

FLOYD COUNTY ORDINANCE 2005- XVI I

AN ORDINANCE CREATING A NON-REVERTING FUND TO BE KNOWN AS
THE FLOYD COUNTY SURFACE AND STORM WATER ADMINISTRATION FUND

WHEREAS, Floyd County, Indiana (County), has been designated a Municipal Separate Storm Water System (MS4) by the Indiana Department of Environmental management, and pursuant to such designation has adopted certain amendments to the Floyd County Zoning Ordinance, being Floyd County Ordinance A67-4 (Amendments); and

WHEREAS, by the terms and provisions of said Amendments, the Floyd County Plan Commission (Commission) has been delegated and assigned certain administrative duties and responsibilities pertaining to the control and management of surface and storm water, some of which are within the purview of the statutory duties and responsibilities of the Floyd County Soil and Water Conservation District (District); and

WHEREAS, the Commission and the District have concluded, or contemplate concluding, a Special Services Contract (Contract) whereby the District is to provide designated services to the Commission and be compensated therefor by fees imposed by the Commission pursuant to the Amendments; and

WHEREAS, it is anticipated that, for the near future, the fees to be received by the District under the Contract will be insufficient to defray the costs and expenses incurred in rendering the Special Services to the Commission, and the District and Floyd County have concluded, or contemplate concluding, an Interlocal Cooperation Agreement (Agreement) as a vehicle for partially funding such costs and expenses; and

WHEREAS, the Agreement calls for and requires the establishment of a non-reverting fund into which certain appropriated funds and fees shall be deposited and from which certain permitted expenditures shall be made, from time to time; and

WHEREAS, the State Board of Accounts has confirmed in Volume No. 283 of the County Bulletin, January, 1991, that the Board of Commissioners of the County of Floyd, acting pursuant to the provisions of IC 36-1-3, *et seq.*, is empowered to create, by ordinance, such funds deemed necessary for the effective operation of government as to local affairs.

NOW THEREFORE:

BE IT ORDAINED, that the recitals set forth above be, and they hereby are, incorporated herein and made a part of this Ordinance.

BE IT FURTHER ORDAINED, that a non-reverting fund, to be known as the Floyd County Surface and Storm Water Administration Fund, be, and the same hereby is created, with said fund to be subject to the following terms and conditions:

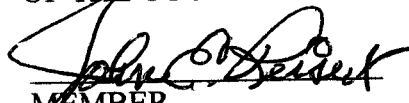
(1) REVENUE: Monies appropriated pursuant to the Agreement and fees received by the District under the Contract shall be deposited in the Fund, with the same to be expended only for those purposes set forth in the Agreement.

(2) APPROPRIATION: To the extent that monies in the Fund are expended pursuant to and in accordance with the Agreement, further appropriation by the Floyd County Council shall not be necessary.

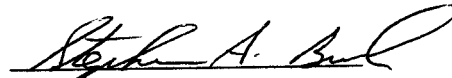
(2) NON-REVERSION: The fund hereby created shall be non-reverting from year to year.

SO ORDAINED this 17th day of May, 2005.

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD


MEMBER


MEMBER


MEMBER

ATTEST:


FLOYD COUNTY AUDITOR