

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 29 -2012

AN ORDINANCE RE-ESTABLISHING THE CLARK COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND AND IMPOSING A TAX RATE FOR SUCH FUND, SUBJECT TO APPROVAL BY THE INDIANA DEPARTMENT OF LOCAL GOVERNMENT FINANCE.

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the county government executive body pursuant to the provisions of IND. CODE § 36-2-2-2, and the county government legislative body pursuant to the provisions of IND. CODE § 36-1-2-9(1); and,

WHEREAS, IND. CODE § 36-9-14.5, *et seq.*, and IND. CODE § 6-1.1-41, *et seq.*, authorize this Board to establish a cumulative capital development fund for any purpose for which property taxes may be imposed within the county under the authority of the series of statutes referenced in IND. CODE § 36-9-14.5-2; and,

WHEREAS, this Board has previously established the Clark County Cumulative Capital Development Fund by ordinance, and such fund has been in continuous existence for more than one (1) year; and,

WHEREAS, the Clark County Cumulative Capital Development Fund is presently funded by a tax rate of \$0.0180 per \$100 of assessed valuation pursuant to the 2012 budget approved by the Clark County Council and in accordance with the provisions of IND. CODE § 36-9-14.5-6(a); and,

WHEREAS, IND. CODE § 36-9-14.5-6(b) authorizes the tax rate of a cumulative capital development fund that has been in existence for a period of one (1) or more years to be established at a rate of up to \$0.0333 per \$100 of assessed valuation; and,

WHEREAS, IND. CODE § 36-1-8-5.1(d) permits funds held in the Clark County Cumulative Capital Development Fund to be transferred to the Clark County Rainy Day Fund to the extent not expended during any budget year; and,

WHEREAS, this Board now finds that an increase of the tax rate funding the Clark County Cumulative Capital Development Fund is an appropriate action given the budget crisis presently faced by Clark County government in that it will create a mechanism by which the County's reserve funds might be replenished once the essential functions of County government are again fully funded; and,

WHEREAS, prior to adoption of this Resolution, this Board held a public hearing on a proposal to increase the tax rate of the Clark County Cumulative Capital Development Fund during a special meeting held on July 25, 2012, notice of which hearing was published in accordance with the provisions of IND. CODE § 5-3-1-2(f) in the form attached hereto as Exhibit "A", and as evidenced by the proof of publication attached hereto as Exhibit "B"; and,

WHEREAS, having heard the testimony of all interested persons appearing at the public hearing, this Board now finds that it is in the best interest of the citizens of Clark County, Indiana, to increase the tax rate of the Clark County Cumulative Capital Development Fund to \$0.0333 per \$100 of assessed valuation, subject to approval by the Indiana Department of Local Government Finance (the "DLGF"), pursuant to the terms and conditions of this Ordinance.

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

1. The tax rate of the Clark County Cumulative Capital Development Fund is hereby increased to \$0.0333 per \$100 of assessed valuation pursuant to the provisions of IND. CODE § 36-9-14.5-6(b), and IND. CODE § 6-1.1-41, *et seq.*

2. Subject to approval by the DLGF, a tax at the adjusted rate of \$0.0333 per each One Hundred Dollars (\$100.00) of assessed valuation shall be levied pursuant to the provisions of IND. CODE § 6-1.1-41-10 and IND. CODE § IC 36-9-14.5-6(b) on all taxable property within Clark County to fund the Clark County Cumulative Capital Development Fund.

3. Subsequent to approval of the adjusted tax rate for the Clark County Cumulative Capital Development Fund by the DLGF, a property tax rate shall be levied annually at the approved adjusted rate without necessity of further action by this Board, provided that such tax levy shall be advertised annually in the same manner as other tax levies are advertised, subject only to the provisions of IND. CODE § 6-1.1-41-12.

4. The tax established by this Ordinance shall be deposited and held in a special fund to be known as the Clark County Cumulative Capital Development Fund pursuant to the provisions of IND. CODE § 6-1.1-41-14.

5. Expenditures and transfers from the Clark County Cumulative Capital Development Fund shall only be permitted and made in accordance with the provisions of IND. CODE § 36-9-14.5-2, IND. CODE § 36-9-14.5-8(c), IND. CODE § 36-1-8-5.1(d), IND. CODE § 36-7-23, *et seq.*, or other applicable Indiana statutory authority.

6. The Clark County Auditor shall submit a certified copy of this Ordinance, together with request to establish a hearing thereon pursuant to the provisions of IND. CODE § 6-1.1-41, *et seq.*, to the DLGF promptly after its adoption in accordance with the requirements of

IND. CODE § 6-1.1-41-4, notice of which submission shall be published as required by IND. CODE § 6-1.1-41-5.

7. 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 26th day of July, 2012.

Members voting "NO":

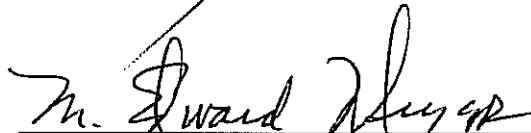
Members voting "YES":

Les Young, Commissioner




Les Young, Commissioner

M. Edward Meyer, Commissioner



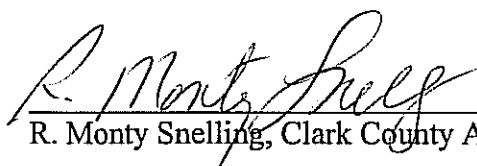
M. Edward Meyer, Commissioner

John D. Perkins, Commissioner



John D. Perkins, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

**NOTICE TO TAXPAYERS OF HEARING
ON THE PROPOSED RE-ESTABLISHMENT OF THE
CLARK COUNTY CUMULATIVE CAPITAL DEVELOPMENT FUND**

Notice is hereby to the taxpayers of Clark County, Indiana, the Board of Commissioners of Clark County will consider the re-establishment of the Clark County Cumulative Capital Development Fund under the provisions of IC 8-16-3, *et seq.*, and IC 6-1.1-41, *et seq.*, for all uses and purposes set forth in IC 36-9-14.5-2, IC 36-9-14.5-8(c), and IC 36-1-8-5.1, during a special meeting commencing at 4:00 o'clock p.m., on Thursday, July 26, 2012, in the Board's Conference Room in the Clark County Government Building, Room 404, 501 E. Court Avenue, Jeffersonville, Indiana.

The tax will be levied on all taxable real and personal property within Clark County and will not exceed Three and One-Third Cents (\$0.0333) per \$100 of assessed valuation, and thereafter continuing until reduced or rescinded. The proposed fund will be levied beginning with the taxes due for 2012 and payable in the year 2013. Taxpayers appearing at such hearing shall have the right to be heard thereon. The proposal for the re-establishment of the Clark County Cumulative Capital Development Fund is subject to approval by the Department of Local Government Finance.

Within thirty (30) days after the date of adoption of the re-established Clark County Cumulative Capital Development Fund by the Board of Clark County Commissioners, the Clark County Auditor will publish a Notice of Adoption.

Upon publication of the Notice of Adoption, fifty (50) or more taxpayers in the taxing district may file a petition with the Clark County Auditor not later than 12:00 o'clock noon thirty (30) days after the publication of the Notice of Adoption setting forth their objections to the proposed levy.

This Notice given this 9th day of July, 2012.

/s/ R. Monty Snelling, Clark County Auditor

EXHIBIT
"A"

STATE OF INDIANA
COUNTY OF CLARK - SS

Kelly Thomas on oath says that she is the bookkeeper of NEWS AND TRIBUNE and in the employ of the publisher of

NEWS AND TRIBUNE,

a daily newspaper of general circulation printed and published in the city of Jeffersonville, Clark County, State of Indiana; and further says that the annexed advertisement was published in said paper for #(2) time(s) to-wit: In issue of said NEWS AND TRIBUNE Dated: 7/16, 7/23, 2012.

(X) Kelly Thomas

STATE OF INDIANA
COUNTY OF CLARK

Subscribed and sworn to before me this

26TH day of July, 2012.

(X) Joann Galligan
Joann Galligan

Notary Public, Clark County, Indiana

(My Commission Expires August 27, 2014)

Proof of
Publication

629166
Publication
Fee \$ 168.64

INDIANA MEDIA GROUP
PO BOX 607
GREENSBURG IN 47240-0607

ORDER CONFIRMATION

Salesperson: KELLY THOMAS

Printed at 07/26/12 10:30 by kewel

Acct #: 179218

Ad #: 629166

Status: A

APPLEGATE FIFER PULLIAM LLC
PO BOX 1418
428 MEIGS AVENUE
JEFFERSONVILLE IN 47131-1418

Start: 07/16/2012 Stop: 07/23/2012
Times Ord: 2 Times Run: 1
LEG 2.00 X 31.00 Words: 300
Total LEG 62.00
Class: 105 PUBLIC NOTICES
Rate: LMIS1 Cost: 168.64
Affidavits: 1

Contact:

Phone: (812)284-9499

Fax#:

Email:

Agency:

Descript: PUBLIC HEARIN G BRIDGE

Given by: *

Created: kewel 07/03/12 14:21

Last Changed: kewel 07/10/12 09:02

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFS
JEFF	JEF	95	S	07/16,23			
JNOL	JEF	95	S	07/16,23			

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

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/s/ R. Monty Snelling, Clark County Auditor