

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

RESOLUTION NO. 6-2012

**A RESOLUTION AMENDING THE CLARK COUNTY CAPITAL IMPROVEMENT PLAN IN ORDER TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CLARK COUNTY ECONOMIC DEVELOPMENT INCOME TAX ("CEDIT") FUNDS DURING FISCAL YEAR 2012.**

WHEREAS, the Board of Commissioners of Clark County (hereinafter this "Board") is the County executive body under the provisions of IND. CODE § 36-2-2-2, and also functions as the County legislative body under the provisions of IND. CODE § 36-1-2-9(1); and,

WHEREAS, this Board previously enacted "An Order to Adopt a Capital Improvement Plan" pursuant to the provisions of IND. CODE § 6-3.5-7, *et seq.*, on January 12, 2004 (the "Plan"), which Plan has since been amended by resolutions adopted by this Board from time-to-time; and,

WHEREAS, this Board is aware that Clark County government presently faces a significant fiscal emergency, in response to which this Board now finds that the Plan should be further amended to permit the expenditure of County Economic Development Income Tax ("CEDIT") funds for the additional purposes described more particularly hereinbelow.

NOW, THEREFORE, IT IS RESOLVED BY THIS BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA, as follows:

1. That the Plan initially adopted pursuant to Resolution No. 1-2004 on January 12, 2004, as subsequently amended, is hereby further amended to permit the expenditure of funds from the Clark County CEDIT Fund for the following additional purposes:

a. Pursuant to the provisions of IND. CODE § 6-3.5-7-13.1(b)(2)(B) to satisfy any pledge of CEDIT revenues to meet the debt service requirements for bonds previously issued.

b. Pursuant to the provisions of IND. CODE § 6-3.5-7-13.1(b)(2)(C), as the payment of lease rentals, specifically including variable rentals for operating expenses of the Clark County Building Authority under its existing lease agreement with this Board for the Clark County Government Building, in an aggregate amount not to exceed Eight Hundred Sixty Thousand and No/100 Dollars (\$860,000) during fiscal year 2012. This authorization may be extended from year-to-year by subsequent amendment to the Plan by resolution of this Board.

c. Pursuant to the provisions of IND. CODE § 6-3.5-7-13.1(b)(3), for the lawful purpose in which money in other Clark County funds could be used to pay 2012 group health insurance premiums in an aggregate amount not exceeding One Million Two Hundred Thousand and No/100 Dollars (\$1,200,000).

d. Pursuant to the provisions of IND. CODE § 6-3.5-7-13.1(b)(3), for the lawful purpose in which money in other Clark County funds could be used to pay salary and employee benefits not exceeding the aggregate amount of Forty-one Thousand Five Hundred and No/100 Dollars (\$41,500) for the following described County employee: Clark Circuit Court Probate Administrator.

2. Except as specifically amended by this Resolution, the Plan, as previously amended, shall remain in full force and effect.

3. The actual expenditure of all CEDIT funds as authorized by this Resolution shall further be subject to appropriation by the Clark County Council.

4. The Auditor is directed to annually separate the amounts designated by this Resolution from all other CEDIT uses, allocations, and applications. To the extent CEDIT funds are not fully expended during fiscal year 2012, such funds shall remain in the CEDIT Fund and not be transferred to the General Fund or any other fund. However, excepting the designation and allocation in Section 1(a) above, the designations and allocations made by this Resolution shall expire and lapse as of December 31, 2012, subject to further amendment of the Plan by subsequent resolution adopted by this Board.

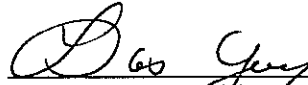
*[Signature page follows.]*

So Resolved by majority vote of this Board of Clark County Commissioners at its regularly scheduled and properly noticed meeting held this 26<sup>th</sup> day of April, 2012.

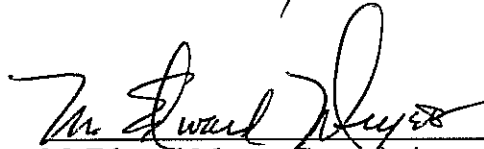
*Members voting "NO":*

*Members voting "YES":*

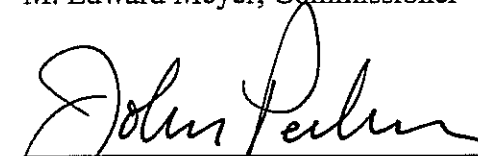
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Les Young, President

  
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M. Edward Meyer, Commissioner

  
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John D. Perkins, Commissioner

  
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*Attested by:*

  
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R. Monty Snelling,  
Clark County Auditor