

**ORDINANCE NUMBER 2016-03**

**ORDINANCE ESTABLISHING THE LOIT SPECIAL  
DISTRIBUTION FUND (257) FOR THE TOWN OF MILLERSBURG**

WHEREAS, Indiana Code §§ 36-1-3-1, et. seq., permits any town in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its town or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or preempted by any other law, or as not expressly granted by any other law to another governmental entity;

WHEREAS, the Millersburg Town Council is the fiscal body for the Town of Millersburg, Indiana, and is by law authorized to adopt ordinances and resolutions concerning Town fiscal matters;

WHEREAS, the State of Indiana maintained a trust account for monies derived from the former local income tax laws; the State Budget Agency will make a one-time special distribution under Senate Enrolled Act 67 (2016) and Indiana Code § 6-3.6-9-17;

WHEREAS, Indiana Code § 6-3.6-9-17 (h) requires Towns to use the distribution upon an appropriation by the Town Council for the following purposes:

(1) At least seventy-five percent (75%) of the special distribution must be:

A. used exclusively by the county, city, or town for:

- i. engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;
- ii. the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;
- iii. any local costs required to undertake a recreational or reservoir road project under IC 8-23-5;
- iv. the purchase, rental, or repair of highway equipment;
- v. providing a match for a grant from the local road and bridge matching grant fund under IC 8-23-30; or
- vi. capital projects for aviation related property or facilities, including capital projects of a board of aviation commissioners established under IC 8-22-2 or an airport authority established under IC 8-22-3-1; or

B. deposited in the county's, city's, or town's rainy day fund established under IC 36-1-8-5.1. The money deposited in a rainy day fund under this clause may not be appropriated from the rainy day fund or transferred to another fund under IC 36-1-8-5.1(g), unless the money will be used exclusively for purposes set forth in clause

(2) The remaining part of the special distribution may be used by the county, city, or town for any of the purposes of the county, city, or town. The amount received by a taxing unit that is not a county, city, or town shall be deposited in the taxing unit's rainy

day fund established under IC 36-1-8-5.1

WHEREAS, the County Auditor has been directed under the law to distribute to each taxing unit by June 1;

WHEREAS, the Indiana State Board of Accounts has designated the LOIT Special Distribution Fund 257 be created to account for the receipts and disbursements of the restricted portion of the distribution.

NOW, THEREFORE, BE IT ORDAINED, ORDERED, AND ESTABLISHED by the Town Council of the Town of Millersburg, Indiana ("Town Council") as follows:

1. The LOIT Special Distribution Fund 257 is created to account for the receipts and expenditures of the one-time special distribution under Indiana Code § 6-3.6-9-17.
2. The LOIT Special Distribution Fund 257 will be used in accordance with Indiana Code § 6-3.6-9-17 (h)(1)(A).
3. The entire distribution made under Indiana Code § 6-3.6-9-17 will be placed in the LOIT Special Distribution Fund 257.
4. The monies deposited into the LOIT Special Distribution Fund 257 may not revert at any time to any other fund of the Town, unless the money will be used exclusively for the purposes set forth in Indiana Code § 6-3.6-9-17(h)(1)(A).
5. 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.

ADOPTED, PASSED AND ORDAINED this 24 day of August, 2016.

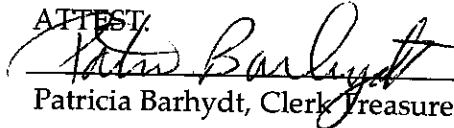
TOWN COUNCIL OF THE TOWN OF  
MILLERSBURG, INDIANA

  
\_\_\_\_\_  
Jim Winkler, Council President

  
\_\_\_\_\_  
Steve Barhydt, Council Member

  
\_\_\_\_\_  
Priscilla Hile, Council Member

ATTEST

  
\_\_\_\_\_  
Patricia Barhydt, Clerk/Treasurer