

STATE OF INDIANA
BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2018 – OR – 031

**AN ORDINANCE AFFIRMING AN 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 and Ordinance 2018-OR-027* authorizing the entry into an interlocal agreement for the administration of curbside recycling by the Clark County Solid Waste Management District; and,

WHEREAS, the 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 agrees to repeal and replace Section 3 of the Interlocal Agreement for Curbside Recycling in its entirety with the following language:

- a. 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, **except Clark County**, to this Agreement hereby establishes a fee of thirty-four dollars (\$34.00) within each respective municipality to fund the District. **Clark County is a party hereto, for the sole purpose to collect the fees and transfer them to the District. Clark County does not participate in curbside recycling due to the geographic size of the unincorporated area but does assess a separate recycling fee.** 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.

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 17 day of December, 2018

affirming

[Signature page to follow]

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- a. 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, **except Clark County**, to this Agreement hereby establishes a fee of thirty-four dollars (\$34.00) within each respective municipality to fund the District. **Clark County is a party hereto, for the sole purpose to collect the fees and transfer them to the District. Clark County does not participate in curbside recycling due to the geographic size of the unincorporated area but does assess a separate recycling fee.** 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.

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So Ordained this 17 day of December, 2018

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[Signature page to follow]

“Aye”

“Nay”

Paul J. Rhodes
Paul J. Rhodes
Council President

Paul J. Rhodes
Council President

Brad Amos
Brad Amos
Council Vice President

Brad Amos
Council Vice President

Martina Webster
Martina Webster
Council Member

Martina Webster
Council Member

Jim LaMaster
Jim LaMaster
Council Member

Jim LaMaster
Council Member

Absent
William Conlin
Council Member

William Conlin
Council Member

Michelle D. Miller
Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

FIRST READING

DATE: 12/17/18

MOTION: Amos

SECOND: Webster

VOTE: 5 AYE 0 NAY 0 ABSTAIN

SECOND READING

DATE: 12/17/18

MOTION: Amos

SECOND: Webster

VOTE: 5 AYE 0 NAY 0 ABSTAIN

