

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 30 -2012

**AN ORDINANCE AMENDING ORDINANCE NO. 4-2010 AND RE-ESTABLISHING THE CLARK COUNTY INFORMATION TECHNOLOGY FUND AS A NON-REVERTING FUND, AND PROVIDING FOR THE DEPOSIT OF ALL CABLE TELEVISION FRANCHISE FEES INTO SUCH FUND.**

---

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

**WHEREAS**, this Board is also the legislative body of Clark County Government pursuant to the provisions of IC 36-1-2-9(1); and,

**WHEREAS**, pursuant to the Home Rule provisions of IC 36-1-3, *et seq.*, this Board has authority to exercise all the powers needed for the effective operation of government as to local affairs, subject only to the limitations contained within such statutes; and,

**WHEREAS**, Clark County presently receives cable television franchise fees from Insight Communications as the franchisee provider of cable television service within Clark County (the "Franchise Fees"); and,

**WHEREAS**, this Board adopted Ordinance No. 4-2010 on February 18, 2010, initially establishing the Clark County IT Fund as a non-reverting fund, and providing for the deposit of the Franchise Fees into such fund, but now finds that amendments to such ordinance are necessary to assure the efficient operation of the IT Fund; and,

**WHEREAS**, this Board has identified the need to re-establish a non-reverting fund into which the proceeds from the Franchise Fees are to be deposited for the use and benefit of the Board in operating, maintaining, repairing, and replacing the information technology systems of

the County, including without limitation, computer systems, telephone systems, digital or radio communication devices, and appurtenances (the "IT System"); and,

**WHEREAS**, IC 36-2-5-2(b) provides that funds may only be paid out of the County Treasury under an appropriation made by the Clark County Council, "except as otherwise provided by law".

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

1. Establishment of Clark County Information Technology Fund. The *Clark County Information Technology Fund* (the "IT Fund") is hereby re-established as a non-reverting fund to be administered and maintained by the Clark County Auditor.

2. Deposits into the IT Fund. All existing funds in the existing IT Fund shall be deposited in the IT Fund that is re-established by this Ordinance. Furthermore, all Franchise Fees received by Clark County from Insight Cablevision or any subsequent cable television service provider shall be deposited into the IT Fund.

3. Purposes of Permitted Expenditures from the IT Fund. This Board shall be entitled to make expenditures from the IT Fund for purposes of purchasing, operating, maintaining, repairing or replacing any IT System equipment as defined hereinabove.

4. Processing Expenditures. No County warrants are authorized to be issued for expenditures from the IT Fund for payment of any monies except upon approval of a claim by this Board and in accordance with the terms of this Ordinance.

5. Payment of Claims Without Necessity of Appropriation. Pursuant to the provisions of IC 36-2-5-2(b), no appropriation from the Clark County Council shall be required to pay claims approved by this Board from the IT Fund.

6. Term of IT Fund. The IT Fund shall be perpetual unless and until terminated by subsequent ordinance enacted by this Board.

7. Auditor to Maintain Fund. The Clark County Auditor is hereby directed to maintain and manage accurate accounting information regarding the receipts, expenditures, and balances of the IT Fund.

8. Effect of Ordinance. 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 2<sup>ND</sup> day of August, 2012.

*Members voting "NO":*

\_\_\_\_\_  
Les Young, Commissioner

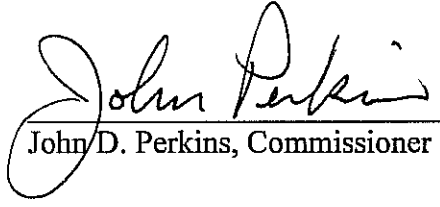
\_\_\_\_\_  
M. Edward Meyer, Commissioner

\_\_\_\_\_  
John D. Perkins, Commissioner

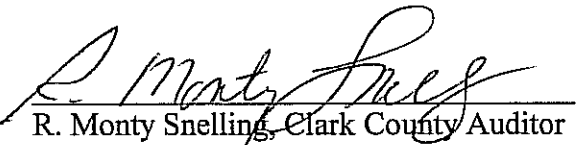
*Members voting "YES":*

  
\_\_\_\_\_  
Les Young, Commissioner

  
\_\_\_\_\_  
M. Edward Meyer, Commissioner

  
\_\_\_\_\_  
John D. Perkins, Commissioner

*Attested by:*

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