

**WARRICK COUNTY COMMISSIONERS
RESOLUTION NO. 2007 - 11**

**A RESOLUTION APPROVING THE EXPENDITURE OF
CUMULATIVE CAPITAL DEVELOPMENT FUNDS**

WHEREAS, the Department of Storm Water Management was created through Ordinance No. 2006-12 of the Board of Commissioners to provide for and implement the requirements of the Indiana Municipal Separate Storm System (MS4) – NPDES Permitting Program 327 I.A.C. 15-13 (MS4 Requirements) in Warrick County, Indiana; and

WHEREAS, the MS4 Requirements have been forced upon local governmental units by State and Federal Government, and Warrick County, Indiana is required to implement certain measures relating to the MS4 Requirements; and

WHEREAS, the Department of Storm Water Management's budget is funded through storm water utility rates as established by the Department of Storm Water Management; and

WHEREAS, the rates implemented by the Department of Storm Water Management will not be charged to, and due from, County property owners until approximately May 12, 2008, and the Department will not receive revenue until at least June of 2008; and

WHEREAS, the Department of Storm Water Management will incur fees, costs and expenses from January 1, 2008, to June 30, 2008, in the nature of employee salaries, payment of Department programs, professional and other contractual expenses, among other fees, expenses and costs, due to the requirements to comply with the MS4 requirements; and

WHEREAS, the Board of Commissioners of Warrick County declares that an emergency exists due to the necessity of providing startup costs for the Department of Storm Water Management of Warrick County, Indiana, and due to the lack of current funding necessary to operate the Department of Storm Water Management, which situation will persist until at least June of 2008, and

WHEREAS, the Cumulative Capital Development Fund ("CCD Fund") has a current balance of \$890,259.24, and is anticipated to have a positive balance exceeding \$500,000.00 for the period ending June 30, 2008; and

WHEREAS, pursuant to I.C. 36-9-14.5-8(c), in light of the Board of Commissioners' declaration that an emergency exists in the funding for the operation of the Department of Storm Water Management of Warrick County, Indiana, and recognizing that the source of funding for the Department of Storm Water Management in the form of storm water utility fees will not be received until the year 2008, the Board of Commissioners hereby determines that it is necessary to expend \$477,775.00 of accumulated funds from the CCD Fund for the purposes of funding the Department of Storm Water Management for the period of January 1, 2008 to June 30, 2008.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

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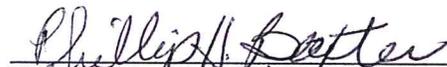
Section 1: The Board of Commissioners approves the expenditure of \$477,775.00 from the Cumulative Capital Development Fund for the benefit of the Department of Storm Water Management for the period January 1, 2008, to June 30, 2008.

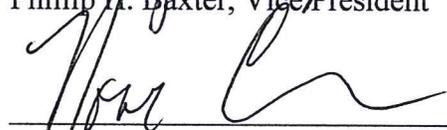
Section 2: This resolution shall be in full force and effect from and after its passage and execution by the Board of Commissioners of Warrick County.

RESOLVED this 19th day of December, 2007.

WARRICK COUNTY
BOARD OF COMMISSIONERS


Don Williams, President


Phillip H. Baxter, Vice President


Nova Conner, Member

ATTEST:


Lawrence C. Lacer, Auditor
Warrick County, Indiana