



**Indiana  
Department of Education**

Glenda Ritz, Superintendent of Public Instruction

**MEMORANDUM**

TO: Indiana State Board of Education

FROM: Katie M. Williams-Briles, Legal Counsel

Re: Amended Governing Body Selection Plan:  
**Board of School Trustees, Westfield Washington Schools**

DATE: November 8, 2013

The Board of School Trustees, Westfield Washington Schools, has submitted the attached Resolution to amend its governing body selection plan. The new plan provides for a transition of residential districts to reflect the shift in population. The Board has tendered the certificate from the Hamilton County Circuit Clerk indicating no protests or counter-petitions have been filed as well as a publisher's affidavit indicating satisfaction of the publishing requirement of I.C. 20-23-8-14.

The plan as submitted satisfies the requirements of I.C. 20-23-8 and is recommended for approval by the State Board of Education pursuant to I.C. 20-23-8-15.

Enclosures

cc. File

# CHURCH CHURCH HITTLE & ANTRIM

ATTORNEYS AT LAW

Established 1880

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The office of:  
ALEXANDER P. PINEGAR, PC

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS  
WWW.CCHALAW.COM

September 23, 2013

Indiana Dept. of Education  
Received

OCT 15 2013

Office of Legal Affairs

Indiana Department of Education  
Attn: Legal Counsel  
Room 229, State House  
Indianapolis, IN 46204

RE: Westfield Washington Schools Amended Governing Body Plan

Dear Sir/Madam:

The Board of School Trustees of Westfield Washington Schools approved on May 14, 2013, the enclosed Resolution for Amending Its Governing Body Selection Plan. Please also find enclosed the Publisher's Affidavit indicating satisfaction of the publishing requirements in Indiana Code 20-23-8-14 and a Certificate from the Clerk of the Hamilton County Courts, stating that to date there have been no petitions filed protesting the amended plan.

The Plan as submitted satisfies the requirements of Indiana Code 20-23-8 and is recommended for approval by the State Board of Education pursuant to Indiana Code 20-23-8-15. Please contact me with any questions. I look forward to hearing from you.

Very truly yours,

CHURCH, CHURCH, HITTLE & ANTRIM

By:  Alexander P. Pinegar  
Noblesville Office

APP/dr

Enclosure

cc: Dr. Mark Keen/Westfield Washington Schools w/o encl.

**NOTICE OF ADOPTION BY WESTFIELD WASHINGTON SCHOOLS OF RESOLUTION INITIATING AN AMENDED AND RESTATED PLAN OF ORGANIZATION**

Notice is hereby given in accordance with Indiana Code ("I.C.") 20-23-8-14(a) that the Board of Trustees of Westfield Washington Schools approved on May 14, 2013, Resolution 2013-04 ("Resolution"), which initiated an amended and restated plan of organization changing governing body composition and manner of election ("Plan"). The Resolution, which includes therein the initiated Plan change, is stated as follows:

**RESOLUTION-2013-04**

**A RESOLUTION INITIATING AN AMENDED AND RESTATED PLAN OF ORGANIZATION CHANGING GOVERNING BODY COMPOSITION AND MANNER OF ELECTION**

WHEREAS, the Board of School Trustees (hereinafter "Board") of Westfield Washington Schools currently consists of a five-member non-partisan elected Board with four members thereof elected as residents from within one of four geographically defined areas within the school corporation by all voters living within the entire geographic boundaries of the school corporation and one member thereof elected as an at large member who might reside anywhere within the geographic boundaries of the school corporation and is voted by all voters living within the school corporation; and

WHEREAS, subsequent shifts in population have resulted in the four geographically defined areas within the school corporation having an imbalance in population; and

WHEREAS, these population shifts have caused the current Board to conclude that there should be initiated a proposed plan to change the composition and method of electing the Board; and

WHEREAS, the provisions of Indiana Code ("I.C.") 20-23-8, et. seq., provide the Board with the authority and designated process by which such a proposed plan to change the composition and method of electing a governing body of a public school corporation might be initiated, advertised and ultimately adopted; and

NOW, THEREFORE, BE IT RESOLVED by this Board that pursuant to the provisions of I.C. 20-23-8-10(a)(2), it hereby adopts the following changes in the Westfield Washington Schools Organization Plan by which members of the Board are to be elected following the Effective Date hereof, as set forth below.

**Plan for Governing Body Composition Change**

**A. Board of School Trustees**

1. **Number & Residence Districts** - The governance of Westfield Washington Schools shall be vested in a non-partisan Board composed of five (5) members elected at a November general election in accordance with the provisions of I.C. 20-23-4-29.1. There shall be four (4) geographically defined and limited residential districts from which one (1) member residing therein each shall be elected to the Board (hereby comprising a total of four (4) resident members) and an "at large" district comprised of the entire geographical area of the Westfield Washington Schools school district in which a total of one (1) member shall reside. All five (5) members shall be elected by all voters residing within the boundaries of the school district. It is the intent of the Board that this manner of election be that option set forth in I.C. 20-23-4-27(c)(2). The four residential districts, each from which one (1) member of the Board will be elected, are as follows:

a. **District #1** - That portion of the Westfield Washington Schools geographic area bounded by the Hamilton-Boone County Line on the west; the Washington-Adams Township Line on the north; Oak Ridge Road, and in those areas in which Oak Ridge Road does not exist, as of January 28, 2013, between State Road 32 and 206th Street, the section line (that being the section line dividing Section 35 from Section 36, Section 25 from Section 26, and Section 23 and Section 24 of Township 19 North, Range 3 East, in Hamilton County, Indiana) on the east; and 169th Street, and in those areas in which 169th Street does not exist, 166th Street and the portion of Ditch Road between 166th Street and 169th Street on the south.

b. **District #2** - That portion of the Westfield Washington Schools geographic area bounded by Oak Ridge Road, and in those areas in which Oak Ridge Road does not exist, as of January 28, 2013, between State Road 32 and 206th Street, the section line (that being the section line dividing Section 35 from Section 36, Section 25 from Section 26, and Section 23 and Section 24 of Township 19 North, Range 3 East, in Hamilton County, Indiana) on the west; the Washington-Adams and Washington-Jackson Township Lines on the north; the Washington-Noblesville Township Line on the east; and 169th Street, and in those areas in which 169th Street does not exist, 171st Street and the portion of Union Street between 169th Street and 171st Street and the portion of Casey Road between 171st Street and 169th Street on the south.

c. **District #3** - That portion of the Westfield Washington Schools geographic area bounded by the Hamilton-Boone County Line on the west; 169th Street, and in those areas in which 169th Street does not exist, 166th Street and the portion of Ditch Road between 166th Street and 169th Street on the north; Oak Ridge Road on the east; and the Washington-Clay Township Line on the south.

d. **District #4** - That portion of the Westfield Washington Schools geographic area bounded by Oak Ridge Road on the west; 169th Street, and in those areas in which 169th Street does not exist, 171st Street and the portions of Union Street between 169th Street and 171st Street and Casey Road between 171st Street and 169th Street on the north; the Washington-Noblesville Township Line on the east; and the Washington-Clay Township Line on the south.

2. **Term of Office** - Membership on the Westfield Washington Schools Board of Trustees shall constitute the holding of a "lucrative office" as said term is used in Article 2, § 9 of the Constitution of the State of Indiana. Members shall be elected to a term of office of four (4) years commencing as of January 1 of the year following the year of their election, except as otherwise herein provided.

3. **Organization and Appointment of Officers** - The Board shall annually organize within fifteen (15) days after the commencement date of the members' terms of office, or within such time as might otherwise be required by applicable law. The Board shall elect from among its membership a president, vice president, and secretary, each of whom shall be a different member of the Board. The Board may make such other appointments as permitted by, and in accordance with, applicable law.

4. **Compensation** - Members shall be entitled to compensation for the performance of their duties on the Board, as limited by applicable law and as determined, from time to time, by resolution of this Board.

5. **Eligibility for Membership on Board** - To be eligible to serve on the Board, a candidate for election to the Board must have attained the age of twenty-one (21) years prior to the date that the candidate's term of office would begin. Candidates running for election to the Board from one of four geographically limited and defined residential districts must have been a continuous resident of that residential district for a period of time in excess of one (1) year prior to the date of the general election on which the candidate's name appears on the ballot for election to the Board. Property ownership shall not be an eligibility requirement for a candidate seeking election to the Board.

6. **Vacancies on Board** - Vacancies on the Board existing because of the death of a school board member shall be filled in the manner provided by I.C. 20-26-4-4.5, as from time to time amended. Vacancies on the Board existing for any reason other than the death of an elected, qualified and acting school board member shall be filled in the manner provided by I.C. 20-26-4-4(c), as from time to time amended.

**B. Transition Plan Pending Board Elections**

1. **Schedule of Current Board Terms** - The terms of office of the current members of the Board, the end of their current term, and their seat's next election date all as set forth by the law and the Westfield Washington Schools governing body selection plan then in effect at the time of their election are as follows:

Member	Term Ends	Next Election
		(under current law and current plan)
Dennis Ellis	12/31/16	November 2016
Tim Siefker	12/31/14	November 2014
Duane Lutz	12/31/16	November 2016
David Mueller	12/31/14	November 2014
Tim Gardner	12/31/14	November 2014

2. **Transition of Residential District Representation** - The representation of the existing board members and their current terms shall be transitioned under this proposed plan change in the following manner:

a. Member Ellis currently resides in what will be Residential District #1, as defined in Section A(1)(a) above. From the Effective Date of this proposed plan until the end of his present term, Member Ellis shall be the Board member from Residential District #1 under this proposed plan.

b. Member Siefker currently resides in what will be Residential District #2, as defined in Section A(1)(b) above. From the Effective Date of this proposed plan until the end of his present term, Member Siefker shall be the Board member from the Residential District #2 under this proposed plan.

c. Member Lutz currently resides in what will be Residential District #3, as defined in Section A(1)(c) above. From the Effective Date of this proposed plan until the end of his present term, Member Lutz shall be the Board member from the Residential District #3 under this proposed plan.

d. Member Mueller currently resides in what will be Residential District #4, as defined in Section A(1)(d) above. From the Effective Date of this proposed plan until the end of his present term, Member Mueller shall be the Board member from the Residential District #4 under this proposed plan.

e. Member Gardner is, under the current plan, the one (1) member elected as an at large member who may reside anywhere within the geographic boundaries of the school corporation. From the Effective Date of this proposed plan until the end of his present term, as herein extended, Member Gardner shall be the one member residing in the "at-large" district, consisting of the entire boundaries of the school corporation, under this proposed plan.

3. **Election Date for Board Members under Proposed Plan Change** - Upon passage of this proposed plan change and its becoming effective upon the Effective Date, members of the Board will be elected in accordance with the following schedule:

New District	Current Member	Next Election	Next Seating
District #1	Ellis	Nov 2016	01/01/17
District #2	Siefker	Nov 2014	01/01/15
District #3	Lutz	Nov 2016	01/01/17
District #4	Mueller	Nov 2014	01/01/15
At large	Gardner	Nov 2014	01/01/15

C. **Retention of Terms of Previously Adopted Plans of Organization**  
Except as specifically modified herein, all other terms and conditions of all previously adopted plans of organization and reorganization of Westfield Washington Schools shall remain fully effective after the Effective Date hereof.

D. **Effective Date**  
This proposed plan change shall become effective as of the adoption of this plan and its approval and fulfillment of the terms and requirements of I.C. 20-23-8-10, 20-23-8-14, and I.C. 20-23-8-13.

**E. Incorporation of Relevant Law**

The intent of this Plan is to comply with all relevant provisions of Indiana law, and therefore, all relevant provisions of Indiana law not otherwise explicitly addressed herein are incorporated herein.

BE IT FURTHER RESOLVED, that the Secretary of this Board is directed to cause notice of this Board's adoption of the foregoing plan to be published, as required by the provision of I.C. 20-23-8-14, in newspapers of general circulation published in Hamilton County, Indiana.

BE IT FURTHER RESOLVED that the superintendent, school corporation legal counsel and the officers of this Board shall take all other actions and execute all other documents as are reasonably convenient or otherwise necessary to affect the change in the plan for the selection of the this governing body as hereinabove set forth. ADOPTED this 14th day of May, 2014.

Pursuant to I.C. 20-23-8-14(b), any voter residing within the boundaries of Westfield Washington Schools has the right to file a petition with the clerk of the circuit court in the voter's county for alternative plans or a petition protesting the adoption of the Plan set forth above. More information concerning how a voter may file such a petition and about plan changes in general may be found at I.C. 20-23-8.

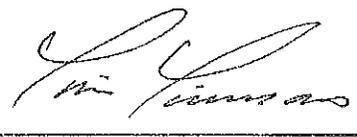
WESTFIELD WASHINGTON SCHOOLS  
May 18, 2013

PUBLISHER'S AFFIDAVIT

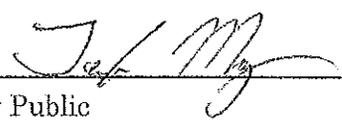
State of Indiana        )  
                                  ) ss:  
Hamilton County        )

Personally appeared before me, a notary public in and for said county and state, the undersigned Tim Timmons who, being duly sworn, says that he is Publisher of The Times newspaper of general circulation printed and published in the English language in the city of Noblesville 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 1 time(s), the date(s) of publication being as follows:

5/18/2013

  
\_\_\_\_\_

Subscribed and sworn to before me this Saturday, May 18, 2013.

  
\_\_\_\_\_  
Notary Public

My commission expires:   **05/28/2020**  
                                  **Jennifer Louise May**  
                                  **Resident of Marion County**

Publisher's Fee: \$175.39



# *Westfield Washington Schools*

## RESOLUTION 2013-04

### A RESOLUTION INITIATING AN AMENDED AND RESTATED PLAN OF ORGANIZATION CHANGING GOVERNING BODY COMPOSITION AND MANNER OF ELECTION

WHEREAS, the Board of School Trustees (hereinafter "Board") of Westfield Washington Schools currently consists of a five-member non-partisan elected Board with four members thereof elected as residents from within one of four geographically defined areas within the school corporation by all voters living within the entire geographic boundaries of the school corporation and one member thereof elected as an at large member who might reside anywhere within the geographic boundaries of the school corporation and is voted by all voters living within the school corporation; and

WHEREAS, subsequent shifts in population have resulted in the four geographically defined areas within the school corporation having an imbalance in population; and

WHEREAS, these population shifts have caused the current Board to conclude that there should be initiated a proposed plan to change the composition and method of electing the Board; and

WHEREAS, the provisions of Indiana Code ("I.C.") 20-23-8, et. seq., provide the Board with the authority and designated process by which such a proposed plan to change the composition and method of electing a governing body of a public school corporation might be initiated, advertised and ultimately adopted; and

NOW, THEREFORE, BE IT RESOLVED by this Board that pursuant to the provisions of I.C. 20-23-8-10(a)(2), it hereby adopts the following changes in the Westfield Washington Schools Organization Plan by which members of the Board are to be elected following the Effective Date hereof, as set forth below.

(End of Recitals – Here Follows Plan Change)

## Plan for Governing Body Composition Change

### A. Board of School Trustees

1. Number & Residence Districts – The governance of Westfield Washington Schools shall be vested in a non-partisan Board composed of five (5) members elected at a November general election in accordance with the provisions of I.C. 20-23-4-29.1. There shall be four (4) geographically defined and limited residential districts from which one (1) member residing therein each shall be elected to the Board (thereby comprising a total of four (4) resident members) and an “at large” district comprised of the entire geographical area of the Westfield Washington Schools school district in which a total of one (1) member shall reside. All five (5) members shall be elected by all voters residing within the boundaries of the school district. It is the intent of the Board that this manner of election be that option set forth in I.C. 20-23-4-27(c)(2). The four residential districts, each from which one (1) member of the Board will be elected, are as follow:
  - a. District #1 – That portion of the Westfield Washington Schools geographic area bounded by the Hamilton-Boone County Line on the west; the Washington-Adams Township Line on the north; Oak Ridge Road, and in those areas in which Oak Ridge Road does not exist, as of January 28, 2013, between State Road 32 and 206th Street, the section line (that being the section line dividing Section 35 from Section 36, Section 25 from Section 26, and Section 23 and Section 24 of Township 19 North, Range 3 East, in Hamilton County, Indiana) on the east; and 169th Street, and in those areas in which 169th Street does not exist, 166th Street and the portion of Ditch Road between 166th Street and 169th Street on the south.
  - b. District #2 – That portion of the Westfield Washington Schools geographic area bounded by Oak Ridge Road, and in those areas in which Oak Ridge Road does not exist, as of January 28, 2013, between State Road 32 and 206th Street, the section line (that being

the section line dividing Section 35 from Section 36, Section 25 from Section 26, and Section 23 and Section 24 of Township 19 North, Range 3 East, in Hamilton County, Indiana) on the west; the Washington-Adams and Washington-Jackson Township Lines on the north; the Washington-Noblesville Township Line on the east; and 169th Street, and in those areas in which 169th Street does not exist, 171st Street and the portion of Union Street between 169th Street and 171st Street and the portion of Carey Road between 171st Street and 169th Street on the south.

- c. District #3 – That portion of the Westfield Washington Schools geographic area bounded by the Hamilton-Boone County Line on the west; 169th Street, and in those areas in which 169th Street does not exist, 166th Street and the portion of Ditch Road between 166th Street and 169th Street on the north; Oak Ridge Road on the east; and the Washington-Clay Township Line on the south.
- d. District #4 – That portion of the Westfield Washington Schools geographic area bounded by Oak Ridge Road on the west; 169th Street, and in those areas in which 169th Street does not exist, 171st Street and the portions of Union Street between 169th Street and 171st Street and Carey Road between 171st Street and 169th Street on the north; the Washington-Noblesville Township Line on the east; and the Washington-Clay Township Line on the south..

- 2. Term of Office – Membership on the Westfield Washington Schools Board of Trustees shall constitute the holding of a “lucrative office” as said term is used in Article 2, § 9 of the Constitution of the State of Indiana. Members shall be elected to a term of office of four (4) years commencing as of January 1 of the year following the year of their election, except as otherwise herein provided.

3. Organization and Appointment of Officers – The Board shall annually organize within fifteen (15) days after the commencement date of the members' terms of office, or within such time as might otherwise be required by applicable law. The Board shall elect from among its membership a president, vice president, and secretary, each of whom shall be a different member of the Board. The Board may make such other appointments as permitted by, and in accordance with, applicable law.
4. Compensation – Members shall be entitled to compensation for the performance of their duties on the Board, as limited by applicable law and as determined, from time to time, by resolution of this Board.
5. Eligibility for Membership on Board – To be eligible to serve on the Board, a candidate for election to the Board must have attained the age of twenty-one (21) years prior to the date that the candidate's term of office would begin. Candidates running for election to the Board from one of four geographically limited and defined residential districts must have been a continuous resident of that residential district for a period of time in excess of one (1) year prior to the date of the general election on which the candidate's name appears on the ballot for election to the Board. Property ownership shall not be an eligibility requirement for a candidate seeking election to the Board.
6. Vacancies on Board – Vacancies on the Board existing because of the death of a school board member shall be filled in the manner provided by I.C. 20-26-4-4.5, as from time to time amended. Vacancies on the Board existing for any reason other than the death of an elected, qualified and acting school board member shall be filled in the manner provided by I.C. 20-26-4-4(c), as from time to time amended.

B. Transition Plan Pending Board Elections

1. Schedule of Current Board Terms – The terms of office of the current members of the Board, the end of their current term, and their seat's next election date all as set forth by the law and the

Westfield Washington Schools governing body selection plan then in effect at the time of their election are as follows:

Member	Term Ends	Next Election (under current law and current plan)
Dennis Ells	12/31/16	November 2016
Tim Siefker	12/31/14	November 2014
Duane Lutz	12/31/16	November 2016
David Mueller	12/31/14	November 2014
Tim Gardner	12/31/14	November 2014

2. Transition of Residential District Representation – The representation of the existing board members and their current terms shall be transitioned under this proposed plan change in the following manner:
  - a. Member Ells currently resides in what will be Residential District #1, as defined in Section A(1)(a) above. From the Effective Date of this proposed plan until the end of his present term, Member Ells shall be the Board member from Residential District #1 under this proposed plan.
  - b. Member Siefker currently resides in what will be Residential District #2, as defined in Section A(1)(b) above. From the Effective Date of this proposed plan until the end of his present term, Member Siefker shall be the Board member from the Residential District #2 under this proposed plan.
  - c. Member Lutz currently resides in what will be Residential District #3, as defined in Section A(1)(c) above. From the Effective Date of this proposed plan until the end of his present term, Member Lutz shall be the Board member from the Residential District #3 under this proposed plan.

- d. Member Mueller currently resides in what will be Residential District #4, as defined in Section A(1)(d) above. From the Effective Date of this proposed plan until the end of his present term, Member Mueller shall be the Board member from the Residential District #4 under this proposed plan.
- e. Member Gardner is, under the current plan, the one (1) member elected as an at large member who may reside anywhere within the geographic boundaries of the school corporation. From the Effective Date of this proposed plan until the end of his present term, as herein extended, Member Gardner shall be the one member residing in the "at-large" district, consisting of the entire boundaries of the school corporation, under this proposed plan.

3. Election Date for Board Members under Proposed Plan Change – Upon passage of this proposed plan change and its becoming effective upon the Effective Date, members of the Board will be elected in accordance with the following schedule:

New District	Current Member	Next Election	Next Seating
District #1	Ells	Nov 2016	01/01/17
District #2	Siefker	Nov 2014	01/01/15
District #3	Lutz	Nov 2016	01/01/17
District #4	Mueller	Nov 2014	01/01/15
At large	Gardner	Nov 2014	01/01/15

C. Retention of Terms of Previously Adopted Plans of Organization

Except as specifically modified herein, all other terms and conditions of all previously adopted plans of organization and reorganization of Westfield Washington Schools shall remain fully effective after the Effective Date hereof.

D. Effective Date

This proposed plan change shall become effective as of the adoption of this plan and its approval and fulfillment of the terms and requirements of I.C. 20-23-8-10, 20-23-8-14, and I.C. 20-23-8-15.

E. Incorporation of Relevant Law

The intent of this Plan is to comply with all relevant provisions of Indiana law, and therefore, all relevant provisions of Indiana law not otherwise explicitly addressed herein are incorporated herein.

(End of Plan Change)

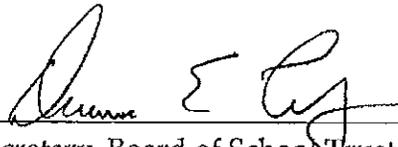
BE IT FURTHER RESOLVED, that the Secretary of this Board is directed to cause notice of this Board's adoption of the foregoing plan to be published, as required by the provision of I.C. 20-23-8-14, in newspapers of general circulation published in Hamilton County, Indiana.

BE IT FURTHER RESOLVED that the superintendent, school corporation legal counsel and the officers of this Board shall take all other actions and execute all other documents as are reasonably convenient or otherwise necessary to affect the change in the plan for the selection of the this governing body as hereinabove set forth.

(End of Resolution)

BE IT RESOLVED by the Board of School Trustees of Westfield Washington Schools, Hamilton County, Indiana, that the foregoing be approved and adopted.

Adopted this 14<sup>th</sup> day of May, 2013.

  
Secretary, Board of School Trustees  
Printed: Duane E. Lutz

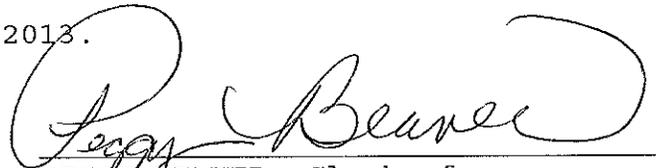
  
President, Board of School Trustees  
Printed: Timothy D. Siefker

CERTIFICATE OF HAMILTON COUNTY CLERK

I, Peggy Beaver, do hereby certify that I am the duly elected, qualified and acting Clerk of the Hamilton County Court, Indiana.

I certify that I have completed a search for Petitions protesting the plan approved on May 14, 2013, by the governing body of Westfield-Washington Schools pursuant to Indiana Code 20-23-8, and have found none.

IN WITNESS WHEREOF, I have hereunto set my hand and seal  
this 20 day of September, 2013.

  
\_\_\_\_\_  
PEGGY BEAVER, Clerk of  
Hamilton County Courts, Indiana