

## **IC 36-4-8**

### **Chapter 8. Miscellaneous City Fiscal and Administrative Provisions**

#### **IC 36-4-8-1**

##### **Application of chapter**

Sec. 1. This chapter applies to all cities.

*As added by Acts 1980, P.L.212, SEC.3.*

#### **IC 36-4-8-2**

##### **Warrants; conditions and purposes of issuance**

Sec. 2. Money may be paid out of the city treasury only on warrant of the city fiscal officer. Unless a statute provides otherwise, the fiscal officer may draw a warrant against a fund of the city only if:

- (1) an appropriation has been made for that purpose and the appropriation is not exhausted;
- (2) the warrant is for a salary fixed by statute or ordinance;
- (3) the warrant is for a claim allowed under section 5 of this chapter;
- (4) he is ordered to issue the warrant under section 3 of this chapter;
- (5) the warrant is for payment of a judgment that the city must pay; or
- (6) the warrant is for interest due on city bonds.

*As added by Acts 1980, P.L.212, SEC.3. Amended by Acts 1982, P.L.33, SEC.26.*

#### **IC 36-4-8-3**

##### **Warrants; issuance; order**

Sec. 3. (a) A city board or legislative body may order the issuance of warrants for payment of money by the city only at a meeting of the board or legislative body.

(b) A city officer who violates this section forfeits his office.

*As added by Acts 1980, P.L.212, SEC.3.*

#### **IC 36-4-8-4**

##### **Claims against city; audit; refusal to pay**

Sec. 4. (a) The city fiscal officer may audit a claim against the city by examining under oath any officer, agent, or employee of the city or any other person. When acting under this section, the fiscal officer has the same powers as the city legislative body in summoning and examining witnesses.

(b) If the fiscal officer finds that:

- (1) the claim includes an item for which no appropriation has been made;
- (2) there is not a sufficient balance for payment of the claim in the proper fund; or
- (3) the claim should not be approved for any reason;

he may not issue warrants to pay the claim and he shall notify the

proper department of the reasons for his refusal to pay the claim.  
*As added by Acts 1980, P.L.212, SEC.3.*

#### **IC 36-4-8-5**

##### **Claims against city; allowance; violation**

Sec. 5. (a) Except as provided in section 14 of this chapter, a city board or legislative body may allow a claim:

- (1) only at a meeting of the board or legislative body; and
- (2) only if the claim was filed in the manner prescribed by IC 5-11-10-2 at least five (5) days before the meeting.

(b) A city officer who violates this section forfeits his office.

*As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.32-1992, SEC.2.*

#### **IC 36-4-8-6**

##### **Repealed**

*(Repealed by Acts 1980, P.L.73, SEC.23.)*

#### **IC 36-4-8-7**

##### **Claims against city; issuance of warrant; requirements; certification**

Sec. 7. (a) As used in this section, "claim" means a bill or an invoice submitted for goods or services.

(b) Except as provided in section 14 of this chapter, a warrant for payment of a claim against a city may be issued only if the claim is:

- (1) supported by a fully itemized invoice or bill under IC 5-11-10-1.6;
- (2) approved by the officer or person receiving the goods or services;
- (3) filed with the city fiscal officer;
- (4) audited and certified by the fiscal officer before payment that each invoice is true and correct; and
- (5) allowed by the city legislative body or the city board having jurisdiction over allowance of the claim.

(c) The certification by the fiscal officer under subsection (b)(4) must be on a form prescribed by the state board of accounts.

*As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.32-1992, SEC.3; P.L.71-1995, SEC.4; P.L.69-1995, SEC.6.*

#### **IC 36-4-8-8**

##### **Compensation for city officers and employees; restrictions**

Sec. 8. (a) The compensation fixed for city officers and employees under this title is in full for all governmental services and in lieu of all:

- (1) fees;
- (2) penalties;
- (3) fines;
- (4) interest;
- (5) costs;
- (6) forfeitures;

(7) commissions; and  
(8) percentages;  
which shall be paid into the city treasury each week.

(b) An officer or employee is entitled to his salary only after he presents the city fiscal officer with:

- (1) a detailed, verified statement of the monies he has received since his most recent statement; and
- (2) a receipt showing payment of those monies to the fiscal officer.

The fiscal officer may prescribe the form of the statement, require officers and employees to submit the statement, and examine persons in regard to the statement.

*As added by Acts 1980, P.L.212, SEC.3.*

### **IC 36-4-8-8.1**

**Repealed**

*(Repealed by P.L.2-1997, SEC.92.)*

### **IC 36-4-8-9**

**Vacation leave; compensation**

Sec. 9. (a) One (1) to three (3) days before the vacation leave period of a city officer or employee begins, the city may pay him the amount of compensation he will earn while he is on vacation leave.

(b) Compensation for services paid to a salaried city officer or employee pursuant to a fixed schedule set forth in a written contract or salary ordinance shall not be construed as having been paid in advance. Under such an arrangement, the city shall maintain records to verify that actual work is performed for all salary paid.

*As added by Acts 1980, P.L.212, SEC.3. Amended by P.L.37-1986, SEC.2.*

### **IC 36-4-8-10**

**Repealed**

*(Repealed by Acts 1981, P.L.57, SEC.45.)*

### **IC 36-4-8-11**

**Repealed**

*(Repealed by Acts 1980, P.L.73, SEC.23.)*

### **IC 36-4-8-12**

**City works board; long term contracts; bond issuance by a department; void obligations**

Sec. 12. (a) This section does not prohibit:

- (1) the city works board from making long term contracts for utility services under IC 36-9; or
- (2) a department from issuing bonds or other obligations authorized by law.

(b) A city department, officer, or employee may not obligate the city to any extent beyond the amount of money appropriated for that department, officer, or employee. An obligation made in violation of

this section is void.  
*As added by Acts 1980, P.L.212, SEC.3.*

### **IC 36-4-8-13**

#### **Violations by city official; offense; liability**

Sec. 13. A city official who recklessly:

- (1) issues a bond, certificate, or warrant for the payment of money in excess of an appropriation; or
- (2) enters into an obligation prohibited by section 12 of this chapter;

commits a Class B misdemeanor and is liable on his official bond to any person injured by his actions.

*As added by Acts 1980, P.L.212, SEC.3.*

### **IC 36-4-8-14**

#### **Preapproved payments of claims**

Sec. 14. (a) A city legislative body may adopt an ordinance allowing money to be disbursed for lawful city purposes under this section.

(b) Notwithstanding IC 5-11-10, with the prior written approval of the board having jurisdiction over the allowance of claims, the city fiscal officer may make claim payments in advance of board allowance for the following kinds of expenses if the city legislative body has adopted an ordinance under subsection (a):

- (1) Property or services purchased or leased from the United States government, its agencies, or its political subdivisions.
- (2) License or permit fees.
- (3) Insurance premiums.
- (4) Utility payments or utility connection charges.
- (5) General grant programs where advance funding is not prohibited and the contracting party posts sufficient security to cover the amount advanced.
- (6) Grants of state funds authorized by statute.
- (7) Maintenance or service agreements.
- (8) Leases or rental agreements.
- (9) Bond or coupon payments.
- (10) Payroll.
- (11) State, federal, or county taxes.
- (12) Expenses that must be paid because of emergency circumstances.
- (13) Expenses described in an ordinance.

(c) Each payment of expenses under this section must be supported by a fully itemized invoice or bill and certification by the fiscal officer.

(d) The city legislative body or the city board having jurisdiction over the allowance of the claim shall review and allow the claim at its next regular or special meeting following the preapproved payment of the expense.

*As added by P.L.32-1992, SEC.4. Amended by P.L.69-1995, SEC.7; P.L.40-1996, SEC.10.*

### **IC 36-4-8-15**

#### **Filing copies of agency financial records**

Sec. 15. Each city agency, board, commission, district, or other city entity shall file one (1) copy of that agency's, board's, commission's, district's, or entity's financial records with the city fiscal officer.

*As added by P.L.98-2000, SEC.22.*

### **IC 36-4-8-15.5**

#### **City or county agreement for school construction or renovation**

Sec. 15.5. (a) This section applies to:

- (1) a city or county in which a riverboat (as defined in IC 4-33-2-17) is docked or located or gambling games (as defined in IC 4-35-2-5) are located; and
- (2) a school corporation that is located in any part in a county described in subdivision (1) or in a county in which a city described in subdivision (1) is located.

(b) A city or county may do any of the following:

- (1) Enter into one (1) or more agreements or leases with the school corporation or another public or private entity to provide for the construction or renovation of a school building that will be used by the school corporation. The agreements and leases may provide for the financing of the construction or renovation of the school building.
- (2) A school building constructed or renovated as provided in subdivision (1) may be donated, sold, or leased to the school corporation under the conditions determined by the school corporation and the city or county.
- (3) The city or county may use any revenues (including any gaming revenues) to pay for the construction or renovation of the school building or to finance the construction or renovation of the school building.

*As added by P.L.182-2009(ss), SEC.403.*