

IC 14-33-14

Chapter 14. Cumulative Maintenance Fund

IC 14-33-14-1

Applicability of chapter

Sec. 1. This chapter applies to a district having channel improvements, levees, and water retarding or impoundment structures.

As added by P.L.1-1995, SEC.26.

IC 14-33-14-2

Exemptions

Sec. 2. This chapter does not apply to the following:

- (1) A water supply structure or the water supply part of a multiple purpose structure if provision has been made for maintenance from revenues of a water system.
- (2) Sewage works.

As added by P.L.1-1995, SEC.26.

IC 14-33-14-3

"Fund" defined

Sec. 3. As used in this chapter, "fund" refers to a cumulative maintenance fund established under this chapter.

As added by P.L.1-1995, SEC.26.

IC 14-33-14-4

Establishment of fund

Sec. 4. A district shall establish a cumulative maintenance fund in the year following commencement of construction or assumption or maintenance of the channel improvements, levees, and water retarding or impoundment structures so that the works of improvement are adequately maintained.

As added by P.L.1-1995, SEC.26.

IC 14-33-14-5

Budget and appropriations to fund

Sec. 5. (a) The board shall budget and appropriate annually to the fund an amount equivalent to ten percent (10%) of the annual cost of maintenance for the works of improvement as the cost is:

- (1) stated in the district plan; or
- (2) adjusted under section 8 of this chapter.

(b) Money accumulated in the fund may be used for emergency or unusually expensive maintenance of the works of improvement.

As added by P.L.1-1995, SEC.26. Amended by P.L.228-2003, SEC.1.

IC 14-33-14-6

Suspension of appropriations

Sec. 6. (a) If an amount equivalent to two (2) times the annual cost of maintenance of the works of improvement, as stated in the district plan or as the cost is adjusted under section 8 of this chapter,

has accumulated in the fund, appropriations to the fund shall be suspended until the year that the amount in the fund is not more than equal to the annual cost of maintenance of the works of improvement as stated in the plan or the adjusted annual cost.

(b) The money in the fund may be invested and reinvested in whole or in part in accordance with IC 5-13-9.

As added by P.L.1-1995, SEC.26. Amended by P.L.228-2003, SEC.2.

IC 14-33-14-7

Normal maintenance work budgeted

Sec. 7. The appropriation to the fund does not relieve the board of the duty to budget annually the normal maintenance work anticipated during the next fiscal year.

As added by P.L.1-1995, SEC.26.

IC 14-33-14-8

Adjusted annual cost of maintenance

Sec. 8. (a) As used in this section, "cost index source" refers to the Engineering News Record Construction Cost Index, as published by McGraw Hill Construction or its successor.

(b) Before January 1, 2006, the board of a district may elect to adjust the annual cost of maintenance of the works of improvement as stated in the plan, as calculated in subsection (d), if the following conditions are met:

(1) The board has at a meeting adopted a resolution that sets forth:

(A) the annual cost of maintenance of the works of improvement as stated in the plan, and the year when the annual cost was stated in the plan; and

(B) the new, adjusted annual cost of maintenance of the works of improvement.

(2) The calculation under subsection (d) has been verified by either the state conservation engineer for the Natural Resources Conservation Service of the United States Department of Agriculture or a professional engineer licensed under IC 25-31-1.

(3) The board has provided a copy of the resolution to the department of local government finance (established by IC 6-1.1-30-1.1) within sixty (60) days of adoption.

(c) If the board of a district adopts a resolution under section (b)(1), a copy of the resolution must be included in the district's annual report, and a copy of the annual report must be provided to the local circuit court and the department of natural resources.

(d) The annual cost of maintenance of the works of improvement as stated in the plan of a district may be adjusted to an amount not to exceed the amount determined as follows:

STEP ONE: Determine the cost index from the cost index source for the most recent year.

STEP TWO: Determine the cost index from the cost index source for the year that the annual cost of maintenance of the

works of improvement was stated in the plan.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Multiply the result of STEP THREE by the annual cost of maintenance of the works of improvement that is stated in the plan.

As added by P.L.228-2003, SEC.3.