before the adoption of the resolution:

(1) obtain from the owner or owners of the land an option for its purchase; or

(2) enter into a contract for its purchase upon the terms and conditions that the board considers best.

The option or contract is subject to the final action of the board confirming, modifying, or rescinding the resolution and to the condition that the land may be paid for only out of the special fund resulting from the sale of bonds as provided by this chapter.

(g) If the board decides to acquire any lots or parcels of land by purchase, the board shall appoint two (2) qualified appraisers to appraise the fair market value of the land. Each appraiser must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under IC 25-34.1. The appraisers may not be interested directly or indirectly in any land that is to be acquired under the resolution or that may be injured or incur local benefits. The appraisers shall take an oath that they have no interest in the matter and that they will honestly and impartially make the valuation. The appraisers shall return the appraisers' separate appraisals to the board not more than thirty (30) days after the date of their appointment. The appraisals shall be filed with and become a part of the record of the proceeding.

(h) The board may not take an option on the land or enter into a contract to purchase it at a price greater than the average of the two (2) appraisals received under subsection (g). The title to land to be acquired under the resolution, whether by purchase or appropriation, does not vest until the land is paid for out of the special fund established by the sale of bonds as provided in this chapter. Any indebtedness or obligation of any kind incurred by the board due to the acquisition of land or to construction work shall be paid out of the funds under the control of the board and is not an indebtedness or obligation of the unit.

(i) At the time fixed for the hearing, or at any time before the hearing, an owner of land to be appropriated under the resolution or injuriously affected or a person owning real or personal property located in the district may file a written remonstrance with the secretary of the board.

(j) At the hearing, which may be adjourned from time to

Counties (cont.)

Parks (cont.)

time, the board shall hear all persons interested in the proceedings and all remonstrances that have been filed. After considering the evidence, the board shall take final action determining the public utility and benefit of the proposed project by confirming, modifying, or rescinding the resolution. The final action shall be recorded and is final and conclusive upon all persons.

Board of park and recreation; removal; procedure— IC 36-10-3-6

A member may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the unit's fiscal body shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.

Cities & Towns

Relevant code: See chart below

Explanation – Below is a chart outlining publication require-

ments or specific actions taken by cities and towns. This chart was originally created by the state Board of Accounts.

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Additions – Vacation of Plats	Hearing and Survey	36-7-3-8	One (1)	At least ten (10) days before the hearing
Additions – Vacation of Plats	Platting and Survey	36-7-3-8	One (1)	Within thirty (30) days after adoption of the resolution
Airports	Cumulative Building Fund	8-22-3-25	Two (2)	At least one (1) week apart between notices; second notice at least three (3) days before establishment hearing
Airports	Publication of Rules and Regulations	8-22-2-7; 5-3-1-2	Two (2)	At least ten (10) days before hearing regarding rule or regulation; within thirty (30) days after adoption of rule or regulation
Airports	Sale of Aviation Land	8-22-2-7	Two (2)	At least ten (10) days before hearing regarding the sale; within thirty (30) days after the sale ordinance is adopted
Airports	Sale of Mineral Rights	8-22-2-13	Two (2)	At least one (1) week apart per notice in each required paper; second notice at least seven (7) days before the date of sale or lease
Airports	Sale of Bonds	8-22-3-16	Two (2)	First notice: At least fifteen (15) days before the date of the sale Second notice: At least three (3) days before the date of the sale Notices must be given at least seven (7) days apart
Annexation and Disannexation	Publication of Annexation Ordinance	36-4-3-7	One (1)	Within thirty (30) days after the passage of the ordinance

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Annexation and Disannexation	Disannexation on Petition	36-4-3-17	Two (2)	At least ten (10) days before the hearing on the petition in two (2) separate newspapers within the political subdivision
Annual Report	Provisions	5-3-1-3	One (1)	Within sixty (60) days after the expiration of the calendar year
Bonds	Decision to Issue Bonds	6-1.1-20-5; 5-3-1-4	Two (2)	Per each of two (2) newspapers, each publication at least seven (7) days apart First publication: at least fifteen (15) days before the date of sale Second publication: at least three (3) days before the date of sale
City Buildings	Cumulative Building Fund Hearing	36-9-16-4	Two (2)	At least one (1) week apart between notices; second notice at least three (3) days before establishment hearing
City Buildings	Sale of Bonds	5-1-11-2(b)	Two (2)	5-1-11-2(b): Once each week for two (2) weeks before sale 5-3-1-2: each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Change of Name of Town	Hearing	36-5-1-14	One (1)	At least ten (10) days before the hearing
Change of Name of Town	Notice of Election	36-5-1-16	One (1)	At least ten (10) days before the date of the election
City Plan Commission – Area Planning Departments	Hearing before Approval of Plan	36-7-4-507	One (1)	At least ten (10) days before the hearing
City Plan Commission – Area Planning Departments	Hearing of Appeals, Exceptions, Uses and Variances	36-7-4-920	One (1)	At least ten (10) days before the hearing
City Plan Commission – Area Planning Departments	Hearing Prior to Adoption	36-7-4-604	One (1)	At least ten (10) days before the hearing

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
City Plan Commission – Metropolitan Planning Commissions (Certain Counties)	Amendment of Ordinance	36-7-4-604, 36-7-4-606, 36-7-4-607	One (1)	At least ten (10) days before the hearing
City Plan Commission – Metropolitan Planning Commissions (Certain Counties)	Appeal of Primary Approval or Disapproval of Plat	36-7-4-708, 36-7-4-401, 36-7-4-402	One (1)	At least ten (10) days before the hearing
City Plan Commission – Metropolitan Planning Commissions (Certain Counties)	Hearing on Adoption of Comprehensive Plan	36-7-4-507	One (1)	At least ten (10) days before the hearing
City Plan Commission – Metropolitan Planning Commissions (Certain Counties)	Hearing on Appeal	36-7-4-920	One (1)	At least ten (10) days before the hearing
City Plan Commission – Metropolitan Planning Commissions (Certain Counties)	Notice Prior to Adoption of Zoning Ordinance	36-7-4-604	One (1)	At least ten (10) days before the hearing
City Plan Commission – Metropolitan Planning Commissions (Certain Counties)	Publication of Ordinance	36-7-4-610	One (1)	Within thirty (30) days after passage of the ordinance

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
City Plan Commission – Metropolitan Planning Commissions (Certain Counties)	Subdivision Plat – Notice of hearing	36-7-4-706	One (1)	At least ten (10) days before the hearing
City Plan Commission – Planning and Zoning	Application for Approval of Plat (Subdivision)	36-7-4-703, 36-7-4-706	One (1)	At least ten (10) days before the hearing
City Plan Commission – Planning and Zoning	Hearing of Appeals, Exceptions, Uses and Variances	36-7-4-708	One (1)	At least ten (10) days before the hearing
Condemnation of Property	Assessments – Nonresident Notice	IC 32-24-2-8	Three (3)	Nonresident property owners must be given notice by publication in a newspaper of general circulation in the municipality once each week for three (3) successive weeks.
Contract for Public Work	Bids	5-3-1-2(e)	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Dissolution of Town	Notice of Election	36-5-1-16	One (1)	At least ten (10) days before the date of the election
Dissolution of Town	Notice of Hearing	36-5-1-16	One (1)	At least ten (10) days before the hearing
Fire Station and Equipment	Cumulative Building/Capital Improvement Fund – Notice of Hearing	36-9-16-4	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least three (3) days before the hearing
Flood Control – Marion County	Adoption of Resolution	36-9-29.1-7	One (1)	Within thirty (30) days of adoption of the resolution
Flood Control – Marion County	Sale of Bonds	36-9-29.1-12	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale

Cities & Towns (cont.)

Category	Sub-Category	Ind.Code	Minimum Number of Publications	Publication Schedule
Flood Control – Marion County	Temporary Loans	36-9-29.1-15	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Flood Control Districts	Petition for Establishment of District	36-9-29-4	One (1)	At least ten (10) days before the hearing
Flood Control Districts	Change of District Boundaries	36-9-29-5(f)	One (1)	At least ten (10) days before the hearing
Flood Control Districts	Sale of Bonds	36-9-29-23(k)	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Flood Control Districts	Sale of Warrants, Temporary Loan	36-9-29-22	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Harbors and Waterways	Bids for Construction	5-3-1-2(e)	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Harbors and Waterways	Property Condemnation	36-9-29.1-10, 32-24-2-8	Up to Three (3)	Resident property owners must be given notice at their last usual place of residence or in person; non-resident property owners can be notified by publishing notice in a daily newspaper in the municipality once each week for three (3) successive weeks
Health Department	Conversion of Gift to Cash - Personal Property	16-20-6-2(a) (2)	Two (2)	Sale may commence upon two (2) weeks publication of notice
Housing Authority	Issuance of Bonds	36-7-18-31	Two (2)	First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Housing Authority	Resolution to Establish	36-7-18-4	One (1)	At least ten (10) days before the hearing
Incorporation of Cities	Election	36-4-1.5-2, 3-10-9-1	One (1)	At least ten (10) days before the election
Incorporation of Towns	Hearing	36-5-1-5	One (1)	At least ten (10) days before the hearing
Incorporation of Towns	Ordinance	36-5-1-10.1	One (1)	Within thirty (30) days after passage of the ordinance
Levees and Drains	Appropriation of Lands for Construction	36-9-28-4	One (1)	At least ten (10) days before the hearing
Levees and Drains	Notice of Benefits and Damages for Nonresidents	36-9-28-6	One (1)	At least ten (10) days before the hearing
Levees and Drains	Construction	5-3-1-2(e)	Two (2)	First notice: at least 14 days before the date bids for the project will be received Second notice: at least seven (7) days before the date bids for the project will be received
Levees and Drains	Declaratory Resolution – Hearing	36-9-28-2	One (1)	At least ten (10) days before the hearing
Levees and Drains	Letting of Contracts	36-9-28-5	Two (2)	First notice: at least 14 days before the date bids for the project will be received Second notice: at least seven (7) days before the date bids for the project will be received
Municipal Parking Facilities	Adoption of Plans and Specifications	36-9-11-5	One (1)	Within 30 days after the adoption
Municipal Parking Facilities	Leases	36-9-11-13	Two (2)	First notice: at least 14 days before the date bids for the project will be received Second notice: at least seven (7) days before the date bids for the project will be received
Municipal Parking Facilities	Resolution and Hearing	36-9-11-5	One (1)	At least 10 days before the hearing

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Municipal Parking Facilities	Sale of Bonds	36-9-11-15, 5-1-11-2	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Municipal Parking Facilities	Acquisition of Property	36-9-11-8; 32-24-2-8	Three (3)	Resident property owners must be given notice at their last usual place of residence or in person; non-resident property owners can be notified by publishing notice in a daily newspaper in the municipality once each week for three (3) successive weeks
Municipal Parking Facilities (Marion County)	Sale of Bonds	3-9-11.1-15	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Municipal Parking Facilities (Marion County)	Sale of Property	3-9-11.1-10, 32-24-2-8	Three (3)	Resident property owners must be given notice at their last usual place of residence or in person; non-resident property owners can be notified by publishing notice in a daily newspaper in the municipality once each week for three (3) successive weeks
Oil and Gas Leases	Notice of Bids	36-1-11-10	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Ordinances	Adoption of Ordinance, Order, or Resolution by Council	36-4-6-13	One (1)	Within 30 days after passage of the ordinance
Parks (Cities)	Sale of Bonds	36-10-4-35	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Parks (Cities)	Sale of Park Lands	36-10-4-18	One (1)	Within 30 days after passage of the ordinance
Parks (Cities)	Acquisition of Property – Benefits and Damages	36-10-4-30	One (1)	Within 30 days after final determination
Parks (Cities)	Acquisition of Land – Resolution	36-10-4-25(e)	One (1)	Within 30 days after adoption of resolution
Parks (Cities)	Acquisition of Land – Hearing	36-10-4-25(d)	One (1)	At least 10 days before the hearing
Parks (Cities)	Cumulative Sinking and Building Fund	36-10-4-36	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least three (3) days before the hearing
Parks (Cities)	Publication of Rules	36-10-4-15	One (1)	Within 30 days after adoption of rules
Parks (Cities)	Letting of Contracts	36-10-4-13	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Parks (Cities)	Extension of District Boundaries – Resolution	36-10-4-5(a)	Two (2)	Each notice must be published at least 7 days apart, within 30 days of passing the resolution
Parks (Cities)	Extension of District Boundaries – Election	36-10-4-5(d)	Two (2)	First notice: at least 30 days before the date of the election Second notice: 7 days after publication of the first notice
Parks (Cities)	Establishment of Building Line – Resolution	36-10-4-19(a)	One (1)	Within 30 days after passage of resolution
Parks (Cities)	Sale of Minerals Under Park Land	36-10-4-9	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Parks (Municipalities Under 20,000)	Sale of Park Lands or Mineral Rights – Notice and Hearing	36-10-5-4(e)	One (1)	At least 10 days before the hearing

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Parks (Indianapolis Recreational Facilities)	Issuance of Bonds	36-10-9.2-2	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Parks (Municipalities Other Than Indianapolis)	Recreation Facilities – Revenue Bonds	36-10-5-3	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Planning and Development – Platting	Survey – Declaration of Necessity – Adoption of Resolution	36-7-3-6	One (1)	Within 30 days after passage of resolution
Planning and Development – Platting	Survey – Declaration of Necessity – Notice of Hearing	36-7-3-6	One (1)	At least 10 days before the hearing
Planning and Development – Platting	Plat Consideration and Recording – Notice of Hearing	36-7-3-8	One (1)	At least 10 days before the hearing
Planning and Development – Vacation of Property	Notice of Hearing on Petition to Vacate	36-7-3-12(c)	One (1)	At least 10 days before the hearing, within 30 days of receiving the petition
Planning and Development – Local Planning and Zoning	Hearing on Comprehensive Plan	36-7-4-507	One (1)	At least 10 days before the hearing
Planning and Development – Local Planning and Zoning	Hearing on Proposed Zoning Ordinance	36-7-4-604(b)	One (1)	At least 10 days before the hearing
Property	Sale of Land Acquired by City	36-1-11-4, 36-1-11-5	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Property	Sale of Lost, Stolen and Confiscated Property by Police Department	36-8-6-4	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Redevelopment (Indianapolis)	Blighted Areas – Declaratory Resolution	36-7-15.1-10	One (1)	Within 30 days after passage of resolution
Redevelopment (Indianapolis)	Blighted Areas – Notice of Hearing	36-7-15.1-10(a)(2)	One (1)	At least 10 days before the hearing
Redevelopment (Indianapolis)	Blighted Areas – Sale, Lease or Exchange of Real Estate	36-7-15.1-15(d)	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Redevelopment	Issuance of Bonds	36-7-14.5-19	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Sanitation	Establishing Rates	36-9-25-11(c)	One (1)	At least 10 days before the hearing
Sanitation	Special Taxing Districts – Incorporation of Territory Upon Request	36-9-25-14(d)	One (1)	Within 30 days of passage of the agreement
Sanitation	Special Taxing Districts – Incorporation of Territory by Board	36-9-25-15(b)	One (1)	At least 10 days before the hearing
Sanitation	Acquiring Land – Declaratory Resolution – Adoption/Plans and Specifications	36-9-25-18(c)	Two (2)	Resolution: within 30 days after passage of resolution Hearing: At least 10 days before the hearing
Sanitation	Damages and Awards – Nonresidents	36-9-25-21	Two (2)	Award: within 30 days after determination of damages Hearing: at least 10 days before the hearing on damages
Sanitation	Bids for Construction	36-9-25-26	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Sanitation	Issuance of Bonds	36-9-25-27	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Sanitation	Temporary Loans	36-9-25-32(c)	One (1)	At least 10 days before the issuance of the loan
Municipal Sewage Works	Revenue Bonds	36-9-23-18(i)	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Municipal Sewage Works	Establishment of Cumulative Sinking Fund	36-9-23-21	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least three (3) days before the hearing
Municipal Sewage Works	Schedule of Rates	36-9-23-26	One (1)	At least 10 days before the hearing
Municipal Sewage Works	Ordinance – Publication of Notice	36-9-23-10	One (1)	Within 30 days after adoption of ordinance
Municipal Sewage Works	Leasing of Sewage Disposal Facilities – Hearing on Proposed Lease	36-9-24-7	One (1)	Not less than 20 days before the date of the hearing
Municipal Sewage Works	Leasing of Sewage Disposal Facilities – Executed Lease	36-9-24-8	One (1)	Within 30 days after execution of lease
Municipal Sewage Works	Leasing of Sewage Disposal Facilities – Hearing on Establishing Fees	36-9-24-11	One (1)	At least 10 days before the hearing
Sewers – Barrett Law	Notice of Resolution and Hearing	36-9-39-4	Two (2)	Resolution: within 30 days after passage Hearing: at least 10 days before the hearing
Sewers – Barrett Law	Notice of Proposed Sewage Works – Owners of Abutting Property	36-9-39-7	One (1)	At least 10 days before consideration of the proposal
Sewers – Barrett Law	Construction – Notice of Adoption	36-9-39-9	One (1)	Within 30 days after adoption of resolution

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Sewers – Barrett Law	Enlargement of District Hearing	36-9-39-12	One (1)	At least 10 days before the hearing
Sewers – Barrett Law	Hearing on Assessment Roll	36-9-39-22(b)	Two (2)	Resolution: within 30 days after passage Hearing: at least 10 days before the hearing
Sewers – Barrett Law	Resolution to Finance Improvements to Sewage Works	36-9-39.1-4	One (1)	Within 30 days after passage of resolution
Municipal Improvements – Barrett Law	Preliminary Resolution Hearing	36-9-36-8	One (1)	At least 10 days before the hearing
Municipal Improvements – Barrett Law	Advertisement for Bids	36-9-36-22	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Municipal Improvements – Barrett Law	Special Benefit Assessment and Remonstrances Hearing	36-9-36-32	Two (2)	Publication: within 30 days after assessment complete Hearing: at least 10 days before hearing on remonstrances
Municipal Improvements – Barrett Law	Issuance of Bonds	36-9-36-44	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Municipal Improvements – Barrett Law	Notice of Overpayments for Public Improvements	36-9-37-39	One (1)	Within 30 days after completion of statement
Municipal Improvements – Barrett Law	List of Unclaimed Money	36-9-37-40, 36-8-37-39	One (1)	Within 30 days after completion of statement
Municipal Improvement District – Barrett Law	Establishment of Improvement District	36-9-38-13(a)	One (1)	At least 10 days before the hearing
Municipal Improvement District – Barrett Law	Redefinition of District Boundaries	36-9-38-16(d)	One (1)	At least 10 days before the hearing

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Municipal Improvement District – Barrett Law	Issuance of Bonds	36-9-38-30(d)	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Street Improvements – General Improvement Fund	Preliminary Resolution	36-9-17-2	One (1)	Within 30 days after passage of the resolution
Street Lighting	Bids for Lighting and Maintenance	36-9-9-5(b)	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Street Lighting	Declaratory Resolution and Hearing	36-9-9-3(b)	One (1)	Within 30 days after passage of the resolution
Taxation	Notice of Estimated Budget	6-1.1-17-3	One (1)	At least 10 days before the hearing on the budget
Taxation	Notice of Real Property Eligible for Tax Sale	6-1.1-24-3	Three (3)	Once each week for 3 consecutive weeks before the earliest date the judgment for sale may be made
Taxation	Proposed Additional Appropriations	6-1.1-18-5	One (1)	At least 10 days before the hearing
Town Government	Adoption of Ordinance Requiring Penalty for a Violation	36-5-2-10	One (1)	Within 30 days after passage of the ordinance
Town Government	Change of Status – Town to City - Notice of Election	36-4-1.5-2. 3-8-2-19	One (1)	At least 10 days before the election
Town Government	Dissolution – Notice of Hearing	36-5-1-14	One (1)	At least 10 days before the hearing
Town Government	Dissolution – Notice of Election	36-5-1-16	One (1)	At least 10 days before the election

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Town Government	Sale of Bonds	36-5-2-11	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Unions of Cities and Towns	Petition to Change Name of City – Hearing	36-4-1-7	One (1)	At least 10 days before the hearing
Unions of Cities and Towns	Petition to Merge – Notice of Election	36-4-2-4	One (1)	At least 10 days before the election
Unions of Cities and Towns	Resolution to Merge – Notice of Election	36-4-2-2	One (1)	At least 10 days before the election
Utilities	Annual Report Publication – Consolidated City	8-1-11.1-14	One (1)	Not less than 60 days after the end of the calendar year
Utilities	Complaint By Public Utility – Petition to Increase	8-1-2-61	One (1)	At least 10 days before the hearing
Utilities	Hearing – Public Service Commission	8-1-1-8	One (1)	At least 10 days before the hearing
Utilities	Hearings – Gas Service in Rural Areas	8-1-2-87	One (1)	At least 10 days before the hearing
Utilities	Hearings – Lease of Waterworks Facilities – Execution	8-1.5-2-30	One (1)	Within 30 days after execution of contract
Utilities	Hearings – Lease of Waterworks Facilities – Notice Before Final Execution	8-1.5-2-29	One (1)	At least 10 days before the hearing
Utilities	Hearings – Municipal or County Acquisition – Sewers and Sewer Systems	8-1-2-89	One (1)	At least 10 days before the hearing
Utilities	Hearings – Sale of Property	8-1.5-2-5	One (1)	At least 10 days before the hearing

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
Utilities	Plans, Specifications, Estimates of Extensions and Improvements	8-1.5-4-15	One (1)	Within 30 days after resolution; must set date of hearing at least 10 days before the hearing
Utilities	Sale of Bonds – Consolidated City	8-1-11.1-8	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
City War Memorials	Sale of Bonds	10-18-4-5	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
City War Memorials	Notice – Plans and Specifications	10-18-4-7	Ten (10) (3 publications in Indiana newspapers and 7 publications outside Indiana)	At least 4 months before the earliest date the board will accept plans and specifications
City War Memorials	Notice of Bid Solicitation	10-18-4-10	Three (3)	Each notice shall be published one week apart for 3 separate weeks. First notice must be published at least 30 days before proposals accepted
City War Memorials	Declaratory Resolutions	10-18-4-22	Two (2)	Each notice should be published at least 1 week apart. First notice: within 30 days after adoption of resolution
City and County War Memorials	Appointment of Committee	10-18-3-2	Two (2)	Each notice should be published once each week. First notice: Within 30 days after petition filed
City and County War Memorials	Petition for Establishment	10-18-3-3	One (1)	At least 30 days but not more than 40 days before the hearing
City and County War Memorials	Issuance of Bonds	10-18-3-8	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale

Cities & Towns (cont.)

Category	Sub-Category	Ind. Code	Minimum Number of Publications	Publication Schedule
City and County War Memorials	Solicitation of Bids	10-18-3-19	Two (2)	Each notice must be published at least one (1) week apart Second notice: at least seven (7) days before bids will be received
Libraries	Petition to Establish Class 1 Library	36-12-2-5	One (1)	Within 10 days after petition is filed
Libraries	Issuance of Bonds	36-12-3-9	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale
Libraries	Proposed Budget and Tax Levy	36-12-3-10	One (1)	Within 30 days after adoption of resolution
Libraries	Petition to Expand Service	36-12-5-3	One (1)	Within 10 days after petition is filed
Libraries	Leasing of Library Property – Hearing	36-12-10-8	One (1)	At least 10 days before the hearing
Libraries	Leasing of Library Property – Notice of Lease Signing	36-12-10-9	One (1)	Within 30 days after signing of the lease
Libraries	Issuance of Bonds to Acquire Real Property	36-12-10-12	Two (2)	Each notice must be published at least one (1) week apart First notice: at least fifteen (15) days before the sale Second notice: at least three (3) days before the sale

Schools

Purchases & improvements to buildings by School Corp.

Relevant code: I.C. 20-26-7-17; I.C. 5-3-1-2(b)

Explanation – School corporations may purchase and/or improve buildings or lands, or both for school purposes. In spite of statutory limitations on the purchase of school buildings, a school corporation may:

- (1) purchase suitable buildings or lands, or both, adja-

- cent to school property for school purposes; and
- (2) improve the buildings or lands, or both, after giving notice to the taxpayers of the intention of the school corporation to purchase.

The notice requirement would fall under I.C. 5-3-1-2(b), which requires one publication 10 days before the meeting to discuss the purchase.

Issue & sale of bonds by School Corp.

Relevant code: I.C. 20-26-7-18; I.C. 5-3-1-2(d)

Explanation – A school corporation may issue and sell bonds under the general statutes governing the issuance of bonds to purchase and improve buildings or lands, or both. All laws relating to approval (if required) in a local public question under IC 6-1.1-20, the filing of petitions, remonstrances, and objecting petitions, giving notices of the filing of petitions, the determination to issue bonds,

and the appropriation of the proceeds of the bonds are applicable to the issuance of bonds under section 17 of this chapter.

The notice requirement to sell bonds falls under I.C. 5-3-1-2(d), which requires two publications, one week apart. The first notice must be published at least 15 days before the sale of the bonds. The second notice must be published at least 3 days before the sale of the bonds.

Publication of annual school performance report

Relevant code: I.C. 20-20-8-3; I.C. 5-3-1

Explanation – Between March 15 and March 31 of each year, the governing body of a school corporation must publish an annual performance report of the school corporation in compliance with the procedures identified in I.C. 20-20-8-7. The report must include a laundry list of information spelled out in I.C. 20-20-8-8.

The report must be published one (1) time in the statutory

March window. The governing body of a school corporation shall also make the school corporation's report available on a prominent page of a school corporation's Internet web site.

Newspapers can download the reports for each school district from the website of the Indiana Department of Education. The information should be available for download prior to March 15.

Reorganization of school corporations

Relevant code: I.C. 20-23-4

Explanation – When the formation of new school corporations, the alteration of the boundaries of established school corporations, or the dissolution of established school corporations happens by one or a combination of the methods described in I.C. 20-23-4-7, the committee for the reorganization of school corporations must create a preliminary plan with the contents outlined in I.C. 20-23-4-12.

When a county committee has prepared its preliminary written plans for reorganization of school corporations, the committee shall fix dates and places for one (1) or more hearings on the plans and give notice of the hearings to the residents of the school corporations affected and all

interested parties.

The county committee may hold more than one (1) hearing. The chairperson of the county committee shall give the notice:

- (1) by publication at least one (1) time in one (1) newspaper of general circulation published in the school corporation or corporations; or
- (2) if a newspaper is not published in the school corporation or corporations, in a newspaper having a general circulation in the school corporation or corporations;

at least ten (10) days but not more than thirty (30) days before the date of the hearing.

Schools (cont.)

Sale or transfer of real property

Relevant code: I.C. 36-1-11-4, I.C. 5-3-1-2(e)

Explanation – After the property is appraised, the disposing agent for the school district shall determine a minimum bid for the property based on the appraisals and the agent's knowledge of the property. It must then publish a notice setting forth the terms and conditions of the sale, including the minimum bid.

The receipt of bids falls under I.C. 5-3-1-2(3e), which requires two publications, at least one week apart. The 2nd publication must be at least 7 days before the date bids are to be received.

If the school district hires a licensed auctioneer, the auctioneer can advertise the sale and conduct a public auction of the property. The advertising conducted by the auctioneer is in addition to the public notice required by law and shall include a detailed description of the property to be sold stating the key numbers, if any, of the tracts

within that property. If the disposing agent determines that the best sale of the property can be made by letting the bidders determine certain conditions of the sale (such as required zoning or soil or drainage conditions) as a prerequisite to purchasing the property, the disposing agent may permit the bidders to specify those conditions. The notice must state the following:

- (1) Bids will be received beginning on a specific date.
- (2) The sale will continue from day to day for a period determined by the disposing agent of not more than sixty (60) days.
- (3) The property may not be sold to a person who is ineligible under section 16 of this chapter.
- (4) A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each: (A) beneficiary of the trust; and (B) settlor empowered to revoke or modify the trust.

Townships

Annual report publication

Relevant code: I.C. 36-6-4-12; I.C. 36-6-4-13; I.C. 36-6-4-14; I.C. 36-6-4-15; I.C. 5-3-1-2

Explanation – This section addresses the contents and requirements for publication associated with a township's annual report. The requirements for publication must be in accordance with IC 5-3-1-2.

IC 36-6-4-13 Abstract of receipts and expenditures; publication; failure to comply, offense

Within four (4) weeks after the third Tuesday following the first Monday in February, the township trustee shall publish an abstract of the annual report one (1) time in accordance with IC 5-3-1. The abstract must contain the following receipts and expenditures:

- (1) showing the sum of money in each fund of the township at the beginning of the year;
- (2) showing the sum of money received in each fund of the township during the year;
- (3) showing the sum of money paid from each fund of

the township during the year;

- (4) showing the sum of money remaining in each fund of the township at the end of the year;
- (5) containing a statement of receipts, showing their source; and
- (6) containing a statement of expenditures, showing the combined gross payment, according to classification of expense, to each person.

The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township have been filed with the county auditor, and that the chairman of the township legislative body has a copy of the report that is available for inspection by any taxpayer of the township.

To avoid squabbles over publication costs, township trustees and newspaper should note that budget lines with \$0 amounts do not have to be included in the published report. This will serve to condense the size of the publication.

Townships (cont.)

Borrowing & bonds

Relevant code: IC 20-48-4-5 to IC 20-48-4-9

Explanation – This section addresses the procedure and requirements for publication if a township board finds at an annual or special meeting of the board, that it is necessary to provide for the construction of a school building and the cost of the building, or the proportional cost if it is a joint graded high school building, will exceed the sum available from an annual levy.

IC 20-48-4-2: Warrants or bonds; conditions; publication of notice; annual levy to pay portion of warrants or bonds; restrictions on creation of debt; action to recover for use of funds expended in unauthorized payment of debt

Sec. 2. (a) The board may authorize the trustee to issue township warrants or bonds to pay for the building or the proportional cost of it. The warrants or bonds:

- (1) may run for a period not exceeding fifteen (15) years;
- (2) may bear interest at any rate; and
- (3) shall be sold for not less than par.

The township trustee, before issuing the warrants or bonds, shall place a notice in accordance with IC 5-3-1-4 in at least one (1) appropriate publication announcing the sale of the bonds in at least one (1) issue a week for three (3) weeks. The notice must comply with IC 5-3-1 and must set forth the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and time of selling. The township board shall attend the bond sale and must concur in the sale before the bonds are sold.

IC 20-48-4-3: Specifications for use in building; notice by publication of contracts to be let; letting

Sec. 3. (a) If a trustee finds it necessary to erect a new school, the trustee shall procure suitable specifications for the school to be used by the bidders in bidding and in the construction of the school. If the trustee desires to purchase school furniture, fixtures, maps, charts, or other school supplies, not including fuel and literary periodicals, as authorized by the township board, the trustee shall make an estimate of the kinds and amounts, itemized particularly, to be used by bidders. If it is necessary to make repairs to a school, other than current or incidental repairs, the trustee shall make an itemized statement of the nature and character of the work to be performed for the use of bidders.

(b) All contracts shall be let after notice is given by publica-

tion in accordance with IC 5-3-1.

(c) The township board shall attend the letting. At the letting, all the work or supplies in any one (1) class shall be included and let in a single contract. All bids must be in writing and opened and read publicly at the date, time, and place fixed in the notice. In consultation with the township board, the trustee may take time to examine the bids and determine which is the lowest and best bid. The board may reject any bid. The trustee shall endorse either acceptance or rejection on the bids and preserve them.

(d) If a bid is accepted, a proper contract shall then be reduced to writing for the building, repairs, or supplies and signed by the successful bidder and the trustee. The trustee shall require the bidder to give bond with security to the trustee's approval for the faithful execution of the contract.

IC 20-48-4-7— Submission for approval; hearing; notice of hearing; certification of approval or disapproval

Sec. 7. (a) After June 30, 2008, this section applies only if the alteration or construction is a controlled project (as defined in IC 6-1.1-20-1.1) for which a preliminary determination under IC 6-1.1-20-3.1 was made before July 1, 2008.

(b) Before altering or constructing a building or an addition to a building, the proposed action must be submitted for approval to the department of local government finance. The department of local government finance shall set the proposal for hearing and give ten (10) days notice of the hearing to the taxpayers of the taxing district by:

- (1) one (1) publication in each of two (2) newspapers of opposite political parties published in the taxing district;
- (2) one (1) publication if only one (1) newspaper is published;
- (3) publication in two (2) newspapers representing the two (2) leading political parties published in the county and having a general circulation in the taxing district if no newspaper is published in the district; or
- (4) publication in one (1) newspaper if only one (1) paper is published in the county.

The department of local government finance shall conduct the hearing in the taxing district. After the hearing upon the proposal, the department of local government finance shall certify its approval or disapproval to the county auditor and to the township trustee.

Townships (cont.)

Contracts - Bids, building & supplies

Relevant code: I.C. 20-48-4-2 to I.C. 20-48-4-4

Explanation – All township contracts must be created in

compliance with I.C. 20-48-4-2 through I.C. 20-48-4-3. This requires notice to be given by publication in accordance with IC 5-3-1.

Cumulative fund tax levy procedures

Relevant code: IC 6-1.1-41-3

Explanation – This section addresses the public notice requirements that a township or other political subdivision must satisfy when establishing a fund.

Includes notice of proposal, objections to establishment of fund or increase in tax rate related to fund hearing, hearing on objections, & notice of hearing.

IC 6-1.1-41-3–Notice of proposal; hearing

Sec. 3. (a) A political subdivision that decides to establish a fund under this chapter must:

- (1) give notice of the proposal to the affected taxpayers; and
- (2) hold a public hearing on the proposal;

before presenting the proposal to the department of local

government finance for approval.

(b) Notice of the proposal and of the public hearing shall be given by publication in accordance with IC 5-3-1.

(c) For a cumulative fund authorized under IC 3-11-6 or IC 8-10-5-17, the political subdivision imposing a property tax levy shall post a notice of the proposal and the public hearing in three (3) public places in the political subdivision.

(d) A notice required by this section must describe the tax levy that will be imposed for the fund.

(e) If a political subdivision adopts a proposal to establish a fund or modify a tax rate under this chapter at a public hearing held in accordance with this section, the political subdivision shall publish notice of adoption in accordance with IC 5-3-1-2(i) in a manner prescribed by the department of local government finance.

Parks

Relevant code: IC 36-10-7-5; IC 36-10-7-6; IC 36-10-7-8; IC 5-1-11-2

Explanation – This section addresses the procedure and notice requirements that a township must follow to establish a park, community center, or recreation area. NOTE: Notice of sale of bonds required to be sold at public sale in this section shall be published in accordance with the provisions of either IC-5-3-1 or IC 5-1-11-2.

IC 36-10-7-5— Acquisition of land for park purposes in certain townships; procedure; establishment, maintenance, and improvement of parks; issuance of bonds; tax levy; park and recreation fund; fees; appointment and duties of parks superintendent

Sec. 5. (a) This section applies to a township having a population of more than one hundred fifty thousand (150,000) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The township executive may purchase, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land for park purposes within the township, either inside or outside the corporate boundaries of a municipality, and

may make necessary improvements.

resident or nonresident.

(d) At the hearing the executive and legislative body shall hear and consider all remonstrances, whether written and signed in ink or from a resident of the township upon the question of whether the land should be purchased, accepted, or acquired by the township and a township park established, maintained, and improved. After the hearing, the executive and legislative body shall approve the petition unless twenty percent (20%) of the resident taxpayers of the township remonstrate in writing by filing their remonstrance on or before the day fixed for the hearing. In that case the executive and legislative body shall dismiss the petition.

(e) If land has been acquired for park purposes, the executive shall establish a park. After it is established, the executive shall provide for necessary improvements and construct facilities for the comfort and convenience of the public in the township park. Except as otherwise provided, all expenses incurred shall be paid out of the park and recreation fund of the township.

Townships (cont.)

Parks (cont.)

(f) If a park or parkland is acquired by a township under this section and the expense of the acquisition or of the development and improvement of the park is too great to be borne by the park and recreation fund of the township, the legislative body may authorize its chairman to issue the bonds of the township to procure money for these purposes. However, the total bonded indebtedness of the township for park purposes may not exceed one million dollars (\$1,000,000). Upon special notice of the chairman in writing to each member of the legislative body stating the time, place, and purpose of the meeting, the legislative body may determine whether to issue the bonds of the township to pay the cost of acquiring, developing, or improving the park or parkland. If the legislative body determines that it is of public benefit to issue the bonds of the township, the legislative body, by a special order entered and signed upon the record, may authorize its chairman to issue the bonds of the township. The bonds may run for a period not to exceed ten (10) years, may bear interest at any rate, and may be sold for not less than their par value. Before issuing the bonds, the chairman shall publish notice of their sale in accordance with IC 5-3-1. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. The legislative body shall attend the sale and must concur before bonds are sold. ...

IC 36-10-7-6—Townships containing a town and having a population of at least 8,500; acquisition, improvement, maintenance, and disposal of land for park purposes; procedure; issuance of bonds; tax levy; employment of needy persons

Sec. 6. (a) This section applies to all townships having a population of at least eight thousand five hundred (8,500) that contain a town.

(b) The township executive may do the following in relation to township parks:

- (1) Purchase, acquire by eminent domain, accept by grant, devise, bequest, or other conveyance, or otherwise acquire land within the township for park purposes.
- (2) Make necessary improvements on the land.
- (3) Maintain and operate the land.
- (4) Dispose of all or part of the land that is unnecessary for the park or park purposes.

(c) If the executive decides to acquire land for park purposes under this section, the following procedures apply:

- (1) A resolution to that effect shall be adopted by the legislative body and shall be entered upon the minutes of the legislative body. The resolution must be signed by the members of the legislative body and by the executive.
- (2) Upon a petition signed in ink by at least one hundred (100) resident taxpayers and freeholders of the township, the executive shall, after the adoption of the resolution, fix a day not less than fifteen (15) nor more than twenty (20) days after adoption during which time remonstrances may be filed with the executive against the resolution.
- (3) The executive shall give notice by publication of the resolution and of the time limits for filing remonstrances in accordance with IC 5-3-1.
- (4) Remonstrances must be signed in ink and shall be filed not later than the day fixed for the expiration of the time for filing remonstrances in the notices.
- (5) If the number of signers of remonstrances exceeds the number of signers who have signed the original petition, determined by the same qualifications, the executive may give notice, in accordance with IC 5-3-1, of a date by which time a supplementary petition containing the names of qualified signers in addition to the names signed to the first petition may be filed asking for acquisition.
- (6) A supplemental petition must be signed in ink by signers having the same qualifications as required for the original petition.
- (7) If, after the expiration of the period for filing a supplemental petition, it is determined that the number of qualified signers to the original petition and the supplemental petition exceeds the number of signers to the remonstrance, the executive may proceed with the acquisition of land and the improvement and operation of it.
- (8) If the number signing the remonstrance is greater than the number signing the original and supplemental petition, then the township may not proceed with the improvement.

However, the remonstrance does not prevent the acquisition of land or inhibit the power of the executive to acquire parkland unless at least twenty percent (20%) of the resident freeholders who are also legal voters, execute the remonstrance. Only the executive and the legislative

Townships (cont.)

Parks (cont.)

body may determine the sufficiency of a petition or remonstrance and the qualifications of a signer. These matters are subject to review only for fraud.

(d) The executive may acquire any property, land, privilege, immunities, or other species of interest reasonably necessary for the park or for the purpose of improving, maintaining, or operating it. The executive may sue in the name of the township for the condemnation of any property, land, privilege, immunities, or other species of interest in accordance with statutes available to municipal corporations for condemnation.

(e) To provide money for any of the purposes of this section, the legislative body may authorize the executive to issue the bonds of the township. However, the total bonds issued and outstanding at any time for such purposes may not exceed ninety thousand dollars (\$90,000). The bonds may bear interest at any rate, may be made payable semi-annually, shall be sold for at least their par value, and run for a period of not less than ten (10) nor more than twenty (20) years. Parts of the total issue may be sold from time to time as the executive determines. After the authorization of the bonds, the executive shall, in accordance with IC 5-3-1, publish notice of that part of the bonds that will be sold at that time. The notice must state the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and hour of sale. No part of the bonds may be sold except after notice. ...

IC 36-10-7-8—Acquisition of land for park purposes by certain townships; improvements; maintenance; bonds; levy of taxes

Sec. 8. (a) This section applies to all townships having a population of less than two thousand (2,000).

(b) The township executive may lease, purchase, accept by grant, devise, bequest, or other conveyance to the township, or otherwise acquire land for park purposes and may make necessary improvements only as provided by this section.

(c) The legislative body may establish a township park and may, by resolution, appropriate from the general fund of the township the necessary money to lease, purchase, accept, or otherwise acquire land for park purposes or make improvements thereon. The executive shall then lease, purchase, accept, or acquire the land for park purposes or shall make improvements thereon as directed in the resolution. However, the costs of the park grounds or of the improvements provided for in the resolution may not ex-

ceed in one (1) year one-fifth of one percent (0.2%) of the adjusted value of all taxable property of the township as determined under IC 36-1-15.

(d) If a park has been established under this section, the executive shall have the park maintained and may make improvements and construct and maintain facilities for the comfort and convenience of the public. However, the executive annually may not spend more than one cent (\$0.01) on each one hundred dollars (\$100) of assessed valuation of taxable property in the township as it appears on the tax duplicates of the auditor of the county in which the township is located. The money shall be paid from the general fund of the township.

(e) If the general fund of the township is insufficient to meet the expenses of acquiring or improving the land for park purposes, the executive shall call a special meeting of the legislative body by written notice to each member of the legislative body at least three (3) days before the date of the meeting. The notice must state the time, place, and purpose of the meeting. The legislative body shall meet and determine whether an emergency exists for the issuance of the warrants or bonds of the township. The legislative body shall, by resolution, authorize the issuance and sale of the warrants or bonds of the township in an amount not exceeding two percent (2%) of the adjusted value of all taxable property in the township as determined under IC 36-1-15. The amount of bonds may not exceed the total estimated cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings. The proceeds from the sale of the bonds shall be deposited in the general fund of the township. The bonds become due and payable not less than two (2) nor more than ten (10) years after the date of issuance, may bear interest at any rate, and may not be sold for less than par value. The bonds shall be sold after giving notice of the sale of bonds in accordance with IC 5-3-1. The bonds and the interest thereon are exempt from taxation as provided by IC 6-8-5 and are subject to the provisions of IC 6-1.1-20 relating to the filing of a petition requesting the issuance of bonds, the appropriation of the proceeds of the bonds, and the approval by the department of local government finance.

State Officers, Boards, Commissions or Institutions

Publication requirements for state officer, boards, commissions, or institutions

Relevant code: I.C. 5-3-1-6

Explanation – Whenever a state officer, board, commission or institution is required to publish a notice in a public newspaper, the notice must be published in two (2) newspapers published in Indianapolis, as well as in two (2) newspapers in each city where the notice is required to be published. Whenever a state officer, board, commission or institution publishing the notice is located outside of India-

napolis, the notice must, in addition to the two Indianapolis newspapers, also be published in the newspaper(s) located in the county where the officer, board, commission or institution maintains its office. Rates for publication of the notice correspond with those presented in IC 5-3-1-1. The notice must also be made available to the public electronically via the computer gateway established by the Indiana Office of Technology.

Indiana Utility Regulatory Commission

Special requirements for publication

Relevant code: I.C. 5-3-1-8

Explanation – The Indiana Utility Regulatory Commission (IURC) must publish one (1) notice of any hearing held in

a city, town, county or township in two (2) newspapers of general in the city, town, county or township where the hearing will be held. The notice must be published at least ten (10) days before the hearing.

Summons

Serving notice on parties to legal actions by publication

Relevant code: Ind. Trial Rule 4.13

Explanation – In a legal action where notice by publication is made in a newspaper, the following rules apply:

(A) Initial Requirements for Service by Publication. Summons by publication may name all the persons to be served; separate publications for each party are not necessary. The person seeking to make service by publication, or his attorney, shall make the request for service by publication along with supporting affidavits that, after a diligent search, the defendant cannot be found, has concealed his whereabouts, or has left the state. After the person seeking service prepares the contents of the summons to be published, the summons must be signed by the clerk of the court or the sheriff in a manner that indicates his authority to confirm the summons.

(B) Contents of Summons by Publication. The summons shall contain the following information:

1. The name of the person being sued, and the person to whom the notice is directed. If the person's whereabouts are unknown or some or all of the parties are unknown, the publication must make a statement to that effect.
2. The name of the court and cause number assigned to the case.
3. The title of the case as listed on the complaint. If there are multiple parties, the title may be shortened to include only the first named plaintiff and those defendants to be served by publication. The publication must make an appropriate indication that there are additional parties to the case.
4. The name and address of the attorney representing the person seeking service by publication.
5. A brief statement of the nature of the suit, which does not need to contain the details and particularities of

the claim. The publication must include a description of any property, relationship, or other subject involved in the action, as well as a statement that the person being sued claims some interest to the matters at issue.

6. A clear statement that the person being sued must respond within 30 days after the last notice is published. The publication must also note that if the person fails to do so, judgment by default may be entered against him for the relief demanded in the complaint.

(C) Publication by Summons. The summons shall be published three times by the clerk or person making the summons. The first publication must be published promptly; the second and third publications must be published at least seven days, but not more than 14 days, after the prior publication. The publication must be in the county where the complaint or action is filed, where the subject of the matter involved in the action is located, or where the defendant resides or where he was last known to reside. If no newspaper is published in that county, the summons shall be published in a newspaper in the Indiana county nearest to the county where the summons should be published or in a place specially ordered by the court. The person seeking the service, or his attorney, may designate any qualified newspaper; if he does not make that designation, the clerk may make the selection for publication.

(D) After publication, the clerk or person placing the notice shall file with the court the following:

1. Any supporting affidavits of the printer containing a copy of the summons which was published;
2. An information or statement that the newspaper and the publication meet all legal requirements applicable to such publication; and
3. The dates of publication.

Change of Name

Contents of petition

Relevant code: IC 34-28-2-2.5

Explanation - The statute doesn't say what must be included in the notice, except for situations involving a minor. For an adult, use the statutory list for a minor. There won't be a minor's name, just the petitioner's name. The notice must be published three times in one newspaper in the county and the last notice must be published at least 30 days before the court hearing on the petition.

Sec. 2.5. (a) If a person petitioning for a change of name under this chapter is at least seventeen (17) years of age, the person's petition must include at least the following information:

- (1) The person's date of birth.
- (2) The person's current:
 - (A) residence address; and

(B) if different than the person's residence address, mailing address.

(3) The person's valid:

(A) Indiana driver's license number; or

(B) Indiana identification card (as described in IC 9-24-16) number.

(4) A list of all previous names used by the person.

(5) Proof that the person is a United States citizen.

(6) A statement concerning whether the person holds a valid United States passport.

(7) A description of all judgments of criminal conviction of a felony under the laws of any state or the United States that have been entered against the person.

(b) A petition under subsection (a) is subject to Indiana Rules of Court Administrative Rule 9.

Notice of petition

Relevant code: IC 34-28-2-3

Sec. 3. (a) Upon filing a petition for a name change, the applicant shall give notice of the petition as follows:

(1) By three (3) weekly publications in a newspaper of general circulation published in the county in which the petition is filed in court.

(2) If no newspaper is published in the county in which the petition is filed, the applicant shall give notice in a newspaper published nearest to that county in an adjoining county.

(3) The last weekly publication shall be published not less than thirty (30) days before the day the petition will be heard as indicated in the notice.

(b) In the case of a petition described in section 2(b) of this chapter, the notice required by this section must include the following:

- (1) The name of the petitioner.
- (2) The name of the minor child whose name is to be changed.
- (3) The new name desired.
- (4) The name of the court in which the action is pending.
- (5) The date on which the petition was filed.
- (6) A statement that any person has the right to appear at the hearing and to file objections.

(c) Except as provided in section 1.5 of this chapter, in the case of a person who has had a felony conviction within ten (10) years before filing a petition for a change of name, at least thirty (30) days before the hearing the petitioner must give notice of the filing of the petition to:

- (1) the sheriff of the county in which the petitioner resides;
- (2) the prosecuting attorney of the county in which the petitioner resides; and
- (3) the Indiana central repository for criminal history information.

(d) The notice given to the Indiana central repository for criminal

history information under subsection (c) must include the petitioner's full current name, requested name change, date of birth, address, physical description, and a full set of classifiable fingerprints.

(e) The Indiana central repository for criminal history information shall forward a copy of any criminal records of the petitioner to the court for the court's information.

(f) A copy of the court decree granting or denying such a petition shall be sent to the Indiana state police.

(g) A person who violates subsection (c) commits a Class A misdemeanor.

Change of Name (cont.)

Proof of publication

Relevant code: IC 34-28-2-4

Explanation - Includes proof of publication; time of hearing; notice requirements; and, determination on petition.

Sec. 4. (a) Proof of the publication required in this chapter is made by filing a copy of the published notice, verified by the affidavit of a disinterested person, and when proof of publication is made, the court shall, subject to the limitations imposed by subsections (b), (c), and (d), proceed to hear the petition and make an order and decree the court determines is just and reasonable.

(b) In the case of a petition described in section 2(b) of this chapter, the court may not hear the petition and issue a final decree until after thirty (30) days from the later of:

(1) the filing of proof of publication of the notice required under subsection (a); or

(2) the service of the petition upon the parents or guardian of the minor child.

(c) In the case of a petition described in section 2(b) of this chapter, the court shall set a date for a hearing on the

petition if:

(1) written objections have been filed; or

(2) either parent or the guardian of the minor child has refused or failed to give written consent as described in section 2(b) of this chapter.

The court shall require that appropriate notice of the hearing be given to the parent or guardian of the minor child or to any person who has filed written objections.

(d) In deciding on a petition to change the name of a minor child, the court shall be guided by the best interest of the child rule under IC 31-17-2-8. However, there is a presumption in favor of a parent of a minor child who:

(1) has been making support payments and fulfilling other duties in accordance with a decree issued under IC 31-15, IC 31-16, or IC 31-17 (or IC 31-1-11.5 before its repeal); and

(2) objects to the proposed name change of the child.

(e) In the case of a person required to give notice under section 3(c) of this chapter, the petitioner must certify to the court that the petitioner has complied with the notice requirements of that subsection.

Form 99P (page 1)

Prescribed by State Board of Accounts

General Form No. 99P (Rev. 2009A)

ATTACH COPY OF ADVERTISEMENT HERE

.....
(Governmental Unit)
.....County, Indiana

To.....

PUBLISHER'S CLAIM

LINE COUNT

Display Master (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

..... lines, columns wide equals equivalent lines at

cents per line

Additional charges for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$

\$

DATA FOR COMPUTING COST

Width of single column in picas.....

Size of type.....point

Number of insertions.....

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper times. The dates of publication being as follows:

Additionally, the statement checked below is true and correct:

..... Newspaper does not have a Web site.

..... Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper.

..... Newspaper has a Web site, but due to technical problem or error, public notice was posted on

..... Newspaper has a Web site but refuses to post the public notice.

Date

Title.....

Form 99P (page 2)

LEGAL ADVERTISING

See table of legal rates in the applicable State Board of Accounts Bulletin

Claim No. _____ Warrant No. _____

IN FAVOR OF

\$ _____

ON ACCOUNT OF APPROPRIATION FOR

Appropriation No. _____

ALLOWED _____

IN THE SUM OF \$ _____

I have examined the within claim and hereby certify as follows:

That it is in proper form.

That it is duly authenticated as required by law.

That it is based upon statutory authority.

That it is ☐ correct
That it is apparently ☐ incorrect

I certify that the within claim is true and correct; that the services there in itemized and for which charge is made were ordered by me and were necessary to the public business

Publisher Affidavit

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
_____ County)

Personally appeared before me, a notary public in and for said county and state, the undersigned _____
_____ who, being duly sworn, says that

she is _____ of the _____

newspaper of general circulation printed and published in the English language in the

(city) (town) of _____ in state and county afore-said, and that the printed matter attached
hereto is a true copy, which was duly published in said paper for _____ time(s), the date(s) of publication
being as follows:

_____, 2012

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My commission expires:

Publisher Affidavit - Web Acknowledgement

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
_____ County)

Personally appeared before me, a notary public in and for said county and state, the undersigned _____
_____ who, being duly sworn, says that

She/he is _____ of the _____

newspaper of general circulation printed and published in the English language in the

(city) (town) of _____ in state and county afore-said, and that the printed matter attached
hereto is a true copy, which was duly published in said paper for _____ time(s), the date(s) of publication
being as follows:

_____, 2012

The undersigned further states that the _____ newspaper
maintains an Internet website, which is located at _____ website and
that a copy of the above referenced printed matter was posted on such website on the date(s) of publica-
tion set forth above.

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public

My commission expires:

Public Notice Advertising Rate Tables

Effective January 1, 2017

Legal rate tables, effective January 1, 2017, were computed based upon the statutorily authorized 2.75% increase allowed by IC 5-3-1-1(b)(4). Any percentage increase other than the 2.75% will require a separate computation by the State Board of Accounts.

Find the most recent rate tables, computed by the State Board of Accounts, at www.hspa.com/public-notice.



**Download the Entire Public Notice Guidebook & More
at www.hspa.com/public-notice**

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