

GENERAL ORDINANCE NO. 20, 2010

AN ORDINANCE TO AMEND CHAPTER 2 OF THE *TERRE HAUTE CITY CODE*, TO CREATE A NON-REVERTING FUND FOR THE RECEIPT OF MONIES FOR THE MAINTENANCE OF TRANSFERRED ROADWAYS.

WHEREAS, from time to time, the Indiana Department of Transportation (INDOT), determines that certain streets or roadways within its jurisdiction are no longer the most appropriate route to serve state traffic and that service to local traffic is more appropriate; and,

WHEREAS, in such a circumstance, if an agreement can be reached between the appropriate parties, INDOT may transfer responsibility for the operation, construction, maintenance, regulation, and liability to the City of Terre Haute and City has the authority to accept such transfer; and,

WHEREAS, in exchange for acceptance of the transferred roadway, INDOT may agree to pay City certain sums of money for the operation, construction, maintenance, regulation, and liability associated with such transferred roadway; and,

WHEREAS, it is the City's desire to utilize monies received from such roadway transfers for the costs directly related to the operation, construction, maintenance, regulation, and liability associated with such roadway.

THEREFORE, it is the City's desire to establish a non-reverting fund for the receipt and deposit of such roadway transfer funds.

SECTION 1. IT IS ORDAINED by the Common Council for the City of Terre Haute that Chapter 2 of the *Terre Haute City Code* is hereby amended by the insertion of the following section:

Sec. 2-114 Roadway Transfer Non-Reverting Fund.

- a. A special non-reverting operating account, entitled Roadway Transfer Non-Reverting Fund, is established for receipt and deposit of funds received from the State of Indiana for the acceptance by the City of a transferred roadway.
- b. Such funds shall be used for the operation, construction, maintenance, regulation, and other expenses incurred specifically related to the transferred roadway. Authorized expenditures from this fund shall include, but not be limited to: reconstruction, repairs, design, paving, painting, signalization, landscaping, and beautification.
- c. Expenditure of any monies from this fund shall be subject to appropriation by the Common Council of the City of Terre Haute, Indiana.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

WHEREAS, 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: Todd Nation Todd Nation, Councilman

Passed in open Council this 28th day of December, 2010.

Neil Garrison Neil Garrison, President

ATTEST: Charles P. Hanley Charles P. Hanley, City Clerk

Presented by me to the Mayor this 29th day of December, 2010.

Charles P. Hanley Charles P. Hanley, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2010.

Vetoed by Mayor Duke A. Bennett, Mayor
see attached emails

ATTEST: _____ Charles P. Hanley, City Clerk

Veto Overridden by Council on 1-13-2011

Edwards,Michelle

From: Bennett,Duke A
Sent: Friday, January 07, 2011 2:27 PM
To: Edwards,Michelle
Cc: Lee,Chou-il
Subject: Veto

Michelle,

I have made the decision to veto General Ordinance 20, 2010 (requiring highway relinquishment funds to be deposited into a N/R fund).

Please advise the City Council of this action.

Mayor Duke A Bennett

Sent from my iPhone

Edwards,Michelle

From: Bennett,Duke A
Sent: Friday, January 07, 2011 2:27 PM
To: Edwards,Michelle
Cc: Lee,Chou-il
Subject: Veto

Michelle,

I have made the decision to veto General Ordinance 20, 2010 (requiring highway relinquishment funds to be deposited into a N/R fund).

Please advise the City Council of this action.

Mayor Duke A Bennett

Sent from my iPhone

Edwards,Michelle

From: Bennett,Duke A
Sent: Friday, January 07, 2011 3:59 PM
To: Edwards,Michelle

The reason for my veto is that the funds received from INDOT are needed to help "cash flow" the General Fund this year.

Access to these dollars will reduce the amount of temporary loans and the related interest costs to the taxpayer.

As clearly stated at the council meeting, all received relinquishment funds will be spent on Wabash Ave improvements but until those funds are used we need them to help support the GF.

Mayor Duke A Bennett

Sent from my iPhone