

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 4-2011

**AN ORDINANCE ABOLISHING THE CLARK COUNTY DRAINAGE BOARD, AND PROVIDING FOR THE RESUMPTION OF CERTAIN DRAINAGE DUTIES AND FUNCTIONS BY THIS 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 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; and,

**WHEREAS**, IC 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 established the Clark County Drainage Board by enactment of Ordinance No. 5-2000 on April 18, 2000, and such board has been in continuous existence and operation since such date; and,

**WHEREAS**, this Board now deems it to be in the best interests of the citizens of Clark County to abolish the Clark County Drainage Board, and for this Board to resume functioning as the drainage board for Clark County, 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. 5-2000 entitled *An Ordinance for the Establishment of the Clark County Drainage Board* previously adopted by this Board on April 18, 2000, is hereby repealed in its entirety.

2. Subsequent to the effective date of this Ordinance, this Board shall function as the drainage board of Clark County pursuant to the provisions of IC 36-9-27-5(a).

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

4. This Board shall henceforth replace the Clark County Drainage Board as the designated enforcement authority under any drainage ordinance previously adopted by this Board, including 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 Establishing the Clark County Drainage Board Non-Reverting Fund* (Ordinance No. 3-2004), the *Ordinance Designating and Authorizing Functions and Duties to the Clark County Drainage Board* (Ordinance No. 13-2007). Nothing in this Ordinance, however, shall diminish, impair, restrict, or amend any power or duty of any other governmental officer, board, or commission as authorized and designated under any such ordinance.

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

6. 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 3<sup>rd</sup> day of February, 2011.

Members voting "NO":

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

\_\_\_\_\_  
Mike Moore, Commissioner

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

Members voting "YES":

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

\_\_\_\_\_  
Mike Moore, Commissioner

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

Attested by:

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