

**CLARK COUNTY COUNCIL**  
**CLARK COUNTY, INDIANA**  
Regular Meeting of April 11, 2011

The regular scheduled meeting of the Clark County Council was called to order at 6:00 p.m. by Council President Kevin Vissing.

Those in attendance stood for the pledge of allegiance to the American Flag.

Roll call showed members present and absent as follows:

Present	Absent
Barbara Hollis (1 <sup>st</sup> District)	
Brian Lenfert (2 <sup>nd</sup> District)	
Danny Yost (3 <sup>rd</sup> District)	
Steve Doherty (4 <sup>th</sup> District)	
Chuck Moore (At Large)	
Kevin Vissing (At Large)	
Perry Smith (At Large)	

Also present were Council Attorney Scott Lewis, County Auditor Monty Snelling, Chief Deputy Auditor Alana Sparkman, and Benefits Coordinator Mischell Settles.

President Vissing requested proof of Notice of Taxpayers of the additional appropriations listed on the agenda. Scott Lewis, Attorney for the Council, stated for the record that publication of Notice of Taxpayers ran in the Evening News ten (10) days prior to this meeting as required by I.C.6-1.11-18-5 and advised the council to proceed.

Councilperson Hollis made a motion to approve the minutes as presented with a second from Councilman Smith. Carried 7-0.

Amendments to the Agenda were as follows: Auditor Snelling added a transfer of funds for the Clerk, Barbara Haas of \$3,000 for equipment.

Councilman Lenfert made a motion to approve the amendments to the agenda with a second from Councilman Smith. Carried 7-0.

Councilperson Hollis made a motion to acknowledge the receipt of the funds report provided by the Auditor's office. Councilman Lenfert seconded the motion. Carried 7-0.

Committee reports: There were no committee reports.

Public comments: There were no public comments.

First on the agenda was Auditor Snelling requesting an additional appropriation out of Riverboat or Rainy Day for Contract Services. Councilman Smith made a motion to approve \$11,300 out of Rainy Day with a second from Councilperson Hollis. Carried 7-0. Councilman Lenfert made a motion to deny the \$11,300 request from Riverboat and table the remainder of \$4,341 from Rainy Day and Riverboat. Councilman Doherty seconded the motion. Carried 7-0.

Next on the agenda was Treasurer David Reinhardt with a request for an additional appropriation out of County General, Riverboat or Rainy Day for printing of tax bills. Councilperson Hollis made a motion to table the request from all funds with a second from Councilman Smith. Carried 7-0.

Next, was Clark County Attorney Greg Fifer representing the Board of Commissioners for County Extension, Planning & Zoning, Drainage, Weights & Measures, Cemetery, Commissioners, Emergency Management, Juvenile Detention, System Administration, Aviation, and Soil & Water with an additional appropriation request out of County General, Riverboat, or Rainy Day to reinstate all of the Commissioners approved budget and approved budgets of each fund that is not headed by an elected official. Councilman Moore made a motion to table the request with a second from Councilman Doherty. Carried 5-2. Councilman Vissing and Smith were opposed.

Next, David Trotter, County Extension Educator and C.E.D. for Purdue University of Clark County Extension requested additional appropriations for travel, telephone, utilities, and equipment repair out of County General, Rainy Day, Riverboat and Cedit. Councilperson Hollis made a motion to deny from the County General, Rainy Day, and Riverboat and to table from Cedit. Councilman Moore seconded the motion. Carried 6-1. Councilman Vissing was opposed.

Next, Judge Dan Moore of Clark Circuit Court requested additional appropriations from County General, Rainy Day, and Riverboat for equipment. Councilman Doherty made a motion to table the request from all funds with a second from Councilperson Hollis. Carried 6-1. Councilman Smith was opposed.

Next, Lyda Abell, Director of Juvenile Detention, came with a request for additional appropriations from Riverboat and LOIT-County General for personal services. Councilperson Hollis made a motion to table the request with a second from Councilman Moore. Carried 7-0.

Next on the agenda, Susan Knoebel on behalf of Judge Jacobi from Superior Court #2 requested an additional appropriation from Rainy Day, Riverboat, and LOIT-County General for personal services. Councilman Moore made a motion to approve the

request from Riverboat and deny from the other funds requested with a second from Councilman Lenfert. Carried 7-0.

Next, County Surveyor, David Blankenkemper came with a request for an additional appropriation in the Drainage Board N/R Fee Fund for computer supplies. Councilman Moore made a motion to approve the additional appropriation with a second from Councilman Doherty. Carried 7-0.

Next, Sheriff Daniel Rodden requested additional appropriations from LOIT-County General for gas & oil, supplies, training, vehicle maintenance, printing, utilities, contract services, food supplies, radio repair and service, and medical bills for the jail. Councilman Moore made a motion to approve the request with a second from Councilman Smith. Carried 7-0.

Next were the Tabled items from the March meeting, Clerk Barbara Haas presented a request of additional appropriations for personal services from Riverboat and Rainy Day with 3 salary ordinances. The Clerk clarified that the \$35,000 was for the existing employees in which she only has funds available through July. The \$84,000 was for 3 needed additional employees which would be deputies placed for the Courts. Councilman Smith made a motion to approve the \$35,000 in Riverboat and to table the \$84,000 in Riverboat and Rainy Day. Councilman Doherty seconded the motion. Carried 7-0. A motion was made by Councilman Lenfert to deny the \$35,000 from Rainy Day with a second from Councilperson Hollis. Carried 7-0. Councilperson Hollis made a motion to table the salary ordinances with a second from Councilman Moore. Carried 7-0.

Amendment to the agenda: Clerk Barbara Haas with a request to transfer of funds within the same funds of \$3,000 from meals to equipment purchase. Councilman Smith made a motion to approve the transfer with a second from Councilman Moore. Carried 7-0.

Next, no one was present for Superior Ct#1 requesting an additional appropriation from Riverboat for other services. Councilman Moore tabled the request with a second from Councilperson Hollis. Carried 7-0.

Old Business: Attorney Scott Lewis presented the judgment funding bond Ordinance No. 7-2011 and for appropriation Ordinance No. 8-2011 in relation to mandate action regarding Superior Court #2. Councilman Lenfert made a motion to approve Ordinance No. 7-2011 and Ordinance No. 8-2011 with a second from Councilperson Hollis. Carried 7-0.

New Business: Auditor Snelling raised an issue regarding the contract the county has with Maximus. It gets a return for the county approximately \$60,000 average, per

year, for cost recovery in child support. The Commissioners have to sign the contract but the money goes back to the County General. The Commissioners are hesitant because they would sign for the contract but not receive the benefit with the funds going back to the County General. After much discussion, Councilman Moore made a motion for the council to pay for the current bill and this year's bill with the contract signed by the Commissioners. Councilperson Hollis seconded the motion. Carried 7-0.

Amendments to the Agenda: Auditor Snelling inquired about the Information Technology Fund #357 for Matt Dyer to pay for a LOW bill. A motion was made by Councilman Moore to have Council Attorney Scott Lewis to check into the IT fund with a second by Councilman Yost. Carried 7-0.

Attorney Comments: Council Attorney Scott Lewis mentioned he was still working towards mediation with the DLGF.

Council Comments: Councilman Doherty asked about the interlocal agreement for LOIT Public Safety. Councilperson Hollis said Commissioners Attorney Greg Fifer had been working on getting an ordinance drafted to present to the different government entities to approve and would hope to have something to the council for approval before the next council meeting.

Councilperson Hollis mentioned a concern for approving items from the General fund that are recurring expenses. She was unsure if that will be able to continue in the future such as funding positions.

Councilman Smith made a motion to adjourn the meeting with a second from Councilman Moore. Carried 7-0.

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
ADDITIONAL APPROPRIATIONS  
FOR THOSE FUNDS REQUIRING APPROVAL OF THE  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE  
ORDINANCE NO. 12-2011**

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law

governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exits.

	Requested	Allowed	Vote
<b><u>County General</u></b>			
<b>Auditor</b>			
100-11107-002 Personal Services	\$ 21,459.00	WITHDRAWN	
100-30051-002 Contract Services	15,641.00	WITHDRAWN	
<b>Treasurer</b>			
100-11107-003 Personal Services	10,000.00	WITHDRAWN	
100-30041-003 Printing	9,500.00	Tabled	7-0
<b>County Extension</b>	34,734.00	Tabled	7-0
<b>Planning &amp; Zoning</b>	12,636.00	Tabled	7-0
<b>Drainage</b>	19,999.00	Tabled	7-0
<b>Weights &amp; Measures</b>	7,500.00	Tabled	7-0
<b>Cemetery</b>	436.00	Tabled	7-0
<b>Commissioners</b>	3,832,985.00	Tabled	7-0
<b>Emergency Management</b>	8,614.00	Tabled	7-0
<b>Juvenile Detention</b>	134,446.00	Tabled	7-0
<b>System Administration</b>	13,661.00	Tabled	7-0
<b>Aviation</b>	59,500.00	Tabled	7-0
<b>Soil &amp; Water</b>	42,078.00	Tabled	7-0
<b>Cooperative Extension Service</b>			
100-30013-023 Travel	3,585.00	Denied	6-1
100-30014-023 Telephone	6,000.00	Denied	6-1
100-30046-023 Utilities	5,637.00	Denied	6-1
100-30054-023 Equipment Repair	3,033.00	Denied	6-1
<b>Clark Circuit Court</b>			
100-40014-036 Equipment	16,500.00	Tabled	6-1

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
ADDITIONAL APPROPRIATIONS  
FOR THOSE FUNDS WHICH DO NOT REQUIRE APPROVAL OF THE  
DEPARTMENT OF LOCAL GOVERNMENT FINANCE  
ORDINANCE NO. 13-2011**

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana that for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exist.

	Requested	Allowed	Vote
<b><u>Riverboat</u></b>			
<b>Auditor</b>			
321-11107-002 Personal Services	21,459.00	WITHDRAWN	
321-30051-002 Contract Services	15,641.00	Denied/ Table \$4,341	7-0
<b>Treasurer</b>			
321-11107-003 Personal Services	10,000.00	WITHDRAWN	
321-30041-003 Printing	9,500.00	Tabled	7-0
<b>County Extension</b>	34,734.00	Tabled	7-0
<b>Planning &amp; Zoning</b>	12,636.00	Tabled	7-0
<b>Drainage</b>	19,999.00	Tabled	7-0
<b>Weights &amp; Measures</b>	7,500.00	Tabled	7-0
<b>Cemetery</b>	436.00	Tabled	7-0
<b>Commissioners</b>	3,832,985.00	Tabled	7-0
<b>Emergency Management</b>	8,614.00	Tabled	7-0
<b>Juvenile Detention</b>	134,446.00	Tabled	7-0

<b>System Administration</b>	13,661.00	Tabled	7-0
<b>Aviation</b>	59,500.00	Tabled	7-0
<b>Soil &amp; Water</b>	42,078.00	Tabled	7-0
<b>Cooperative Extension Service</b>			
321-30013-023 Travel	3,585.00	Denied	6-1
321-30014-023 Telephone	6,000.00	Denied	6-1
321-30046-023 Utilities	5,637.00	Denied	6-1
321-30054-023 Equipment Repair	3,033.00	Denied	6-1
<b>Clark Circuit Court</b>			
321-40014-036 Equipment	16,500.00	Tabled	6-1
<b>Juvenile Detention</b>			
321-11107-041 Personal Services	90,000.00	Tabled	7-0
<b>Superior Court #2</b>			
321-11107-089 Personal Services	13,672.79	13,672.79	7-0
<b>Clerk</b>			
321-11107-001 Personal Services	35,000.00	35,000.00	7-0
321-11107-001 Personal Services	84,000.00	Tabled	7-0
<b>Superior Court #1</b>			
321-30098-037 Other Services	10,500.00	Tabled	7-0

**Rainy Day**

**Auditor**

269-11107-002 Personal Services	21,459.00	WITHDRAWN	
269-30051-002 Contract Services	15,641.00	11,300.00/	7-0
		Table 4,341.00	

**Treasurer**

269-11107-002 Personal Services	10,000.00	WITHDRAWN	7-0
269-30041-003 Printing	9,500.00	Tabled	7-0
<b>County Extension</b>	34,734.00	Tabled	7-0
<b>Planning &amp; Zoning</b>	12,636.00	Tabled	7-0
<b>Drainage</b>	19,999.00	Tabled	7-0
<b>Weights &amp; Measures</b>	7,500.00	Tabled	7-0
<b>Cemetery</b>	436.00	Tabled	7-0
<b>Commissioners</b>	3,832,985.00	Tabled	7-0
<b>Emergency Management</b>	8,614.00	Tabled	7-0
<b>Juvenile Detention</b>	134,446.00	Tabled	7-0
<b>System Administration</b>	13,661.00	Tabled	7-0
<b>Aviation</b>	59,500.00	Tabled	7-0
<b>Soil &amp; Water</b>	42,078.00	Tabled	7-0
<b>Cooperative Extension Service</b>			

269-30013-023 Travel	3,585.00	Denied	6-1
269-30014-023 Telephone	6,000.00	Denied	6-1
269-30046-023 Utilities	5,637.00	Denied	6-1
269-30054-023 Equipment Repair	3,033.00	Denied	6-1
<b>Clark Circuit Court</b>			
269-40014-036 Equipment	16,500.00	Tabled	6-1
<b>Superior Court #2</b>			
269-11107-089 Personal Services	13,672.79	Denied	7-0
<b>Clerk</b>			
269-11107-001 Personal Services	35,000.00	Denied	7-0
269-11107-001 Personal Services	84,000.00	Tabled	7-0

**Cedit**

**Cooperative Extension Service**

412-30013-023 Travel	3,585.00	Tabled	6-1
412-30014-023 Telephone	6,000.00	Tabled	6-1
412-30046-023 Utilities	5,637.00	Tabled	6-1
412-30054-023 Equipment Repair	3,033.00	Tabled	6-1

**LOIT-County General**

**Juvenile Detention**

418-11107-041 Personal Services	90,000.00	Tabled	7-0
<b>Superior Court #2</b>			
418-11107-089 Personal Services	13,672.79	Denied	7-0

**Sheriff Dept.**

418-20021-032 Gas & Oil	27,907.56	27,907.56	7-0
418-20060-032 Supplies	38,994.45	38,994.45	7-0
418-30019-032 Training	2,210.00	2,210.00	7-0
418-30024-032 Vehicle Maintenance	9,343.21	9,343.21	7-0
418-30041-032 Printing	278.00	278.00	7-0
418-30046-032 Utilities	17,586.06	17,586.06	7-0
418-30051-032 Contract Services	20,855.01	20,855.01	7-0
418-30094-032 Food Supplies	24,309.47	24,309.47	7-0
418-30072-032 Radio Repair & Service	19.99	19.99	7-0
418-32235-032 Medical	26,197.52	26,197.52	7-0

**Drainage Board N/R Fee**

237-20075-026 Computer Supplies	900.00	900.00	7-0
---------------------------------	--------	--------	-----

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
TRANSFER OF APPROPRIATIONS  
ORDINANCE NO.14-2011**

	<b>Requested</b>	<b>Allowed</b>	<b>Vote</b>
<b><u>Election Board</u></b>			
<b>Clerk</b>			
From: 100-30094-025 Meals			
To: 100-40014-025 Equipment	3,000.00	3,000.00	7-0

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
SALARY AND WAGES TO BE PAID TO OFFICERS AND EMPLOYEES  
FOR CALENDER YEAR 2011  
AMENDMENT NO. 4**

	<b>Requested</b>	<b>Allowed</b>	<b>Vote</b>
<b>Clerk</b>			
Category II (New)	28,000.00	Tabled	7-0
Category II (New)	28,000.00	Tabled	7-0
Category II (New)	28,000.00	Tabled	7-0
<b>Clark County Sheriff's Office</b>			
Kimberly Hilligass to replace Sally Hughes Effective 04/11/11	29,806.00	29,806.00	N/A
Erik Elliott to replace Tiffany Tully Effective 03/21/11	30,402.00	30,402.00	N/A



JUDGMENT FUNDING BOND ORDINANCE NO.

7-2011

A bond ordinance of Clark County, Indiana, authorizing the issuance and sale of bonds of said County for the purpose of providing funds to be applied upon the cost of the payment of a judgment entered against Clark County, attorney's fees and expenses in connection therewith and on account of the issuance of the bonds therefore

WHEREAS, a county is authorized by IC 5-1-8-1 and IC 36-2-6-18 as in effect on the date of issuance of the bonds authorized herein (collectively, the "Act") to issue bonds to procure moneys to be used in the exercise of the powers of the county and for the payment of county debts; and

WHEREAS, Clark County ("County") is a political subdivision organized and existing under the laws of the State of Indiana; and

WHEREAS, a judgment has been entered against the County in a mandate lawsuit in the Clark Superior Court No. 2, Case No. 10D02-1003-CB-0001 and in the Indiana Supreme Court, Case No., 10S00-1005-SJ-274, which will require the County to pay the judgment, attorney's fees and expenses in an amount not to exceed Two Hundred Fifty Thousand Dollars \$250,000 ("Judgment"); and

WHEREAS, the Council finds that there are not sufficient funds available or provided for in existing tax levies with which to pay the total cost of the Judgment, and that the County should issue bonds in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) for the purpose of providing funds to be applied on such Judgment and costs of issuance of the bonds, and that bonds in such amount should now be authorized; and

WHEREAS, the bonds issued pursuant to this ordinance are judgment funding bonds of the County (as described in 6-1.1-20-1(5)) and, therefore, the hereinafter defined Bonds will not be issued to fund a controlled project, as defined in IC 6-1.1-20-1.1; and

WHEREAS, the net assessed valuation of taxable property in the County, as shown in the last final and complete assessment which was made in the year 2010 for state and county taxes collectible in the year 2011, and the outstanding indebtedness of the County shall be verified at the time of the payment for and delivery of the Bonds; and

WHEREAS, the County Council has determined to undertake the funding of the Judgment; and

WHEREAS, it is necessary that the Bonds be issued in an amount not to exceed \$250,000 to provide funds to pay such Judgment and the incidental expenses to be incurred in connection with the Judgment and with the issuance and sale of the Bonds; and

NOW THEREFORE, BE IT ORDAINED, by the County Council of Clark County, Indiana, that:

Section 1. Determination to Proceed; Authorization and Details of Bonds.

- (a) The County shall proceed to undertake the payment of the Judgment.
- (b) In order to procure funds with which to pay the Judgment, including the costs of issuance of the Bonds on account of the Judgment, the Auditor is authorized and directed to have prepared and to issue and sell the Bonds of Clark County, Indiana, to be designated as "Judgment Funding Bonds of \_\_\_\_\_," to be completed with the year in which the Bonds are issued, in an aggregate principal amount not to exceed \$250,000 ("Bonds") in accordance with the Act.

(c) The Bonds shall be sold at a price not less than 98% of their par value, shall be issued in fully registered form in denominations of \$5,000 or integral multiples thereof, numbered consecutively from 1 upward, dated as of the first day of the month in which they are sold or the date of delivery, as determined by the Auditor, with the advice of the County's financial advisor, and shall bear interest at a rate or rates not exceeding eight percent (8%) per annum (the exact rate or rates to be determined by negotiation with the purchaser of the Bonds), which interest shall be payable semiannually on January 15 and July 15 of each year, commencing on July 15, 2012. Interest on the Bonds shall be calculated according to a 360-day year containing twelve 30-day months. The Bonds shall mature semiannually, or shall be subject to mandatory sinking fund redemption if term bonds are issued, on January 15 and July 15 of each year over a period not to exceed five (5) years and in amounts which will produce as level annual debt service as practicable with \$5,000 denominations.

All or a portion of the Bonds may be issued as one or more term bonds, upon election of the Underwriter (as hereinafter defined). Such term bonds shall have a stated maturity or maturities on the dates as determined by the Underwriter, but in no event later than the last serial date of the Bonds as determined in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on dates and in the amounts hereinafter determined in accordance with the above paragraph.

(d) The Board of Commissioners and the Auditor are authorized and directed to appoint a qualified banking institution to serve as Registrar and Paying Agent ("Registrar" or "Paying Agent") for the Bonds, which shall be charged with the responsibility of authenticating

the Bonds. The Auditor is hereby authorized to enter into such agreements or understandings with such bank as will enable the bank to perform the services required of a Registrar and Paying Agent. The Auditor is further authorized to pay such fees as the bank may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from the bond fund established to pay the principal of and interest on the Bonds. Upon agreement between the County and the Underwriter, the Auditor may be designated as the Registrar and Paying Agent, and, in that case, shall be charged with all responsibilities of a Registrar and Paying Agent.

(e) The principal of the Bonds shall be payable at the principal corporate trust office of the Paying Agent. Interest on the Bonds shall be paid by check mailed by first class mail one business day prior to the interest payment date to the registered owner, as of the first day of the month containing an interest payment date ("Record Date"), to the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bonds shall be made in any coin or currency of the United States of America, which on the date of such payment shall be legal tender for the payment of public and private debts.

(f) Each Bond shall be transferable or exchangeable only upon the books of the County kept for that purpose at the principal corporate trust office of the Registrar by the

registered owner or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The County, Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(g) The Bonds shall bear an original date which shall be the first day of the month in which the Bonds are sold or the date of delivery, as determined by the Auditor, with the advice of the County's financial advisor, and each Bond shall also bear the date of its authentication. Bonds authenticated on or before the Record Date immediately preceding the first interest payment date shall be paid interest from the original date. Bonds authenticated thereafter shall be paid interest from the interest payment date to which interest has been paid next preceding the date of authentication of such Bonds unless the Bonds are authenticated after the Record Date and on or before the corresponding interest payment date, in which case interest thereon shall be paid from such interest payment date. If at the time of authentication of any Bond interest is in default thereon, that Bond shall bear interest from the date to which interest has been paid in full.

(h) The Bonds shall be signed in the name of Clark County by the manual or facsimile signature of the Board of Commissioners, and the seal of the County shall be affixed, imprinted, engraved or otherwise reproduced thereon and attested by the manual or facsimile

signature of the Auditor. The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon shall have been so executed. Subject to registration provisions, the Bonds shall be negotiable under the laws of the State of Indiana.

(i) The County Council has determined that it may be beneficial to the County to have the Bonds held by a central depository system pursuant to an agreement between the County and The Depository Trust Company, New York, New York ("Depository Trust Company") and have transfers of the Bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The Bonds may be initially issued in the form of a separate single authenticated fully registered Bond for the aggregate principal amount of each separate maturity of the Bonds. In such case, upon initial issuance, the ownership of such Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the County and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the Bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount

with respect to the principal of, or premium, if any, or interest on the Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the County to make payments of the principal of and premium, if any, and interest on the Bonds pursuant to this ordinance. The County and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the County's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the County of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this resolution shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Bonds and all notices with

respect to such Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the County to the Depository Trust Company.

Upon receipt by the County of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Bonds shall no longer be restricted to being registered in the register of the County kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the Bonds shall designate, in accordance with the provisions of this ordinance.

If the County determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Bonds, the County may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the County and the Registrar to do so, the Registrar and the County will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered Bonds of any Beneficial Owner's Depository Trust Company

account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Bonds.

If the Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause said Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Bonds printed until it shall have received from the County indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the County or the Registrar with respect to any consent or other action to be taken by bondholders, the County or the Registrar, as the case may be, shall establish a record date for such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as said Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the County and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this resolution and the County and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders. Along with any such certificate or

representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the Bonds, together with the dollar amount of each Beneficial Owner's interest in the Bonds and the current addresses of such Beneficial Owners.

(j) The Bonds are not subject to optional redemption prior to maturity.

Any Bonds issued as term bonds, upon election of the Underwriter, shall be subject to mandatory sinking fund redemption at 100% of face value in accordance with the maturity schedule hereinafter determined in accordance with paragraph (c). The Registrar shall credit against the mandatory sinking fund requirement for any term bonds, and any corresponding mandatory redemption obligation, in the order determined by the County, any term bonds maturing on the same date which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the and not theretofore applied as a credit against any redemption obligation. Each term bond so delivered or canceled shall be credited by the Registrar at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory redemption date for that term bond. Any excess of such amount shall be credited on future redemption obligations, and the principal amount of that term bond to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced.

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate Bond for purposes of redemption. If less than an entire maturity is called for redemption, the Bonds to be called shall be selected by lot by the Registrar.

Notice of redemption shall be mailed to the address of the registered owner as shown on the registration records of the Registrar, as of the date which is forty-five (45) days prior to the date fixed for redemption, not less than thirty (30) days prior to such redemption date, unless notice is waived by the owner of the Bond or Bonds redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the County. Interest on the Bonds so called for redemption shall cease and the Bonds will no longer be deemed outstanding under this ordinance on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price, including accrued interest and redemption premium, if any, to the redemption date, on the date so named. Failure to give such notice by mailing, or any defect in such notice, with respect to any Bond shall not affect the validity of any proceedings for redemption of other Bonds.

If the Bonds are not presented for payment or redemption on the date fixed therefor, the County may deposit in trust with the Paying Agent, an amount sufficient to pay such Bond or the redemption price, as the case may be, including accrued interest to the date of such payment or redemption, and thereafter the registered owner shall look only to the funds so deposited in trust with the Paying Agent for payment, and the County shall have no further obligation or liability in respect thereto.

Section 2. Form of Bond. The form of the Bonds shall be substantially as follows:

STATE OF INDIANA

COUNTY OF CLARK

CLARK COUNTY, INDIANA  
JUDGMENT FUNDING BOND OF \_\_\_\_\_

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>DATE</u>	<u>AUTHENTICATION</u> <u>DATE</u>	<u>CUSIP</u>
--------------------------------	--------------------------------	--------------------------------	--------------------------------------	--------------

REGISTERED OWNER:

PRINCIPAL SUM:

Clark County, Indiana, acknowledges itself indebted, and for value received hereby promises to pay, to the Registered Owner or registered assigns, the Principal Sum set forth above on the Maturity Date set forth above [(unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided)], and to pay interest hereon until the County's obligation with respect to the payment of the Principal Sum shall be discharged at the rate per annum specified above from the interest payment date immediately preceding the date of authentication of this bond unless this bond is authenticated on or before July 1, 2012, in which case interest shall be paid from the Original Date or unless this bond is authenticated between the fifteenth day of the month preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on the first days of January and July of each year, commencing July 15, 2012.

The principal of and premium, if any, on this bond are payable at the principal office of \_\_\_\_\_ in the City of \_\_\_\_\_, Indiana ("Paying Agent" or "Registrar"). Interest on this bond shall be paid by check mailed by first class mail one business day prior to the interest payment date, to the Registered Owner, as of the first day of the month containing an interest payment date, to the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. If payment of principal or interest is made to a depository, payment shall be made by \_\_\_\_\_ on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on this bond shall be made in any coin or currency of the United States of America, which on the dates of such payment shall be legal tender for the payment of public and private debts.

The full faith and credit of Clark County, Indiana, together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the punctual payment of the principal of and the interest on this bond according to its terms. The County covenants that it will cause a property tax for the payment of

the principal of and interest on this bond to be levied, collected, appropriated and applied for that purpose as set forth in IC 6-1.1-18.5-8.

THE TERMS AND PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE SIDE HEREOF AND SUCH CONTINUED TERMS AND PROVISIONS SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

It is hereby certified, recited and declared that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law; that this bond and the total issue of the bonds is within every limit of indebtedness as prescribed by the constitution and laws of the State of Indiana.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, Clark County, Indiana, has caused this bond to be executed in the name of Clark County by the manual or facsimile signature of its Board of Commissioners, the seal of the County or a facsimile thereof to be affixed, imprinted, engraved or otherwise reproduced hereon and attested by the manual or facsimile signature of the Auditor.

BOARD OF COMMISSIONERS OF CLARK  
COUNTY, INDIANA

By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(SEAL)

ATTEST:

\_\_\_\_\_

Auditor

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Ordinance.

\_\_\_\_\_  
, as Registrar

By:

\_\_\_\_\_  
Authorized Representative

(To be printed on Reverse Side)

This bond is one of an authorized issue of bonds of Clark County, Indiana, designated "Judgment Funding Bonds of \_\_\_\_" aggregating \_\_\_\_\_ Dollars (\$ \_\_\_\_\_); numbered consecutively from 1 upward; issued for the purpose of providing funds to be applied upon the cost of the payment of three judgments entered against Clark County and the incidental expenses in connection therewith and on account of the issuance of bonds therefor, which bonds are issued pursuant to a Bond Ordinance adopted by the County Council of Clark County, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 2011 ("Ordinance"), authorizing the issuance and sale of bonds of the County and Title 5, Article 1, Chapter 8, Section 1 and Title 36, Article 2, Chapter 6, Section 18 of the Indiana Code as in effect on the date of issuance of this bond.

This bond is transferable or exchangeable only upon the books of the County kept for that purpose at the office of the Registrar, by the Registered Owner or by its attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or its attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the Registered Owner, as the case may be, in exchange therefor. The County, the Registrar and the Paying Agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The bonds do not qualify for the \$10,000,000 exception from the provisions of Section 265(b) of the Internal Revenue Code of 1986, as amended and in effect on the issue date of the bonds, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations.

[The bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter or Representations between the County and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.]

The bonds of this issue are not subject to optional redemption prior to maturity.

[The bonds maturing on \_\_\_ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

Term Bond

<u>Date</u>	<u>Amount</u>
-------------	---------------

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of redemption. If less than an entire maturity is called for redemption, the bonds to be called shall be selected by lot by the Registrar.

Notice of redemption shall be mailed to the address of the registered owner as shown on the registration record of the Registrar, as of the date which is forty-five (45) days prior to the date fixed for redemption, not less than thirty (30) days prior to such redemption date, unless said notice is waived by the registered owner of this bond. Any notice shall specify the date and place of redemption and sufficient identification of the bonds called for redemption. The place of redemption may be determined by the County. Interest on the bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price, including interest accrued to the redemption date, on the date so named. Failure to give such notice by mailing, or any defect in such notice, with respect to any bond shall not affect the validity of any proceedings for redemption of other bonds.]

If this bond shall not be presented for payment [or redemption] on the date fixed therefor, the County may deposit in trust with the Paying Agent, an amount sufficient to pay such bond [or the redemption price, as the case may be,]

including accrued interest to the date of such payment or redemption, and thereafter the registered owner shall look only to the funds so deposited in trust with that bank for payment, and the County shall have no further obligation or liability in respect thereto.

THE OWNER OF THIS BOND, BY THE ACCEPTANCE OF THIS BOND HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The bonds are subject to defeasance prior to redemption or payment as provided in the Ordinance. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance if the County Council in its sole discretion, determines that the amendment shall not adversely affect the rights of any of the owners of the bonds.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or integral multiples thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

#### ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_, attorney, to transfer the within bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

(end of bond form)

Section 3. Authorization for Preparation and Sale of the Bonds. (a) The Auditor is hereby authorized and directed to have the Bonds prepared, and the Board of Commissioners and

Auditor are hereby authorized and directed to execute and attest the Bonds in the form and manner provided herein. The Auditor is hereby authorized to negotiate the sale of the Bonds to an Underwriter to be selected ("Underwriter"). Such sale may be negotiated by the solicitation of bids by the County's financial advisor. The substantially final form of Purchase Contract ("Purchase Contract"), between the County and the Underwriter is attached hereto and is hereby approved by the County Council. The President of the Board of Commissioners and the Auditor are authorized to execute the Purchase Contract and deliver the Bonds to the Underwriter so long as their terms are consistent with this ordinance. The proper officers of the County are hereby directed to sell the Bonds to the Underwriter, to draw all proper and necessary warrants and to whatever acts and things which may be necessary to carry out the provisions of this ordinance.

(b) Distribution of an Official Statement (preliminary and final) prepared by the Underwriter, on behalf of the County, is hereby approved and the Board of Commissioners or Auditor is authorized and directed to execute the Official Statement on behalf of the County in a form consistent with this ordinance and the Purchase Contract. The Board of Commissioners or Auditor is hereby authorized to designate the Official Statement as "nearly final" for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission.

(c) The substantially final form of Continuing Disclosure Undertaking Agreement ("Agreement") attached hereto is hereby approved by the County Council, and the President of the Board of Commissioners and Auditor are hereby authorized and directed to complete, execute and attest the same on behalf of the County. Notwithstanding any other provisions of this ordinance, failure of the County to comply with the Agreement shall not be considered an event of default under the Bonds or this ordinance.

Section 4. Defeasance. If, when the Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds then outstanding or any portion thereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of taxes to be levied upon all taxable property in the County.

Section 5. Deposit and Application of Bond Proceeds; Surplus to Bond Fund. Any accrued interest received for the Bonds shall be deposited into the bond fund and used to pay interest on the Bonds on July 15, 2012. The Auditor is hereby authorized and directed to deposit the remaining proceeds of the Bonds in a separate fund ("Bond Proceeds Fund") to pay for: (1) the cost of the Judgment and all other costs and expenses incurred in connection with the Judgment; and (2) costs of issuance of the Bonds. Except as described in this section, the Bond Proceeds Fund may not be used for any other purpose. The Bond Proceeds Fund shall, in accordance with IC 5-13, be deposited, at interest, with the depository or depositories of other public funds of the County, and all interest collected on it belongs to the fund. Any surplus remaining from the proceeds of the Bonds after all costs and expenses are fully paid shall, in

accordance with IC 5-1-13, either be paid into and become a part of the County's bond fund for the Bonds; or, at the direction of the County Council be used by the for the same purpose for which the Bonds were originally issued.

Section 6. Covenant to Levy Tax. The full faith and credit of Clark County, Indiana, together with all of its taxable property, both real and personal, are hereby irrevocably pledged to the punctual payment of the principal of and the interest on the Bonds according to their terms. In order to provide for the payment of the principal of and interest on the Bonds, there shall be levied in each year upon all taxable property in the County, real and personal, and collected, a tax in an amount and in such manner sufficient to meet and pay the principal of and interest on the Bonds as they become due and the proceeds of this tax are hereby pledged solely to the payment of the Bonds. Such tax proceeds shall be deposited into a separate bond fund and used to pay the principal of and interest on the Bonds, when due, together with any fiscal agency charges.

Section 7. Tax Covenants and Representations. In order to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the Bonds and the Regulations in effect and applicable to the Bonds on the date of issuance of the Bonds (collectively, "Code") and as an inducement to purchasers of the Bonds, the County represents, covenants and agrees that:

(a) No more than 10% of the principal of or interest on the Bonds is (under the terms of the Bonds, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any

private business use or payments in respect of such property or to be derived from payments (whether or not to the County) in respect of such property or borrowed money used or to be used for a private business use.

(b) No more than 5% of the Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond proceeds.

(c) The County reasonably expects, as of the date hereof, that the Bonds will not meet either the private business use test or the private loan test above during the entire term of the Bonds.

(d) No more than 5% of the proceeds of the Bonds will be attributable to private business use and private security or payments attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any governmental use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(e) The County will not take any action nor fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion. The County covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds to be treated as private activity bonds under Section 141 of the Code.

(f) It shall be not an event of default under this ordinance if the interest on any Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds.

(g) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds.

(h) The County represents that it will rebate any arbitrage profits to the United States of America in accordance with the Code.

(i) Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the County receives an opinion of nationally recognized bond counsel that compliance with any Tax Section is unnecessary to preserve the Tax Exemption.

Section 8. Debt Limit Not Exceeded. The County represents and covenants that the Bonds herein authorized, when combined with other outstanding indebtedness of the County, will not exceed any applicable constitutional or statutory limitation on the County's indebtedness.

Section 9. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

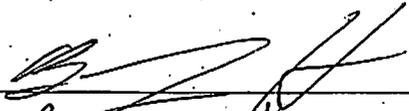
Section 11. Repeal of Conflicting Provisions. All ordinances, or parts thereof, in conflict with the provisions of this ordinance, are, to the extent of such conflict, hereby repealed or amended.

Section 12. Amendments to Ordinance. This ordinance may, from time to time hereafter, be amended without the consent of the owners of the Bonds, if in the sole discretion of the County, such amendment shall not adversely affect the rights of the owners of any of the Bonds.

Section 13. Effective Date. This ordinance shall be in full force and effect immediately upon its passage.

PASSED and adopted by the Clark County Council, this 11<sup>th</sup> day of April, 2011.

CLARK COUNTY COUNCIL, INDIANA

  
\_\_\_\_\_  
Barbara Hallis

Kewen L. Vissing  
\_\_\_\_\_

Dery A. Smith  
\_\_\_\_\_

Q. M.  
\_\_\_\_\_

St. W.  
\_\_\_\_\_

Ray F. J.  
\_\_\_\_\_

ATTEST:

  
\_\_\_\_\_  
Auditor

1/2523218.1

COUNTY COUNCIL OF CLARK COUNTY, INDIANA  
ORDINANCE NO. 8-2011

APPROPRIATION ORDINANCE

WHEREAS, the County Council ("Council") of Clark County, Indiana ("County") has determined to fund the costs of a Judgment as described in a Judgment Funding Bond Ordinance ("Judgment") adopted by the Council on April 11<sup>th</sup>, 2011, 2011; and

WHEREAS, the Council has determined that the estimated cost of the Judgment, and the incidental expenses necessary to be incurred in connection with the Judgment and with the issuance of bonds to finance the payment of the Judgment will be in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000); and

WHEREAS, the Council has determined to issue the bonds to fund the costs of the Judgment in an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000); and

WHEREAS, there has been published a notice of a public hearing on the appropriation of the proceeds of the bonds to be held on this date, the hearing has been held and the Council has considered the evidence presented at the hearing; and

WHEREAS, the Council now finds that the County has no funds available or provided for in the existing budget and tax levy which may be applied to the cost of the Judgment, and that an extraordinary emergency exists for the making of the additional appropriation hereinafter set out;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARK COUNTY, INDIANA THAT:

Section 1. The Council finds that all proceedings required before appropriation of the proceeds of the bonds have been accomplished and completed.

Section 2. For the purpose of paying the costs of the Judgment, and incidental expenses necessary to be incurred with the Refunding and with the issuance of the bonds, an amount not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) shall be appropriated from the proceeds of the bonds.

Section 3. The County Auditor is directed to submit and certify this ordinance and the related proceedings to the Department of Local Government Finance in accordance with IC 6-1.1-18-5.

Adopted by the County Council of Clark County, Indiana, this 11<sup>th</sup> day of April, 2011.

COUNTY COUNCIL OF CLARK  
COUNTY, INDIANA

Kevin L. Cassing  
President

[Signature]

Barbara Hollis

Daryl L. Smith

[Signature]

[Signature]

Dary F. Gett

Attest:

[Signature]  
County Auditor

(Seal)