

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 39 -2012

**AN ORDINANCE ESTABLISHING THE CLARK COUNTY JUDGMENT FUNDING LOAN FUND TO PROVIDE FOR THE DEPOSIT OF CERTAIN FUNDS AND FURTHER AUTHORIZING THE EXPENDITURE OF SUCH FUNDS.**

**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 further is the legislative body of such government pursuant to the provisions of IC 36-1-2-9; and,

**WHEREAS**, the Board is empowered to establish non-reverting local funds for various government purpose from time to time; and,

**WHEREAS**, a need exists to establish a local non-reverting fund for the purpose of receipting, holding, and expending funds from a loan authorized by Resolution No. 2012-R-8 adopted by the Clark County Council on December 10, 2012, pursuant to the provisions of IC 6-8-5-1, and, and this Board now adopts this Ordinance for such purpose.

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

1. Establishment of the Clark County Judgment Funding Loan (Non-Reverting) Fund. The *Clark County Judgment Funding Loan Fund* (the "Fund") is hereby established as a non-reverting fund to be administered and maintained by the Clark County Auditor.

2. Deposits into the Fund. The net proceeds of a \$925,000.00 loan from The New Washington State Bank, and any grant funds obtained by the BOAC for the purpose of funding the obligations described in paragraph 3 below, shall be deposited into the Fund. All monies

remaining in this Fund at the end of each budget year shall not revert to the General Fund or any other fund, but rather continue to be held in this Fund from year-to-year.

3. Purposes of Permitted Expenditures from the Fund. Money in the Fund shall be used only to pay the unsatisfied judgments, inclusive of interest and costs, entered against the County in the following litigation cases:

a. *Clark County Board of Aviation Commissioners v. Margaret A. Dreyer*, Clark Circuit Court No. 2, Case No. 10C02-0902-PL-000023; and,

b. *David Dreyer and Margo Dreyer, as Co-Personal Representatives of the Estate of Margaret A. Dreyer*, Clark Circuit Court No. 2, Case No. 10C02-1207-PL-000070.

Such expenditures shall be made following review and approval of claims by this Board without the necessity of appropriation by the County Council. No County warrants are authorized to be issued for expenditures from the Fund for payment of any monies except upon approval of a claim by this Board and in accordance with the terms of this Ordinance.

4. Effect of the Fund on Budget. The amount of deposits in the Fund, the balance of the Fund, and expenditures from the Fund shall not be considered in establishing the budget of any County department or this Board, or in setting property tax levies that will be used in any part to fund such budgets.

5. Term of Fund. The term of existence of the Fund shall be perpetual until the Fund is fully expended or terminated by subsequent ordinance adopted by this Board.

6. Auditor's Duty to Manage the Fund. The Clark County Auditor is hereby directed to maintain and manage accurate accounting information regarding the receipts, expenditures, and balances of the Fund.

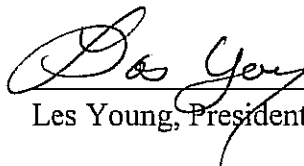
7. Effective Date of Ordinance. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this 20<sup>th</sup> day of December, 2012.

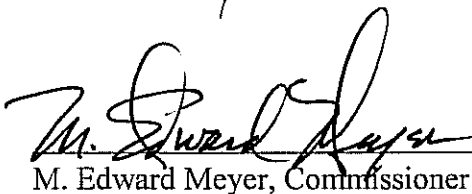
*Members voting "NO":*

*Members voting "YES":*

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Les Young, President

  
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Les Young, President

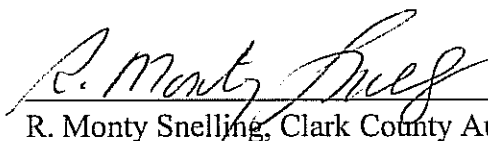
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M. Edward Meyer, Commissioner

  
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M. Edward Meyer, Commissioner

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John D. Perkins, Commissioner

  
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John D. Perkins, Commissioner

*Attested by:*

  
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R. Monty Snelling, Clark County Auditor