

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 5-2010

**AN ORDINANCE ESTABLISHING THE CLARK COUNTY
CUMULATIVE BRIDGE FUND AND IMPOSING A PROPERTY
TAX FOR SUCH FUND, SUBJECT TO HEARING AND APPROVAL
BY THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE**

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the county executive body pursuant to the provisions of IC 36-2-2-2; and,

WHEREAS, IC 8-16-3, *et seq.*, and IC 6-1.1-41, *et seq.*, authorize this Board to establish a cumulative bridge fund for purposes of constructing, maintaining, or repairing bridges, approaches, or grade separations; and,

WHEREAS, there are presently some 120 bridges in Clark County over which this Board has maintenance responsibility;

WHEREAS, prior to adoption of this Resolution, this Board held a public hearing on a proposal to establish a cumulative bridge fund and impose a property tax for such fund on March 4, 2010, notice of which hearing was published in accordance with the provisions of IC 5-3-1-2(b) in the form attached hereto as Exhibit "A" as evidenced by the proof of publication attached hereto as Exhibit "B"; and,

WHEREAS, having heard the testimony of all interested persons appearing at the public hearing, this Board now finds that it is in the best interest of the citizens of Clark County, Indiana, to establish the *Clark County Cumulative Bridge Fund* and levy a property tax for such fund, subject to approval by the Indiana Department of Local Government Finance (the "DLGF"), pursuant to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by this Board of Clark County Commissioners as follows:

1. The *Clark County Cumulative Bridge Fund* is hereby established pursuant to the provisions of IC 8-16-3, *et seq.*, and IC 6-1.1-41, *et seq.*
2. Subject to approval by the department of the DLGF, a tax at the rate of \$ 0.03 per each \$100 assessed valuation [*cannot exceed \$0.10 per each \$100 assessed valuation*] shall be levied pursuant to the provisions of IC 6-1.1-41-10 and IC 8-16-3-3 on all taxable property within Clark County to establish the *Clark County Cumulative Bridge Fund*.
3. Subsequent to approval of the initial establishment of, and tax rate for, the *Clark County Cumulative Bridge Fund* by the DLGF, a property tax rate shall be levied annually at the initially approved rate without necessity of further action by this Board, provided that such tax levy shall be advertised annually in the same manner as other tax levies are advertised, subject only to the provisions of IC 6-1.1-41-12.
4. The tax established by this Ordinance shall be deposited and held in a special fund to be known as the *Clark County Cumulative Bridge Fund* pursuant to the provisions of IC 6-1.1-41-14.
5. The *Clark County Cumulative Bridge Fund* may not be expended for any purpose except constructing, maintaining, or repairing bridges, approaches, or grade separations.
6. An appropriation may be made from the *Clark County Cumulative Bridge Fund* without the approval of the DLGF if this Board requests the appropriation for the purpose of constructing, maintaining, or repairing bridges, approaches, or grade separations pursuant to the provisions of IC 8-16-3-3(c).
7. The Clark County Auditor shall submit a certified copy of this Ordinance, together with request to establish a hearing thereon pursuant to the provisions of IC 6-1.1-41, *et*

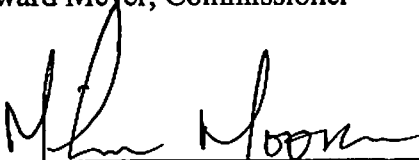
seq., to the DLGF promptly after its adoption in accordance with the requirements of IC 6-1.1-41-4, notice of which submission shall be published as required by IC 6-1.1-41-5.

8. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 4th day of March, 2010.

Members voting "NO":

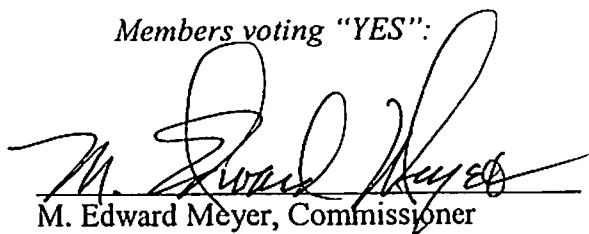
M. Edward Meyer, Commissioner



Mike Moore, Commissioner

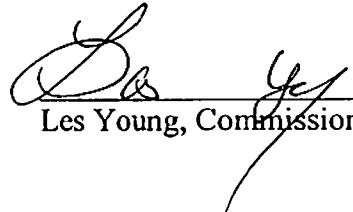
Les Young, Commissioner

Members voting "YES":



M. Edward Meyer, Commissioner

Mike Moore, Commissioner



Les Young, Commissioner

Attested by:



Keith Groth, Clark County Auditor