

FILED
JUL 29 2015
CITY CLERK

GENERAL ORDINANCE NO. 10, 2015

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* SECTION 2-136 RAINY DAY FUND.

WHEREAS, General Ordinance 9, 2003 established the City of Terre Haute Rainy Day Fund as provided by I.C. § 36-1-8-5.1; and

WHEREAS, I.C. § 36-1-8-5.1 has been subsequently amended by the state legislature and *Terre Haute City Code* Sec. 2-136 is no longer consistent with the provisions of I.C. § 36-1-8-5.1; and

WHEREAS, the City of Terre Haute wishes to amend *Terre Haute City Code* Sec. 2-136 in order to be consistent with the revised statutory language.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Terre Haute as follows:

SECTION 1. That *Terre Haute City Code* Section 2-136 Rainy Day Fund is hereby amended by deletion of the stricken text and insertion of the underlined text as follows:

Sec. 2-136 Rainy Day Fund.

a. There is hereby established a Rainy Day Fund consistent with the provisions of I.C. § 36-1-8-5.1.

b. The Rainy Day Fund shall be funded in the following manner:

(1) The unused and unencumbered funds raised by a general or special tax levy on the taxable property within the City of Terre Haute, and which remain after the purposes of the tax levy have been fulfilled; a supplemental distribution of CAGIT under I.C. § 6-3.5-1.1-21.1; supplemental distribution of COIT under I.C. 6-3.5-6-17.3; or a supplemental distribution of EDIT under 6-3.5-7.17.3, which are transferred to the Rainy Day Fund by the fiscal body consistent with the provisions of I.C. § 36-1-8-5. (Gen. Ord. No. 9, 2003, As Amended, 4-10-03; Gen. Ord. No. 16, 2004, 8-12-04)

(2) Transfers to the fund must be made after December 31, of any year and before March 1 of the subsequent year. (Gen. Ord. No 16, 1004, 8-12-04)

(3) In any fiscal year, the fiscal body of the City may transfer not more than ~~five percent (5%)~~ ten percent (10%) of the City's total budget for that fiscal year into the Rainy Day Fund as provided in I.C. § 36-1-8-5.1.

~~(4) A declaration of a state of financial emergency shall be given to the City Council at a special call or regular meeting by the City Executive or by a resolution passed by the City Council declaring a state of financial emergency.~~

~~c. Funds may be used from the Rainy Day Fund only for emergencies defined to include the following:~~

~~(1) A sudden unexpected happening or unforeseen occurrence or condition requiring an expenditure of funds which leaves the City unable to meet its preexisting obligations on an ongoing basis.~~

~~(2) A sudden unexpected happening or unforeseen opportunity which would provide permanent and ongoing benefit to health, welfare, safety, or prosperity of the citizens of the City.~~

c. The City may, at any time, by ordinance or resolution, transfer to:

(1) its general fund; or

(2) any other appropriated funds of the City;

money that has been deposited in the Rainy Day Fund.

d. All funds to be used from the Rainy Day Fund must be appropriated by a simple majority vote of the fiscal body for the City of Terre Haute. (Gen. Ord. No. 9, 2003, As Amended, 4-10-03)

SECTION 2. All the provisions of any ordinances previously or now in existence and regulations which may be in conflict with this Ordinance are hereby repealed as of the date this Ordinance takes effect.

SECTION 3. If any section, subsection, paragraph, sentence, clause, phrase or provision of this Ordinance is for any reason held to be invalid, ineffective or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in force and effect. The invalidity of any section, subsection, paragraph, sentence, clause, phrase or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 4. An emergency exists for the immediate taking effect of the Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, Indiana and its approval by the Mayor and publication as required by law.

Introduced by: Neil Garrison Neil Garrison, Councilman

Passed in open Council this 13th day of August, 2015.

ATTEST: Michelle Edwards John Mullican, President
Michelle Edwards, Chief Deputy
Charles P. Hanley, City Clerk

Presented by me to the Mayor this 13th day of August, 2015.
Michelle Edwards Michelle Edwards, Chief Deputy
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 13th day of August, 2015.
Duke A. Bennett Duke A. Bennett, Mayor
ATTEST: Michelle Edwards Michelle Edwards, Chief Deputy
Charles P. Hanley, City Clerk