

**CLAY COUNTY RESOLUTION # 3 - 2024**  
**CLAY COUNTY (COALMONT) REGIONAL SEWER DISTRICT, INC.**  
**RESOLUTION # 1 - 2024**

**INTERLOCAL AGREEMENT BETWEEN**  
**THE CLAY COUNTY BOARD OF COMMISSIONERS AND THE**  
**CLAY COUNTY (COALMONT) REGIONAL SEWER DISTRICT, INC.**

This agreement is made and entered into this 1<sup>st</sup> day of April, 2024, by and between the Clay County Board of Commissioners, located at the Courthouse 609 E. National Brazil, Indiana, 47834, with the approval of the Clay County Council, and the Clay County (Coalmont) Regional Sewer District, Inc., 609 E. National Brazil, Indiana, 47834.

WHEREAS, the Clay County Commissioners are under an Agreed Order with the Indiana Department of Environmental Management (IDEM) for untreated sewage discharges from the unincorporated community of Coalmont, IN. Numerous on-site septic systems directly discharge to roadside ditches. The discharge of untreated sanitary sewage to any surface waters or ground waters of the State is a violation of Indiana Administrative Code. In addition, based on IDEM's inspection, many septic systems appear to be unapproved sewage disposal methods along with open sewer laterals discharging directly on the ground and into the waters of the State which is a direct violation of 410 IAC 6-8.3-52 and Indiana Code 13-20-2-1. Additionally, the need for the district has also been recognized by residents, businesses, and elected officials such as the Clay County commissioners and other members of the public.

WHEREAS, the purpose of the Clay County (Coalmont) Regional Sewer District, Inc. is to reduce the risk to public health and the environment posed by failing or inadequate septic systems through the construction of a sanitary sewer collection system and wastewater conveyance system to transport the wastewater for appropriate treatment and disposal.

WHEREAS, the Indiana Code § 13-26-7-2, Advancement of money, provides as follows:

A local, state, or federal agency or person may advance or give a district money to be used by the district for the following purposes:

- (1) The preparation of a plan for the operation of the district.

(2) Other purposes of the district until the district is in receipt of revenue from its operations or proceeds from the sale of bonds.

WHEREAS, the Indiana Code § 13-26-7-3, Repayment of money, provides as follows:

When a district receives revenue for its operations or proceeds from the sale of bonds, the district shall repay any money advanced to the advancing agency in the manner agreed.

WHEREAS, the Clay County Board of Commissioners have paid their attorney \$10,787.50 in attorney fees pertaining to Coalmont Sewer matters through 02-11-2024 and the Clay County Board of Commissioners and Clay County Council have agreed to advance an additional \$20,000.00 to the Clay County (Coalmont) Regional Sewer District, Inc. pursuant to I.C. 13-26-7-2 for ongoing expenses until the district is in receipt of sufficient revenue from its operations or proceeds from the sale of bonds.

**NOW, THEREFORE**, in consideration of mutual promises and covenants contained herein, the Clay County Board of Commissioners and the Clay County (Coalmont) Regional Sewer District, Inc. hereby enter into the following Interlocal Agreement:

I. Duration of the Agreement: This Agreement shall be for the year 2024 from the date this Agreement is signed through December 31, 2024, and it is anticipated that an additional Interlocal Agreement shall be necessary for the year of 2025. This Agreement shall be in full force and effect until the funds advanced shall be repaid.

II. Purpose of Agreement: Clay County desires to advance the Clay County (Coalmont) Regional Sewer District, Inc. money to be used by the district for the following purposes:

(1) The preparation of a plan for the operation of the district.

(2) Other purposes of the district until the district is in receipt of sufficient revenue from its operations or proceeds from the sale of bonds.

III. USE of FUNDS: The Clay County (Coalmont) Regional Sewer District, Inc. agrees to use the \$20,000.00 for

district expenses until the district is in receipt of sufficient revenue from its operations or proceeds from the sale of bonds. Upon the district being in receipt of sufficient revenue, or proceeds of the sale of bonds, Clay County shall be reimbursed for the \$20,000.00 plus attorney fees of \$10,787.50.

- IV. Effective Date of Agreement: The parties acknowledge that the effective date of this Interlocal Agreement shall be pursuant to I.C. 36-1-7-10 which requires this Interlocal Agreement to be:
- a. approved by the fiscal body of each party;
  - b. recorded with the county Recorder;
  - c. filed with the executive of the municipality and the auditor of the county; and
  - d. filed with the Auditor of the State.

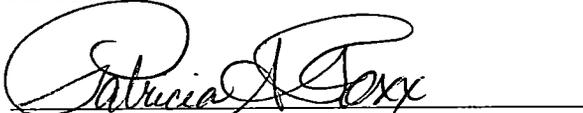
Approved by the Board of Commissioners of Clay County, Indiana this 1<sup>st</sup> day of April, 2024.

  
Paul Sinders, Member

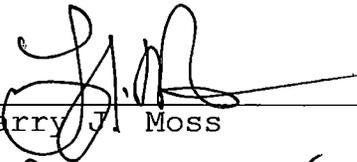
  
Bryan Allender, Member

  
Marty Heffner, Member

ATTEST:

  
Patricia Foxx  
Auditor, Clay County, Indiana

Approved by the County Council of Clay County, Indiana this  
1<sup>st</sup> day of April, 2024.

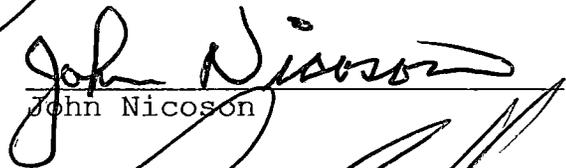
  
Larry J. Moss

  
Patricia Heffner

  
Jackie Mitchell

  
Dave Amerman

  
Jason Thomas

  
John Nicoson

  
Jason Britton

ATTEST:

  
Patricia Foxx  
Auditor, Clay County, Indiana

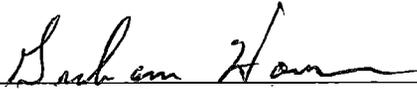
Approved by the Board of Trustees of the Clay County  
(Coalmont) Regional Sewer District, Inc. this 27<sup>th</sup> day of March,  
2024.

  
\_\_\_\_\_

Bryan Husband, President

  
\_\_\_\_\_

Robert West, Trustee

  
\_\_\_\_\_

Graham House, Trustee

**ERIC D. SOMHEIL**  
**ATTORNEY AT LAW**

8842 N. Murphy Road  
Brazil, Indiana 47834  
(812) 446-6412

COMMISSIONERS OF CLAY COUNTY  
BILLINGS ON COALMONT - COALMONT SEWER DISTRICT

**STATEMENT**

DATE	SERVICES RENDERED	FEE
08-22-22	IDEM letter . . . . .	.20
08-23-22	tel conf Paul on IDEM Letter . . . . .	.20
08-24-22	Meeting with Commissioners and USDA; tel conf to retain Bond Counsel - Tom Pitman; tel conf with Paul . . . . .	2.00
08-25-22	Emails from Paul on Coalmont matters; tel confs with Paul on Coalmont matters . . . . .	.40
08-26-22	emails from Paul; email to atty Tom Pitman . . . . .	.40
08-29-22	Coalmont emails from Paul . . . . .	.20
08-29-22	Meeting on Coalmont with Coffinberry and Sarah; tel conf Paul . . . . .	1.50
09-01-22	Coalmont emails from Paul . . . . .	.20
09-06-22	Coalmont emails Paul & Jon Ford . . . . .	.20
09-13-22	email on Coalmont and Kristy Jerrelll matters . . . . .	.40
09-28-22	Coalmont emails from HWC and from and to Paul . . . . .	.20
11-07-22	Letter from IDEM on Coalmont . . . . .	.50
11-14-22	Coalmont matters; tel conf and email with Paul . . . . .	.50
11-17-22	Special Meeting on Coalmont; tele conf IDEM; email and messages to Commissioners; file review . . . . .	2.00
11-18-22	IDEM and Coalmont matters; letter to IDEM with documents; email to and from IDEM . . . . .	1.50
11-22-22	email on Coalmont and IDEM . . . . .	.20
12-01-22	email from IDEM on Coalmont . . . . .	.20
12-14-22	emails with Paul on Coalmont; review Agreed Order from IDEM . . . . .	.40
12-15-22	Meeting for Coalmont in Jasonville . . . . .	3.30
12-15-22	Verify IDEM certified Mail and Comm. Email . . . . .	.20
12-20-22	Research Statutes on Regional Sewer District . . . . .	1.70
12-22-22	Special Meeting on Coalmont and IDEM Agreement; email to IDEM . . . . .	1.00
12-29-22	Coalmont Agreed Order from IDEM; email to Commissioners . . . . .	.30

01-07-23	Email on IDEM Meeting . . . . .	.20
01-13-23	IDEM - Coalmont meeting . . . . .	1.30
01-20-23	email with documents from Eric Smith on IDEM Coalmont matters . . . . .	1.00
01-27-23	Email on Colony Acres & IDEM . . . . .	.20
02-07-23	email from Paul on Kruger - Coalmont . . . . .	.20
02-07-23	emails from IDEM - Coalmont . . . . .	.20
03-10-23	Meeting preparation with Meeting on Coalmont . . . . .	2.20
03-11-23	Coalmont documents review . . . . .	.50
03-12-23	Coalmont Public Hearing Research; email to Kristine Kruger . . . . .	.50
03-15-23	Coalmont - emails from Kristine Kruger . . . . .	.20
03-16-23	Coalmont emails from Kruger with Agreement for Professional Services and review . . . . .	.50
03-17-23	Email from Kritine Kruger on Coalmont timeline . . . . .	.20
03-23-23	Emails from and to Eric Smith on Coalmont matters email to Commissioners; tel conf Paul . . . . .	.40
03-27-23	emails on Jasonville and Duke Energy . . . . .	.20
03-27-23	email from Eric Smith; tele conf Bill Hale; Meeting with Commissioners on Coalmont matters; tel conf Bill Hale . . . . .	1.60
03-28-23	Review Lakeview matters;; email to atty. . . . . THRIVE Contract for Coalmont; emails from THRIVE and to Commissioners . . . . .	.30
03-29-23	Coalmont meeting preparation and meeting with HWC . . . . .	2.00
03-30-23	Coalmont emails from and to Eric Smith . . . . .	.40
04-02-23	Eric Smith Coalmont emails . . . . .	.30
04-03-23	Coalmont meeting with I.U. and Smith . . . . .	.70
04-04-23	emails on Coalmont with Eric Smith . . . . .	.20
04-04-23	preparation and Coalmont Zoom conf with IDEM and Smith . . . . .	1.50
04-06-23	Email from Thrive on Coalmont . . . . .	.20
04-06-23	email from and to Eric Smith on Coalmont; tel conf Paul . . . . .	.30
04-10-23	Review Statutes on Sewer District for Coalmont . . . . .	1.30
04-11-23	email from Paul on Coalmont . . . . .	.10
04-13-23	Coalmont - tel conf Eric Smith on code requirement; Email to Commissioners on Grant Administrator . . . . .	.50
04-14-23	Coalmont emails from and to Eric Smith . . . . .	.20
04-17-23	email from Marty on Coalmont . . . . .	.20
04-18-23	email from Eric Smith on Coalmont . . . . .	.30
04-21-23	Coalmont - emails from Eric Smith . . . . .	.50
04-24-23	Coalmont - email from Eric Smith; tel conf . . . . .	.30
04-24-23	Coalmont - review statutes; tele conf Radio station and Scott Hill; Meeting with USDA; conf Patti . . . . .	1.50
04-25-23	Coalmont mailing preparation . . . . .	1.30
04-26-23	Coalmont radio advertising and Notice preparation for Meeting; emails to DCL, Paul & Smith . . . . .	1.00
04-26-23	emails numerous between Eric Smith, Paul and Eric Somheil and others on Coalmont . . . . .	.30

04-27-23	email to Scott on Web Site Notice for Coalmont . . .	.20
04-27-23	email & response of Paul on Coalmont Notice . . .	.30
04-28-23	Review Coalmont Public Notice in Times and email to Paul & Smith . . . . .	.20
05-03-23	Coalmont - radio ad confirmation . . . . .	.20
05-05-23	Coalmont: email from Rural Development . . . . .	.20
05-10-23	Coalmont - mailings of Notice . . . . .	.50
05-11-23	Coalmont - emails and response to Pau; email from Eric Smith . . . . .	.20
05-19-23	Coalmont Zoom Meeting USDA; email from Smith . . .	.70
05-22-23	Coalmont: emails on Kristine Kruger, email from Paul on Meeting; response from Smith . . . . .	.30
05-24-23	Coalmont - emails on scheduling meeting . . . . .	.20
05-26-23	Coalmont meeting . . . . .	.80
05-30-23	Coalmont emails from Paul & Eric Smith . . . . .	.20
05-31-23	Coalmont Public Hearing in Coalmont . . . . .	3.20
06-01-23	Coalmont billing from DCA Media and reply . . . . .	.20
06-02-23	Certification from DCA Media on Coalmont; email to Auditor and Smith . . . . .	.20
06-19-23	Coalmont: Review emails from Eric Smith; review Petition; tel conf Paul and Larry; review Petition requirements; . . . . .	1.00
06-20-23	Coalmont Zoom Conference with USDA; email to Commissioners; Proof of Publication from Times . . .	.80
06-21-23	Coalmont - Resolution for Council with email to Council and Open Door Notice to Times on Special Council Meeting ; tel confs Paul Patti; Open Door Notice on Commissioners Meeting . . . . .	1.00
06-25-23	Coalmont - emails with Paul; Petition preparation	2.00
06-26-23	Coalmont - Petition preparation; Commissioners Special Meeting; Council Special Meeting; tel conf and email with Eric Smith . . . . .	2.50
07-02-23	Coalmont - email and Petition from HWC . . . . .	.40
07-26-23	Coalmont emails on scheduling of Meeting . . . . .	.20
08-08-23	Coalmont Zoom Meeting . . . . .	.50
09-08-23	Coalmont - emails on Meeting schedule . . . . .	.20
09-11-23	Coalmont - emails on Meeting Schedule . . . . .	.20
09-21-23	Coalmont Zoom Conference with USDA; email to	
09-22-23	Coalmont - tele conf Marty on grant adm. . . . .	.20
09-28-23	Coalmont Eric Smith's Report to IDEM . . . . .	.20
10-17-23	Coalmont - scheduling emails . . . . .	.20
10-18-23	Coalmont - scheduling emails; Notice of Public Hearing . . . . .	.20
10-26-23	Coalmont - email from Eric Smith with reply and owner/address list for Notice by IDEM . . . . .	.40
11-01-23	Coalmont - emails from and to IDEM . . . . .	.30
11-02-23	Coalmont - email on Hearing; email to Commissioners	.20
11-20-23	Coalmont emails on Meeting . . . . .	.20
11-21-23	Coalmont emails with Paul; Public Hearing in Coalmont . . . . .	2.70

11-27-23 Coalmont scheduling emails . . . . .30  
 12-05-23 Coalmont - USDA Meeting; tel conf Paul . . . . . 1.60  
 12-07-23 Coalmont - emails from Jerrell and Eric Smith . . .20

**63.90 HOURS AT \$150.00 PER HOUR FOR 2022 & 2023 . . . . \$9,585.00**

01-04-24 COALMONT - Review HWC letter to IDEM . . . . .30  
 01-10-24 COALMONT: email from HC&C; research Petition and  
 email to Commissioners on appointments . . . . .70  
 01-18-24 Coalmont - file review; emails on Bylaws . . . . .40  
 01-18-24 Coalmont - Review documents from HW&C . . . . .70  
 01-19-24 Coalmont - Preparation of Bylaws . . . . .70  
 01-23-24 Coalmont preparation of Bylaws . . . . .50  
 01-24-24 Coalmont tele conf Paul . . . . .20  
 01-26-24 Coalmont research statutes and memo to Paul . . .70  
 01-31-24 Coalmont tel conf Paul and emails . . . . .40  
 02-10-24 Coalmont - tel confs with Trustees on Sewer Dist .50  
 02-11-24 Coalmont - tel conf Bryan Husband; email to Trustees;  
 Bylaws and filing with IN Secretary of State;  
 Open Door Notice to Times; emails to HW&C and  
 Auditor . . . . . 2.00

**7.1 HOURS AT \$165.00 PER HOUR FOR 2024 THRU 02-11-24 . \$1,171.50**

02-11-24 Filing Fee to Secretary of State . . . . . \$31.00

**TOTAL ATTORNEY FEES AND EXPENSES INCURRED  
 2022 THROUGH 02-11-24 . . . . . \$10,787.50**