

STATE OF INDIANA  
BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO.   1  -2013

**AN ORDINANCE RE-ESTABLISHING  
THE CLARK COUNTY DRAINAGE BOARD**

**WHEREAS**, this Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of I.C. 36-2-2-2; and,

**WHEREAS**, this Board is also the legislative body of Clark County government pursuant to the provisions of I.C. 36-1-2-9; and,

**WHEREAS**, I.C. 36-9-27-5 provides that a drainage board exists in every Indiana county not containing a consolidated city, and consists of either the county executive, or a separate board established by ordinance and appointed by the county executive; and,

**WHEREAS**, this Board previously established the Clark County Drainage Board (“Drainage Board”) by enactment of Ordinance No. 5-2000 on April 18, 2000; and,

**WHEREAS**, this Board abolished the Drainage Board by enactment of Ordinance No. 4-2011 on February 3, 2011; and,

**WHEREAS**, this Board now deems it to be in the best interests of the citizens of Clark County to re-establish the Clark County Drainage Board, and for the Drainage Board to resume its prior functions and authority, and now adopts this Ordinance for such purposes.

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

1. Ordinance No. 4-2011 entitled *An Ordinance Abolishing the Clark County Drainage Board, and Providing for the Resumption of Certain Drainage Duties and Functions by this Board* previously adopted by this Board on February 3, 2011, is hereby repealed in its entirety.

2. Subsequent to the effective date of this Ordinance, the newly re-established Drainage Board shall function as the drainage board of Clark County.

3. Pursuant to I.C. 36-9-27-5, the Drainage Board shall consist of three members, a member of the county executive and two (2) resident freeholders who are knowledgeable in drainage matters with their initial appointments made so as to provide for staggering of terms on an annual basis. Freeholders appointed to the board serve for terms of three (3) years.

4. The county surveyor serves on the Drainage Board as an ex officio, nonvoting member.

5. The Drainage Board may employ and fix the compensation of an attorney to represent and advise the board in accordance with I.C. 36-9-27-9.

6. The two (2) resident freeholder members shall be paid a per diem of forty dollars (\$40.00) per meeting (I.C. 36-9-27-10).

7. All official actions taken by this Board during its existence as the Clark County Drainage Board is hereby ratified and the re-established Drainage Board shall henceforth assume all obligations, claims, and actions previously undertaken by the Board in accordance with applicable Indiana law.

8. All pending and subsequent drainage complaints and petitions filed by any citizen or property owner in Clark County for which the Drainage Board shall have jurisdiction, shall henceforth be considered as an agenda item during the regular or special meetings of the Drainage Board.

9. The Drainage Board shall have the rights and responsibilities as set forth in the Indiana Code.

10. 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 31st day of January, 2013.

*Members voting "NO":*

*Members voting "YES":*

\_\_\_\_\_  
Jack Coffman, Commissioner

  
\_\_\_\_\_  
Jack Coffman, Commissioner

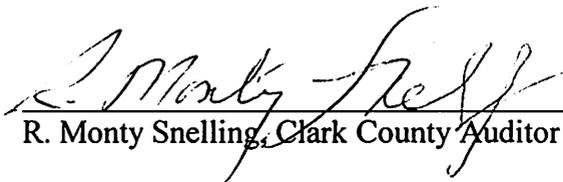
\_\_\_\_\_  
Rick Stephenson, Commissioner

*Absent*  
\_\_\_\_\_  
Rick Stephenson, Commissioner

\_\_\_\_\_  
John Perkins, Commissioner

  
\_\_\_\_\_  
John Perkins, Commissioner

*Attested by:*

  
\_\_\_\_\_  
R. Monty Snelling, Clark County Auditor