

**BOARD OF SANITARY COMMISSIONERS
MUNCIE SANITARY DISTRICT**

RESOLUTION No. 2012-06

**A Resolution Concerning an Interlocal Government Agreement Between
The Muncie Sanitary District and the City of Muncie, Indiana
Concerning the White River Levee System**

WHEREAS, the Muncie Sanitary District (the "District") of the City of Muncie, Indiana (the "City") has been established by law as a unit of government of the state of Indiana with its administrative and fiscal body being the Board of Sanitary Commissioners (the "Board") of the District; and

WHEREAS, the City has been established by law as a unit of government of the State of Indiana; and

WHEREAS, IC 36-1-7-1 provides for interlocal government cooperation and gives to units of government the authority to enter into joint agreements to provide funds and services; and

WHEREAS, IC 36-9-25-10 provides that the District shall in the performance of its duties build or have built levees to protect its sewer works and sewer and storm water systems, and

WHEREAS; the District has heretofore adopted Resolution 2008-16 on December 16, 2008 accepting the ownership of the Levee system build by the Army Corps of Engineers that protects the City from flood damage caused by the overflow of the White River (the "Levee") and also protects the sewer works and sewer and storm water systems of the District from flooding; and

WHEREAS; the District and City both desire that an agreement be made between the District and City whereby the District accepts ownership of the Levee and the responsibilities of the District and the City are memorialized in writing; and

WHEREAS; the Board has prepared an Interlocal Government Agreement for the City to consider which contains the terms and conditions between the City and District and which provides for the agreement to continue until changed by written agreement between the City and District or until either party desires to terminate the agreement by giving ninety (90) days written notice to the other Party.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MUNCIE SANITARY DISTRICT THAT:

Section 1. Authorization for Agreement. The District is hereby authorized to enter into an interlocal government agreement with the city for the purposes outlined above.

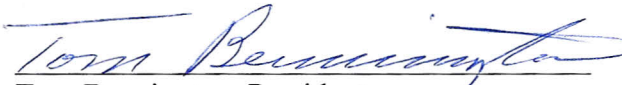
Section 2. Form of Agreement. The interlocal government agreement shall be substantially in the form of the agreement contained in Exhibit " attached to and made a part of this Resolution.

Section 3. The agreement shall become effective pursuant to its effective date after signature by this Board.

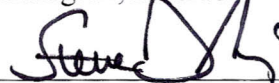
Section 4. Effective Date. This resolution shall be in full force and effect from and after its passage and shall remain in effect unless amended or rescinded by further resolution of this Board.

Adopted this 6th day of March, 2012.

BOARD OF SANITARY COMMISSIONERS
OF THE MUNCIE SANITARY DISTRICT



Tom Bennington, President



Steven D. Murphy, Vice President



Teresa L. Ford, Secretary