

?Appointment of Libka to Air Board violates Indiana Constitution

Written by

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When Salem Mayor, David Bower, appointed Salem City Council (SCC) member, Danny Libka, to server on the Board of Aviation Commissioners (BOAC) for the Salem Municipal Airport, it apparently violated Article 2, Section 9, of the Indiana Constitution which prohibits dual office holding.

In an interview, Bower said that he appointed Libka with hopes of improving communications between the SCC and the BOAC. During that interview, Bower provided a copy of a letter to then Salem Mayor, Judy Chastain, from City Attorney, Drew Wright, dated February 19, 2007. In the letter, Wright informed Chastain about the prohibition of just such an appointment that she apparently was considering.

When asked what he intends to do regarding Libka's appointment, Bower said he is considering having Libka serve in an ex officio capacity on the BOAC which would mean that he would have no voting authority in addition to appointing a new BOAC member. When asked if the apparent violation would make all of Libka's votes as a member of both the SCC and/or the BOAC null and void, Bower admitted that he did not have the answer to that question at the time. However, the mayor indicated that Wright would be researching the issue.

Bower reiterated his support for the new airport project if it can be done without using any additional taxpayer money.

"This is the biggest opportunity for this community in the last 50 years, we need to find alternative ways to fund it." said Bower.

When asked if any plans have been made for members of the SCC and the BOAC to meet in either closed Executive Session or public Open Session to explore alternative funding options, Bower said nothing has been scheduled at this time.