

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2018 – OR – 027

AN ORDINANCE AUTHORIZING THE ENTRY AND AMENDMENT TO THE PREVIOUSLY ADOPTED INTERLOCAL COOPERATION AGREEMENT FOR THE ADMINISTRATION OF CURBSIDE RECYCLING BY THE CLARK COUNTY SOLID WASTE MANAGEMENT DISTRICT.

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, the Town of Sellersburg has participated in the curbside recycling program (the “Program”) for many years and the interlocal cooperation agreement controlling the participation and administration of the Program has expired; and,

WHEREAS, this Council desires to continue to participate in the Program and provide curbside recycling services to the residents of the Town of Sellersburg through an interlocal cooperation agreement; and,

WHEREAS, this Council has previously adopted *Ordinance 2017-OR-025 An Ordinance Authorizing the Entry Into an Interlocal Agreement for the Administration of Curbside Recycling by the Clark County Solid Waste Management District*; and,

WHEREAS, this parties to the aforementioned interlocal agreement have determined a need to amend the language of said agreement.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana as follows:


1. This Council does hereby authorize and approve the entry into the amended interlocal cooperation agreement for the participation of curbside recycling administered by the Clark County Solid Waste Management District which is attached hereto as Exhibit A.
2. This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

So Ordained this 22 day of October, 2018


[Signature page to follow]

“Aye”

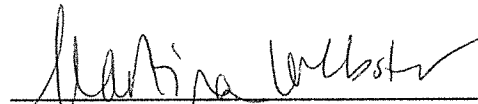
“Nay”


Paul J. Rhodes
Council President


Paul J. Rhodes
Council President


Brad Amos
Council Vice President


Brad Amos
Council Vice President


Martina Webster
Council Member


Martina Webster
Council Member


Jim LaMaster
Council Member

Jim LaMaster
Council Member


William Conlin
Council Member

William Conlin
Council Member


Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: October 22, 2018

MOTION: LaMaster

SECOND: Conlin

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: October 22, 2018

MOTION: LaMaster

SECOND: Conlin

VOTE: 5 AYE 0 NAY 0 ABSTAIN

EXHIBIT A

INTERLOCAL COOPERATION AGREEMENT FOR THE IMPLEMENTATION OF CURBSIDE RECYCLING SERVICES FOR CERTAIN MUNICIPALITIES AND DESIGNATED AREAS OF THE CLARK COUNTY SOLID WASTE MANAGEMENT DISTRICT

This *Interlocal Cooperation Agreement for the Implementation of Curbside Recycling Services for Certain Municipalities and Designated Areas of the Clark County Solid Waste Management District* (hereinafter referred to as this “Agreement”), is made with an effective date of the ____ day of _____, 2018, by and among the following government units:

- i. CLARK COUNTY, INDIANA (“Clark County”), with an address in care of the Clark County Auditor, Clark County Government Building, Room 118, 501 E. Court Avenue, Jeffersonville, Indiana 47130;
- ii. CITY OF JEFFERSONVILLE, INDIANA (“Jeffersonville”), with an address in care of the Office of the Mayor, Jeffersonville City Hall, 500 Quartermaster Court, Jeffersonville, Indiana 47130;
- iii. TOWN OF CLARKSVILLE, INDIANA (“Clarksville”), with an address in care of the Town Council, 2000 Broadway, Suite Clarksville, Indiana 47129;
- iv. TOWN OF SELLERSBURG, INDIANA (“Sellersburg”), with an address in care of Sellersburg Clerk-Treasurer, 316 East Utica Street, Sellersburg, Indiana 47172;
- v. CLARK COUNTY SOLID WASTE MANAGEMENT DISTRICT (“District”), with an address in care of Clark County Solid Waste Management District, 112 Industrial Way, Charlestown, Indiana 47111.

Clark County, Jeffersonville, Clarksville, Sellersburg, and District (collectively “Parties”) hereby agree among themselves the following:

1. Preliminary Statement Regarding Purpose of Agreement. The previously entered into interlocal cooperation agreement between the Parties for the service of curbside recycling administered by the District through the RFP process has expired and the Parties desire to continue to provide said services to the citizens within their respective corporate limits.

2. Effective Date; Duration of Agreement. This Agreement shall have an effective date beginning when the last municipality/unit executes and adopts the Agreement, and the Agreement shall continue in full force and effect until the earlier of (a) four (4) years from the Effective Date or (b) a party to this Agreement withdraws from it through written notice to all parties one (1) year prior to the withdraw becoming effective. Unless any party to this Agreement notifies all other parties, in writing, of its intent to withdraw from this Agreement at least one (1) year before the expiration of a four (4) year term, this Agreement shall automatically renew for successive four (4) year periods.

3. Primary Financing, Staffing, and Supplying the Joint Undertaking and of Establishing and Maintaining a Budget for Curbside Recycling. Pursuant to Ind. Code § 13-21-3-12(a)(17), the District has the power to adopt resolutions, but in order for them to have effect within a municipality, the municipality must also adopt the resolution. Each party to this Agreement hereby establishes a fee of thirty-four-dollar (\$34.00) fee within each respective municipality to fund the District. The money shall be collected by the County and transferred to the District. All real property owners of improved residential property (including apartments and mobile/manufactured homes) shall pay a fee of thirty-four dollars (\$34.00) per year for curbside recycling service.

The staffing and supplying the joint undertaking, establishing and maintaining a budget for curbside recycling shall be the responsibility of the District.

4. Administration. The District will administer the curbside recycling service by contracting with a vendor to perform the services after requesting proposals per Indiana law. The fees will be collected by the Clark County Auditor and placed into a non-reverting fund for the District to pay the vendor providing the service and other related expenses to recycling. In

addition, should it be necessary, the acquisition, holding, and disposal of real and personal property used in the joint undertaking for the provision of curbside recycling services shall be done in the name of the Clark County Solid Waste Management District.

5. Recordation of this Agreement. Pursuant to Ind. Code § 36-1-7-6, this Agreement shall be recorded with the Clark County Recorder and filed with the state board of accounts for audit purposes within sixty (60) days after it is approved by the last party that is a signatory to this Agreement.

6. Miscellaneous:

- a. The Parties are prohibited and shall refrain from withdrawing from this Agreement to initiate its own curbside recycling program during the term of this Agreement, unless all Parties agree in writing to terminate this Agreement prior to the expiration.
- b. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original.
- c. This Agreement shall be governed and construed in accordance with the provisions of Indiana law.

[The remainder of this page was intentionally left blank. Signature pages to follow.]

IN WITNESS WHEREOF this *Interlocal Cooperation Agreement for the Implementation of Curbside Recycling Services for Certain Municipalities and Designated Areas of the Clark County Solid Waste Management District* is executed on behalf of Clark County, Indiana by the undersigned as its duly authorized officials and representatives this _____ day of _____, 2018.

For Clark County:

By: _____

Name: _____

Its: _____

Attestation and Certification:

The undersigned, as the duly elected and serving Auditor of Clark County, Indiana, hereby attests that on this _____ day of _____, 2018, he personally witnessed the execution of this Agreement by _____, the duly authorized President of the Board of Clark County Commissioners. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinances enacted by the Board of Clark County Commissioners in accordance with the provisions of applicable Indiana law.

R. Monty Snelling, Clark County Auditor

IN WITNESS WHEREOF this *Interlocal Cooperation Agreement for the Implementation of Curbside Recycling Services for Certain Municipalities and Designated Areas of the Clark County Solid Waste Management District* is executed on behalf of Jeffersonville, Indiana by the undersigned as its duly authorized officials and representatives this _____ day of _____, 2018.

For Jeffersonville:

By: _____
Name: _____
Its: _____

Attestation and Certification:

The undersigned, as the duly elected and serving Clerk of Jeffersonville, Indiana, hereby attests that on this _____ day of _____, 2018, she personally witnessed the execution of this Agreement by Mike Moore, the duly authorized Mayor of the City of Jeffersonville. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinances enacted by the Jeffersonville City Council in accordance with the provisions of applicable Indiana law.

By: _____
Name: _____

For Jeffersonville:

By: _____
Name: _____
Its: _____

Attestation and Certification:

The undersigned, as the duly elected and serving Clerk of Jeffersonville, Indiana, hereby attests that on this _____ day of _____, 2018, she personally witnessed the execution of this Agreement by _____, the duly authorized President of the Common Council of the City of Jeffersonville. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinances enacted by the Jeffersonville City Council in accordance with the provisions of applicable Indiana law.

Vicki Conlin, Clerk
City of Jeffersonville

IN WITNESS WHEREOF this *Interlocal Cooperation Agreement for the Implementation of Curbside Recycling Services for Certain Municipalities and Designated Areas of the Clark County Solid Waste Management District* is executed on behalf of Clarksville, Indiana by the undersigned as its duly authorized officials and representatives this _____ day of _____, 2018.

For Clarksville:

By: _____

Name: _____

Its: _____


Attestation and Certification:

The undersigned, as the duly elected and serving Clerk-Treasurer of Clarksville, Indiana, hereby attests that on this _____ day of _____, 2018, he personally witnessed the execution of this Agreement by _____, the duly authorized President of the Clarksville Town Council. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinances enacted by the Clarksville Town Council in accordance with the provisions of applicable Indiana law.

Robert Leuthart, Clerk-Treasurer

IN WITNESS WHEREOF this *Interlocal Cooperation Agreement for the Implementation of Curbside Recycling Services for Certain Municipalities and Designated Areas of the Clark County Solid Waste Management District* is executed on behalf of Sellersburg, Indiana by the undersigned as its duly authorized officials and representatives this 22 day of October, 2018.

For Sellersburg:

By: 
Name: Paul J. Rhodes
Its: President

Attestation and Certification:

The undersigned, as the duly elected and serving Clerk-Treasurer of Sellersburg, Indiana, hereby attests that on this 22nd day of October, 2018, he personally witnessed the execution of this Agreement by Paul Rhodes, the duly authorized President of the Sellersburg Town Council. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinances enacted by the Sellersburg Town Council in accordance with the provisions of applicable Indiana law.


Michelle Miller, Clerk-Treasurer

IN WITNESS WHEREOF this *Interlocal Cooperation Agreement for the Implementation of Curbside Recycling Services for Certain Municipalities and Designated Areas of the Clark County Solid Waste Management District* is executed on behalf of Clark County Solid Waste Management District by the undersigned as its duly authorized officials and representatives this _____ day of _____, 2018.

For District:

By: _____
Name: _____
Its: _____

Attestation and Certification:

The undersigned, hereby attests that on this _____ day of _____, 2017, she personally witnessed the execution of this Agreement by Jack Coffman, the duly authorized President of the Clark County Solid Waste Management District. The undersigned further hereby certifies that this Agreement is a true and correct copy of the Agreement approved by ordinances enacted by the Clark County Solid Waste Management District in accordance with the provisions of applicable Indiana law.

Darla Stahl