

FOR IMMEDIATE RELEASE

Contact:

Bill Smith
MSD Board President
bsmith6753@yahoo.com



**Mayor's Lawsuit Purged from The Court, MSD Welcomes
Commissioner Brian Stephens-Hotopp**

MUNCIE, Ind. (June 19, 2020) –

In January 2020, the MSD Board of Sanitary Commissioners welcomed Mr. Brian Stephens-Hotopp to the board after his appointment by the Mayor. But because no current board members would step down, the Mayor directed the City Attorneys to sue the MSD Board members individually to demand the removal of the current Board members.

After a month's long preparation, a Trial was held on the Mayor's issues with the MSD Board and Special Judge Peter D. Haviza of Randolph County ruled in favor of the Muncie' Sanitary District's interpretation of law, and approved the composition of the Board as originally proposed by the Muncie Sanitary District before the lawsuit was even filed.

The Judge found that Mr. Brian Stephens-Hotopp was not denied a seat on the Board, but had actually been a Board member since his appointment as City Civil Engineer in January. In fact, in January the MSD Board of Sanitary Commissioners sent a letter to the Mayor and Mr. Stephens-Hotopp welcoming him to the Board. However, as Mr. Stephens-Hotopp testified at trial, he was not exercising his position as Board member at the direction of his attorneys, the City Attorneys employed by Mayor Dan Ridenour.

The statutes governing districts such as MSD, and the ordinances adopting those statutes by the Common Council of the City of Muncie are very clear in their language. Nowhere in the language of any ordinance passed by the Common Council is there a requirement that the Board only be comprised of three members, as the Mayor has incorrectly asserted, and the statutes governing MSD found in IC 36-9-25 *et seq.* clearly state the board can be comprised of three to five members.

"It is unfortunate that so much taxpayer money was unnecessarily wasted by the Mayor and the City Attorneys on a case that was resolved in exactly the way the MSD Board proposed in its January letter to the Mayor. Nonetheless, the MSD Board welcomes Mr. Brian Stephens-Hotopp as a Commissioner. We look forward to his service and the work the board will continue to do serving the residents of the City of Muncie and Delaware County" said Bill Smith Board President.

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About Muncie Sanitary District

The Muncie Sanitary District (MSD), created under Indiana State law in 1968 by the action of an Ordinance of the City of Muncie, Ind., provides services to the public in the areas of code enforcement, engineering, sanitation, sewer maintenance, storm water management, water pollution control, and recycling. In addition to these services, the MSD maintains a statewide position of leadership in green infrastructure through its commitment to programs and initiatives that make the Muncie community a better place to live.