

RESOLUTION NO. 7-2007

**A RESOLUTION ENACTING PROCEDURES FOR THE INVESTIGATION AND MANAGEMENT OF COMPLAINTS REGARDING DEVELOPER BONDS, LETTERS OF CREDIT OR SURETIES**

WHEREAS, the County Commissioners of Clark County, Indiana (the "Board") is the County Executive under I. C. 36-2-2-2 and also functions as the County legislative body under I. C. 36-1-2-9(1);

WHEREAS a need exists to enact a procedure by which (a) citizen inquiries can be fully documented, reviewed and investigated and (b) appropriate records from Clark County, Indiana may be generated in the course of managing and investigating any citizen inquiry concerning developer bonds, letters of credit or other surety instruments;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF CLARK COUNTY, INDIANA THAT:

1. That each and every recital set forth hereinabove is incorporated into this Ordinance;
2. That the Board deems it necessary to the public interests to investigate all inquiries, to determine the nature of the inquiry, actual valid complaints and to utilize the professional services of the County Plan Commission and County Engineer in determining a course of action, if any, upon any citizen complaint or inquiry.
3. That attached hereto and made a part hereof and marked Exhibits A, B, C and D, respectively, are checklists and procedures that the Board implements by this Resolution, which are to be followed by the designated persons, and county offices, described therein;
4. That representatives of the County Plan Commission and the office of the County Engineer are directed by this Ordinance to participate in and comply with the inquiry investigation and documentary procedure enclosed in all of the aforesaid exhibits, effective this date;
5. That members of the public who wish to make written inquiries authorized by this Resolution are requested to comply with all of the items shown on the exhibits that are applicable to citizen inquiries, effective this date;

SO RESOLVED THIS 20<sup>TH</sup> DAY OF SEPTEMBER, 2007.

Members voting Aye:

Mr. Edward Meyer  
Ralph J. Sutton  
Mr. Moore

Members voting Nay:

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ATTEST:

Barbara Haas  
Auditor of Clark County

**Property Owner Checklist to be completed re : Developer issues :**

PC=Plan Commission ED= Executive Director of PC  
PCA=Attorney for PC CE=County Engineer  
CC=County Commissioner CA=Commissioner Attorney

1. Written dated letter , signed by all persons requesting assistance, providing specific list of concerns and requests. Include the following in this letter :
  - a. Name, address, phone of developer (by formal legal name used on plat or in documents with owners)
  - b. Copies of letters written to developer or written summary, with dates, of each phone contact or meeting (identifying persons involved or present) to/from developer before seeking action from county commissioners.
  - c. Name and address of each attorney contacted by owners and status of any action taken by attorney. (Provide copies of all letters written by such attorney)
  - d. List all contacts from any county representative, with dates listed, and state what you were told by such person (s)
  - e. History of contacts (listing dates) meetings with CE or any representative of PC before approaching county commissioners office
  - f. Copies of all letters issued/received to/from PC before approaching CC
  - g. Copies of all pictures you believe are helpful to your inquiry.
  - h. Name, phone and address of each person requesting assistance from CC
  - i. Explanation of what you are asking CC to do, with specific listing of remedies requested.
  - j. Name, phone, fax, address of "contact person" authorized by all whose names appear in the letter, to be responsible for communicating with

A

1. county representative chosen by commissioners
2. Copies of all Homeowner Association documents for subdivisions
3. Copies of private restrictions for subdivision involved
4. Copies of summaries (with date of occurrence shown and the persons was involved) of personal meetings or phone calls with developer or developer representative . Summarize what occurred in the phone call or meeting.
5. Copies of other documents you believe are helpful , for consideration by commissioners.
6. Signatures of all persons requesting assistance to be included at end of request letter.

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**Internal Administrative Checklist (to complete building of file)Prior to  
Consideration of Enforcement or Litigation Decision**

PC = Plan Commission ED= Executive Director of PC  
CE= County Engineer CC=County Commissioners  
PCA=Plan Commission Attorney CA= Commissioner Attorney

**Written records needed (with dates on all documents)**

**From Plan Commission Offices :**

1. copy of all Bonds/Letters of Credit (“security”)in dispute in the specific case
2. copy of PC minutes approving plat/subdivision, making decisions
3. copy of all letters to/from PC or PCA to responsible developer
4. copy of all letters to/from CE to responsible developer
5. Request to Cure Letter (case-specific) written by ED to responsible developer, advising of “deadline” to cure problem re : security before file is turned over to CE for further action.
6. full information sheet from ED, listing corporate/legal name , address, phone, fax and email info of responsible developer--- (do not use informal names like “Bill” or “John the owner”). It is necessary to list the complete legal name on the approved plat for subdivision and the approved security instrument ( list full name of LLC, a partnership, an individual or inc. where applicable).
7. summaries of each phone call (date, message left etc.) from responsible developer or its representative) to ED or any representative of PC
8. copy of case-specific transmittal letter from ED to CE, advising CE of attempts (successful or not) to obtain action from responsible developer,

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including copies of all letters from developer or its representative

From County Highway/Engineer Office :

9. copies of all letters or records of decisions by CE reducing or changing status/amount of required security
- 10 site visit by CE to inspect area at issue, for taking pictures and gathering of information by CE, verifying jurisdiction
11. copy of case-specific demand letter specifically written by CE to responsible developer, describing situation and demanding cure by specific date
12. copy of case-specific written transmittal letter from CE to CC, copy to CA :
  - (a) verifying jurisdiction
  - (b) advising status of situation described by initiating homeowner(s),
  - (c) engineering assessment,
  - (d) highway dept. repair request assessment
  - (e) options for PC or CC
  - (f) likely expense involved for county to intervene
  - (g) need for more documented information from any other person or source.
  - (h) Letter to be copied to ED, any involved city/town of jurisdiction and PCA

Delivery of completed file by CE to CC of all of the above documents and records for assessments of options and decisions

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