

**IC 14-30-3 Chapter 3. St. Joseph River Basin Commission**

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**IC 14-30-3-1 "Basin"**

Sec. 1. As used in this chapter, "basin" refers to the St. Joseph River basin.

[Pre-1995 Recodification Citation: 36-7-6.2-1(b) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-2 "Commission"**

Sec. 2. As used in this chapter, "commission" refers to the St. Joseph River basin commission established by this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-1(a) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-3 "Participating county"**

Sec. 3. As used in this chapter, "participating county" refers to a county that joins the commission under section 6 of this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-1(f).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-3.5 "Plan"**

Sec. 3.5. As used in this chapter, "plan" refers to a plan described in section 26(1) of this

chapter.  
*As added by P.L.138-2018, SEC.3.*

**IC 14-30-3-4 "St. Joseph River basin"**

Sec. 4. As used in this chapter, "St. Joseph River basin" means the area in Elkhart County, Kosciusko County, LaGrange County, Noble County, St. Joseph County, and Steuben County that drains into the St. Joseph River.

[Pre-1995 Recodification Citation: 36-7-6.2-1(b) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-5 Separate municipal corporation**

Sec. 5. The St. Joseph River basin commission is established as a separate municipal corporation.

[Pre-1995 Recodification Citation: 36-7-6.2-1(a) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-6 Participating county; designation**

Sec. 6. The executive of a county that includes territory in the basin may do the following:

- (1) Elect to participate in the commission by designating the county as a participating county.
- (2) Revoke the designation.

[Pre-1995 Recodification Citation: 36-7-6.2-1(e).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-7 Boundary certification**

Sec. 7. After consultation with the surveyor of each county in the basin, the director shall certify the boundaries of the basin.

[Pre-1995 Recodification Citation: 36-7-6.2-1(b) part.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-8 Members**

Sec. 8. The commission consists of the following individuals:

- (1) From each participating county the following:
  - (A) The executive of each second class city or the executive's designee.
  - (B) If the county does not have a second class city, the executive of the municipality with the largest population or the executive's designee.
- (2) A member of the county executive or the county executive's designee from each participating county.
- (3) The county health officer or the health officer's designee from each participating county.
- (4) The county surveyor of each participating county or the county surveyor's designee.
- (5) A representative of each soil and water conservation district that:
  - (A) is subject to IC 14-32;
  - (B) includes territory in a participating county; and
  - (C) includes territory in the basin.
- (6) The director or the director's designee.

[Pre-1995 Recodification Citation: 36-7-6.2-2(a).]

*As added by P.L.1-1995, SEC.23. Amended by P.L.138-2018, SEC.4.*

**IC 14-30-3-9 Term of office**

Sec. 9. The term of office of an appointed member of the commission is three (3) years and continues until a successor is appointed and certified.

[Pre-1995 Recodification Citation: 36-7-6.2-2(b).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-10 Travel expenses**

Sec. 10. The members of the commission serve without compensation. However, each member is entitled to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

[Pre-1995 Recodification Citation: 36-7-6.2-2(c).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-11 Officers**

Sec. 11. (a) The commission shall elect from among the members the following officers:

- (1) A chairman.
- (2) A vice chairman.
- (3) A secretary.
- (4) A treasurer.

(b) The:

- (1) term of office for the officers elected under subsection (a) is one (1) year; and
- (2) officers are eligible for reelection.

(c) The commission may establish and fill other offices that the commission considers necessary.

[Pre-1995 Recodification Citation: 36-7-6.2-3(a), (b).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-12 Executive board**

Sec. 12. (a) The commission may establish an executive board consisting of the following:

- (1) The chairman of the commission.
- (2) One (1) member from each participating county that is not represented by the chairman, to be chosen in a manner prescribed by the commission.

(b) The commission may delegate to the executive board the power to do the following:

- (1) Recommend agenda items and activities to the commission.
- (2) Conduct hearings on proposed commission projects.
- (3) Perform other administrative duties assigned by the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-3(c).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-13 Advisory committee**

Sec. 13. The commission may appoint an advisory committee to assist the commission. A member of an advisory committee is not entitled to compensation for serving on the advisory committee.

[Pre-1995 Recodification Citation: 36-7-6.2-3(d).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-14 Duties**

Sec. 14. (a) The commission shall do the following:

- (1) Fix the times of the commission's regular meetings.
- (2) Have at least one (1) meeting in each quarter of the year.

(b) A special meeting of the commission may be called in a manner that the commission shall establish.

(c) A member of the commission may waive notice of any meeting by filing a written waiver with the secretary of the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-4.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-15 Repealed**

[Pre-1995 Recodification Citation: 36-7-6.2-5(a), (b).]

*As added by P.L.1-1995, SEC.23. Repealed by P.L.138-2018, SEC.5.*

**IC 14-30-3-15.5 Electronic meetings**

Sec. 15.5. (a) This section applies to meetings under IC 5-14-1.5 of:

- (1) the commission; or
- (2) an executive board appointed under section 12 of this chapter.

(b) The definitions in IC 5-14-1.5 apply to this section.

(c) A commission member may participate in a meeting by an electronic means that allows:

- (1) all participating members; and
- (2) all members of the public who are physically present at the meeting;

to simultaneously communicate with each other. The member shall be considered present for purposes of establishing a quorum and may participate in any final action taken at the meeting.

(d) Both of the following apply to a meeting under this section:

- (1) At least one-third (1/3) of the members must be physically present at the place where the meeting is conducted.
- (2) All votes during the meeting must be taken by roll call vote.

Nothing in this section affects the public's right to attend a meeting at the place where the meeting is conducted and the minimum number of members is physically present.

(e) Each member of the commission is required to physically attend at least one (1) meeting of the commission annually. Each member of the executive board is required to physically attend at least one (1) meeting of the executive board annually.

(f) The commission may adopt a policy to govern participation in the meetings of the commission or the executive board by electronic communication. The policy may do any of the following:

- (1) Require a member to request authorization to participate in a meeting by electronic communication within a certain number of days before the meeting to allow for arrangements to be made for the member's participation by electronic communication.
- (2) Limit the number of meetings in a calendar year in which any one (1) member may participate by electronic communication.
- (3) Provide that a member who participates in a meeting by electronic communication may not cast the deciding vote on any official action. For purposes of this chapter, a member casts the deciding vote on an official action if, regardless of the order in which the votes are cast:

- (A) the member votes with the majority; and
- (B) the official action is adopted or defeated by one (1) vote.

(4) Require a member participating in a meeting by electronic communication to confirm in writing the votes cast by the member during the meeting within a certain number of days after the date of the meeting.

(5) Provide that in addition to the location where a meeting is conducted, the public may also attend some or all meetings, excluding executive sessions, at a public place or public places at which a member is physically present and participates by electronic communication. If the commission's policy includes this provision, a meeting notice must provide the following information:

- (A) The identity of each member who will be physically present at a public place and participate in the meeting by electronic communication.
- (B) The address and telephone number of each public place where a member will be physically present and participate by electronic communication.
- (C) Unless the meeting is an executive session, a statement that a location described in clause (B) will be open and accessible to the public.

(6) Establish any other procedures, limitations, or conditions that govern participation in meetings of the commission by electronic communication and are not in conflict with this chapter.

(g) Nothing in this section affects the commission's right to exclude the public from an executive session in which a member participates by electronic communication.

*As added by P.L.30-2015, SEC.2.*

**IC 14-30-3-16 Record**

Sec. 16. (a) The commission shall keep a record of the commission's resolutions, transactions, and findings. This record is a public record.

(b) The commission may adopt rules for the transaction of business.

[Pre-1995 Recodification Citation: 36-7-6.2-5(c), (d).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-17 Capacity to sue or be sued**

Sec. 17. The commission may sue and be sued.

[Pre-1995 Recodification Citation: 36-7-6.2-5(e).]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-18 Annual report**

Sec. 18. The commission shall make an annual report of the commission's activities to the executive of each participating county. The commission shall upon request make an annual report to the following:

(1) The governor.

(2) Any member of the general assembly.

[Pre-1995 Recodification Citation: 36-7-6.2-6.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-19 Powers**

Sec. 19. The commission may do the following:

(1) Provide a forum for the discussion, study, and evaluation of water resource issues of common concern in the basin.

(2) Facilitate and foster cooperative planning and coordinated management of the basin's water and related land resources.

(3) Develop positions on major water resource issues and serve as an advocate of the basin's interests before Congress and federal, state, and local governmental agencies.

(4) Develop plans and tools to improve water quality or mitigate flooding in the basin.

(5) Publicize, advertise, and distribute reports on the commission's purposes, objectives, studies, and findings.

(6) When requested, make recommendations in matters related to the commission's functions and objectives to political subdivisions in the basin and to other public and private agencies.

(7) When requested, act as a coordinating agency for programs and activities of other public and private agencies that are related to the commission's objectives.

(8) Employ staff.

(9) Enter into contracts for the purposes of this chapter.

(10) Exercise the powers of a political subdivision specified in a cooperative agreement described in section 26 of this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-7.]

*As added by P.L.1-1995, SEC.23. Amended by P.L.138-2018, SEC.6.*

**IC 14-30-3-20 Government officials attending meetings and advising**

Sec. 20. The commission may invite the governor, government officials, or other

individuals from the St. Joseph River basin in Michigan to do the following:

- (1) Attend the commission's meetings.
- (2) Advise the commission upon the commission's request.

[Pre-1995 Recodification Citation: 36-7-6.2-1(c).]

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-3-21 Interstate compact with Michigan**

Sec. 21. The commission shall do the following:

- (1) Explore the desirability of entering into an interstate compact with Michigan to improve water quality in the basin.
- (2) Make recommendations on the content of a compact.

[Pre-1995 Recodification Citation: 36-7-6.2-1(d).]

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-3-22 Grants and appropriations**

Sec. 22. (a) The commission may receive grants and appropriations from the following:

- (1) Federal, state, and local governments.
- (2) Individuals, foundations, and other organizations.

(b) The commission may enter into agreements or contracts regarding the acceptance or use of these grants and appropriations for the purpose of carrying out the commission's activities under this chapter.

[Pre-1995 Recodification Citation: 36-7-6.2-8.]

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-3-23 Budget**

Sec. 23. The commission shall do the following:

- (1) Prepare and adopt an annual budget.
- (2) Submit the budget to the executive of each participating county.
- (3) Make the budget available to each agency appropriating money to the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-9.]

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-3-24 Appropriations to carry out commission's responsibilities**

Sec. 24. (a) The participating counties may budget, appropriate, and disburse money to carry out the purposes of the commission under this chapter.

(b) The appropriation from the participating counties that is needed for all or part of the commission's budget shall be apportioned among the participating counties in direct relationship to the amount of land area in each participating county certified under section 7 of this chapter.

(c) The apportionment that is needed from each participating county shall be presented to the county executive at the same time that budgets are presented by county officers.

[Pre-1995 Recodification Citation: 36-7-6.2-10.]

*As added by P.L.1-1995, SEC.23.*

#### **IC 14-30-3-25 Expenditures; deposits**

Sec. 25. (a) The commission shall make expenditures only as budgeted. However, the commission may revise the budget at any time to authorize unbudgeted expenditures.

(b) Any appropriated amounts remaining unexpended or unencumbered at the end of the fiscal year become part of a nonreverting cumulative fund to be held in the name of the commission. The commission may authorize unbudgeted expenditures from this fund.

(c) The commission is responsible for the safekeeping and deposit of money the commission receives under this chapter. The state board of accounts shall:

- (1) prescribe the methods and forms for keeping; and

(2) periodically audit;  
the accounts, records, and books of the commission.  
(d) The treasurer of the commission may receive, disburse, and handle money belonging to the commission, subject to the following:

- (1) Applicable statutes.
- (2) Procedures established by the commission.

[Pre-1995 Recodification Citation: 36-7-6.2-11.]

*As added by P.L.1-1995, SEC.23.*

**IC 14-30-3-26 Political subdivision cooperative agreement with commission**

Sec. 26. A political subdivision in a participating county may under IC 36-1-7 enter into a cooperative agreement with the commission and at least one (1) other legal entity to authorize the commission to:

- (1) develop a plan to improve water quality or mitigate flooding in the part of the basin that is described in the cooperative agreement;
- (2) exercise any of the other powers of the political subdivision to regulate watercourses in the basin; or
- (3) develop and promote good soil and water conservation practices and procedures.

*As added by P.L.138-2018, SEC.7.*

**IC 14-30-3-27 Determination of best method and manner**

Sec. 27. In developing a plan to improve water quality or mitigate flooding in the part of the basin described in a cooperative agreement entered into under section 26 of this chapter, the commission shall determine the best method and manner of improving water quality or mitigating flooding, giving consideration to the following:

- (1) The increase infiltration method.
- (2) The channel improvement method.
- (3) The wetland restoration method.
- (4) Flood plain regulation.
- (5) All nonstructural methods.

*As added by P.L.138-2018, SEC.8.*

**IC 14-30-3-28 Public meeting concerning plan to improve water quality or mitigate flooding**

Sec. 28. (a) The commission shall schedule a public meeting in accordance with IC 5-14-1.5 in each participating county containing a political subdivision that has entered into a cooperative agreement under section 26(1) of this chapter authorizing the commission to develop a plan. The purpose of the public meeting shall be to gain input regarding the development of the plan before the plan is implemented in accordance with this chapter.

(b) The commission shall do the following:

- (1) At least ten (10) days before the public meeting in each participating county described in subsection (a), post a copy of the proposed plan on the commission's Internet web site or the Internet web site of the participating county (if the county maintains an Internet web site).
- (2) Publish notice of each public meeting in a participating county described in subsection (a) in accordance with IC 5-3-1 at least ten (10) days before the public meeting.
- (3) Include the following information in the notice described in subdivision (2):
  - (A) The date, time, and place of the meeting in each participating county described in subsection (a).
  - (B) A synopsis of the subject matter of the meeting.
  - (C) How an individual may obtain a copy of the proposed plan from the commission.
  - (D) That the public is encouraged to make comments at the meeting.

(c) At the meeting, the commission shall allow the public to be heard on the proposed plan.

*As added by P.L.138-2018, SEC.9.*

**IC 14-30-3-29 State approval of plan**

Sec. 29. Before a plan is implemented by a political subdivision, the plan must be approved by the state in accordance with IC 14-25 through IC 14-29.

*As added by P.L.138-2018, SEC.10.*

**IC 14-30-3-30 Commission rules**

Sec. 30. The commission may adopt rules to do the following:

- (1) Require that increased water runoff resulting from new construction be impounded on the construction site.
- (2) Permit the requirement of onsite water impoundment under subdivision (1) to be waived upon payment of a reasonable fee by the developer of the new construction.

*As added by P.L.138-2018, SEC.11.*

**IC 14-30-3-31 Commission acquisition powers; restriction of construction in flood plains**

Sec. 31. (a) For the purposes of this chapter, the commission may do the following:

- (1) Acquire by grant, gift, purchase, or devise, and dispose of, conservation easements under IC 32-23-5 in land within the one hundred (100) year flood plains and the wetlands in the basin.
- (2) Acquire, by grant, gift, purchase, or devise, improvements within the one hundred (100) year flood plains of the basin for the purpose of removing those improvements.
- (3) Adopt rules that restrict construction within the one hundred (100) year flood plains of the basin.
- (4) Acquire, dispose of, hold, use, improve, maintain, operate, own, manage, or lease real or personal property by grant, gift, purchase, or devise.

(b) The commission may exercise the powers granted by this section as follows:

- (1) For purposes of IC 32-23-5.
- (2) To contribute to the following:
  - (A) Flood mitigation.
  - (B) Flood damage reduction.
  - (C) Improvements in water quality.
  - (D) Soil conservation.

*As added by P.L.138-2018, SEC.12.*

**IC 14-30-3-32 Power to enter land; notice; right to appeal**

Sec. 32. (a) The commission, the executive board, or employees or authorized representatives of the commission acting under this chapter may:

- (1) enter the land lying within the one hundred (100) year flood plain of any watercourse in the basin; and
- (2) enter land lying outside the one hundred (100) year flood plain to gain access to land lying within the one hundred (100) year flood plain in the basin;

if necessary to investigate, examine, or survey the land or investigate suspected violations of the Indiana flood control laws.

(b) The commission must give twenty-one (21) days written notice to:

- (1) an owner of the affected land;
- (2) a contract purchaser of the affected land; or
- (3) if the land is municipal property (as described in IC 6-1.1-10-5(a)), the executive of the municipality;

before exercising the right to enter land under this section. The notice must state the purpose



of the entry and that there is a right of appeal under this section.

(c) A person described in subsection (b)(1) through (b)(3) may, within the twenty-one (21) day notice period required by subsection (b), appeal the proposed entry under subsection (a) to the commission on the grounds that the proposed entry is not necessary. If a person appeals under this subsection, the commission shall hold a hearing on the necessity of the entry before the right of entry is exercised.

(d) A person entering land under this section must use due care to avoid damage to crops or to fences, buildings, and other structures.

(e) Neither the commission, the executive board, nor employees or authorized representatives of the commission acting under this chapter commits criminal trespass under IC 35-43-2-2 by entering land described in subsection (a) for a purpose set forth in subsection (a).

*As added by P.L.138-2018, SEC.13.*

**IC 14-30-3-33            Potential transformation of St. Joseph River basin commission into a watershed development commission**

Sec. 33. (a) The commission:

- (1) may; but
- (2) is not required to;

consider a proposal to transform the commission from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5.

(b) For the commission to be transformed from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5:

- (1) the county executives of all participating counties:
  - (A) must approve the proposal described in subsection (a); and
  - (B) must adopt substantively identical ordinances that set forth the information required by IC 14-30.5-2-1(b), including, for the purposes of IC 14-30.5-2-0.5, the designated watershed within which the proposed watershed development commission would exercise its powers; and
- (2) a majority of the voting members of the commission must vote in favor of the transformation of the commission into a watershed development commission in accordance with the ordinances adopted under subdivision (1)(B) and the provisions of this section.

(c) For the county executive of a participating county to approve a proposal described in subsection (a) under subsection (b)(1)(A), at least two (2) of the three (3) members of the county executive must vote in favor of the proposal.

(d) If a member of the county executive of a participating county has designated another individual under section 8(2) of this chapter to fill the member's position on the commission, the individual designated to fill the member's position may vote under subsection (b)(2) on the proposal described in subsection (a).

(e) If the county executives of all participating counties approve a proposal described in subsection (a) under subsection (b)(1)(A) and adopt substantively identical ordinances under subsection (b)(1)(B), a majority of the voting members of the commission vote in favor of the transformation of the commission into a watershed development commission under subsection (b)(2), and the natural resources commission approves the transformation of the commission into a watershed development commission with the purposes set forth in the ordinances adopted under subsection (b)(1)(B), the following apply:

- (1) The commission shall notify the natural resources commission and the department of the approval of the proposal.
- (2) The officers of the commission elected under section 11 of this chapter shall take the actions necessary and appropriate to the transformation of the commission from a river basin commission subject to this chapter into a watershed development commission subject to IC 14-30.5.

- (3) The board of the watershed development commission consists of the following:
- (A) The director of the department or the director's designee.
  - (B) The county surveyor of each county participating in the commission.
  - (C) An individual other than the county surveyor representing each county participating in the commission, appointed by the county executive.
  - (D) Either:
    - (i) one (1) individual appointed to represent each second class city that is located in a participating county and within the St. Joseph River basin; or
    - (ii) if a participating county does not include a second class city that is located within the St. Joseph River basin, one (1) individual appointed to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin.

An individual appointed to represent a second class city under item (i) shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the second class city or, if the second class city has no board of storm water management, by the executive of the second class city. An individual appointed under item (ii) to represent the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin shall be appointed by the board of storm water management (as described in IC 8-1.5-5-4) of the municipality or, if the municipality has no board of storm water management, by the executive of the municipality.

- (4) The director of the department or the director's designee:
- (A) shall advise the commission on the transformation of the commission into a watershed development commission subject to IC 14-30.5; and
  - (B) when the board of the watershed development commission is formed, shall assume the position on the board of the watershed development commission specified in IC 14-30.5-4-1(a)(1).
- (5) The watershed development commission board may not meet until the natural resources commission has given the approval referred to in this subsection. Upon the convening of the first meeting under IC 14-30.5-4 of the board of the watershed development commission:
- (A) the St. Joseph River basin commission ceases to exist as a separate municipal corporation under this chapter;
  - (B) the St. Joseph watershed development commission is established as a public body corporate and politic under IC 14-30.5;
  - (C) the participating counties of the St. Joseph River basin commission become member counties of the St. Joseph watershed development commission under IC 14-30.5; and
  - (D) each participating county of the St. Joseph River basin commission is authorized to appoint an individual described in subdivision (3)(C) to represent the county on the board of the St. Joseph watershed development commission.
- (f) If established under this section, the St. Joseph watershed development commission:
- (1) is a continuation of;
  - (2) retains the property and rights of; and
  - (3) is responsible for the actions and subject to the liabilities of;

the former St. Joseph River basin commission.

(g) If established under this section, the St. Joseph watershed development commission has all of the powers and duties of a watershed development commission under IC 14-30.5 in the areas of the watershed of the St. Joseph River and the tributaries of the St. Joseph River that are within the boundaries of the member counties of the St. Joseph watershed development commission. For the purposes of IC 14-30.5, the areas of the watershed of the St. Joseph River and the tributaries of the St. Joseph River that are within the boundaries of the member counties of the St. Joseph watershed development commission comprise the

designated watershed of the St. Joseph watershed development commission.

(h) If the St. Joseph watershed development commission is established under this section, the board of the St. Joseph watershed development commission shall appoint an executive director under IC 14-30.5-4-2(e). An individual who was executive director of the St. Joseph River basin commission may be appointed executive director of the St. Joseph watershed development commission under this subsection.

(i) If the St. Joseph watershed development commission is established under this section, the following apply:

(1) All property, records, and funds of the St. Joseph River basin commission:

(A) become property, records, and funds of the St. Joseph watershed development commission; and

(B) shall be transmitted to the St. Joseph watershed development commission not more than sixty (60) days after the appointment of the executive director under subsection (h).

(2) Any advisory committee appointed under section 13 of this chapter is dissolved.

(3) The individuals serving as members of the St. Joseph River basin commission under section 8 of this chapter become the members of the advisory committee of the St. Joseph watershed development commission. Upon the expiration under section 9 of this chapter or other termination of the term of office of an individual described in this subdivision, the office of the individual shall be filled by a successor according to subdivision (4).

(4) As provided in subdivision (3) and IC 14-30.5-4-5(c)(3), upon the termination of the terms of office of all of the individuals who become members of the advisory committee under subdivision (3), the advisory committee of the St. Joseph watershed development commission shall consist of the following members:

(A) From each participating county the following:

(i) The executive of each second class city that is located in the participating county and within the St. Joseph River basin, or the executive's designee.

(ii) If the county does not have a second class city that is located within the St. Joseph River basin, the executive of the municipality that has the largest population of all municipalities that are located in the participating county and within the St. Joseph River basin, or the executive's designee.

(B) A member of the county executive or the county executive's designee from each participating county.

(C) The county health officer or the health officer's designee from each participating county.

(D) The county surveyor of each participating county or the county surveyor's designee.

(E) A representative of each soil and water conservation district that:

(i) is subject to IC 14-32;

(ii) includes territory in a participating county; and

(iii) includes territory in the St. Joseph river basin.

(F) The director of the St. Joseph watershed development commission or the director's designee.

*As added by P.L.251-2023, SEC.11.*