

**CLARK COUNTY COUNCIL**  
**CLARK COUNTY, INDIANA**  
Regular Meeting of June 13, 2011

The regular scheduled meeting of the Clark County Council was called to order at 6:00 p.m. by Council President Kevin Vissing.

Those in attendance stood for the pledge of allegiance to the American Flag.

Roll call showed members present and absent as follows:

Present	Absent
Barbara Hollis (1 <sup>st</sup> District)	
Brian Lenfert (2 <sup>nd</sup> District)	
Danny Yost (3 <sup>rd</sup> District)	
Steve Doherty (4 <sup>th</sup> District)	
Chuck Moore (At Large)	
Kevin Vissing (At Large)	
Perry Smith (At Large)	

Also present were Council Attorney Scott Lewis, County Auditor Monty Snelling and Chief Deputy Auditor Alana Sparkman.

President Vissing requested proof of Notice of Taxpayers of the additional appropriations listed on the agenda. Scott Lewis, Attorney for the Council, stated for the record that publication of Notice of Taxpayers ran in the Evening News ten (10) days prior to this meeting as required by I.C.6-1.11-18-5 and advised the council to proceed.

Councilperson Hollis made a motion to approve the minutes as presented with a second from Councilman Moore. Carried 7-0.

Amendments to the Agenda were as follows: Auditor Snelling had a salary ordinance for the Recorder's office, a library appointment for the Jeffersonville Township Public Library, and a bill from Jack Vissing that had never been paid. Councilman Vissing stated that Dan Moore wanted to introduce the CIT program. Councilperson Hollis stated that the Council had a letter that they would like to discuss regarding a budget plan. A motion was made by Councilman Moore with a second from Councilman Smith to approve the amendments to the agenda. Carried 7-0.

Councilman Yost made a motion to acknowledge the receipt of the funds report provided by the Auditor's office. Councilman Moore seconded the motion. Carried 7-0.

Committee reports: Clark County Attorney Greg Fifer requested to be added to the July meeting regarding Resolution No. 4-2011.

Public comments: Ronald Smith of Holman's Lane in Jeffersonville, IN requested the Council to turn down air board's request to become an Airport Authority with a named vote. Brenda Cartright of Hwy 62 in Charlestown, IN asked if anyone on the Council or in County government performed or reviewed financial records and asked if an audit report been made available. Lisa Morris of Eagle Knoll Drive in Sellerburg, IN mentioned the airport had received to her understanding \$11.8 million dollars of bond money and asked how much more money to expand the business. Is the Council ready to indebt her further than the \$11.8 million that the residence owes? Juanita Miller of Jeffersonville, IN expressed her concerns on the Clark Regional airport losing money every year since 2003. Annual operating losses of \$30,000-\$50,000 dollars in recent years has used up the reserves and is asking what the deficit is now? Kelly Khuri of 4819 Salem Noble Road of Jeffersonville, IN expressed her concerns and wanted to know what the numbers were. Teresa Ballew of Kensington Drive of Clarksville, IN asked if the Clark Rcgional airport was still self-supporting and what are the annual expenditures?

First on the agenda were items that were approved at the May 9, 2011 meeting but needed to be re-adopted due to an error in advertisement. The first was the Commissioners for additional appropriations out of County General for Contract Services, Contract Services for CASA, and Transcripts. Included, was the Assessor's for an additional appropriation out of County General for Contract Services, and lastly, the Assessor's request for an additional appropriation from Clark County Cum Capital for Personal Services. The request had been declared an emergency and approved by the Commissioner on 04/14/11. Councilman Lenfert made a motion to approve the additional appropriations with a second from Councilman Smith. Carried 7-0.

Next were Additional Appropriations out of Rainy Day for payroll paying for 2010 that was paid in 2011. These included County Clerk for \$2,438.70, Magistrate Court for \$1,266.59, Superior Ct #2 for \$7,784.12, Circuit Court for \$896.48, Superior Ct #1 for \$1,339.12, Superior Ct#3 for \$4,256.71, Juvenile Probation for \$5,126.74, and Circuit Adult Probation for \$750.96. Councilperson Hollis made a motion to approve the additional appropriations with a second from Councilman Moore. Carried 7-0.

Next, was Clark County Attorney Greg Fifer with Ordinance No. 18-2011 amending Ordinance No. 27-2010 regarding the Clark-Floyd Landfill. Councilperson Hollis made a motion to approve the Ordinance No.18-2011 with a second by Councilman Moore. Carried 7-0.

Next on the agenda was County Recorder Dick Jones with a request to appropriate cash for the Identification Security Protection Fund. Councilman Moore made a motion to approve the appropriation with a second by Councilman Smith. Carried 7-0.

Next, Judge Carmichael from Superior Ct #1 was not in attendance. Councilman Smith made a motion to table the additional appropriation from Rainy Day for Supplies with a second from Councilman Moore. Carried 7-0.

Next, Clerk Barbara Haas was not in attendance regarding re-imbursement of funds from the municipalities to the County for the May, 2011 Primary Election.

Next, Deputy Prosecuting Attorney Jacob Elder requested additional appropriations for the Prosecutor State Forfeiture Fund Budget for 2011 which included Personal Services, Supplies, Equipment and a salary ordinance. Councilman Lenfert made a motion to approve the additional appropriations and salary ordinances with a second from Councilman Moore. Carried 7-0.

Next, Deputy Prosecuting Attorney Jacob Elder was not in attendance for additional appropriations for the Prosecutor Federal Forfeiture Fund Budget for 2011 which included Personal Services, Supplies, Equipment and a salary ordinance and a transfer of funds from within the funds of \$139.98 from office supplies to equipment for the Prosecutor's office. Councilman Lenfert made a motion to table the additional appropriations and transfer with a second from Councilman Moore. Carried 7-0.

Next, was Connie Keith, CPP, Executive Director of Clark County Youth Coalition for additional appropriations for County Drug Free Community Fund including Prevention/Education, Treatment/Intervention, and Law Enforcement/Justice. A motion was by Councilman Lenfert to approve the additional appropriations with a second from Councilman Moore. Carried 7-0.

Next, were former aeronautics manager at the Indiana Department of Transportation, Maria Muia and Clark County Regional Airport board member, Alan Conner requesting the Board of Aviation to become an Airport Authority. With much discussion, Councilman Moore made a motion to approve the creation of the Airport Authority with a second from Councilman Smith. Failed 2-5.

A roll call vote went as follows:

**YES**  
Perry Smith  
Kevin Vissing

**NO**  
Danny Yost  
Steve Doherty  
Chuck Moore  
Barbara Hollis  
Brian Lenfert

Amendments to the Agenda: Circuit Court Judge Dan Moore presented the CIT program. Judge Moore mentioned that when the advertisement came for the budget in the Mental Health rate, Clark County advertised for the maximum and that was approved. He checked with Dan Eggerman and he said there was roughly a \$59,000 difference of increase from the rate from prior years. Judge Moore would like \$30,000 of excess to make Clark Memorial a dedicated place to pay Clark Memorial and if needed could pay Wellstone if that is where it would need to go but unsure of how it needs to be done. After more discussion, the issue was requested to be placed on July agenda.

Next, was a 2011 Jeffersonville Township Public Library Board of Trustees Appointment (4 year term, expiring 2015) Councilman Smith made a motion to appoint Charles Reisert with a second by Councilman Doherty. Carried 7-0.

Next, for the Recorder's office was a salary ordinance for Ruthann Parish, Category 2 ½, in the amount of \$15,804.60 paying from Recorder's Perpetuation Fund effective 06/06/11. Councilman Lenfert made a motion to approve the salary ordinance with a second from Councilman Moore. Carried 7-0.

Next, was an outstanding invoice for Jack Vissing. With much discussion, Attorney Scott Lewis would send a letter to check on because the Council and Attorney Lewis had the understanding that the invoice was previously paid.

Next, Councilman Lenfert had a letter which initiated cuts to be placed in order to meet the budget and suggested for other ideas of how to make the cuts. The letter consisted of removing the life insurance benefit (savings of \$25,000,) removing reimbursement option from the County Health Program (savings of \$45,000,) privatizing health coverage to inmates (savings of \$350,000,) removing contract employees from the County Health Program (savings of \$90,000,) request the Building Authority contract cleaning services (saving of \$300,000,) pension 3% contribution to be paid by employees (savings of \$390,000.) All of the cuts totaled \$1,200,000. The letter was to be given to the Commissioners in order to get the budget cuts in order as a recommendation and to get conversations started on how to make the cuts. Councilman Lenfert made a motion to

adapt the letter as a favorable recommendation to be sent to the Commissioners for their consideration with a second by Councilman Moore. Carried 7-0.

Next were the tabled items, Clerk Barbara Haas was not in attendance for the request of additional appropriation out of Riverboat and Rainy Day for Personal Services and 3 salary ordinances. Councilman Lenfert made a motion to deny the requests with a second from Councilman Doherty. Carried 7-0.

Next, Judge Carmichael of Superior Ct#1 was not in attendance for the request of an additional appropriation out of Riverboat for Other Services. A motion was made by Councilman Moore to table the request and seconded by Councilman Smith. Carried 7-0.

Next, Auditor Snelling requested to table the Auditor and Treasurer's requests for additional appropriations. A motion was made by Councilman Lenfert to table the request with a second from Councilman Smith. Carried 7-0.

Next, was Clark County Attorney Greg Fifer representing the Board of Commissioners for County Extension, Planning & Zoning, Drainage, Weights & Measures, Cemetery, Commissioners, Emergency Management, Juvenile Detention, System Administration, Aviation, and Soil & Water with an additional appropriation request out of County General, Riverboat, or Rainy Day to reinstate all of the Commissioners approved budget and approved budgets of each fund that is not headed by an elected official. A motion was made by Councilman Lenfert to deny the additional appropriations for Planning & Zoning, Drainage, Emergency Management, Juvenile Detention, System Administration, and Aviation and to table County Extension, Weights & Measures, Cemetery, Commissioners, and Soil & Water from County General, Riverboat and Rainy Day. Councilperson Hollis seconded the motion. Carried 7-0.

Next, David Trotter, County Extension Educator and C.E.D. for Purdue University of Clark County Extension and requested to table his request for additional appropriation for travel, telephone, utilities, and equipment repair out or Cedit. Councilman Lenfert made a motion to table the request with a second from Councilman Doherty. Carried 7-0.

Next, Lyda Abell, Director of Juvenile Detention was not present but was requesting additional appropriations from Riverboat and LOIT-County General for personal services. Councilperson Hollis made a motion to table the request with a second from Councilman Moore. Carried 7-0.

Next, Assessor Vicki Haire was not present but was requesting additional appropriations from Riverboat, Rainy Day, and County General for Personal Services. Councilman Lenfert made a motion to deny the request with a second from Councilman Moore. Carried 7-0.

No old business discussed.

No new business discussed.

Reports & Comments: Councilman Moore asked if some of the funds could be cleaned up or become dormant. Auditor Snelling said that was being done by his office.

Attorney Comments: County Council Attorney, Scott Lewis, mentioned that the mediation would be July 6, 2011 at 3 p.m. in David Lewis's law office as an Executive Session. It was further discussed and another Executive Session was scheduled for 2 p.m. at Scott Lewis's office. He also addressed the Building Authority's next meeting was on July 13, 2011 at 4 p.m. if anyone had any questions.

Auditor Comments: Auditor Snelling mentioned that Catherine Stockhoff from the Department of the Local Government Finance will be conducting budget workshops in the county on August 8<sup>th</sup> and 9<sup>th</sup>, 2011. The workshops will be held at the Clark County Courthouse. Auditor Snelling also offered to pay the LOW bill from his budget with the understanding that his budget can get paid back from Riverboat or Rainy Day. Councilperson Hollis made a motion to reimburse Auditor's budget with a second from Councilman Moore. Carried 7-0. Auditor Snelling also requested for the Council to make a decision of where the portion of the Child Psych and Welfare 2008 & prior delinquent taxes and penalties collected with the 2011 Spring Installment balance is to be placed. The choices were Excess Levy or Rainy Day fund. A motion was made from Councilman Moore to put in the Rainy Day fund with a second by Councilman Smith. Carried 7-0.

Councilman Moore made a motion to adjourn the meeting with a second from Councilman Yost. Carried 7-0.

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
 ADDITIONAL APPROPRIATIONS  
 FOR THOSE FUNDS REQUIRING APPROVAL OF THE  
 DEPARTMENT OF LOCAL GOVERNMENT FINANCE  
 ORDINANCE NO. 19-2011**

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exits.

	Requested	Allowed	Vote
<b><u>County General</u></b>			
<b>Commissioners</b>			
100-30051-030 Contract Services	20,000.00	20,000.00	7-0
100-30051-030 Contract Services/CASA	32,933.73	32,933.73	7-0
100-30175-030 Transcripts	20,000.00	20,000.00	7-0
<b>Assessor</b>			
100-11107-076 Personal Services	65,000.00	Denied	7-0
100-30051-076 Contract Services	140,000.00	140,000.00	7-0
<b>Treasurer</b>			
100-30041-003 Printing	9,500.00	Tabled	7-0
<b>County Extension</b>	34,734.00	Tabled	7-0
<b>Planning &amp; Zoning</b>	12,636.00	Denied	7-0
<b>Drainage</b>	19,999.00	Denied	7-0
<b>Weights &amp; Measures</b>	7,500.00	Tabled	7-0
<b>Cemetery</b>	436.00	Tabled	7-0

Commissioners	3,505,985.00	Tabled	7-0
Emergency Management	8,614.00	Denied	7-0
Juvenile Detention	134,446.00	Denied	7-0
System Administration	13,661.00	Denied	7-0
Aviation	59,500.00	Denied	7-0
Soil & Water	42,078.00	Tabled	7-0
<b><u>Cum-Cap</u></b>			
<b>Assessor</b>			
427-111107-076 Personal Services	15,000.00	15,000.00	7-0

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
 ADDITIONAL APPROPRIATIONS  
 FOR THOSE FUNDS WHICH DO NOT REQUIRE APPROVAL OF THE  
 DEPARTMENT OF LOCAL GOVERNMENT FINANCE  
 ORDINANCE NO.20 -2011**

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana that for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exist.

	Requested	Allowed	Vote
<b><u>Riverboat</u></b>			
County Extension	34,734.00	Tabled	7-0
Planning & Zoning	12,636.00	Denied	7-0
Drainage	19,999.00	Denied	7-0
Weights & Measures	7,500.00	Tabled	7-0



Cemetery	436.00	Tabled	7-0
Commissioners	3,505,985.00	Tabled	7-0
Emergency Management	8,614.00	Denied	7-0
Juvenile Detention	134,446.00	Denied	7-0
System Administration	13,661.00	Denied	7-0
Aviation	59,500.00	Denied	7-0
Soil & Water	42,078.00	Tabled	7-0
Clerk			
321-11107-001 Personal Services	84,000.00	Denied	7-0
Superior Ct#1			
321-30098-037 Other Services	10,500.00	Tabled	7-0
Auditor			
321-30051-0025 Contract Services	4,341.00	Tabled	7-0
Treasurer			
321-30041-003 Printing	9,500.00	Tabled	7-0
Juvenile Detention			
321-11107-041 Personal Services	90,000.00	Tabled	7-0
Assessor			
321-11107-076 Personal Services	65,000.00	Denied	7-0

**Rainy Day**

County Extension	34,734.00	Tabled	7-0
Planning & Zoning	12,636.00	Denied	7-0
Drainage	19,999.00	Denied	7-0
Weights & Measures	7,500.00	Tabled	7-0
Cemetery	436.00	Tabled	7-0
Commissioners	3,505,985.00	Tabled	7-0
Emergency Management	8,614.00	Denied	7-0
Juvenile Detention	134,446.00	Denied	7-0
System Administration	13,661.00	Denied	7-0
Aviation	59,500.00	Denied	7-0
Soil & Water	42,078.00	Tabled	7-0
County Clerk			
269-11107-001	2,438.70	2,438.70	7-0
Magistrate Court			
269-11107-033	1,266.59	1,266.59	7-0
Superior Ct. #2			
269-11107-035	7,784.12	7,784.12	7-0
Circuit Court			
269-11107-036	896.48	896.48	7-0

<b>Superior Ct. #1</b>			
269-11107-037	1,339.12	1,339.12	7-0
<b>Superior Ct. #3</b>			
269-11107-038	4,256.71	4,256.71	7-0
<b>Juvenile Probation</b>			
269-11107-041	5,126.74	5,126.74	7-0
<b>Circuit Adult Probation</b>			
269-11107-049	750.96	750.96	7-0
<b>Superior Ct. #1</b>			
269-20060-43 Supplies	260.65	Tabled	7-0
<b>Clerk</b>			
269-11107-001 Personal Services	84,000.00	Denied	7-0
<b>Auditor</b>			
269-30051-002 Contract Services	4,341.00	Tabled	7-0
<b>Treasurer</b>			
269-30041-003 Printing	9,500.00	Tabled	7-0
<b>Assessor</b>			
269-11107-076 Personal Services	65,000.00	Tabled	7-0
<b>Prosecutor State Forfeiture Fund</b>			
339-11107-008 Personal Services	56,032.00	56,032.00	7-0
339-20060-008 Supplies	23,968.00	23,968.00	7-0
339-40014-008 Equipment	20,000.00	20,000.00	7-0
<b>Prosecutor Federal Forfeiture Fund</b>			
331-11107-008 Personal Services	56,032.00	Tabled	7-0
331-20060-008 Supplies	23,968.00	Tabled	7-0
331-40014-008 Equipment	20,000.00	Tabled	7-0
<b>Identification Security Protection Fund</b>			
356-30098-313 Services & Charges	9,102.00	9,102.00	7-0
<b>County Drug Free Community</b>			
238-36000-192 Prevention/Education	89,333.34	89,333.34	7-0
238-36001-192 Treatment/Intervention	85,539.45	85,539.45	7-0
238-36002-192 Law Enforcement/Justice	89,333.33	89,333.33	7-0
<b><u>Cedit</u></b>			
<b>Cooperative Extension Service</b>			
412-30013-023 Travel	3,585.00	Tabled	7-0
412-30014-023 Telephone	6,000.00	Tabled	7-0

412-30046-023 Utilities	5,637.00	Tabled	7-0
412-30054-023 Equipment Repair	3,033.00	Tabled	7-0

**LOIT-County General**

**Juvenile Detention**

418-11107-041 Personal Services	90,000.00	Tabled	7-0
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**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
TRANSFER OF APPROPRIATIONS  
ORDINANCE NO.21 -2011**

	Requested	Allowed	Vote
<b>Prosecutor</b>			
From: 100-20060-008 Office Supplies			
To: 100-40014-008 Equipment	139.98	Tabled	7-0

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING  
SALARY AND WAGES TO BE PAID TO OFFICERS AND EMPLOYEES  
FOR CALENDER YEAR 2011  
AMENDMENT NO. 6**

	Requested	Allowed	Vote
<b>Clerk</b>			
Category II (New)	28,000.00	Denied	7-0
Category II (New)	28,000.00	Denied	7-0
Category II (New)	28,000.00	Denied	7-0
<b>Clark County Recorder's Perpetuation</b>			
Ruthann Parish-Category 2 ½	15,804.60	15,804.60	7-0
<b>Clark County Prosecutor's Office</b>			
<b>State Forfeiture Fund</b>			
Category III (Vacant)	26,000.00	26,000.00	7-0
<b>Clark County Prosecutor's Office</b>			
<b>Federal Forfeiture Fund</b>			
Category III (Vacant)	26,000.00	Tabled	7-0

Members of the Clark County Council

AYES

NAYS

Kevin Cassing

[Signature]

[Signature]

Paulina Wallis

Perry L. Smith

[Signature]

[Signature]

Attest:

R. Monty Snelling

R. Monty Snelling - Clark County Auditor

Approved this 11 day of July, 2011

CLARK COUNTY, INDIANA  
ORDINANCE NO. 18-2011

ORDINANCE AMENDING ORDINANCE NO. 27-2010

WHEREAS, the County Council of Clark County, Indiana ("County") has determined to finance a portion of the costs of the expansion of the Clark-Floyd landfill ("Project");

WHEREAS, the County has adopted a bond ordinance ("Ordinance") approving the issuance of bonds, payable out of Landfill Revenues (as defined in the Ordinance), and in the event Landfill Revenues are not sufficient, from a property tax levied in the County, in a principal amount not to exceed \$9,500,000 ("Bonds"), in order to procure funds to be applied on the costs of the Project and costs associated with the issuance of the Bonds;

WHEREAS, the County has been advised that the Ordinance needs to be amended to allow for the funding of a debt service reserve for the Bonds; that a reserve will enhance the security for the Bonds and produce better results in the sale and marketing of the Bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARK COUNTY, INDIANA, THAT:

Section 1. Section 1(iii) of the Ordinance is amended and restated as follows:

In order to procure funds with which to pay the costs of the Project, including capitalized interest, funding a reserve for the bonds, and the costs of issuance of the BANs and bonds on account of thereof, and refunding the BANs, if issued, the Auditor is authorized and directed to have prepared and to issue and sell the bonds of the County, to be designated as "General Obligation Bonds of 20\_\_," to be completed with the year in which the bonds are issued, in an aggregate principal amount not to exceed Nine Million Five Hundred Thousand Dollars (\$9,500,000) ("Bonds") in accordance with the Act.

Section 2. Section 6 of the Ordinance is amended and restated as follows:

Deposit and Application of BAN Proceeds and Bond Proceeds; Pledge of Landfill Revenues to Payment of Bonds. (a) Bond Proceeds Fund. The Auditor is hereby authorized and directed to deposit the proceeds of the BANs or the Bonds which represent capitalized interest or accrued interest in the Bond Payment Fund ("Bond Payment Fund") to pay for interest on the BANs and Bonds, as the case may be. The Auditor is hereby authorized and directed to deposit the proceeds of the Bonds which will serve as a reserve for the Bonds into the Reserve Account created in the Bond Payment Fund. The Auditor is hereby authorized and directed to deposit the remaining proceeds of the BANs and Bonds in a separate fund ("Bond Proceeds Fund") to pay for: (1) the cost of the Project, (2) all costs and expenses incurred in connection with the Project, (3) costs of issuance of the BANs and Bonds and (4) the cost of refunding the BANs. The Bond Proceeds Fund may not be used for any other purpose. Any surplus remaining from the proceeds of the Bonds after all costs and expenses are fully paid shall, in accordance with IC 5-1-13, be paid into and become a part of the Bond Payment Fund for the Bonds or to reduce the rate or amount of ad valorem property taxes imposed by the County.

(b) Bond Payment Fund. Any capitalized interest for the BANs or the Bonds shall be used to pay interest on the BANs or the Bonds, as the case may be. Pursuant to the terms of the Franchise Agreement, an amount of Landfill Revenues received by the County shall be deposited in the Bond Payment Fund. The amount of such Landfill Revenues deposited each January 1 and July 1 shall be in an amount sufficient to enable the County to meet the upcoming principal and interest payment on the Bonds. To the extent the Landfill Revenues are not sufficient to pay the debt service on the Bonds, the full faith and credit of the County, are hereby irrevocably pledged to the punctual payment of the principal of and the interest on the Bonds according to their terms. In order to provide for the payment of the principal of and interest on the Bonds not otherwise paid from the Landfill Revenues, there shall be levied in each year upon all taxable property in the County, real and personal, and collected a tax in an amount and in such manner sufficient to meet and pay the principal of and interest on the Bonds as they become due and the proceeds of this tax are hereby pledged solely to the payment of the Bonds. Such tax shall be levied in accordance with IC 6-1.1-18.5-8, as amended from time to time. Such tax shall be deposited first, before any other deposits of tax revenues by the County, into the Bond Payment Fund and used to pay the principal of and interest on the Bonds, when due, together with any fiscal agency charges. If the funds deposited into the Bond Payment Fund are then insufficient to meet and pay the principal of and interest on the Bonds as they become due, then the County covenants to transfer other available funds of the County to meet and pay the principal and interest then due on the Bonds. All moneys in the Bond Payment Fund shall be used solely for the purpose of paying principal of and interest on the Bonds and any fiscal agency charges. Moneys in the Bond Payment Fund shall be invested in accordance with IC 5-13, as amended.

The Bond Payment Fund may be held in trust by a qualified financial institution acceptable to the County, pursuant to terms acceptable to the County. The Board of Commissioners and the Auditor are hereby authorized to execute and deliver an agreement with a financial institution to reflect this trust arrangement for the Bond Payment Fund in the form of trust agreement as approved by the Board of Commissioners and the Auditor, consistent with the terms and provisions of this ordinance.

(c) Reserve Account. There is hereby created, within the Bond Payment Fund, a Reserve Account. On the date of delivery of the Bonds, funds on hand, Bond proceeds or a combination thereof may be deposited into the Reserve Account. The initial deposit or the balance accumulated in the Reserve Account shall equal but not exceed the least of: (i) the maximum annual debt service on the Bonds; (ii) 125% of average annual debt service on the Bonds; or (iii) 10% of the proceeds of the Bonds ("Reserve Requirement"). If the initial deposit into the Reserve Account does not equal the Reserve Requirement or if no deposit is made, beginning with the first month after the Bonds are delivered, an amount of Landfill Revenues shall be credited to the Reserve Account on the last day of each calendar month until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date of delivery of the Bonds.

The Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the Bonds, and the moneys in the Reserve Account shall be used to pay current principal and interest the Bonds to the extent that moneys in the Bond Payment Fund are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be promptly made up from the next available Landfill Revenues remaining after credits into the Bond Payment Fund. If moneys in the Reserve Account are transferred to the Bond Payment Fund to pay principal and interest on outstanding Bonds, then this depletion of the balance in the Reserve Account shall be made up from the next available Landfill Revenues after the credits into the Bond Payment Fund.

The County hereby covenants to levy the tax described in Subsection (b) to pay debt service due on the Bonds and to maintain the tax levy until such time as the Reserve Account has been fully replenished.

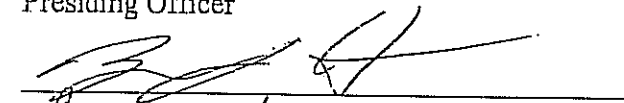
Section 3. All other provisions of the Ordinance shall remain in full force and affect.

This ordinance shall be in full force and effect from and after its passage.

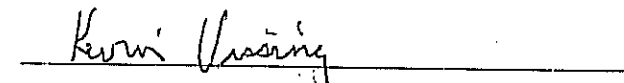
PASSED and adopted by the County Council of Clark County, Indiana, this 13<sup>th</sup> day of June, 2011.

CLARK COUNTY COUNCIL

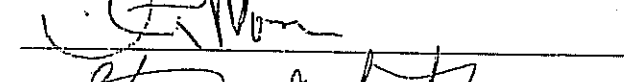
Presiding Officer




Barbara Hollis




Kevin Husing



Perry Smith



Steve Roberts



Ray F. Y

ATTEST:



R. Monty Sney  
Auditor

