

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

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ORDINANCE NO. 23 -2012

AN ORDINANCE ESTABLISHING APPROVAL PROCEDURES FOR THE RETENTION OF PROFESSIONAL LEGAL SERVICES BY OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS, AND OTHER AGENCIES OF CLARK COUNTY, INDIANA.

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,

WHEREAS, this Board is also the legislative body of Clark County Government pursuant to the provisions of IC 36-1-2-9; and,

WHEREAS, IC 36-1-3-5 provides that a governmental unit may exercise any power that it has that is not either expressly denied by the Indiana Constitution or by statute, or granted to another entity; and,

WHEREAS, this Board is aware that IC 36-4-9-12 provides in pertinent part that officers, departments, boards, commissions, and other agencies of a city may not employ attorneys without the authorization of the head of the department of law (a/k/a the appointed city attorney), but that no similar statute has been provided by the General Assembly with respect to counties; and,

WHEREAS, this Board desires to enact similar approval procedures for the retention of professional legal services by and for officers, departments, boards, commissions, and other agencies of Clark County, and now adopts this Ordinance pursuant to its Home Rule authority for such purposes.

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

1. Procedures for Retention of Professional Legal Services. Except as specifically provided by a duly enacted Indiana statute, no officer, department, board, commission, or other agency of Clark County government shall employ an attorney without the authorization of the Clark County Attorney appointed by this Board pursuant to the provisions of IC 36-2-2-30. The provisions of this Ordinance shall not limit the authority of any officer, department, board, commission, or other agency of Clark County government to retain legal representation of its choosing without the approval of the Clark County Attorney where such authority is provided by Indiana statute.

2. Review and Approval of Existing Legal Representation Agreements. Each officer, department, board, commission, or other agency of Clark County government that presently employs one or more attorneys without statutory grant of authority to retain such attorney(s) at their discretion shall submit a copy of any representation agreement presently in effect to the Clark County Attorney by June 1, 2012. The Clark County Attorney shall promptly thereafter review and approve or disapprove all such representation agreements in his/her sole discretion, and communicate his/her decision as to whether such representation is approved or disapproved on a continuing basis to the subject officer, department, board, commission, or other agency of Clark County government, with a copy to this Board. In the event that the Clark County Attorney disapproves any such representation agreement presently in effect, the representation agreement shall terminate not later than July 1, 2012.

3. 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 24th day of May, 2012.

Members voting "NO":

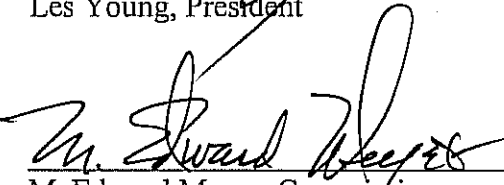
Members voting "YES":

Les Young, President



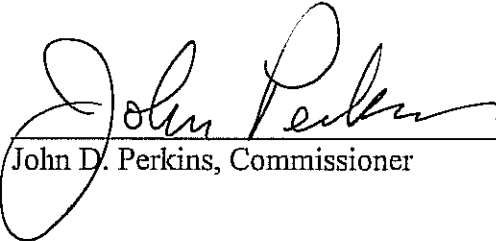
Les Young, President

M. Edward Meyer, Commissioner



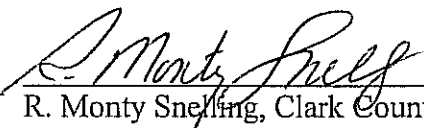
M. Edward Meyer, Commissioner

John D. Perkins, Commissioner



John D. Perkins, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor