

## Ind. Code § 36-9-27-14

Section 36-9-27-14 - Proceedings affecting more than one county; joint boards

(a) Whenever it appears to the county surveyor that any proceedings instituted under this chapter may affect land in more than one (1) county, the county surveyor shall immediately forward notification of that fact to the chair of the board of each county in which the land is located, by certified mail with return receipt requested. The notice must state the number of counties involved and fix a date, hour, and place for a meeting of a joint board. The date for the meeting may not be less than twenty (20) nor more than thirty (30) days after the notice is mailed.

(b) After the notice is given, all proceedings in the matter shall be heard and determined by a board appointed from the membership of the board of each county in which lands that may be affected are located, as follows:

(1) If land in two (2) counties may be affected, the chair of the board of each county shall appoint two (2) of the members of the chair's board, other than the county surveyor, to serve on the joint board. In addition, a fifth member shall be appointed by the four (4) members of the joint board. The fifth member must reside in a county that is not affected by the drainage problem.

(2) If land in more than two (2) counties may be affected, the chair of the board of each county shall appoint one (1) of the members of the chair's board, other than the county surveyor, to serve on the joint board. If, as a result of the appointments, the board has an even number of members, the members of the joint board shall appoint an additional member to the joint board. The additional member must reside in a county that is not affected by the drainage problem.

(3) The surveyor of the county having the greatest length of drain or proposed drain serves as an ex officio member of the joint board, and has the same duties, powers, and responsibilities the county surveyor would have if the proposed construction, reconstruction, or maintenance affected lands lying solely within one (1) county.

(c) A joint board may authorize the employment of one (1) or more persons to assist the county surveyor who serves on the board in the performance of the county surveyor's duties in connection with the joint board. The joint board shall set the rate of compensation for the assistants and authorize an advance on the general drain improvement fund of each county in proportion to the apparent percentage of the total land area in each county to be affected by the drain. The cost of the assistants and the advance is a part of the operating expense of the joint board, which shall be finally adjusted and allocated as provided in subsection (e).

(d) Whenever the county surveyor finds that a joint board should be appointed and that:

(1) the area of affected land in the county surveyor's county exceeds eighty percent (80%) of the total area of land affected by the drain; or

(2) ninety percent (90%) or more of the length of the affected drain lies within the county surveyor's county;

the county surveyor may request in writing that each board in the lesser affected county or counties waive the right to be represented on a joint board and that the board of the county surveyor's county be the board for the proceedings. The request and all subsequent communications in the proceedings, including notice of any benefits or damages to the lands within a lesser affected county, shall be forwarded by certified mail with return receipt requested to the chair of the board of each lesser affected county. If the county surveyor does not receive a negative response to the county surveyor's request from the board of a lesser affected county within thirty (30) days, the surveyor may request the county surveyor's board to resolve itself as the board for the proceedings. The board shall serve notice only on the board of a lesser affected county and shall certify to the auditor of that county a single claim for all benefits in that county, unless the surveyor or board of that county furnishes to the board full and acceptable information concerning all individual parcels of affected land in that county, including maps.

(e) If the joint board proceeds with the proposed improvement or maintenance, all operating expense of the joint board, including the compensation of the fifth member appointed under subsection (b)(1) and the additional member appointed under subsection (b)(2) shall be:

(1) divided among the counties represented on it in the same proportion that the total land assessment allocated to each county bears to the total cost of the improvement or maintenance; or

(2) paid from the joint drain's maintenance fund after the fund is established and maintenance funds are collected.

If the joint board does not proceed, all operating expense of the joint board shall be apportioned by the joint board to the counties represented on it as justice requires.

(f) To the extent applicable, a joint board is governed by the provisions of this chapter concerning:

(1) the powers, duties, and procedures of a board that serves one(1) county; and

(2) the rights and remedies of owners affected by the proceedings of a board that serves one (1) county.

*IC 36-9-27-14*

Amended by P.L. 127-2017, SEC. 329, eff. 7/1/2017.

As added by Acts1981 , P.L. 309, SEC.101. Amended by P.L. 225-1986, SEC.9; P.L. 276-2001, SEC.11.