

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

RESOLUTION NO. 7 -2011

FIFTH AMENDMENT TO THE CLARK COUNTY CAPITAL IMPROVEMENT PLAN IN ORDER TO AUTHORIZE THE EXPENDITURE OF FUNDS FROM THE CLARK COUNTY ECONOMIC DEVELOPMENT INCOME TAX ("CEDIT") FUNDS.

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 was most recently amended by Resolution No. 4-2011 adopted by this Board on May 26, 2011 (the "Fourth Amendment"); and,

WHEREAS, this Board is aware that Clark County government presently faces a significant fiscal emergency, in response to which, and upon the specific request of the Clark County Council (the "Council"), acting as fiscal body of the County, 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, BE IT RESOLVED BY THIS BOARD OF COMMISSIONERS OF CLARK COUNTY 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 the existing lease agreement with Clark County, Indiana, for the Clark County Government Building, in an amount not to exceed Three Hundred Forty-seven Thousand One Hundred Ninety-five Dollars (\$315,000) during fiscal year 2011 [*i.e.*, a **\$32,195 decrease** from the Fourth Amendment]. 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 Ann. § 6-3.5-7-13.1(b)(3) for the following lawful purposes for the expenditure of other Clark County funds:

(i) The costs of the 2012 Reassessment in an amount not exceeding \$50,000 [*i.e.*, a **\$249,880 decrease** from the Fourth Amendment].

(ii) The sum of **\$83,130 [new since the Fourth Amendment]** for payment of a judgment in favor of LifeSpring, Inc., against this Board entered in the Clark Superior Court No. 2 in Case No. 10D02-1108-CC-1073 in the initial amount of \$81,000, plus interest at the rate of 8.00% per annum since July 1, 2011.

(iii) The costs of Clark County government's aggregate 2011 FICA tax payment obligations to the federal government in an amount not exceeding \$397,496.

(iv) The costs of Clark County government's aggregate 2011 Medicare payment obligations in an amount not exceeding \$94,317.

(v) The costs of Clark County government's aggregate 2011 unemployment compensation payment obligations in an amount not exceeding \$33,957.

(vi) The costs of Clark County government's aggregate 2011 Public Employees Retirement Fund payment obligations to the State of Indiana in an amount not exceeding \$526,238.

(vii) The costs of Clark County government's aggregate 2011 group health insurance payment obligations in an amount not exceeding \$486,862 [*i.e.*, a **\$198,945 increase** from the Fourth Amendment].

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. **Except with respect to the provision of funds pursuant to Section 1(c)(vi) above**, to the extent CEDIT funds are not

utilized or expended in 2011 in accordance with this Resolution, this designation and annual allocation shall lapse, expire, or revert on December 31, 2011, and shall not carryover to the following year.

So Resolved by majority vote of this Board of Clark County Commissioners at its regularly scheduled and properly noticed meeting held this 29th day of September, 2011.

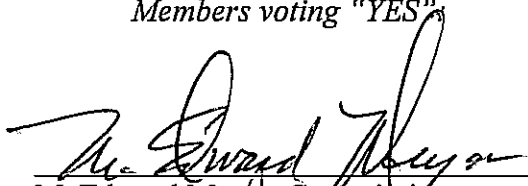
Members voting "NO":

M. Edward Meyer, Commissioner

Mike Moore, Commissioner

Les Young, Commissioner

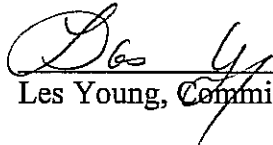
Members voting "YES":



M. Edward Meyer, Commissioner

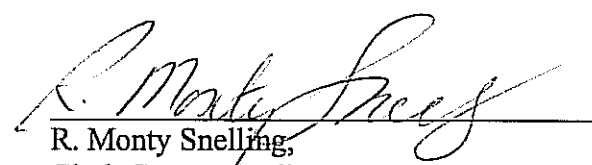


Mike Moore, Commissioner



Les Young, Commissioner

Attested by:



R. Monty Snelling,
Clark County Auditor