

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 25 -2014

**AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN  
THE BOARD OF COMMISSIONERS OF CLARK COUNTY, INDIANA  
AND THE TOWN OF UTICA**

**WHEREAS**, this Board of Commissioners of Clark County, Indiana (this “Board”), is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

**WHEREAS**, this Board is also the legislative body of Clark County government pursuant to the provisions of Ind. Code § 36-1-2-9; and,

**WHEREAS**, pursuant to Ind. Code § 36-1-7 *et seq.*, this Board may enter into interlocal agreements with other political subdivisions; and,

**WHEREAS**, this Board has identified a need to enter into an interlocal agreement with the Town of Utica, Indiana.

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

1. This Board agrees to the terms as set forth in the interlocal agreement to allow the Clark County Highway Department to pave roads for the Town of Utica and for the Town to reimburse the County for its time and expense. (*See Exhibit “A”*).
2. The President of this Board is authorized to execute said agreement.
3. 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.

*[signature page to follow]*

So Ordained this 28th day of August, 2014.

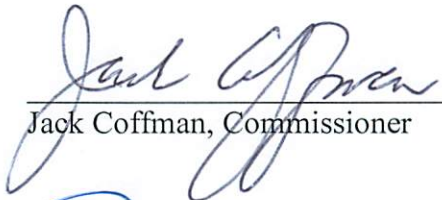
*Members voting "NO":*

\_\_\_\_\_  
Jack Coffman, Commissioner


\_\_\_\_\_  
Rick Stephenson, Commissioner

\_\_\_\_\_  
John Perkins, Commissioner

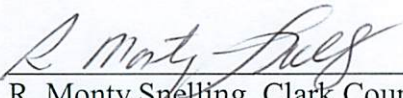
*Members voting "YES":*

  
\_\_\_\_\_  
Jack Coffman, Commissioner

  
\_\_\_\_\_  
Rick Stephenson, Commissioner

  
\_\_\_\_\_  
John Perkins, Commissioner

*Attested by:*

  
\_\_\_\_\_  
R. Monty Spelling, Clark County Auditor



**INTERLOCAL COOPERATION AGREEMENT FOR HIGHWAY CONTRSTUCTION  
AND MAINTENANCE AND RELATED MATTERS**

This *Interlocal Cooperation Agreement for Highway Construction and Maintenance and Related Matters* (hereinafter this "Agreement"), is made with an effective date of the \_\_\_\_ day of \_\_\_\_\_, 2014, by and between the Board of Commissioners of Clark County, Indiana (hereinafter the "County") and the Town of Utica, Indiana (hereinafter the "Town").

1. Authority. Pursuant to I.C. § 36-1-7 *et seq.*, political subdivisions may enter into interlocal agreements with one another. Powers that may be exercised by an Indiana political subdivision and by one (1) or more other governmental entities may be exercised by one (1) or more entities on behalf of others or jointly by the entities.

2. Duration. The duration of this agreement is for four (4) years.

3. Purpose. The purpose of this Agreement is to allow the County's Highway Department to pave certain roads within the corporate limits of the Town using the County's manpower and equipment. The Town will then pay the County, at cost, for the amount of material and manpower used to pave said roads. Prior to any work being performed by the County, the Town's fiscal and executive body shall approve each project at a public meeting.

4. Manner of Financing. The Town shall submit payment to the Clark County Treasurer within ten (10) days of completion of the project. The Treasurer shall account for all monies.

5. Termination. Either party may unilaterally terminate this agreement whereupon giving thirty (30) days' written notice to the other party. Upon termination of this Agreement, any monies owed to the County shall be paid immediately. Furthermore, if a project is pending at the time of termination, the County shall be compensated for materials and services rendered for partial work or the parties may agree to finish project. Any such agreements shall be in writing and executed by the parties.

6. Recordation of Agreement. Pursuant to I.C. 36-1-7-6, this Agreement shall be recorded with the Clark County Recorder within sixty (60) days after it is approved by the last party that is a signatory to this Agreement. Upon recordation of this Agreement, the Clark County Auditor shall file a fully executed copy with each of the following:

- a. The Indiana State Board of Accounts for audit purposes as required by I.C. 36-1-7-6;
- b. The Indiana State Auditor as required by I.C. 36-1-7-10(4);
- c. The executive of each municipality that is a party hereto; and,
- d. In the records of the Clark County Auditor.

7. Approval of Agreement. As a condition precedent to this Agreement taking effect, it has been approved by ordinance adopted by each of parties as follows:

a. The County Commissioners on behalf of Clark County pursuant to Ordinance No. \_\_\_\_\_ adopted on \_\_\_\_\_, 2014.

b. The County Council on behalf of Clark County pursuant to Ordinance No. \_\_\_\_\_ adopted on \_\_\_\_\_, 2014.

c. The Town Council of the Town of Utica, Indiana, on behalf of Utica pursuant to Ordinance No. \_\_\_\_\_ adopted on \_\_\_\_\_, 201.

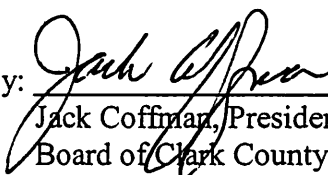
8. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original.

9. Governing Law. This Agreement shall be governed and construed in accordance with the provisions of Indiana law.

*[The remainder of this page intentionally left blank. Signature pages follow.]*

IN WITNESSETH WHEREOF, this *Interlocal Cooperation Agreement for Highway Construction and Maintenance and Related Matters* is executed on behalf of Clark County, Indiana, by the undersigned as its duly authorized officials and representatives this 28<sup>th</sup> day of August, 2014.

**For CLARK COUNTY:**

By:   
\_\_\_\_\_  
Jack Coffman, President,  
Board of Clark County Commissioners

*Attestation and Certification:*

The undersigned, as the duly elected and serving Auditor of Clark County, Indiana, hereby attests that on this 28 day of August, 2014, he personally witnessed the execution of this Agreement by Jack Coffman, the duly authorized President of the Board of Clark County Commissioners. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinances enacted by the Board of Clark County Commissioners in accordance with the provisions of applicable Indiana law.

  
\_\_\_\_\_  
R. Monty Snelling, Clark County Auditor

*[The remainder of this page intentionally left blank. Signature pages follow.]*

IN WITNESSETH WHEREOF, this *Interlocal Cooperation Agreement for Highway Construction and Maintenance and Related Matters* is executed on behalf of the Town of Utica, Indiana, by the undersigned as its duly authorized officials and representatives this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**For UTICA:**

By: \_\_\_\_\_  
Hank Dorman, Town Council President  
Town of Utica, Indiana

*Attestation and Certification:*

The undersigned, as the duly elected and serving Clerk-Treasurer of the Town of Utica, Indiana, hereby attests that on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, he personally witnessed the execution of this Agreement by Hank Dorman, as the duly elected, serving, and authorized President of the Town Council of the Town of Utica, Indiana. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinance enacted by the Common Council of the Town of Utica, Indiana, pursuant to the provisions of applicable Indiana law.

\_\_\_\_\_  
Patricia Love, Clerk-Treasurer

*[The remainder of this page intentionally left blank. Signature pages follow.]*