

STATE OF INDIANA
BEFORE THE CLARK COUNTY DRAINAGE BOARD

Resolution No. 2008-_____

**A RESOLUTION OF THE CLARK COUNTY DRAINAGE BOARD
ESTABLISHING ITS CUSTODIAN OF RECORDS; PROCEDURES
FOR FILING COMPLAINTS, APPLICATIONS, AND PETITIONS;
AND, PROVIDING FOR THE CONDITIONAL APPOINTMENT OF
A PRIMARY TECHNICAL ADVISOR REGARDING DRAINAGE
CONDITIONS IN THE UNINCORPORATED TERRITORY OF
CLARK COUNTY TO BE ADDRESSED PURSUANT TO COUNTY
ORDINANCES.**

WHEREAS, the Clark County Drainage Board (the "Board") is a political subdivision of Clark County, Indiana, by virtue of state statute (IC 36-9-27, *et seq.*), and Clark County Ordinance No. 5-2000; and,

WHEREAS, this Board hereby adopts this Resolution for purposes of appointing a custodian of its records, establishing an official procedure for the filing of drainage complaints and petitions by persons seeking any approval or relief from the Board, and establishing an official procedure for the appointment of technical advisors and consultants to the Board.

NOW, THEREFORE, BE IT RESOLVED BY THIS CLARK COUNTY DRAINAGE BOARD AS FOLLOWS:

Section 1. Appointment of Custodian of Records. The duly appointed and serving Secretary to this Board shall be the custodian of the Board's records. The Secretary shall make arrangements with the Board of Clark County Commissioners for the storage of all such records in the Clark County Government Building at a place and in a manner to be subsequently approved as reasonably acceptable to this Board.

Section 2. Filing of Complaints, Petitions, Etc. All complaints, applications, petitions, plans, or other documents seeking any relief from, or approval or other action by, this Board shall be filed with the Board in care of the Board of Clark County Commissioners, Clark County Government Building, Administrative Wing, Fourth Floor, 501 East Court Avenue, Jeffersonville, Indiana 47130. An original and seven (7) copies of any petitions or plans shall be required to be provided by the person or entity making the filing. No petition, application, or complaint shall be deemed as properly filed before the Board except in the manner provided above. The Secretary of

the Board shall regularly pick up all filings with this Board at the County Commissioners' office, and promptly distribute a copy of each such filing to all Board members, including the County Surveyor as an *ex officio* member.

Section 3. Appointment of Primary Technical Advisor. Subject to the conditions set forth hereinbelow, the County Surveyor is hereby appointed as the primary technical advisor to this Board to conduct all investigations of drainage concerns or complaints to this Board pursuant to authority granted by County Ordinance No. 13-2007, or applications for approvals or relief from this Board submitted pursuant to authority granted by County Ordinance No. 7-2002. However, in making this designation the Board deems it to be indispensable that the County Surveyor not be subject to any conflict of interest regarding any future application, petition, or complaint that may come before this Board, and as such as a condition to this appointment requires that the County Surveyor and/or any firm in which such official may hold an ownership interest shall be required to completely refrain from preparing any drainage design plans within the unincorporated territory of Clark County that may require subsequent review or approval by this Board.

In the event that the County Surveyor desires to accept this appointment as the primary technical advisor to this Board, the County Surveyor shall tender a sworn affidavit to this Board within ten (10) days following adoption of this Resolution pledging, individually and as an owner of any firm, to refrain from performing any such work without condition or exception while serving in the capacity as primary technical advisor to this Board. The County Surveyor shall perform all services as the primary technical advisor to the Board under this Resolution without compensation in addition to his salary as County Surveyor, but shall be entitled to be reimbursed for his reasonable out-of-pocket expenses incurred in performing such services.

In the event that the County Surveyor does not timely tender such sworn affidavit without exception to the conditions established by this Resolution, it shall be assumed that the County Surveyor does not agree to the conditions to such appointment established by this Resolution, and the County Surveyor shall then be deemed as ineligible to serve in any manner as a technical advisor to this Board for any investigation of drainage complaints or applications for drainage approvals or relief filed with this Board pursuant to County Ordinance No. 7-2002 or County Ordinance No. 13-2007, and the Board may then proceed to appoint an alternate primary technical advisor for such purposes.

Nothing in this Resolution shall diminish, restrict, or impair the County Surveyor's powers or duties in any matter filed or proceeding before this Board in accordance with the provisions of IC 36-9-27, *et seq.*, or IC 36-9-27.4, *et seq.*, or otherwise as an *ex officio* member of this Board pursuant to any applicable statute or ordinance.

Furthermore, nothing in this Resolution shall diminish, restrict, or impair this Board's authority under County Ordinance No. 7-2002 or County Ordinance No. 13-2007

to retain the services of any other technical advisor or design professional to supplement the services of the County Surveyor as the primary technical advisor appointed hereunder once the County Surveyor has had an opportunity to conduct his initial inquiry and formulate and convey his professional opinion to this Board in a time frame determined as reasonable by this Board.

Section 4. Effective Date; Authority to Amend. This Resolution shall be fully effective as of the date of its adoption by this Board. The Board reserves the right to amend this Resolution in any manner it deems appropriate, including without limitation the revocation without cause of any appointment made hereunder, by subsequent written resolution approved by this Board.

SO RESOLVED BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS OF THIS CLARK COUNTY DRAINAGE BOARD, WITH _____ MEMBERS VOTING IN FAVOR, _____ MEMBERS VOTING AGAINST, AND _____ MEMBERS ABSTAINING OR NOT VOTING, THIS DAY OF _____, 2008.

**CLARK COUNTY
DRAINAGE BOARD**

By: _____
Leslie K. Kavanaugh, Sr., President

Attested by:

Anna McCartney, Secretary