

ORDINANCE NO. 2023-10

**AN ORDINANCE CREATING A NONREVERTING HIGHWAY
DEPARTMENT DONATION FUND.**

WHEREAS, pursuant to Ind. Code § 36-2-2-2 the Board of Commissioners of Wells County, Indiana (“Board”), is the executive body of the Wells County government;

WHEREAS, pursuant to Ind. Code § 36-1-2-9 the Board is also the legislative body of the Wells County government;

WHEREAS, pursuant to Ind. Code § 36-1-3 (“Home Rule”), the Board has all powers granted it by statute and all other power necessary or desirable in the conduct of its affairs, even though not granted by statute, and may exercise such powers to the extent that the power: (i) is not expressly denied by the Indiana Constitution or by statute; and (ii) is not expressly granted to another entity;

WHEREAS, the Board, on behalf of Wells County, desires and finds it in the public interest to facilitate donations for community improvements and roadways;

WHEREAS, pursuant to IC § 36-1-4-10, the Board may accept donations of money or other property and execute any documents necessary to receive money or other property from the state or federal government or any other source; *and*

WHEREAS, desire to create a nonreverting fund to house grants, donations, and other non-County money received for the purposes of the community improvement and roadways.

WHEREAS, Ind. Code § 36-1-6-3 requires that Counties exercising powers must enact an ordinance.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the County of Wells, Indiana that:

SECTION I

- A. Creation. The Treasurer shall create the Highway Improvement Donation Fund (“Fund”) into which shall be deposited all gifts, donations, grants, and loans received by any agency or office of the County that are specifically earmarked for community improvement and roadway projects.

- B. Purpose. Money in the Fund shall be used only for general restoration and improvement work of county roadways within the unincorporated areas of Wells County under the control and authority of the Wells County Highway Department.
- C. Restrictions. When depositing any gift, donation, grant, or loan into the Fund, the depositor shall notify the Treasurer of any spending restrictions relating thereto. Fund expenditures shall conform to any such restrictions.
- D. Appropriations. No money may be disbursed from the Fund without a prior appropriation from the County Council.
- E. Investment. All money in the Fund, and any interest earned on such money, shall be invested and reinvested pursuant to the County's standard investment procedures.
- F. Non-Reverting. All money in the Fund, including any interest earned on the Fund, shall remain in the Fund and shall not revert to the General Fund at the end of the fiscal year.

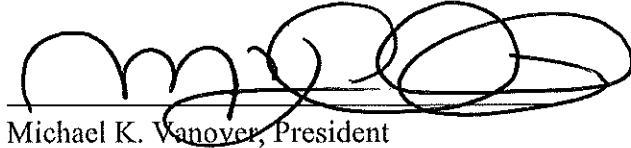
SECTION II

- A. References.
 - 1. Except where a specific version or edition is given, reference to another section of this ordinance or another law, document, fund, program, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, or renumbered from time to time.
 - 2. Reference in this ordinance to a public servant, department, commission, committee, board, or fund, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words "(of the) County of Wells (Indiana)."
 - 3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition is satisfied by the performance of the act by an authorized agent or deputy.
- B. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize same.
- C. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole, or any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- D. Effective Date. This ordinance shall be effective immediately upon adoption.

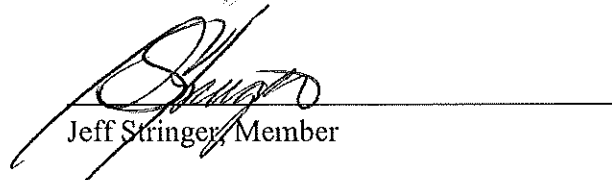
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All as Passed an Ordained this 10th day of July, 2023.

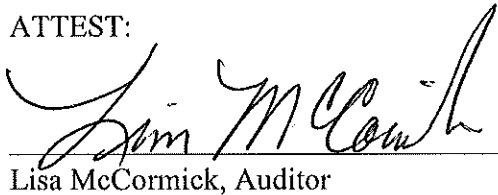
THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WELLS, INDIANA:


Michael K. Vanover, President


Blake Gerber, Vice President


Jeff Stringer, Member

ATTEST:


Lisa McCormick, Auditor

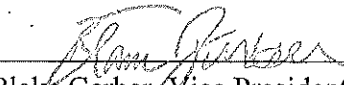
This instrument was prepared by Wells County Attorney, Theodore T. Storer, Beers Mallers LLP 110 West Berry St. Ste. 1100, Fort Wayne, IN 46802. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/ Theodore T. Storer

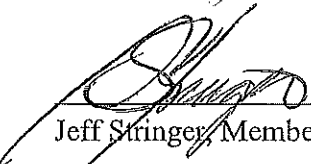
WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective immediately.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WELLS, INDIANA:


Michael K. Vanover, President


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ATTEST:


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