

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 25-2016

**ORDINANCE AMENDING ORDINANCE NO. 1-2013,
SPECIFICALLY AFFIRMING THE DUTIES, POWERS AND
RESPONSIBILITIES OF THE CLARK COUNTY DRAINAGE BOARD**

WHEREAS, the Board of Commissioners of Clark County (the “Commissioners”), is the executive body of Clark County government pursuant to the provisions of Ind. Code Sect. 36-2-2-2; and,

WHEREAS, the Commissioners are also the legislative body of Clark County government pursuant to the provisions of Ind. Code Sect. 36-1-2-9; and,

WHEREAS, pursuant to the Home Rule provisions of Ind. Code Sect. 36-1-3 *et seq.*, the Commissioners have 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, each non-consolidated County (such as Clark County) in the State of Indiana has a drainage board, which consists of either the executive of the county or a separate board established by ordinance of the executive and appointed by the executive of the county, pursuant to Ind. Code Sect. 36-9-27-5; and,

WHEREAS, the Commissioners established the Clark County Drainage Board (the “Drainage Board”) as a separate, appointed board pursuant to the authority set forth under Ind. Code Sect. 36-9-27-5 and Ordinance No. 5-2000, which ordinance provides that the Drainage Board “shall have the rights and responsibilities as set out in the Indiana Code”; and,

WHEREAS, since the creation of the Drainage Board, the Commissioners, pursuant to their authority under the Home Rule provisions of Ind. Code Sect. 36-1-3 *et seq.*, have delegated additional duties, powers, and responsibilities to the Drainage Board, through enactment of certain ordinances, including (but not limited to) the following:

- A. The *Clark County Drainage Ordinance*, Ordinance No. 7-2002 (as amended by Ordinance 11-2010), the purpose of which “is to provide for the health, safety, and general welfare of the citizens of Clark County through regulation of storm water runoff,” and “establishes guidelines for construction of residential and commercial properties within the jurisdiction of the Clark County Drainage Board,” (hereinafter the “Original Drainage Ordinance”);
- B. The *Ordinance Adopting a Drainage Review Fee Schedule and for Establishing the Clark County Drainage Board Non-Reverting Fund*, Ordinance No. 3-2004;

C. The *Construction Site Runoff Control Ordinance*, Ordinance No. 20-2004;

WHEREAS, pursuant to Ordinance No. 4-2011, the Commissioners dissolved the Drainage Board, and, the Commissioners thereafter replaced the “Clark County Drainage Board as the designated enforcement authority under any drainage ordinance previously adopted by this Board,” as of February 3, 2011; and,

WHEREAS, pursuant to Ordinance No. 1-2013, the Commissioners repealed Ordinance No. 4-2011, and thereby reestablished the Drainage Board as a separate entity as of January 31, 2013, and further, delegated to the newly reestablished Drainage Board “all obligations, claims, and actions previously undertaken by the Board in accordance with applicable Indiana law;” and,

WHEREAS, the Commissioners desire to specifically delegate each and every power, duty and responsibility previously delegated and assigned by specific ordinances and Indiana law to the Drainage Board.

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

A. To the extent the Drainage Board has, since the adoption of the *Ordinance Re-Establishing the Clark County Drainage Board*, exercised any power(s), duty(ies), and/or responsibility(ies), pursuant to the authority granted under Indiana law and/or by the ordinances described hereinabove, any such exercise is hereby ratified, sanctioned and approved.

B. The Drainage Board, as of even date herewith, is hereby specifically designated as the enforcement authority for storm water and other drainage issues within the County’s jurisdictional territory, and reaffirms the Drainage Board has any and all powers, duties, rights and responsibilities granted it under Indiana law, and under any ordinance granting it additional powers, duties, rights and responsibilities, that were previously adopted by the Commissioners, including but not limited to, without limitation, the *Clark County Drainage Ordinance* (Ordinance No. 7-2002, as amended by Ordinance No. 11-2010), the *Construction Site Runoff Control Ordinance* (Ordinance No. 20-2004), the *Ordinance Adopting a Drainage Review Fee Schedule and for the Establishment of the Clark County Drainage Board Non-Reverting Fund* (Ordinance No. 3-2004), and the *Ordinance Designating and Authorizing Functions and Duties to the Clark County Drainage Board* (Ordinance No. 13-2007).

C. Nothing in this Ordinance, however, shall diminish, impair, restrict, and/or amend any power or duty of any other governmental officer, board, or commission as authorized and designated under any such ordinance.

D. 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 the Board of Clark County Commissioners.

SO ORDAINED THIS 15TH DAY OF December, 2016.


Member Voting **“NO”**:

Jack Coffman, President

Rick Stephenson, Vice-president

Bryan Glover, Commissioner

Members Voting **“YES”**:



Jack Coffman, President

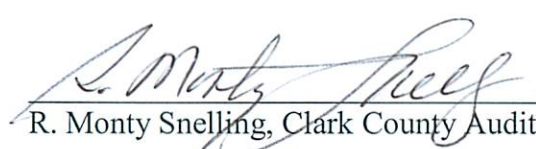


Rick Stephenson, Vice-president



Bryan Glover, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor