

FLOYD COUNTY ORDINANCE 2005-XVI

AN ORDINANCE CREATING A NON-REVERTING FUND TO BE KNOWN AS  
THE FLOYD COUNTY PLAN COMMISSION 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**, the Contract calls for and requires the establishment of a non-reverting fund into which certain fees collected by the Commission 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 Plan Commission 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:** fees received by the Commission under the referenced Amendments shall be deposited in the Fund, with the same to be expended only for those purposes set forth in the Contract.

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

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

SO ORDAINED this 17<sup>th</sup> day of May, 2005.

BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

John C. Pender  
MEMBER

Charles A. Frazier  
MEMBER

Keith A. Bond  
MEMBER

ATTEST:

Teresa A. Plaiss  
FLOYD COUNTY AUDITOR