

CLARK COUNTY COUNCIL
CLARK COUNTY, INDIANA
Regular Meeting of September 12, 2011

The regular scheduled meeting of the Clark County Council was called to order at 6:00 p.m. by Council President Kevin Vissing.

Those in attendance stood for the pledge of allegiance to the American Flag.

Roll call showed members present and absent as follows:

| Present | Absent |
|---|--------|
| Barbara Hollis (1 st District) | |
| Brian Lenfert (2 nd District) | |
| Danny Yost (3 rd District) | |
| Steve Doherty (4 th District) | |
| Chuck Moore (At Large) | |
| Kevin Vissing (At Large) | |
| Perry Smith (At Large) | |

Also present were Council Attorney Scott Lewis, County Auditor Monty Snelling, Chief Deputy Auditor Alana Sparkman and Benefits Coordinator Mischell Settles.

President Vissing requested proof of Notice of Taxpayers of the additional appropriations listed on the agenda. Scott Lewis, Attorney for the Council, stated for the record that publication of Notice of Taxpayers ran in the Evening News ten (10) days prior to this meeting as required by I.C.6-1.11-18-5 and advised the council to proceed.

Councilperson Hollis made a motion to approve the August 8, 2011 minutes as presented with a second from Councilman Smith. Carried 7-0.

Amendments to the Agenda: Council Attorney, Scott Lewis, added Resolution No. 2011-2 approving mediation agreements dated September 2, 2011 regarding the Sheriff's petition against the County Council and the County Commissioners. He also added Ordinance 30-2011 for consideration authorizing the issuance and sale of bonds of the County for the purpose of funding certain judgments imposed against the County and was to introduce Ordinance 31-2011 appropriation ordinance regarding the judicial mandate case that was previously approved pursuant to the agreement. Auditor Snelling mentioned the additions to the agenda including Prosecutor transfer of funds, the Recorder transfer of funds, Civil defense transfer of funds, Superior Ct. 1 had a transfer of funds, and the Public Defender had a transfer of funds. He also mentioned on the agenda was a transfer for the Prosecutor's office in the amount of \$2,425.00 from

supplies to contract services and it was to be withdrawn. Councilman Lenfert made a motion to approve the agenda as amended with a second from Councilman Yost. Carried 7-0.

Councilperson Hollis made a motion to acknowledge the receipt of the funds report provided by the Auditor's office. Councilman Moore seconded the motion. Carried 7-0.

Committee Reports: Councilman Lenfert had a rough draft of the 2012 Budget he had been working on and brought copies to the Council to view for discussion purposes to help prepare for the next meeting in October for the adoption of the approved budget. He had copies available and mentioned he would leave copies in the Auditor's office for the public to view and to give input and suggestions.

Public Comments:

The following is a list of those who made comments:

1. Sandra Scott of 201 Meadow Drive, Sellersburg
2. Kelly Khuri of 4819 Salem Noble Road, Jeffersonville

At this time, Dan Eggermann with Governmental Consulting Services, had calculations regarding the binding and non-binding reviews which the Clark County Council is required to do every year. Dan handed out the Clark County Council Property Tax Budget Review Forms for the Budget year of 2012 for the taxing units. Councilperson Hollis made a motion to approve the non-binding reviews with a second from Councilman Smith. Carried 7-0.

Council President, Vissing opened the public hearing for the 2012 County Budget. Councilman Lenfert explained that the advertisement was compiled of the requested budgets and the October 10, 2011 meeting is the adoption of the 2012 budget. A discussion was raised by Commissioner Meyer regarding health insurance being budgeted by each office instead of in the Commissioner's budget. Councilperson Hollis mentioned that only the General fund is in the Commissioner's budget but all of the other funds are separated. Councilperson Hollis agrees with FICA, Medicare, and PERF being separated out because it is a direct percentage of the payrolls paid. She also mentioned that health insurance varies greatly from one office to another and from one year to the next. Auditor Snelling stated he would talk to State Board of Accounts on the matter. Council President, Vissing closed the public hearing on the 2012 County Budget.

Next, Judge Moore spoke regarding the Third Memorandum of Understanding in county-wide Crisis Intervention Team (CIT) between the LifeSpring of Jeffersonville,

Wellstone Regional Hospital, Saint Catherine Regional Hospital and Clark Memorial Hospital regarding an agreement. The agreement is that LifeSpring being the one certified mental health provider will be the central holder of the funds. LifeSpring agreed that the funds will not be disbursed or used in any manner until such time as the providers enter into a written agreement. Councilman Moore made a motion to acknowledge the agreement for the CIT program with a second from Councilman Smith. Carried 7-0 Judge Moore also mentioned that there was CIT training and it was successful. Judge Moore also stated they will be applying for the CIT grant again next year.

Next, Council Attorney, Scott Lewis, discussed Resolution 2011-2. A resolution approving mediation agreements dated September 2, 1011 regarding the Sheriff's petition for order of mandate of funds which also included a cross claim by the Commissioners. The memorandum of understanding with the Sheriff would be for the Council to agree to enter to an agreed judgment in the sum of \$2,200,000.00 and part of that understanding would be for the Council to deappropriate the LOIT money which was \$108,000.00 per month. The Commissioners agreed to dismiss their cross claim and the Council continue to act upon their Cedit plan. Commissioners will also amend their Cedit plan to pay the LifeSpring claim to the basis to reduce that sum for Reassessment purposes. A motion was made to pass Resolution 2011-2 by Councilman Moore with a second by Councilperson Hollis. Carried 4-3 with Councilman Lenfert, Councilman Doherty, & Councilman Yost voting against.

Next, Council Attorney, Scott Lewis, discussed Ordinances regarding the judicial mandates. Attorney Lewis mentioned the Ordinance 2011-30 Bond Ordinance to issue judgment funding bonds. Also, Attorney Lewis introduced the Ordinance 2011-31 Appropriation Ordinance. Councilman Moore made a motion to suspend the rules for Ordinance 2011-30 for time purposes with a second by Councilman Lenfert. Carried 7-0. Councilman Moore made a motion to pass Ordinance 2011-30 with one reading with a second from Councilman Smith. Carried 7-0. A motion was made to introduce Appropriation Ordinance 2011-31 by Councilman Moore with a second from Councilperson Hollis. Carried 7-0.

Next, Commissioner, Ed Meyer requested additional appropriations in Cum Cap that were approved at the Commissioner's meeting on 08/18/11 for Personal Services for highway for \$118,000.38, Workman's Comp for \$74,527.00, and General Liability for \$79,182.25. He also requested additional appropriations in 2010 Building Authority Reserve Fund for Legal Notices for \$548.08 and 2010 Building Authority Bond Fund for Contract Services for \$26,250.00, in Cum Bridge for Gas & Oil for \$4.89, Other Materials for \$858.30, Bridge 3 Utica Pike for \$2,137.50, Bridge Inspection for \$1,196.40. Additional appropriations were also requested in the Landowners Liab. &

Cont. Fund for Contract Services in the amount of \$91,424.05, Landfill Improvements Fund for Contract Services for \$511,331.00, Services & Charges for \$7,431.00, and Land for \$4,417.09, in the Landfill Expansion Project N/R fund for \$792,475.92 and Information Technology Fund for Contract Services for \$60,000.00 and Equipment for \$20,000.00. A motion was made by Councilperson Hollis to table the 2010 Building Authority Reserve Fund and 2010 Building Authority Bond Fund additional appropriations with a second from Councilman Lenfert. Carried 7-0. Councilman Lenfert made a motion to approve the additional appropriations in Cum Cap, Cum Bridge, Landowners Liab. & Cont., Landfill Improvements, Landfill Expansion Project N/R and Information Technology for the amounts advertised with a second from Councilperson Hollis. Carried 7-0. Also, Commissioner, Ed Meyer represented Drainage Board N/R Fee Fund for additional appropriations for \$36,000.00 in Contract Services, \$3,450.00 in Legal Fees & Charges, \$30,000.00 in Contract Services. Councilman Lenfert made a motion to approve the additional appropriations with a second from Councilperson Hollis. Carried 7-0. Also, Commissioner, Ed Meyer requested a transfer from Fund#277 Landfill Improvements to Fund#341 Landfill Expansion Project N/R in the amount of \$350,000.00. Councilperson Hollis made a motion to approve the transfer with a second from Councilman Lenfert. Carried 7-0. He also requested an additional appropriation in Landfill Expansion Project N/R fund for \$350,000.00 in Contract Services. Councilperson Hollis made a motion to approve the additional appropriation with a second from Councilman Smith. Carried 7-0.

Next, Councilman Lenfert requested to clean up the Cedit Plan, Resolution No. 4-2011. Councilman Lenfert made a motion to deny Reassessment for \$58,000.00 in Personal Services, and deny the \$191,880.00 for Contract Services with a second from Councilman Moore. Carried 7-0. Also, Councilman Moore made a motion to approve \$240,195.00 and deny \$32,000.00 in Contract Services for the Building Authority from the Cedit plan with a second from Councilman Lenfert. Carried 7-0.

Next, Circuit Court had a Salary Ordinance for Denise Poukish effective July 1, 2011 for \$21,881.36 which is a correction from the August 8, 2011 meeting because it is for the remainder of the year instead of for a full year. Councilperson Hollis made a motion to approve the salary ordinance with a second from Councilman Lenfert. Carried 7-0.

Next, Sheriff Daniel Rodden came with a request for additional appropriations in Co. Adult Facility Usage Fund for \$13,495.73 in Personal Services, \$5,250.00 in Personal Services, \$9,250.00 in Contract Services, and \$185,500.00 in Drugs and Medical, and in the Jail Medical Fund for \$2,388.55 in Drugs & Medical, in Sheriff's P.R. N/R fund for \$2,000.00 in Supplies, in Sheriff DFC Grant fund for \$180.00 in

Personal Services, \$4,152.47 in Supplies, \$8,000.00 in Supplies, \$6,000.00 in Travel, \$5,667.53 in Training, in OWI Police Grant Fund for \$2,144.93, in Big City/Big County Grant Fund for \$10,516.04 in Personal Services, in Radio Grant Fund for \$83,450.00 in Supplies, in Port Security Grant Fund for \$240,000.00 in Supplies. A motion was made by Councilperson Hollis to approve all of the additional appropriation requests for the Sheriff with a second from Councilman Moore. Carried 6-0 (Councilman Lenfert was not present at the time)

Next, Vicki Haire was not in attendance. She had requested additional appropriations from County Sales Disclosure in Travel for \$2,080.10, training for \$1,280.00 and dues for \$10.00. She also requested an additional appropriation for Reassessment 2010 fund in the amount of \$31,846.03 for Personal Services. Councilman Lenfert made a motion to approve the additional appropriations requested with a second from Councilman Smith. Carried 7-0.

Next, Lyda Abell with Juvenile Detention Center came requesting an additional appropriation in the Rainy Day, Riverboat and LOIT-Co General fund for \$90,000.00 for Personal Services and an additional appropriations for the School Lunch Grant Fund for \$12,500.00 in Food Items, \$589.02 in Supplies, \$125.00 in Schools & Conferences, \$25,000.00 in Meals, and \$2,972.70 in Equipment. Councilperson Hollis made a motion to deny the additional appropriation out of Rainy Day for \$90,000.00 with a second from Councilman Smith. Carried 7-0. Councilman Lenfert made a motion to approve all of the additional appropriations for the School Lunch Grant with a second from Councilman Moore. Carried 7-0. Councilperson Hollis made a motion to deny the additional appropriation for \$90,000.00 in Riverboat and approve the additional appropriation for LOIT-CO. General for \$90,000.00 with a second from Councilman Moore. Carried 6-0 (Councilman Lenfert abstained)

Next, Judge Jacobi for Superior Court 2 was not in attendance but was requesting an additional appropriation in Superior 2 Drug Court-CCYC Fund for \$6,494.30 in Personal Services, \$3,000.00 in Supplies, and \$5,000.00 in Contract Services. Councilman Lenfert made a motion to approve the additional appropriations with a second from Councilperson Hollis. Carried 7-0.

Next, Mike Meyer with the Clark County Health Department had been approved at the May 9, 2011 meeting for additional appropriations for the PHER-H1N1 Grant in the Health fund for \$43,900.00 in Equipment, \$1,200.00 in Services and Charges, \$4,500.00 in Telephone, \$2,300.00 in Supplies but needed to be re-advertised due to an error in date. Councilman Lenfert made a motion to approve the additional appropriations with a second by Councilman Yost. Carried 7-0.

Next, Clark County Treasurer, David Reinhardt requesting additional appropriations for the Treasurer Fees Fund N/R Fund for \$11,965.07 in Personal Services, \$235.00 in Supplies, \$300.00 in Travel, \$100.00 in Training, \$200.00 in Printing, \$175.00 in Dues, \$65.00 in Maintenance, a salary ordinance for Mary Ann Hall of \$8,735.60 to be effective August 29, 2011, and a transfer of appropriation from Personal Services to Travel for \$285.17. A motion was made Councilperson Hollis for all of the additional appropriation with a second from Councilman Lenfert. Carried 7-0. Councilman Lenfert made a motion to approve the salary ordinance and the transfer of appropriation with a second from Councilperson Hollis. Carried 7-0.

Next, Clark County Attorney Greg Fifer was not in attendance representing the Board of Commissioners for an additional appropriation out of County General, Riverboat, and Rainy Day of \$3,505,985.00. Councilman Lenfert made a motion to table the request with a second from Councilman Smith. Carried 7-0.

Again, Clark County Treasurer, David Reinhardt requested an additional appropriation out of County General, Riverboat, and Rainy Day for \$9,500.00 for printing. Councilman Lenfert made a motion to approve the additional appropriation out of Rainy Day and deny out of County General and Riverboat. Carried 7-0.

Next, amendments to the agenda, the Prosecutor requested to declare fund #508 Impact Grant Fund dormant and to transfer the cash balance of \$21,448.05 to fund #307 Infraction Fee Fund. Also, the Prosecutor was requesting transfer of appropriations from Prosecutor's State Forfeiture Fund from Supplies to Contract Services in the amount of \$10,000.00 and Equipment to Contract Services in the amount of \$5,000.00. In addition, the Prosecutor was requesting transfer of appropriations from Prosecutor's Federal Forfeiture Fund from Supplies to Contract Services in the amount of \$10,000.00 and Equipment to Contract Services for \$5,000.00. Councilman Lenfert made a motion to approve the transfer of appropriations with a second from Councilman Doherty. Carried 7-0.

Next, Recorder, Richard Jones, requested a transfer of appropriation in the I.D. Security Protection Fund from Services and Charges to Personal Services for \$25,180.51. Councilman Smith made a motion to approve the transfer with a second from Councilman Yost. Carried 7-0.

Next, there was a transfer of appropriation in Emergency Management-Civil Defense from Equipment Repair to Equipment in the amount of \$8,614.00. Councilman Lenfert made a motion to approve the transfer with a second from Councilman Smith. Carried 6-0 (Councilman Moore not present at the time)

Next, there was a transfer of appropriation for Superior Ct. 1 from Supplies to Dues in the amount of \$563.00 and from supplies to schools & conferences for \$680.00. Councilman Lenfert made a motion to approve the transfer with a second from Councilman Smith. Carried 6-0 (Councilman Moore not present at the time)

Next, Public Defender was not in attendance but requested a transfer of appropriation from Services & Charges to Supplies in the amount of \$282.25. Councilman Lenfert made a motion to approve the transfer and Councilman Smith seconded the motion. Carried 6-0 (Councilman Moore not present at the time)

Lastly, the Prosecutor's request of declaring Fund#508 Impact Grant fund dormant, Attorney Scott Lewis stated that he would write Resolution 2011-3 to declare the fund dormant. Councilperson Hollis made a motion to approve Resolution 2011-3 contingent upon Council Attorney Scott Lewis writing Resolution 2011-3 with a second from Councilman Smith. Carried 7-0.

No old business discussed.

No new business discussed.

Auditor comments: Auditor Snelling mentioned the tax bill went up over \$800.00 for the Auditor's portion but Auditor Snelling had enough to cover it. Auditor Snelling also mentioned that Councilman Lenfert requested for him to check with Kent Irwin a salary matrix and the cost that he would charge. He found out that it would cost \$3,000.00 to \$5,000.00. It would be performance based with ranges.

Council Comments: Councilman Moore asked if the Council Attorney, Scott Lewis had been paid for 2010. Attorney Lewis said he was good for year 2011 but will check the year 2010.

Next, Council President Vissing requested a letter to be written to the governor's office regarding the Sherman Minton Bridge situation. Councilperson Hollis and County Council Attorney, Scott Lewis, would draft the letter together and will have the council to view before approving at the next meeting.

Councilman Moore made a motion to adjourn the meeting with a second from Councilman Smith. Carried 7-0.

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
ADDITIONAL APPROPRIATIONS
FOR THOSE FUNDS REQUIRING APPROVAL OF THE
DEPARTMENT OF LOCAL GOVERNMENT FINANCE
ORDINANCE NO. 32-2011**

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exist.

| | Requested | Allowed | Vote |
|--|--------------|------------|------|
| <u>Cum Cap</u> | | | |
| 427-11107-030 Personal Services | 118,000.38 | 118,000.38 | 7-0 |
| 427-30033-030 Workman's Comp | 74,527.00 | 74,527.00 | 7-0 |
| 427-30035-030 General Liability | 79,182.25 | 79,182.25 | 7-0 |
| <u>2010 Property Reassessment</u> | | | |
| 123-11107-076 Personal Services | 31,846.03 | 31,846.03 | 7-0 |
| <u>Cum Bridge</u> | | | |
| 203-20021-064 Gas & Oil | 4.89 | 4.89 | 7-0 |
| 203-20082-064 Other Materials | 858.30 | 858.30 | 7-0 |
| 203-40046-030 Bridge 3 Utica Pike | 2,137.50 | 2,137.50 | 7-0 |
| 203-40069-064 Bridge Inspection | 1,196.40 | 1,196.40 | 7-0 |
| <u>Health</u> | | | |
| 214-40014-071 Equipment | 43,900.00 | 43,900.00 | 7-0 |
| 214-30098-071 Services & Charges | 1,200.00 | 1,200.00 | 7-0 |
| 214-30014-071 Telephone | 4,500.00 | 4,500.00 | 7-0 |
| 214-20060-071 Supplies | 2,300.00 | 2,300.00 | 7-0 |
| <u>County General</u> | | | |
| Commissioner | 3,505,985.00 | Tabled | 7-0 |
| <u>Treasurer</u> | | | |
| 100-30041-003 Printing | 9,500.00 | Denied | 7-0 |

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
ADDITIONAL APPROPRIATIONS
FOR THOSE FUNDS WHICH DO NOT REQUIRE APPROVAL OF THE
DEPARTMENT OF LOCAL GOVERNMENT FINANCE
ORDINANCE NO. 33 -2011**

WHEREAS, certain extraordinary conditions have developed since the adoption of the existing annual budget so that it is necessary to appropriate more money than was appropriated in the annual budget.

Section I. BE IT ORDAINED by the Clark County Council of Clark County, Indiana that for expenses of Clark County government and it's institutions for the year ending December 31, 2011 the following sums of money are herein specified subject to the law governing the same, such sum herein appropriated shall be held to include all expenditures provided by law.

Section II. THAT for the fiscal year there is hereby appropriated out of the various funds herein for the following specified amounts to meet such extraordinary emergencies which are declared to exist.

| | Requested | Allowed | Vote |
|---|------------|------------|------|
| <u>2010 Building Authority Reserve</u> | | | |
| 108-30042-316 Legal Notices | 548.08 | Tabled | 7-0 |
| <u>2010 Building Authority Bond</u> | | | |
| 107-30051-030 Contract Services | 26,250.00 | Tabled | 7-0 |
| <u>Landowners Liab. & Cont.</u> | | | |
| 271-30051-030 Contract Services | 91,424.05 | 91,424.05 | 7-0 |
| <u>Landfill Improvements</u> | | | |
| 277-30051-030 Contract Services | 511,331.00 | 511,331.00 | 7-0 |
| 277-30098-030 Services & Charges | 7,431.00 | 7,431.00 | 7-0 |
| 277-40008-030 Land | 4,417.09 | 4,417.09 | 7-0 |
| <u>Landfill Expansion Project N/R</u> | | | |
| 341-30051-030 Contract Services | 792,475.92 | 792,475.92 | 7-0 |
| 341-30051-030 Contract Services | 350,000.00 | 350,000.00 | 7-0 |
| <u>Information Technology</u> | | | |
| 357-30051-030 Contract Services | 60,000.00 | 60,000.00 | 7-0 |
| 357-40014-030 Equipment | 20,000.00 | 20,000.00 | 7-0 |

| | | | |
|---|--------------|------------|-----|
| <u>Co. Adult Facility Usage Fund</u> | | | |
| 337-11107-032 Personal Services | 13,495.73 | 13,495.73 | 6-0 |
| 337-11107-032 Personal Services | 5,250.00 | 5,250.00 | 6-0 |
| 337-30051-032 Contract Services | 9,250.00 | 9,250.00 | 6-0 |
| 337-32235-032 Drugs and Medical | 185,500.00 | 185,500.00 | 6-0 |
| <u>Jail Medical Fund</u> | | | |
| 249-32235-032 Drugs & Medical | 2,388.55 | 2,388.55 | 6-0 |
| <u>Sheriff's P.R. N/R</u> | | | |
| 283-20060-084 Supplies | 2,000.00 | 2,000.00 | 6-0 |
| <u>Sheriff DFC Grant</u> | | | |
| 317-11107-263 Personal Services | 180.00 | 180.00 | 6-0 |
| 317-20060-032 Supplies | 4,152.47 | 4,152.47 | 6-0 |
| 317-20060-263 Supplies | 8,000.00 | 8,000.00 | 6-0 |
| 317-30013-263 Travel | 6,000.00 | 6,000.00 | 6-0 |
| 317-30017-263 Training | 55,667.53 | 5,667.53 | 6-0 |
| <u>OWI Police Grant</u> | | | |
| 509-11107-252 Personal Services | 2,144.93 | 2,144.93 | 6-0 |
| <u>Big City/Big County Grant</u> | | | |
| 511-11107-252 Personal Services | 10,516.04 | 10,516.04 | 6-0 |
| <u>Radio Grant</u> | | | |
| 549-20060-032 Supplies | 83,450.00 | 83,450.00 | 6-0 |
| <u>Port Security Grant</u> | | | |
| 562-20060-032 Supplies | 240,000.00 | 240,000.00 | 6-0 |
| <u>County Sales Disclosure</u> | | | |
| 150-30013-009 Travel | 2,080.10 | 2,080.10 | 7-0 |
| 150-30017-009 Training | 1,280.00 | 1,280.00 | 7-0 |
| 150-30067-009 Dues | 10.00 | 10.00 | 7-0 |
| <u>Rainy Day</u> | | | |
| Clark County Juvenile Detention Center | | | |
| 269-11107-041 Personal Services | 90,000.00 | Denied | 7-0 |
| Commissioner | 3,505,985.00 | Tabled | 7-0 |
| Treasurer | | | |
| 269-30041-003 Printing | 9,500.00 | 9,500.00 | 7-0 |
| <u>School Lunch Grant</u> | | | |
| 563-20043-097 Food Items | 12,500.00 | 12,500.00 | 7-0 |
| 563-20060-097 Supplies | 589.02 | 589.02 | 7-0 |
| 563-30031-097 Schools & Conferences | 125.00 | 125.00 | 7-0 |
| 563-30094-097 Meals | 25,000.00 | 25,000.00 | 7-0 |
| 563-40014-097 Equipment | 2,972.70 | 2,972.70 | 7-0 |

Drainage Board N/R Fee

| | | | |
|------------------------------------|-----------|-----------|-----|
| 237-30051-026 Contract Services | 36,000.00 | 36,000.00 | 7-0 |
| 237-30096-026 Legal Fees & Charges | 3,450.00 | 3,450.00 | 7-0 |
| 237-30051-026 Contract Services | 30,000.00 | 30,000.00 | 7-0 |

Superior 2 Drug Court-CCYC

| | | | |
|----------------------------------|----------|----------|-----|
| 9117-11107-050 Personal Services | 6,494.30 | 6,494.30 | 7-0 |
| 9117-20060-050 Supplies | 3,000.00 | 3,000.00 | 7-0 |
| 9117-30051-050 Contract Services | 5,000.00 | 5,000.00 | 7-0 |

Treasurer Fees Fund N/R

| | | | |
|---------------------------------|-----------|-----------|-----|
| 343-11107-003 Personal Services | 11,965.07 | 11,965.07 | 7-0 |
| 343-20060-003 Supplies | 235.00 | 235.00 | 7-0 |
| 343-30013-003 Travel | 300.00 | 300.00 | 7-0 |
| 343-30017-003 Training | 100.00 | 100.00 | 7-0 |
| 343-30041-003 Printing | 200.00 | 200.00 | 7-0 |
| 343-30067-003 Dues | 175.00 | 175.00 | 7-0 |
| 343-31002-003 Maintenance | 65.00 | 65.00 | 7-0 |

Cedit**Reassessment**

| | | | |
|---------------------------------|------------|--------|-----|
| 412-11107-009 Personal Services | 58,000.00 | Denied | 7-0 |
| 412-30051-009 Contract Services | 191,880.00 | Denied | 7-0 |

Building Authority

| | | | |
|---------------------------------|------------|---------------------------------|-----|
| 412-30051-138 Contract Services | 272,195.00 | 240,195.00/ Denied 32,000.00 | 7-0 |
|---------------------------------|------------|---------------------------------|-----|

Riverboat

| | | | |
|--------------|--------------|--------|-----|
| Commissioner | 3,505,985.00 | Tabled | 7-0 |
|--------------|--------------|--------|-----|

Treasurer

| | | | |
|------------------------|----------|--------|-----|
| 321-30041-003 Printing | 9,500.00 | Denied | 7-0 |
|------------------------|----------|--------|-----|

Clark County Juvenile Detention Center

| | | | |
|---------------------------------|-----------|--------|-----|
| 321-11107-041 Personal Services | 90,000.00 | Denied | 7-0 |
|---------------------------------|-----------|--------|-----|

LOIT-County General

| | | | |
|---------------------------------|-----------|-----------|-----|
| 418-11107-041 Personal Services | 90,000.00 | 90,000.00 | 7-0 |
|---------------------------------|-----------|-----------|-----|

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
TRANSFER OF APPROPRIATIONS
ORDINANCE NO. 34 -2011**

| | Requested | Allowed | Vote |
|---|-----------|-----------|------|
| Prosecutor State Forfeiture | | | |
| From: 339-20060-008 Supplies | | | |
| To: 339-30051-008 Contract Services | 10,000.00 | 10,000.00 | 7-0 |
| From: 339-40014-008 Equipment | | | |
| To: 339-30051-008 Contract Services | 5,000.00 | 5,000.00 | 7-0 |
| Prosecutor Federal Forfeiture | | | |
| From: 331-20060-008 Supplies | | | |
| To: 331-30051-008 Contract Services | 2,425.00 | WITHDRAWN | |
| From: 331-20060-008 Supplies | | | |
| To: 331-30051-008 Contract Services | 10,000.00 | 10,000.00 | 7-0 |
| From: 331-40014-008 Equipment | | | |
| To: 331-30051-008 Contract Services | 5,000.00 | 5,000.00 | 7-0 |
| Treasurer | | | |
| From: 100-11107-003 Personal Services | | | |
| To: 100-30013-003 Travel | 285.17 | 285.17 | 7-0 |
| I.D. Security Protection | | | |
| From: 356-30098-313 Services & Charges | | | |
| To: 356-11107-313 Personal Services | 25,180.51 | 25,180.51 | 7-0 |
| Emergency Management-Civil Def | | | |
| From: 100-30054-039 Equipment Repair | | | |
| To: 100-40014-039 Equipment | 8,614.00 | 8,614.00 | 6-0 |
| Superior Court #1 | | | |
| From: 100-20060-037 Supplies | | | |
| To: 100-30067-037 Dues | 563.00 | 563.00 | 6-0 |
| From: 100-20060-037 Supplies | | | |
| To: 100-30031-037 Schools & Conferences | 680.00 | 680.00 | 6-0 |
| Public Defender | | | |
| From: 100-30098-040 Services & Charges | | | |
| To: 100-20060-040 Supplies | 282.25 | 282.25 | 6-0 |

**AN ORDINANCE OF THE CLARK COUNTY COUNCIL CONCERNING
SALARY AND WAGES TO BE PAID TO OFFICERS AND EMPLOYEES
FOR CALENDER YEAR 2011
AMENDMENT NO. 9**

| | Requested | Allowed | Vote |
|---|-----------|-----------|------|
| Circuit Court PUF | | | |
| Denise Poukish Effective 07/01/11 | 21,881.36 | 21,881.36 | 7-0 |
| Treasurer Fees Fund N/R | | | |
| Deputy Grade II-Mary Ann Hall | 8,735.60 | 8,735.60 | 7-0 |
| Prosecutor IV-D | | | |
| Nathan Clark, Caseworker Effective 08/29/11 | 26,000.00 | 26,000.00 | N/A |
| Clark County Sheriff-Jail | | | |
| Donald Croft to replace Bradley Hobbs Effective 09/12/11 | 29,806.00 | 29,806.00 | N/A |
| B. Middleton to replace C. Jones Effective 09/12/11 | 29,806.00 | 29,806.00 | N/A |
| C. Shield-McCollum to replace L. James Effective 09/19/11 | 29,806.00 | 29,806.00 | N/A |
| T. Tully to replace K. Able Effective 09/19/11 | 29,806.00 | 29,806.00 | N/A |
| Frank Marshall to replace Shelly Goodlett Effective 08/15/11 | 29,806.00 | 29,806.00 | N/A |
| Rick Elliot promoted to Major Effective 08/01/11 | 36,959.24 | 36,959.24 | N/A |
| Pete Byrnes promoted to Captain Effective 08/01/11 | 34,872.96 | 34,872.96 | N/A |
| Clark County Community Corrections | | | |
| Jacob Lusk to replace John English Effective 09/12/11 | 25,500.00 | 25,500.00 | N/A |
| Kevin W. Harper to replace Kevin Kevin Pickerrell-Effective 09/05/11 | 25,500.00 | 25,500.00 | N/A |

Auditor

Donna Smith -Classification III to replace 26,000.00 26,000.00 N/A
Angel Perry-Effective 09/12/11

Clark County Juvenile Detention Center

Bryan Hatfield-Lead Child Care Worker 28,624.00 28,624.00 N/A
Effective 08/01/11

Members of the Clark County Council

AYES

NAYS

| | |
|-----------------------|-------|
| <u>Kevon Vossing</u> | _____ |
| <u>[Signature]</u> | _____ |
| <u>Berry L. Smith</u> | _____ |
| <u>[Signature]</u> | _____ |
| <u>[Signature]</u> | _____ |
| <u>[Signature]</u> | _____ |
| <u>[Signature]</u> | _____ |

Attest: R. Monty Snelling

R. Monty Snelling - Clark County Auditor

Approved this 10 day of October, 2011

ORDINANCE NO. 2011-30

An Ordinance of Clark County, Indiana, authorizing the issuance and sale of bonds of the County for the purpose of funding certain judgments imposed against the County

WHEREAS, Clark County, Indiana ("County") is authorized by IC 36-2-6-18 to issue bonds to procure moneys to be used in the exercise of the powers of the County and by IC 5-1-8 to issue judgment funding bonds of the County for the purpose of procuring funds to pay any judgment taken against the County (collectively, the "Act");

WHEREAS, certain judgments have been taken against the County ("Judgments") and the County Council ("Council") finds that there are no funds on hand available to be applied on the cost of funding the Judgments;

WHEREAS, the Council now determines that it is a necessary and a proper exercise of the powers of the County to finance with the issuance of bonds the payment of the Judgments and that such cost will be financed by the issuance of the County bonds in an amount not to exceed Two Million Dollars (\$2,000,000) and that the bonds in such amount should now be authorized;

WHEREAS, the certified net assessed valuation of taxable property in the County collectible in the year 2011 is \$4,071,439,960 and there is outstanding indebtedness in the amount of \$11,100,000 counting towards the County's two percent constitutional debt limit, excluding the bonds authorized herein; such assessment and outstanding indebtedness amounts shall be verified at the time of the payment for and delivery of the bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARK COUNTY, INDIANA, THAT:

Section 1. Determination to Proceed; Authorization and Details of Bonds. (a) The Council shall proceed to fund the Judgments.

(b) In order to procure funds with which to pay the costs of funding the Judgments, including the costs of issuance of the bonds on account of thereof, the Auditor is authorized and directed to have prepared and to issue and sell the bonds of the County, to be designated as "Judgment Funding Bonds of 2011," in an aggregate principal amount not to exceed Two Million Dollars (\$2,000,000) ("Bonds") in accordance with the Act.

(c) The Bonds shall be sold at a price of not less than 99.5% of the par value thereof, and issued in fully registered form in denominations of \$5,000 or integral multiples thereof, numbered consecutively from 1 upward, dated as of their date of delivery, and shall bear interest at a rate or rates not to exceed four percent (4%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable semiannually on January 1 and July 1 of each year, commencing on July 1, 2012. Interest on the Bonds shall be calculated according to a 360-day year containing twelve 30-day months. The Bonds shall mature on January 1, 2013. The Board of Commissioners and the Auditor are authorized and directed to appoint a qualified banking institution to serve as Registrar and Paying Agent ("Registrar" or "Paying Agent") for the Bonds, which shall be charged with the responsibility of authenticating the Bonds. The Auditor is hereby authorized to enter into such agreements or understandings with such bank as will enable the bank to perform the services required of a Registrar and Paying Agent. The Auditor is further authorized to pay such fees as the bank may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from the bond fund established to pay the principal of and interest on the Bonds. Upon agreement between the County and the successful bidder for the Bonds, the Auditor may be designated as the Registrar and Paying

Agent, and, in that case, shall be charged with all responsibilities of a Registrar and Paying Agent.

(d) The principal of the Bonds shall be payable at the principal corporate trust office of the Paying Agent. Interest on the Bonds shall be paid by check mailed by first class mail one business day prior to the interest payment date to the registered owner, as of the fifteenth day of the month preceding an interest payment date ("Record Date"), to the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bonds shall be made in any lawful money of the United States of America, which on the date of such payment shall be legal tender for the payment of public and private debts.

(e) Each Bond shall be transferable or exchangeable only upon the books of the County kept for that purpose at the principal corporate trust office of the Registrar by the registered owner or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The County and the Registrar and Paying

Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

(f) The Bonds shall bear an original date which shall be their date of delivery, and each Bond shall also bear the date of its authentication. Bonds authenticated on or before the Record Date immediately preceding the first interest payment date shall be paid interest from the original date. Bonds authenticated thereafter shall be paid interest from the interest payment date to which interest has been paid next preceding the date of authentication of such Bonds unless the Bonds are authenticated after the Record Date and on or before the corresponding interest payment date, in which case interest thereon shall be paid from such interest payment date. If at the time of authentication of any Bond interest is in default thereon, that Bond shall bear interest from the date to which interest has been paid in full.

(g) The Bonds shall be signed in the name of the County by the manual or facsimile signatures of the Board of Commissioners, and the seal of the County shall be affixed, imprinted, engraved or otherwise reproduced thereon and attested by the manual or facsimile signature of the Auditor. The Bonds shall be authenticated with the manual signature of an authorized representative of the Registrar, and no Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon shall have been so executed. Subject to registration provisions, the Bonds shall be negotiable under the laws of the State of Indiana.

(h) The Bonds are not subject to redemption prior to maturity.

(i) The County has determined that it may be beneficial to the County to have the Bonds held by a central depository system pursuant to an agreement between the County and The Depository Trust Company, New York, New York ("Depository Trust Company") and have

transfers of the Bonds effected by book-entry on the books of the central depository system ("Book Entry System"). The Bonds may be initially issued in the form of a separate single authenticated fully registered Bond for the aggregate principal amount of each separate maturity of the Bonds. In such case, upon initial issuance, the ownership of such Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the County and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner")) of the Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the Bonds including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the Bonds except as otherwise provided herein.

No person other than the Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the County to make payments of the principal of and premium, if any, and interest on the Bonds pursuant to this ordinance. The County and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices

permitted to be given to bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the County's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the County of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Bonds and all notices with respect to such Bonds shall be made and given, respectively, to the Depository Trust Company as provided in a representation letter from the County to the Depository Trust Company.

Upon receipt by the County of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Bonds shall no longer be restricted to being registered in the register of the County kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders

transferring or exchanging the Bonds shall designate, in accordance with the provisions of this ordinance.

If the County determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Bonds, the County may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the County and the Registrar to do so, the Registrar and the County will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered Bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Bonds.

If the Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause the Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Bonds printed until it shall have received from the County indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to bondholders by the County or the Registrar with respect to any consent or other action to be taken by bondholders, the County or the Registrar, as the case may be, shall establish a record date for

such consent or other action and give the Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the Bonds are registered in the name of the Depository Trust Company or CEDE & CO. or any substitute nominee, the County and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Bonds or from the Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and the Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the bondholders for purposes of this ordinance and the County and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the bondholders. Along with any such certificate or representation, the Registrar may request the Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the Bonds, together with the dollar amount of each Beneficial Owner's interest in the Bonds and the current addresses of such Beneficial Owners.

Section 2. Form of Bond. The form of the Bonds shall be substantially as follows:

[Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to Clark County, Indiana, or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.]

STATE OF INDIANA

COUNTY OF CLARK

CLARK COUNTY, INDIANA
JUDGMENT FUNDING BOND OF 2011

| | | | | |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------------|--------------|
| <u>INTEREST</u> <u>RATE</u> | <u>MATURITY</u> <u>DATE</u> | <u>ORIGINAL</u> <u>DATE</u> | <u>AUTHENTICATION</u> <u>DATE</u> | <u>CUSIP</u> |
|--------------------------------|--------------------------------|--------------------------------|--------------------------------------|--------------|

January 1, 2013

REGISTERED OWNER:

PRINCIPAL SUM:

Clark County, Indiana ("County"), acknowledges itself indebted, and for value received hereby promises to pay, to the Registered Owner or registered assigns, the Principal Sum set forth above on the Maturity Date set forth above and to pay interest hereon until the County's obligation with respect to the payment of the Principal Sum shall be discharged at the rate per annum specified above from the interest payment date immediately preceding the date of authentication of this bond unless this bond is authenticated on or before June 15, 2012, in which case interest shall be paid from the Original Date or unless this bond is authenticated between the fifteenth day of the month preceding an interest payment date and the interest payment date, in which case interest shall be paid from such interest payment date. Interest shall be payable on the first day of January and July each year, commencing July 1, 2012.

The principal of this bond is payable at the principal office of _____ in the _____ of _____, Indiana ("Paying Agent" or "Registrar"). Interest on this bond shall be paid by check mailed by first class mail one business day prior to the interest payment date, to the Registered Owner, as of the fifteenth day of the month preceding an interest payment date, to the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the Registered Owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on this bond shall be made in any coin or currency of the United States of America, which on the dates of such payment shall be legal tender for the payment of public and private debts.

The full faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and the interest on this bond according to its terms. The County covenants that it will cause a property tax for the payment of the principal of and interest on this bond to be levied, collected, appropriated and applied for that purpose as set forth in IC 6-1.1-18.5-8. The bonds are subject to IC 6-1.1-20.6 regarding the circuit breaker tax credit and the State intercept of funds to pay debt service on the bonds.

This bond is one of an authorized issue of bonds of the County designated "Judgment Funding Bonds of 2011" aggregating _____ Dollars (\$_____); numbered consecutively from 1 upward; issued for the purpose of procuring funds to be applied on the costs of funding certain Judgments (as defined in the hereinafter defined Ordinance) and incidental expenses in connection therewith and on account of the issuance of bonds therefor, which bonds are issued pursuant to a Bond Ordinance adopted by the County Council of the County, on the _____ day of _____, 2011 ("Ordinance"), authorizing the issuance and sale of bonds of the County, Title 5, Article 1, Chapter 8 and Title 36, Article 2, Chapter 6, Section 18 of the Indiana Code, each as in effect on the date of issuance of this bond.

This bond is transferable or exchangeable only upon the books of the County kept for that purpose at the office of the Registrar, by the Registered Owner or by its attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or its attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in the same aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the Registered Owner, as the case may be, in exchange therefor. The County, the Registrar and the Paying Agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The County has designated the bonds as qualified tax-exempt obligations to qualify the bonds for the \$10,000,000 exception from the provisions of Section 265(b) of the Internal Revenue Code of 1986, as amended and in effect on the issue date of the bonds, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations.

The bonds are not subject to redemption prior to maturity.

[The bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the County and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.]

THE OWNER OF THIS BOND, BY THE ACCEPTANCE OF THIS BOND HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. The bonds are subject to defeasance prior to payment as provided in the Ordinance. The Ordinance may be amended without the consent of the owners of the bonds as provided in the Ordinance if the County Council in its sole discretion, determines that the amendment shall not adversely affect the rights of any of the owners of the bonds.

The bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or integral multiples thereof not exceeding the aggregate principal amount of the bonds maturing in such year.

It is hereby certified, recited and declared that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and

performed in regular and due form as provided by law; that this bond and the total issue of the bonds is within every limit of indebtedness as prescribed by the constitution and laws of the State of Indiana.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, Clark County, Indiana, has caused this bond to be executed in the name of the County by the manual or facsimile signatures of its Board of Commissioners, the seal of the County or a facsimile thereof to be affixed, imprinted, engraved or otherwise reproduced hereon and attested by the manual or facsimile signature of the Auditor.

CLARK COUNTY, INDIANA

By: _____
Commissioner

By: _____
Commissioner

By: _____
Commissioner

(SEAL)

ATTEST:

Auditor

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within mentioned Ordinance.

_____, as Registrar

By: _____
Authorized Representative

ASSIGNMENT

For value received the undersigned hereby sells, assigns and transfers unto _____
[PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: _____] the within bond and does hereby constitute and appoint _____, attorney, to transfer the bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

(Registered Owner)

Signature guaranteed:

NOTICE: The signature(s) to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program

The following abbreviations, when used in the inscription of the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations.

| | |
|----------|--|
| TEN COM | as tenants in common |
| TEN ENT. | as tenants by the entireties |
| JT TEN. | as joint tenants with right of survivorship and not as tenants in common |

UNIF. TRAN. MIN. ACT _____ Custodian _____
(Cust) (Minor)
under Uniform Transfer to Minors Act

(State)

Additional abbreviations may also be used though not in list above

(end of bond form)

Section 3. Sale of Bonds; Official Statement. (a) Prior to the sale of the Bonds, the Auditor shall cause to be published either: (i) a notice of such sale two (2) times at least one (1) week apart in *The Evening News*, with the first publication occurring at least fifteen (15) days prior to the sale date and the second publication occurring at least three (3) days prior to the sale date; or (ii) a notice of intent to sell bonds in the *Court & Commercial Record* and in *The Evening News*, all in accordance with IC 5-1-11 and IC 5-3-1. A notice or summary notice of sale may be published in the *Court & Commercial Record* or *The Bond Buyer*, financial journals published in the City of Indianapolis and in the City and State of New York, respectively, in the discretion of the Auditor. The Council hereby authorizes and approves the publication of such notice which states the purpose for which the Bonds are being issued, the total amount of the Bonds, the maximum rate of interest on the Bonds, the time and place of payment, the terms and conditions on which bids will be received and the sale made, and such other information as the Auditor, upon advice of counsel deemed necessary. The notice may provide, among other things, that the successful bidder shall be required to submit to the County by 3:30 p.m. (local time) the next business day either a certified or cashier's check or a wire transfer of funds to guarantee performance on the part of the bidder ("Deposit"). If the successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then the Deposit shall become the property of the County and shall be considered as its liquidated damages on account of such default.

All bids for the Bonds shall be sealed and shall be presented to the Auditor at his or her office, or at the office of the County's financial advisor on behalf of the Auditor. The Auditor, or the County's financial advisor on behalf of the Auditor, shall continue to receive all bids offered until the hour on the day fixed in the notice, at which time and place the County's financial

advisor on behalf of the Auditor, shall open and consider the bids. Bidders for the Bonds shall be required to name the rate or rates of interest which the Bonds are to bear, not exceeding four percent (4%) or such lower maximum rate set forth in the notice, and such interest rate or rates shall be in multiples of one-eighth (1/8) or one-twentieth (1/20) of one percent (1%). The rate bid on any maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. The Auditor shall award the Bonds to the highest responsible and qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the County, computing the total interest on all of the Bonds to the maturities and adding thereto the discount bid, if any, and deducting therefrom the premium bid, if any. The Auditor shall have full right to reject any and all bids. If no acceptable bid is received at the time fixed in the notice for sale of the Bonds, the Auditor shall be authorized to continue to receive bids from day to day thereafter for a period not to exceed thirty (30) days, without readvertising, but during such continuation, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time fixed for such sale in the notice. No conditional bid or bid for less than all of the Bonds will be considered.

Prior to the delivery of the Bonds, the Auditor shall obtain a legal opinion as to the validity of the Bonds from Ice Miller LLP, bond counsel, of Indianapolis, Indiana, and shall furnish this opinion to the purchaser of the Bonds. The cost of this opinion, the services of the attorneys for the County and the services of the County's financial advisor shall be considered as part of the costs incidental to these proceedings and may be paid out of proceeds of the Bonds.

(b) Distribution of an Official Statement (preliminary and final) prepared by the County's financial advisor, on behalf of the County, is hereby approved and the Auditor is authorized and directed to execute the Official Statement on behalf of the County in a form

consistent with this ordinance. In the alternative, the Board of Commissioners may obtain an investment letter from the purchaser of the Bonds in a form which satisfies state and federal securities laws applicable to the Bonds. The Auditor is hereby authorized to designate the preliminary Official Statement as "nearly final" for purposes of Rule 15c2-12 as promulgated by the Securities and Exchange Commission ("Rule").

Section 4. Continuing Disclosure. If necessary to sell the Bonds, the Auditor is hereby authorized and directed to complete, execute and attest on behalf of the County, a Continuing Disclosure Undertaking ("Undertaking") that complies with the requirements of the Rule. Notwithstanding any other provisions of this ordinance, failure of the County to comply with the Undertaking shall not be considered an event of default under the Bonds or this ordinance.

Section 5. Preparation of Bonds. The Auditor is hereby authorized and directed to have the Bonds prepared, and the Board of Commissioners and the Auditor are hereby authorized and directed to execute the Bonds in a form and manner provided in this ordinance.

Section 6. Defeasance. If, when the Bonds or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or a portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds then outstanding or any portion thereof shall be paid, or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, if

any, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of taxes to be levied upon all property in the County.

Section 7. Deposit and Application of Bond Proceeds; Surplus to Bond Payment Fund. The Auditor is hereby authorized and directed to deposit the proceeds of the Bonds in a separate fund ("Bond Proceeds Fund") to pay for: (1) the cost of funding the Judgments; and (2) costs of issuance of the Bonds. Except as described in this Section, the Bond Proceeds Fund may not be used for any other purpose. The Bond Proceeds Fund shall, in accordance with IC 5-13, be deposited, at interest, with the depository or depositories of other public funds of the County, and all interest collected on it belongs to the fund. Any surplus remaining from the proceeds of the Bonds after all costs and expenses are fully paid shall, in accordance with IC 5-1-13, be paid into and become a part of the County's hereinafter defined Bond Payment Fund and used to pay the Bonds or be used to reduce the rate or amount of ad valorem property taxes imposed by the County.

Section 8. Covenant to Levy Tax. The full faith and credit of the County, are hereby irrevocably pledged to the punctual payment of the principal of and the interest on the Bonds according to their terms. In order to provide for the payment of the principal of and interest on the Bonds, there shall be levied in each year upon all taxable property in the County, real and personal, and collected a tax in an amount and in such manner sufficient to meet and pay the principal of and interest on the Bonds as they become due and the proceeds of this tax are hereby pledged solely to the payment of the Bonds. Such tax shall be levied in accordance with IC 6-1.1-18.5-8, as amended from time to time. Such tax shall be deposited first, before any other deposits of tax revenues by the County, into a separate bond fund ("Bond Payment Fund") and

used to pay the principal of and interest on the Bonds, when due, together with any fiscal agency charges. If the funds deposited into the Bond Payment Fund are then insufficient to meet and pay the principal of and interest on the Bonds as they become due, then the County covenants to transfer other available funds of the County to meet and pay the principal and interest then due on the Bonds.

Notwithstanding any other provision of this ordinance, the County may enter into an agreement with the Registrar and Paying Agent in which the Registrar agrees that upon any default or insufficiency in the payment of principal of and interest on the Bonds as provided in this ordinance, the Registrar will immediately, without any direction, security or indemnity, file a claim with the Treasurer of the State of Indiana for an amount equal to principal and interest in default and consents to the filing of any such claim by a bondholder in the name of the Registrar for deposit with the Registrar.

*If the Auditor is designated as the Registrar and Paying Agent or if no agreement is delivered as described in the preceding paragraph, the County covenants, under IC 6-1.1-20.6-10, to determine if the Bond Payment Fund has sufficient funds to pay the principal of and interest on the Bonds at least five (5) days before such payments are due. If the Bond Payment Fund is not sufficient because of the operation of the tax credits granted under the provisions of IC 6-1.1-20.6, the County agrees to the following:

(a) The Auditor shall determine or cause to be determined the amount of the deficiency in the Bond Payment Fund ("Deficiency"); and

(b) The Deficiency shall be immediately reported and a claim filed by the County with the Treasurer of the State of Indiana for an amount equal to such Deficiency.

Section 9. Tax Covenants and Representations. In order to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the Bonds and the Regulations in effect and applicable to the Bonds on the date of issuance of the Bonds (collectively, "Code") and as an inducement to purchasers of the Bonds, the County Council represents, covenants and agrees that:

(a) No person or entity other than the County or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or property financed by the Bond proceeds other than as a member of the general public. No person or entity other than the County or another state or local governmental unit will own property financed by Bond proceeds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Bonds.

(b) No more than 10% of the principal of or interest on the Bonds is (under the terms of the Bonds, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the County) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond proceeds will

be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond proceeds.

(d) The County reasonably expects, as of the date hereof, that the Bonds will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Bonds.

(e) No more than 5% of the proceeds of the Bonds will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any governmental use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The County will not take any action nor fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Bonds pursuant to Section 103 of the Code, nor will the County act in any other manner which would adversely affect such exclusion. The County covenants and agrees not to enter into any contracts or arrangements which would cause the Bonds to be treated as private activity bonds under Section 141 of the Code.

(g) It shall be not an event of default under this ordinance if the interest on any Bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the Bonds.

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Bonds.

(i) The County represents that it will rebate any arbitrage profits to the United States in accordance with the Code.

(j) The County represents that:

(1) The Bonds are not private activity bonds as defined in Section 141 of the Code;

(2) The County hereby designates the Bonds as qualified tax-exempt obligations for purposes of Section 265(b) of the Code;

(3) The reasonably anticipated amount of qualified tax-exempt obligations (including qualified 501(c)(3) obligations and tax-exempt leases but excluding other private activity bonds) which will be issued by the County, and all entities subordinate to the County during 2011 does not exceed \$10,000,000; and

(4) The County will not designate more than \$10,000,000 of qualified tax-exempt obligations during 2011.

Therefore, the Bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations.

(k) Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the Bonds from gross income under federal law ("Tax Exemption") need not be complied with if the County receives an opinion of nationally recognized bond counsel that compliance with any Tax Section is unnecessary to preserve the Tax Exemption.

Section 10. Debt Limit Not Exceeded. The County represents and covenants that the Bonds herein authorized, when combined with other outstanding indebtedness of the County at

the time of issuance of the Bonds, will not exceed any applicable constitutional or statutory limitation on the County's indebtedness.

Section 11. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 12. Repeal of Conflicting Provisions. All ordinances, or parts thereof, in conflict with the provisions of this ordinance, are, to the extent of such conflict, hereby repealed or amended.

Section 13. Amendments to Ordinance. This ordinance may, from time to time hereafter, be amended without the consent of the owners of the Bonds, if in the sole discretion of the County Council, such amendment shall not adversely affect the rights of the owners of any of the Bonds.

Section 14. Effective Date. This ordinance shall be in full force and effect immediately upon passage.

Adopted this 12th day of September, 2011.

CLARK COUNTY COUNCIL

Kevin Vossing
Presiding Officer

[Signature]
Barbara Hollis

Kevin Vossing

Perry A. Smith

[Signature]

[Signature]

Dary G.

ATTEST:

R. Monty Sney
Auditor