

ORDINANCE 22- 415

**AN ORDINANCE REAFFIRMING THE GOVERNANCE OF INDIANA
CODE §36-4-6-5 OF THE LEGISLATIVE BODY AND ESTABLISHING
DISTRICTS FOR THE CITY OF WOODBURN, INDIANA PURSUANT
TO THE 2020 US CENSUS**

WHEREAS, the City of Woodburn (the "City") has a population of less than ten thousand (10,000), according to the 2020 census, and is therefore classified as a third class city for the state law purposes under Indiana Code §36-4-1-1;

WHEREAS, the legislative body of the City adopted an ordinance providing that the City is to be governed by Indiana Code §36-4-6-5 concerning City Council districts, namely Ordinance G-82-1002, adopted on or about May 3, 1982;

WHEREAS, Ordinance G-82-1002 has not been repealed, and the legislative body being still subject to Indiana Code §36-4-6-5, and the Clerk-Treasurer of the City has sent certified copies of Ordinance G-82-1002 and such amendments to the Circuit Court Clerk in the Circuit Court Clerk's capacity as Secretary of the Allen County Election Board;

WHEREAS, the legislative body of such a city may, by ordinance adopted after June 30, 2010, and during a year in which an election of the legislative body will not occur, decide to be governed by Indiana Code §36-4-6-5 instead of section 4 of such chapter and the City has been and intends to be governed by Indiana Code §36-4-6-5;

WHEREAS, the legislative body of the City adopted Ordinance G-82-1003 on or about August 30, 1982 providing the descriptions of the legislative districts for the City and the legislative body has amended such districts with each redistricting year and the Clerk-Treasurer of the City has sent certified copies of Ordinance G-82-1003 and such amendments to the Circuit Court Clerk in the Circuit Court Clerk's capacity as Secretary of the Allen County Election Board;

WHEREAS, State law (Indiana Code §36-4-6-5) requires that the legislative body adopt an ordinance during 2022 to divide the City into districts that meet the following requirements;

- (1) The districts must be composed of contiguous territory;
- (2) The districts must be reasonably compact;
- (3) The districts must not cross precinct boundary lines; and
- (4) The districts must contain, as nearly as is possible, equal population;

WHEREAS, the Common Council is the legislative body of the City of Woodburn by virtue of state law (Indiana Code §36-4-6-2);

WHEREAS, State law (Indiana Code §36-4-6-5) sets forth that the Common Council consist of either four (4) members elected from districts and one (1) member elected at large, or, three (3) members elected from districts and two (2) members elected at large;

WHEREAS, the Common Council has, at a public meeting of the Council, provided an opportunity for all members of the Council and voters of the City to comment and make suggestions concerning the division of the City into districts under this Ordinance;

WHEREAS, the Common Council has determined that the continued division of the City into four districts for the purpose of conducting elections of legislative body members would be desirable and beneficial for the voters of the City and for the convenient administration of City government;

WHEREAS, the Common Council has examined the district boundaries set forth in this Ordinance and finds that the districts:

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) do not cross precinct boundaries lines; and
- (4) contain, as nearly as is possible, equal population.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA:

SECTION 1. As used in this Ordinance:

- (1) "City" refers to the City of Woodburn.
- (2) "Council" refers to the Common Council of the City of Woodburn.
- (3) "Precinct" refers to the precinct by that name as established by the Board of Commissioners of the County of Allen, and as approved by the State Election Board under Indiana Code §3-11-1.5, in existence on the effective date of this Ordinance.

SECTION 2. The legislative body of the City hereby declares and confirms that it shall be governed by Indiana Code §36-4-6-5 (including, but not limited to, subsections (h) and (i)) instead of section 4 of such chapter.

SECTION 3. The Council is composed of five (5) members. Four (4) members of the Council are elected from districts established under this Ordinance. One (1) member of the Council is elected at-large by the voters of the entire City. Each voter of the City may vote for one (1) candidate for at-large membership and one (1) candidate from the district in which the voter resides.

SECTION 4. The Council divides the City into the following districts for the purpose of conducting elections of Council members: Please see Exhibit "A" attached and incorporated map (the "2022 Woodburn District Map") and Exhibit "B" attached and incorporated report (the "2022 Woodburn District Report").

SECTION 5. If any part of the City is not included in one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is contiguous to that territory; and

(2) contains the smallest population (as “population” is defined in Indiana Code §1-1-4-5).

SECTION 6. If any part of the City is included in more than one (1) of the districts established by this Ordinance, that territory is included within the district that:

- (1) is one (1) of the districts in which the territory is described in the Ordinance;
- (2) is contiguous to that territory; and
- (3) contains the smallest population (as “population” is defined in Indiana Code §1-1-4-5).

SECTION 7. The Council adopts the 2022 Woodburn District Map depicting the districts established under this Ordinance, and incorporates the 2022 Woodburn District Map by reference into this Ordinance. Two (2) copies of the 2022 Woodburn District Map are on the file in the office of the Clerk-Treasurer for public inspection as required by Indiana Code §36-1-5-4. If a conflict exists between the districts as depicted on the 2022 Woodburn District Map and as described in this Ordinance, the description in this Ordinance prevails.

SECTION 8. The Clerk-Treasurer of the City shall forward a signed copy of this Ordinance to the Circuit Court Clerk of Allen County and shall request the Circuit Court Clerk to include the copy of this Ordinance in the records of the Allen County Election Board.

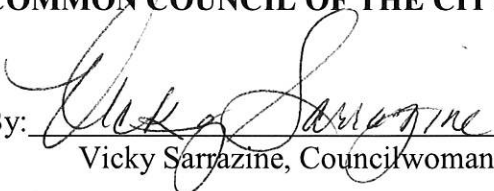
SECTION 9. All Ordinances are repealed which conflict with this Ordinance to the extent of that conflict.

SECTION 10. As provided by Indiana Code §36-4-6-14, this Ordinance takes effect when signed by the presiding officer of the Common Council and either approved by the Mayor or passed by the Mayor’s veto by the Common Council under Indiana Code §36-4-6-16 and, if required by statute, published pursuant to the Indiana Code §36-4-6-14 and §5-3-1.

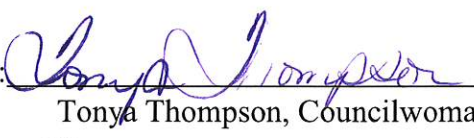
(SIGNATURE PAGE FOLLOWS)

Adopted and Ordinated this 19TH day of December, 2022.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By:  YEA NAY ABS
Vicky Sarrazine, Councilwoman


By: ABSENT YEA NAY ABS
Michael Martin, Councilman

By:  YEA NAY ABS
Tonya Thompson, Councilwoman

By:  YEA NAY ABS
Dean Gerig, Councilman

By:  YEA NAY ABS
Daniel Watts, Councilman

ATTEST:

By: 
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved () / not approved () by me on the same date.

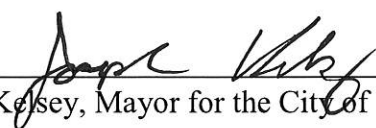
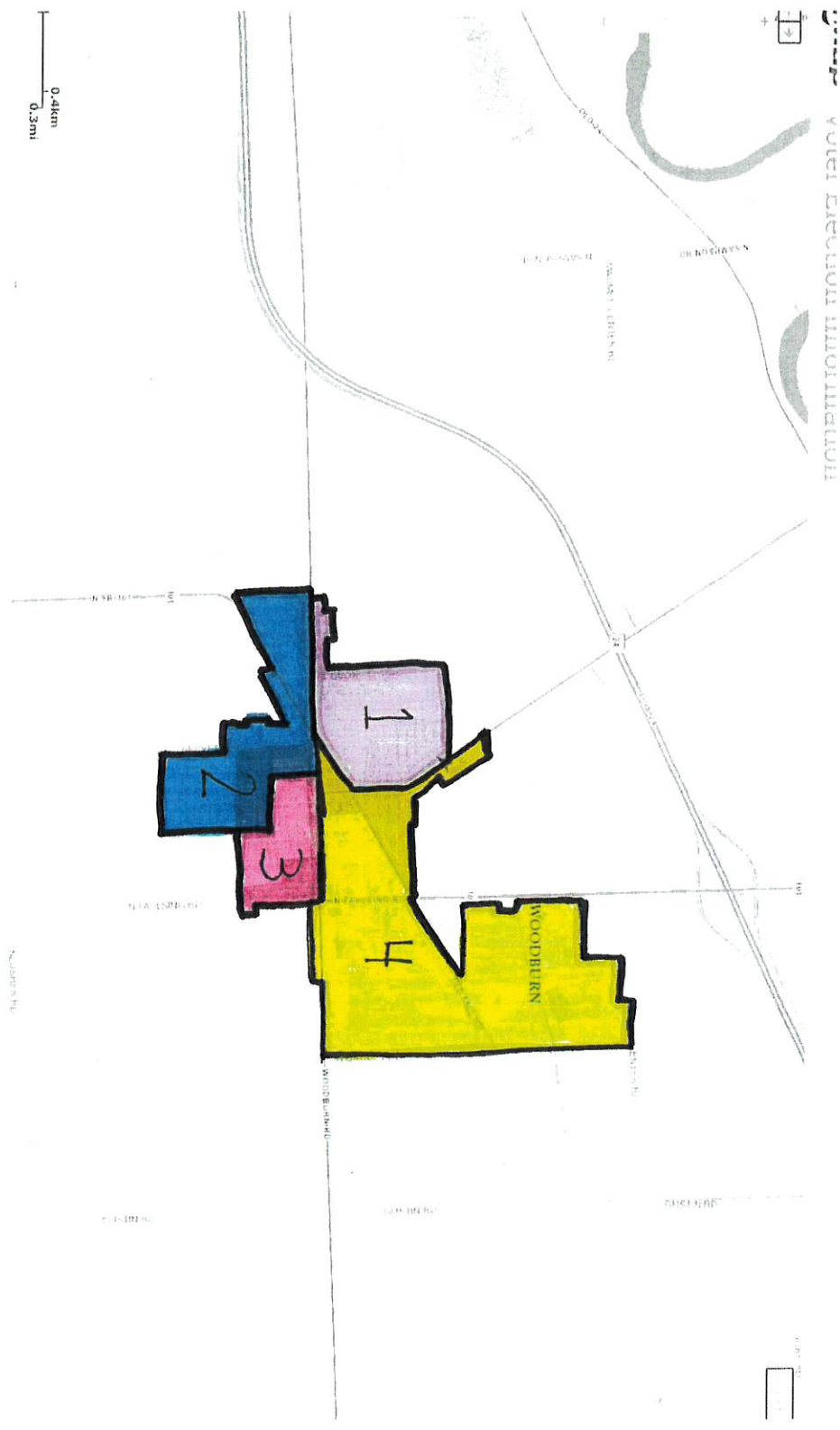
By: 
Joseph Kelsey, Mayor for the City of Woodburn

EXHIBIT "A"
2022 Woodburn District Map



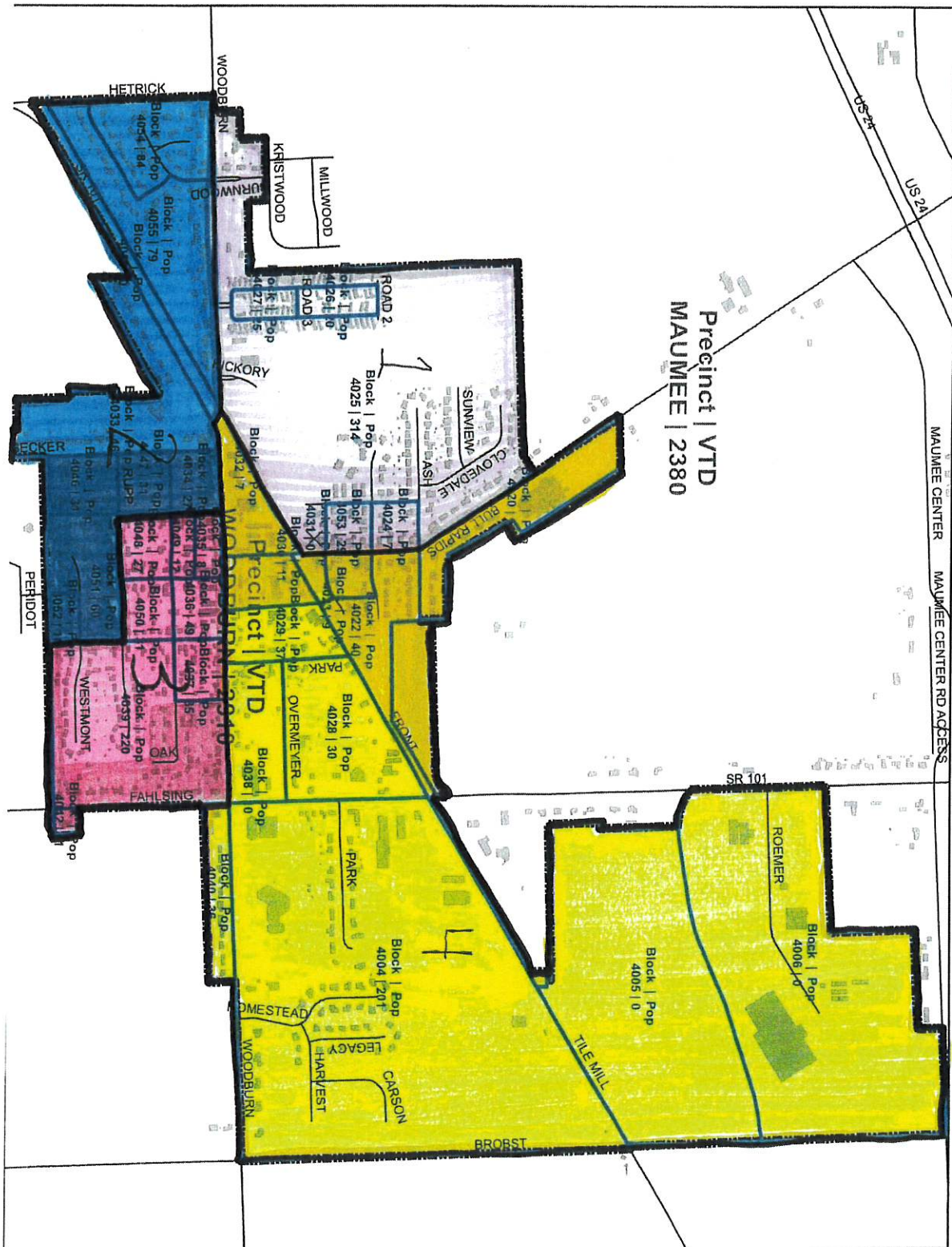


EXHIBIT "B"

2022 Woodburn District Report

NAME	POP100	HU100
Block 4040	36	11
Block 4035	8	3
Block 4054	84	28
Block 4032	7	3
Block 4034	27	9
Block 4047	31	10
Block 4042	11	1
Block 4025	314	165
Block 4049	12	7
Block 4037	35	10
Block 4046	31	11
Block 4036	49	19
Block 4033	46	20
Block 4056	0	0
Block 4048	27	12
Block 4039	220	80
Block 4022	40	15
Block 4053	29	8
Block 4038	10	7
Block 4020	14	10
Block 4055	79	29
Block 4027	25	17
Block 4051	60	25
Block 4026	20	15
Block 4004	201	94
Block 4023	9	5
Block 4028	30	11
Block 4031	0	0
Block 4029	37	14
Block 4024	7	6
Block 4052	10	6
Block 4030	11	10
Block 4050	31	11
Block 4005	0	0
Block 4006	0	0

District 1:

Blocks: 4024, 4025, 4026, 4027, and 4053.

Population: 395

District 2:

Blocks: 4033, 4034, 4046, 4047, 4051, 4052, 4054, 4055, 4056, and

Annexation Area pursuant to Ordinance No. 22-1406.

Population: 368

District 3:

Blocks: 4035, 4036, 4037, 4039, 4042, 4048, 4049, and 4050.

Population: 393

District 4:

**Blocks: 4004, 4005, 4006, 4020, 4022, 4023, 4028, 4029, 4030, 4031, 4032,
4038, and 4040.**

Population: 395